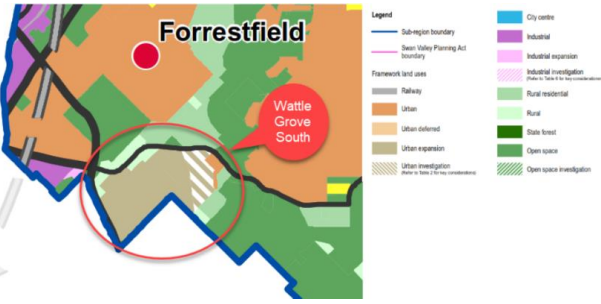


Submitter #	Submission	Officer Comment	Applicant Comment
1	<p><u>Objection</u></p> <p>That stretch of Welshpool Road is a nightmare. While crash data used is old and limited, it cannot show the near misses that occur every day in that space. You have East bound vehicles conducting U-turns at the Magic Sands cut over to go back to Tonkin and turn left South to avoid the bank up in their RH turning lane. These actions and movements are more prevalent in the peak hour period but are constant throughout the day. There are significant issues with turn-in-front-off crashes further up at the Lewis Rd intersection. I don't believe we should be encouraging developments in that space of road that proposed more TIFO opportunities. Not to mention there is already a garden centre across the road.</p>	<p>The proponent has prepared a Road Safety Audit and a revised Transport Impact Statement which includes a Sightlines Assessment and Swept Path Analysis.</p> <p>In response to concerns raised by the Community at the Public Agenda Briefing Forum held on 9 November 2021, the City has identified a number of additional traffic/access related issues which require further investigation and information to be provided by the applicant.</p>	<p>Updated engineering drawings, including sight line assessments have been provided for the proposed access/egress for the garden centre development including modified median treatment and a right turn pocket. The access/egress arrangements are supported by an updated Transport Impact Statement (TIS) and have been informed by a Road Safety Audit (RSA), both of which consider existing traffic conditions within the surrounding road network. The City's engineers assessed the TIS RSA and were satisfied the proposal was capable of being supported.</p>
2	<p><u>Objection</u></p> <p>About XXXX XXXX welcomes the opportunity to comment upon this development application which pertains to a proposed garden centre at Lot 150 Welshpool Road East Wattle Grove. A number of residents have expressly requested that XXXX submit comment on this development application.</p>	<p>Noted.</p>	<p>The Submitter's general objection to the proposal is noted. Detailed responses are provided to each of the specific reasons for objection below.</p>



	<ol style="list-style-type: none"> <li>3. It has the potential for impact on water and environmental values and management.</li> <li>4. It duplicates the commercial services of an existing and long-established garden centre within 100 metres of the property subject to the development application.</li> <li>5. It is contrary to the majority resident view which opposes expansion of industrial/commercial activity in this foothills suburb.</li> </ol> <p>1. Development application contrary to the Regulatory Planning Framework:</p> <p>The Perth and Peel @ 3.5 Million North East Sub-Regional Planning Framework (‘the Framework’), published in March 2018, provides strategic guidance to local governments regarding land-use planning</p> <p>The City of Kalamunda must ensure that its Local Planning Scheme (LPS) is consistent with the broad land uses assigned under the Framework known as the Metropolitan Regional Scheme (MRS).</p> <p>The extract from the Framework in Figure 2 below identifies that the relevant property is zoned rural. The Framework defines rural land as land that provides for the maintenance or enhancement of specific local rural character and which limits the introduction of sensitive and/or incompatible land uses in the rural zone.</p>	<p>the area. The proposed uses are compatible and consistent with the objectives of the zone.</p> <p>Notwithstanding a minor net lettable area (NLA) variation, the proposal is fully compliant with all relevant planning framework. The NLA variation is to allow for additional display and storage space for plants, pots fertilizers etc.</p> <p>The use ‘Garden Centre’ is an ‘A’ use under LPS3 which means the use is not permitted unless the local government has exercised discretion to approve the use.</p> <p>The use ‘Caretakers Dwelling’ is a ‘D’ discretionary land use under LPS 3 meaning it is not permitted unless the local government has exercised discretion by granting approval for the use.</p> <p>The proponent provided the following technical documentation:</p> <ol style="list-style-type: none"> <li>1. Transport Impact Assessment (including a sightlines assessment</li> <li>2. Road Safety Audit</li> <li>3. Bushfire Management Plan</li> <li>4. Stormwater Management Plan</li> <li>•</li> <li>5. Acoustic Assessment</li> </ol>	<p>Consistency with the Planning Framework</p> <p>Notwithstanding the submitters reference to the identification of the subject site as rural land under the North East Sub-Regional Planning Framework, it is more relevant to note that firstly, the land is zoned Rural under the MRS and secondly, the subject site is zoned ‘Rural Composite’ under the City of Kalamunda Local Planning Scheme No. 3 (LPS 3). The Rural Composite zone is one of the various ‘Rural’ zones in the City of Kalamunda.</p> <p>The proposed use of the site for a garden centre is provided for under the Rural Composite zone as an ‘A’ use on the basis</p>
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	<p>Figure 2 Broad land zoning in NE Sub-Regional Planning Framework</p>  <p>The rural area on both sides of Welshpool Road East (depicted as remaining Rural in the Framework) has an interesting history.</p> <p>In finalising the Framework, the Department of Planning expressly rejected the submission of the City of Kalamunda to change the zonings of all Rural and Special Rural land in foothills Wattle Grove, including the zoning affecting this property, to Urban Expansion.</p> <p>The authors of this document asked the Department of Planning why they had decided not to accede to the City's request and received the response presented in full in Appendix 1. In part, the department stated:</p> <p style="padding-left: 40px;">The land use proposals contained in the Perth and Peel @ 3.5 Million North East Sub-Regional Planning</p>	<p>An application can be made allowing the proposal to be taken on its merits. The City was ultimately satisfied the proposal can be supported.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>this use class is capable of satisfying the objectives of the Rural Composite zone and therefore may be appropriate in this zone. Similarly, the use class is consistent with the rural zoning of the land under the MRS.</p> <p>With regard to the submitter's reference to the site being 'landscape protected' it is noted the subject site is not zoned 'Rural Landscape Interest' which places a greater emphasis on preserving the landscape qualities of that particular zone.</p> <p>The fact that the Yule Brook traverses part of the site does not bring about the need for the EPA to assess the proposal. It is noted, however, that revegetation along the portion of Yule Brook located within the site is proposed.</p> <p>It is also incorrect to assert that the notification on title which references the Environmental Protection Act in any way requires mandatory referral of</p>
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	<p>The WAPC heard a deputation from the City in August 2016 and considered the City's request in December 2016. Although the WAPC resolved to extend future Urban areas in Maida Vale and Wattle Grove South, it did not reclassify the Rural areas either side of Welshpool Road.</p> <p>The WAPC clearly regards this property as being 'landscape protected' and as such there is an obligation on the city to (1) exercise development controls over land use and development that could adversely impact on the landscape, and (2) ensure that any new development complements and enhances the rural landscape.</p> <p>The fact that the property has already been divested of much of its environmental value through indiscriminate clearing is no reason why the owner should not be required to rehabilitate the site. Many mining sites have been successfully revegetated and restored.</p> <p>As this property abuts Yule Brook, a significant waterway in the Perth catchment area, the development application ought to be referred to the EPA for assessment.</p> <p>It is interesting to note that the title document attached to the development application (LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS) states- as shown below- that the property is subject to an EPA notification. This would seem to indicate that referral is mandatory.</p> <p>(SECOND SCHEDULE) 1. N230934 MORTGAGE TO WESTPAC BANKING CORPORATION REGISTERED 20/1/2016.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>The proposal does not directly impact on the Yule Brook, in the event the development application is approved, the City will impose a condition requiring the rear portion of the site abutting the Yule Brook to be revegetated and rehabilitated. The condition will require a plan to be submitted to and approved by the City in consultation with Department of Water and Environmental Regulation (DWER) and Department of Planning Lands and Heritage (DPLH).</p>	
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	<p>2. *N232616 CAVEAT BY KALGOORLIE MINE MANAGEMENT PTY LTD LODGED 21/1/2016.                  3. *N382396 NOTIFICATION. ENVIRONMENTAL PROTECTION ACT 1986. REGISTERED 13/7/2016.</p> <p>2. Development Application will create foreseeable and significant risk to vehicle users of Welshpool Road East</p> <p>Lot 150 (720) Welshpool Road East is within trigger distance of major transport corridors.                  In 2020, the Department of Main Roads wrote to the City of Kalamunda reaffirming the critical need to protect the safe and efficient operation of the regional road network into the future in respect of land-use planning in foothills Wattle Grove.</p> <p>In this correspondence, Main Roads informed the city of the following:</p> <ul style="list-style-type: none"> <li>• Welshpool Road East is an important regional road that is planned to become a high speed/expressway network link in the near future.</li> <li>• Welshpool Road East is identified as a future state-administered road.</li> <li>• Welshpool Road East is an important heavy vehicle freight link between Perth and the Brookton Highway servicing the wheatbelt and other destinations east of the Perth metropolitan area.</li> <li>• Any development along Welshpool Road East must be done in a manner that will not</li> </ul>	<p>Noted. Please refer to the traffic comments in submission 1.</p>	<p>Traffic Considerations</p> <p>Refer to response to submission 1 above in relation to traffic and access considerations. The updated engineering drawings and TIS have been prepared having regard to the matters raised by Main Roads WA.</p> <p>It is further noted Welshpool Road East is an 'Other Regional Road' where it abuts the subject site and as such is not under the control of Main</p>
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	<p>negatively impact on the safety or function of this regional road.</p> <ul style="list-style-type: none"> <li>Any new road connections to Welshpool Road East which would lead to a sizeable increase in traffic should be completely avoided as distinct from 'limited'.</li> <li>Any additional vehicle access points/intersections on Welshpool Road East are 'undesirable'.</li> </ul> <p>The proposed crossover in the development application – close to a curve in the alignment of Welshpool Road East and close to a bus stop – will almost certainly create a potentially unsafe road environment. As the traffic audit in the development application points out, the presence of buses will restrict the view of nearby drivers. Further, given that the speed limit is 80 km/h, the combination of the shared slip road into the property and the bus stop may potentially increase the chance of rear-end collision.</p> <p>The development application anticipates 100 vehicles per day entering and leaving this property in addition to 35 large trucks, some articulated and up to 23 metres in length. The widening of the median strip opening to potentially allow west-bound exit from the property would not prevent this exiting arrangement from becoming an extremely dangerous proposition with respect to vehicular movement on both sides of Welshpool Road East. For the most parts trucks would not be able to safely exit the property westbound even if the median strip was widened.</p> <p>The nearby Tonkin Highway/Welshpool Road intersection, which is governed by traffic lights, is already a source of</p>		<p>Roads WA. The (former) Department of Planning previously advised it has no objection to the proposal on regional transport grounds provided the development is serviced via a single crossover to Welshpool Road East only.</p> <p>With regard to safety concerns raised by the submitter associated with the bus stop, the application was referred to the PTA for comment and the PTA has advised it does not object to the proposal. Whilst the RSA noted the presence of a bus in the bus stop may restrict the view of incoming traffic from the west, the TIS addresses this issue. A review of the timetable for Stop No: 13682 (located immediately west of the proposed development crossover on Welshpool Road East) indicates the frequency of buses stopping at this crossover is low. These buses would stop for only a short period of time, if stopping at all, and considering the low trip</p>
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	<p>significant traffic congestion at certain times of the day. At times, west-bound lanes on Welshpool Road East are backed up by the traffic lights to beyond the Crystal Brook Road intersection.</p> <p>Such is the level of congestion at such times, road users in the stream of traffic would consciously need to allow a vehicle to exit from the median strip. This kind of congestion may also result in drivers seeking to force entry, a potentially dangerous situation.</p> <p>Similarly, exiting the property to the east with the view to doing a U-turn at the veterinarian's exit or, further up Welshpool Road East, would also be extremely dangerous. This is especially so given that the proposed crossover is shared by an adjoining neighbour whose views of oncoming traffic may be obscured by trucks exiting either west or east.</p> <p>Because of the inherent foreseeable danger in turning west from this property, many trucks are likely to use Lewis Road or Crystal Brook Road as a 'rat run' back to Tonkin Highway thereby increasing truck activity through the quiet suburban streets of Forrestfield and Wattle Grove.</p> <p>The City of Kalamunda is also aware from its own research that generating additional traffic in the Welshpool Road East area has already been identified as 'highly inappropriate'. This was the finding of an Infrastructure Servicing Report prepared by KCTT (trading as Traffic and Transport Pty Ltd ) that was provided to the city in April 2018.</p> <p>The report stated that the proximity of Crystal Brook Road/Brentwood Road [was]</p>		<p>generation of the proposed development, the risk of impact on sight lines of vehicles by the buses is very low. Further, whilst the RSA previously advised the left turn deceleration lane may present the risk of rear end crashes, the revised design proposes to increase the length of the deceleration lane in order to satisfy the required design criteria.</p>
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	<p>'highly inappropriate for any additional traffic loading or industrial traffic of any size or type'. Further, the report concluded that the existing road design of Welshpool Road East near the intersections of Crystal Brook Road and Kelvin Road were 'inappropriate for increased vehicular volumes and for industrial traffic'.</p> <p>Lot 150 (720) Welshpool Road East is less than 100 metres from the Crystal Brook /Welshpool Road East intersection.</p> <p>It is quite clear that due to the foreseeable risk to road users that this development application poses, Main Roads ought to be expressly consulted before the city considers granting approval.</p> <p>3. Development Application will have an adverse impact on water management</p> <p>The development application states that the property owner intends to use bore water to mitigate the significant dust impact that will be generated by the dumping and loading of garden construction material across the 3.9 hectare site.</p> <p>There is currently limited groundwater available for licensing in this area. Although the property owner has a current water licence, it is unclear as to any conditions which may apply or whether water usage is required to be metered.</p> <p>Notwithstanding licensing considerations, Lot 150 (720) Welshpool Road East falls within the Yule Brook Drainage</p>	<p>Noted. The proponent has submitted a stormwater management plan that has been assessed by the City's engineers. The proposal is setback far enough from the Yule Brook watercourse that it will not negatively impact on the creek. In addition to this the City advertised the application to the DWER who provided a non-objection to the proposal.</p>	<p>As referenced above, the development application has been referred to Main Roads for comment. Any comments provided will be given due regard by the City of Kalamunda.</p> <p>Groundwater Considerations</p> <p>This submission misrepresents the details included in the application regarding dust management.</p> <p>The landowner has recently been granted a groundwater licence allocation (GWL205226-1) of 16187KL per annum (expiring on 8/12/2030) which expressly provides for the taking of water for dust suppression for</p>
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	<p>Catchment. Given that the Yule Brook runs part way through this property, it is not unreasonable to assume that the impact of water withdrawal due to bore activity on a property of this size would be significant and unacceptable. Not only will it affect the capacity and flow of Yule Brook, but it will almost certainly result in the dewatering of the Brixton Street wetlands further downstream, a known conservation area.</p> <p>The development application also states that a drainage area will be located close to Welshpool Road East which, given the low-lying nature of the property has the potential to cause periodic flooding over Welshpool Road East, further increasing road risk.</p> <p>4. Development Application duplicates commercial services of an existing, well established garden centre within 100m of Lot 150 (720) Welshpool Road East</p> <p>Located at 721 Welshpool Road East is a large, popular, family-owned garden centre known as Magic Garden Supplies, which has operated from this site for over 20 years.</p> <p>There is absolutely no need or demand for another large garden centre within 100 metres of this operating family concern, especially one that is accompanied by so many environmental and operating constraints.</p> <p>In considering development applications of this kind, the city simply cannot ignore the commercial reality that many existing commercial areas in the City of Kalamunda are struggling to survive.</p>	<p>Noted, the zone allows for the proposed uses to be considered and the application to be taken on its merits and is assessed against the relevant statutory planning framework. As part of the assessment process, proximity to a similar land use it is not a relevant planning consideration.</p>	<p>'industrial purposes' as well as for irrigation of a plant nursery (and other uses). This allocation is more than sufficient to cater for the requirements of the garden centre.</p> <p>In considering the groundwater licence application and issuing the groundwater licence, DWER would have had due regard to any potential impacts on Yule Brook and any dependent wetlands in the locality. In granted the licence, it is apparent DWER held no concerns in relation to groundwater and wetland impacts resulting from the proposal.</p> <p>The Applicant has submitted a stormwater drainage management plan, which has been accepted by the City's engineering services.</p> <p>Existing Garden Centre at 721 Welshpool Road East</p>
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	<p>An additional garden centre would cannibalise the trade of Magic Garden Supplies and militate against the 'orderly and proper' planning for retail/commercial areas across the city as a whole.</p> <p>The Local Planning Scheme states that with respect to rural and semi-rural settings 'commercial land uses will only be considered for approval when it has been demonstrated that the use is appropriate to the area and that the commercial activity will not have a detrimental impact on the surrounding area'.</p> <p>This development application would have a direct economic impact on an existing business, as well as other significant adverse impacts on the community.</p> <p>Furthermore, to the extent that it may be relevant neither the client company nor the registered proprietor appear to have an ABN at this stage according to the ASIC website.</p> <p>5. Development Application is contrary to majority resident view which opposes expansion of industrial/commercial activity in foothills Wattle Grove</p> <p>XXX residents accept that a small minority of local residents have no evident affinity for protecting and enhancing the natural environment and favour the increased commercialisation of foothills Wattle Grove.</p> <p>At a Special Electors Meeting held on 3 December 2018, electors voted 173 to 17 to reject any industrialisation of this</p>	<p>Noted, the proposal does not seek to rezone the land, but to allow for a low scale commercial use that will not adversely impact on the amenity of the locality and is consistent with the objectives of the Rural Composite zone.</p> <p>Noted.</p>	<p>The fact that there is an existing garden centre located within 100m of the subject site does not bring about any valid planning grounds for a new garden centre not to be approved. In this regard, Schedule 2, Part 9, Clause 67 (2) - <i>Consideration of application by local government</i> makes the following distinction in relation to matters the local government should have due regard to:</p> <p><i>(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</i>  <b>(bold emphasis added)</b>                  Rather than the existing garden centre at 721 Welshpool Road militating against the proposal, it provides support for the proposal in terms of the compatibility of these uses.</p>
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	<p>foothills area. As there is very little, if anything, to visually distinguish light industry from certain commercial land uses, we have no doubt that any attempt to establish a commercial precinct in this area would be similarly rejected by the majority of residents.</p> <p>The city is also well aware from recent community engagement processes involving foothills Wattle Grove residents that support for establishing a commercial precinct in this area is minimal.</p> <p>Indeed, the engagement process showed that the majority of residents want to phase out unattractive commercial activities currently in operation on the foothills side of Tonkin Highway by:</p> <ul style="list-style-type: none"> <li>• designating existing rural/commercial businesses (including rural composite) as 'non-conforming' uses in any future zoning processes, which would permit them to continue their current operations.</li> <li>• restricting further commercial development in Wattle Grove to the Perth side of Tonkin Highway, south of Welshpool Road East, in the area specifically zoned for such activities.</li> </ul> <p>It is important for councillors to note that the WAPC has already approved a large commercial/light industrial precinct on the opposite side of Tonkin Highway to our homes. Unfortunately, this precinct is also vastly under-utilised.</p> <p>A proposed flyover of Tonkin Highway over Welshpool Road East will form a very clear demarcation of commercial uses in</p>	<p>Noted, this is not relevant in the context of this application.</p> <p>Noted, refer to comment above.</p> <p>Noted.</p> <p>Noted.</p>	<p>In any event, the proposed garden centre replaces a former garden centre operated by the proponent at Hale Road, Wattle Grove which has since been redeveloped for residential purposes and an existing garden centre at Hardey East Road, Wattle Grove which shall also shortly cease operations. Both of these garden centres have serviced the local area in the past.</p> <p>This is not a relevant planning consideration.</p> <p>Opposition to Industrial/Commercial Activity in Wattle Grove</p> <p>This is not a relevant planning consideration in the context of this application. The proposed garden centre is capable of approval in the Rural Composite zone and as such is consistent with the local planning framework.</p>
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	<p>the area specifically approved for that zoned purpose and set it apart from the distinctive rural character of foothills Wattle Grove.</p> <p>In summary, we believe further commercialisation under any guise on the hills side of Tonkin Highway and away from the already zoned commercial /industrial precinct is unwanted and unnecessary.</p> <p>It is simply a mechanism favoured by landowners seeking to avoid the payment of commercial rates at the expense of reduced amenity for other landowners.</p> <p>Conclusion</p> <p>Residents aligned with XXX urge councillors to reject this development application which applies to a property in an identified 'landscaped protected' rural area.</p> <p>As the Western Australian Planning Commission (WAPC) has recently confirmed that both sides of Welshpool Road East must remain as a rural buffer, it is important that the city permit no further expansion of rural composite ad hoc development in the area. This development application is clearly incompatible with this Department of Planning direction.</p> <p>Appendix A – Response from DPLH to query re: Welshpool road east land use Hi XX,</p>	<p>Noted, the proposal will not rezone the land from Rural Composite. The current land use of a property determines how it is rated and this is specific to each individual parcel of land.</p>	<p>Any change to the zoning of the land, or the permissibility of land uses under LPS 3 would need to be progressed as part of a Scheme Amendment or as part of an overall review of LPS 3.</p> <p>Conclusion</p> <p>Refer to responses already provided in relation to the consistency of the proposed use with the Rural Composite zone.</p> <p>DPLH Comments</p> <p>Refer to responses already provided in relation to the consistency of the proposed use with the Rural Composite zone and Rural zone under the MRS.</p>
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	<p>XXXX asked me to provide you with a direct reply to your email below as due to illness she has been unable to get to your query. On this basis, I sincerely apologise for the delay in getting back to you and I hope that the following advice provides the clarification that you are seeking:</p> <ul style="list-style-type: none"> <li>• The Department has reviewed available information regarding Wattle Grove South in response to this enquiry.</li> <li>• The land use proposals contained in the Perth and Peel @ 3.5 Million North East Sub-regional Planning Framework are based on a number of key principles and objectives including balancing economic, social and environmental considerations, applying a strategic planning approach across Perth and Peel. Environmental considerations include preservation and enhancement of areas of landscape character and interest in appropriate areas.</li> <li>• The Rural areas either side of Welshpool Rd East form part of the broader Foothills Rural area which has, since 1992, been protected from more intensive development as reflected by the 'Landscape Protection' classification for the Foothills rural land in the Foothills Structure Plan.</li> <li>• The intent is that retention of the 'Rural' areas either side of Welshpool Rd East, which is a key regional access road between the Perth Hills and the Swan Coastal Plain, will preserve an effective Rural landscape buffer along this road and screen future Urban development in Wattle Grove South.</li> <li>• The Rural land abutting the north side of Welshpool Rd East also contains some environmental values, including some EPA Biodiversity 3 vegetation (between</li> </ul>	Noted.	
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	<p>10%–30% remaining) and a water course which represent constraints to potential urban development.</p> <ul style="list-style-type: none"> <li>• The City of Kalamunda submission on the draft North-East Sub-regional Planning Framework (2015) requested, among other things, that the remaining ‘Rural Residential’ and ‘General Rural’ land in the Foothills areas within the City of Kalamunda be classified for potential future Urban land use in the final Framework.</li> <li>• The WAPC heard a deputation from the City of Kalamunda in August 2016 and considered the City’s request in December 2016. Although the WAPC resolved to extend future Urban areas in Maida Vale and Wattle Grove South, it did not reclassify the Rural areas either side of Welshpool Road.</li> <li>• The WAPC, in making its decisions regarding land use classifications in the Foothills area, has taken a strategic approach including consideration of the overarching principles of the Perth and Peel @ 3.5 Million strategy as well as all other related submissions received. Balancing all relevant considerations, the WAPC resolved to preserve most of the remaining Rural land in the Foothills, including the Rural areas either side of Welshpool Rd East in Wattle Grove.</li> </ul> <p>If you require further advice or information please feel free to give me a call on 6551 9463.</p> <p>Regards,</p> <p>Nicole Lucas-Smith   Director Strategy   Strategic Planning Projects          140 William Street, Perth WA 6000          6551 9463   0475 965 681</p>		
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	<a href="http://www.dplh.wa.gov.au">www.dplh.wa.gov.au</a>		
3	<p><u>Objection</u></p> <p>I wish to strongly oppose this Development Proposal on the following grounds.</p> <ol style="list-style-type: none"> <li>1. There is an existing well developed operational garden centre almost adjacent and adding to this would be negative for a future planning perspective in this locality,</li> <li>2. It would add unacceptably to the volume of heavy vehicles already using Welshpool Road East,</li> <li>3. Environmentally it would have a negative and destructive effect on the delicate biodiversity of Yule Brook that flows from Lesmurdie falls into the high value Brixton Street Wetlands Reserve and the Hydro-chemical balance in that area is already at risk from other development.</li> </ol> <p>The existing operation of the same company making this proposal does not ensure compliance responsibility so far as neighbours have experienced over some time.</p>	<p>Noted, Refer to land use permissibility and objectives of the zone comments in submission 2 and traffic comments in submission 1.</p> <p>Noted.</p>	<p>The submitter's objection is noted.</p> <p>Refer to response to submission 2 above regarding the existing garden centre.</p> <p>Refer to response to submission 1 and 2 above regarding traffic considerations.</p> <p>Refer to response to submission 2 above in relation to impacts on Yule Brook.</p> <p>This is not a relevant planning consideration.</p>
4	<p><u>Objection</u></p> <p>I believe this development is a large commercial scale and not keeping in the area. I feel a cottage type industry is appropriate in rural composite in which my understanding of Rural Composite is usually home business type thing where it is mainly residential home with a small low key business running from it. But this seems like a large brick type garden centre which will have increase traffic especially on the weekend. This is out of character for the area.</p>	<p>Noted, Refer to land use permissibility and objectives of the zone comments in submission 2 and traffic comments in submission 1. and traffic comments in submission 1.</p>	<p>The submitter's objection is noted.</p> <p>Refer to responses to submission 2 in relation to the permissibility of garden centres within the Rural Composite zone, amenity and traffic considerations.</p>

5	<p><u>Objection</u></p> <p>I am opposed to the proposed development application of Lot 150 (720) Welshpool Road East for another Garden Centre. It is contrary to the regulatory framework. It will create a significant risk to road users of Welshpool Road east. it will impact the environmentally sensitive areas around it. The majority of the residents oppose the expansion of the industrial/commercial area in the foothills. It duplicates the services of another garden centre within 100 metres of the property subject to the development application.</p>	<p>Noted.</p> <p>Refer to land use permissibility and objectives of the zone comments in submission 2 and traffic comments in submission 1.</p>	<p>The submitter's objection is noted.</p> <p>Refer to responses to submission 2 in relation to the consistency of the proposal with the planning framework (including the permissibility of garden centres within the Rural Composite zone), environmental and traffic considerations and the existing garden centre at 721 Welshpool Road East.</p>
6	<p><u>Objection</u></p> <p>I hereby wish to comment on the incomplete Proposal before the City.</p> <p>Safety</p> <ol style="list-style-type: none"> <li>1. Proponent wishes to have four-way access by modifying the median strip and relocating his driveway to access the median break next to, but not directly opposite, his property. Median break is currently used by residents of 740 WRE, 737 WRE, 731 WRE and 739 WRE, most of whom use a combination of small, heavy and occasionally articulated vehicles. Another median break user group are "rat-runners" during Peak Hour Traffic.</li> <li>2. There is no provision for a holding lane for right-turning lane for west-bound traffic.</li> </ol>	<p>Noted, refer to the traffic comments in submission 1.</p>	<p>Safety</p> <p>Refer to responses to submission 1 and 2 above in relation to traffic and access considerations.</p>

	<ol style="list-style-type: none"> <li>3. It is dangerous for a deceleration lane for east-bound traffic turning left into 720 Welshpool Road East AND the existing adjacent holding/deceleration lane that currently serves east-bound traffic seeking to use the median break to be in the same section of road.</li> <li>4. It is extremely dangerous to create a new driveway directly opposite a median break.</li> <li>5. The Proponent has not provided a correct Line of Sight Analysis, omitting key eastern section of map. See Appendix B</li> <li>6. Traffic risks, clearly observable at Peak Hour Traffic, will be will be greatly exacerbated by the planned Graded Separation at Tonkin Highway/WRE during its construction.</li> <li>7. Post construction there will be no controlling traffic lights which currently serve to slow traffic and provide breaks for users to cross.</li> <li>8. Main Roads advises (per their and the EPA websites) that upon completion traffic volumes at this Graded Separation and this section of Welshpool Road East will increase.</li> <li>9. Therefore, unless the Proponent’s planning consultant has access to up-to-date data from Main Roads then the RSA and TIS they have submitted are for all intents and purposes worthless.</li> <li>10. The RSA and TIS have been prepared by the same company (Transcore). This is a clear breach of independence and necessitate an independent Peer Review in order for either of the reports to be considered valid.</li> <li>11. The danger presented by the sharp increase in median break usage directly contravenes the Reasonable</li> </ol>		
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	<p>Living Expectation my elderly parents should be entitled to.</p> <p>Applicant has advised that he is willing to utilise his adjoining property at 774 Welshpool Road East as an alternative access should this proposal fail.</p> <p>Incompatibility with Definition and Intent of Rural Composite Zoning</p> <p>The Proposal is not congruent with the above definition. As stated in the City of Kalamunda Local Planning Strategy 2010 (hereafter "LPS", highlights and numbered insertions mine own):</p> <p>Rural Composite                  This zone provides for a mix of semi rural and commercial land use activities, with the latter only considered for approval when it can be demonstrated that the use is (1) appropriate to the area and that the commercial activity will (2) not have a detrimental impact on the surrounding land uses. The Rural Composite zone is found only in a small area in Wattle Grove adjacent to Welshpool Road. Typically, the land use activities found in this area (1) include garden centres and related horticultural suppliers. As with the Special Rural zone, the Scheme recommends a minimum lot size of 1 ha where a reticulated water supply is available. Any future subdivision will usually require that the Shire prepare a subdivision guide plan and the sub divider a land capability analysis to ensure sustainable subdivision of larger undeveloped lots. The ability of the Rural Composite zone to accommodate commercial uses in an essentially rural residential area provides many landowners with the opportunity to (1) combine their business interests as part of their home environment. Consideration</p>	<p>Noted, refer to comments in submission 2 with regard to land use permissibility and objectives of the zone.</p>	<p>Use of 774 Welshpool Road East for access does not form part of this proposal.</p> <p>Compatibility with Rural Composite Zone Objectives</p> <p>The proposal is not inconsistent with the intended purpose of the Rural Composite zone as expressed by the Local Planning Strategy and as set out in LPS 3.</p> <p>Detailed responses are provided alongside the specific issues raised in the submission below.</p>
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	<p>should be given to allowing landowners to park multiple commercial vehicles on land zoned Rural Composite to encourage the parking of these vehicles away from residential areas. Addressing each of the highlighted sections in turn:</p> <p>1.1 "Appropriateness to the Area": Definition of Garden Centre</p> <p>The objective of the Proposal is the relocation of Applicant's business (Soils Aint Soils, hereafter "SAS") presently located at Lot 20 Hardey Road, Forrestfield. This is one of a chain of such businesses run by the Applicant with major sites being located (amongst others) in the Cities of Stirling, Canning and Rockingham. As stated in its business name the Applicant does not sell shrubs, plants or trees as businesses operating within Wattle Grove properly defined by the term "Garden Centre" (such as Wandilla Nursery). The proper definition is that such as applied by the City of Rockingham to the Applicant's SAS business located there, which is <i>Landscaping Supplies Business</i>.</p> <p>This definition is as appropriate as it is critical. It reflects the intensity (e.g., turnover, traffic, number of personnel and, most importantly, the high rate of heavy vehicles), and breadth of the Applicant's business (such as the nature of its clientele which goes beyond the retail focus of local Garden Centres to encompass commercial and government sectors) and is why the aforementioned Cities have required the Applicant to operate its SAS businesses in areas zoned as Industrial or specially designated Business zones. Indeed, I understand that the original zoning for the Applicant's current business at Lot 20 Hardey Road was Industrial, a stipulation applied to it by the</p>		<p>Land Use Classification</p> <p>The definition of 'garden centre' under LPS 3:</p> <p><i>...means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.</i></p> <p>Firstly, the product list provided as part of the application demonstrates the proposal is consistent with the above definition.</p> <p>The applicant has undertaken detailed planning, traffic, engineering and acoustic investigations which show the development is appropriate to the specific planning context of the locality in terms of scale, hours of operation, intensity and compatibility with surrounding land use. Accordingly, the proposed garden centre shall operate in a manner that is consistent with the objectives of the Rural Composite zone via the</p>
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	<p>City of Kalamunda and, if so, would represent a direct contradiction to the City of Kalamunda’s zoning process and integrity.</p> <p>The Applicant advertises the opening hours for this garden centre 7 days a week for a total of 72.5 hours every week. This is by no stretch of the imagination a small rural style business. It is a serious commercial enterprise.</p> <p>1.2 “Combine their Business Interests as Part of Their Home environment”</p> <p>Reinforcing the industrial nature of the Applicant’s business is that the Applicant does not, nor intends to reside at 720 Welshpool Road East (hereafter “WRE”) but rather station an employee or caretaker at the site in order to secure the safety of the business’s industrial assets and inventories. The business is to be open to the public for over 70 hours every week, 7 days a week.</p> <p>That this directly contradicts the “home environment” aspect is borne by the evidence of the residents of Magic Garden Supplies and Abbadale Kennels (now Swan Animal Haven), who state that this was a definition made to them by the City of Kalamunda when it sought their agreement to change the zoning of the area to its now Rural Composite status.</p> <p>Gateway to the City of Kalamunda</p> <p>I feel the proposal is for a commercial business and should be located in an industrial area. It is abysmal that the proposed “garden centre” is on a property that has been stripped of hundreds of trees, has had metres of road base (riddled with</p>	<p>Noted. The proposal including the operating days and times is consistent and compliant with the <i>Environmental Regulations (Noise) 1997</i>. The applicant has submitted an Acoustic Assessment by a suitably qualified acoustic engineer that has been included as an attachment to the report. In the event the development application is approved, the City will impose a condition requiring a Noise Management Plan to be submitted and approved by the City to ensure measures are in place to mitigate any potential noise issues and continued compliance with the Noise Regs.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>application of suitable planning conditions.</p> <p>Combining Business Interests with Home Environment</p> <p>The excerpt from the Local Planning Strategy included within the submission does not mandate that a commercial operation in the Rural Composite zone (such as a garden centre) can only operate as part of, or ancillary to a residential use. The Local Planning Strategy merely advises the Rural Composite zone provides the opportunity for business interests and rural residential type uses to be combined.</p> <p>Location of the Use</p> <p>The proposed use of the site for a garden centre is</p>
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	<p>shattered glass) laid down, has no shrubs, greenery, trees or vegetation left and no longer looks anything like a rural property. The property fits well into an industrial estate.</p> <p>Is this the vision the City of Kalamunda wants to promote as this section of WRE is a major gateway to the City for 17,500 traffic movements every day? This area is the entry statement for the City of Kalamunda and consideration needs to be given as to whether or not this is the image they want to project.</p> <p>The current plans show the carpark at the front of the property – a stark area of concreted paving. Not a leafy, green “home of the trees’ statement for an important entry into the City of Kalamunda.</p> <p>Water</p> <p>Proposal makes no reference or discussion as to the periodic severe flooding and excess storm water that occurs, most notably in 1986.</p> <p>Nor does it address the excess water flows into proposed business premises arising from the clearing of the rear 5 acres of 720 WRE.</p> <p>The vegetation existing on the rear 5 acres that would otherwise act to absorb excess storm waters and mitigate the periodic excessive flooding that arises from the breaking of Yule Brook’s banks has been cleared by the Applicant.</p> <p>Traffic Impact</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted. The proposal was advertised to the Department of Water and Environmental Regulation who provided a non-objection to the proposal.</p>	<p>appropriate given its planning context, including the amenity impacts associated with the frontage of the site to Welshpool Road East.</p> <p>Stormwater Management</p> <p>A stormwater drainage management plan has been prepared by the proponent’s consulting engineer and been accepted by the City’s engineering services.</p> <p>Revegetation along the portion of Yule Brook that traverses the site is proposed as part of the application.</p> <p>Traffic Considerations</p>
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	<p>I am very concerned about the lack of safety for my family regarding the proposed use of a new crossover. The proposal shows a new crossover for the property. The original driveway (west most) has been closed and a new driveway (east most) and crossover indicated to be used for both entrance and egress.</p> <p>If the Applicant uses the new proposed crossover shown for both entry and exit purposes and to thus enable traffic to enter from both west and east, the following points are noted.</p> <p>We are concerned about the traffic impact of the proposed utilisation of existing median strip break (hereafter "Break") in median located opposite 740 WRE that this property currently shares with residents at 739 and 737 WRE and the proprietor of Arbor Centre at 731 WRE (in the case of 731 WRE the entrance as shown on the aerial map is mostly obscured by the map's legend). In the case of the Arbor Centre, in addition to normal commercial vans and light vehicles, it has a semi-trailer utilising this Break. Likewise, whilst 740 WRE utilises this Break mainly for domestic vehicle usage, there is regular utilisation by vehicles with horse floats and single axle trucks delivering equine supplies such as hay and the occasional double-axle vehicle delivering soil for the upkeep of the trotting track.</p> <p>The types and lengths of trucks listed in the Proposal, as well as car + trailers of customers, cannot safely navigate the Break due to the length of the vehicles. Main Roads advises there are limitations to the use of the Break for U-turns by traffic heading east, and this is based primarily on vehicle length. Proposal also does not address the effect on westward bound traffic flows being obstructed by traffic turning right. There is</p>	<p>Refer to the traffic comments in submission 1.</p>	<p>Refer to responses to submission 1 and 2 above in relation to traffic and access considerations.</p>
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	<p>no deceleration lane or a holding lane available westward. Main Roads advises that it is unsafe to use the Break for a right turn, or a U-turn for westbound traffic.</p> <p>Appendix A attached reflects the above concerns. It is a hand drawn image showing the different uses for the Break and is difficult to read as it is so congested. However, this congestion is exactly what my concerns are about.</p> <p>A breakdown of the various colours utilised in Appendix B follows:</p> <p>Dark blue indicates those using the Break for U-turns which comprises the residents located on the southern side of WRE cited above and inappropriate traffic movements (“rat runners”).</p> <p>Red (entering) and black (exiting) are the proposed industrial business traffic flows.          Green (exiting) and pink (incoming) are traffic flows for 740 WRE.          Orange (exiting) and brown (incoming) are traffic flows for 731 WRE.          Light green is the public transport flow.</p> <p>The Council will note there is no deceleration zone or provision of suitable long-vehicle storage within the Break for two-stage crossing of vehicles accessing or egressing 720 or 740 WRE for traffic heading or seeking to head west. The current Break can only accommodate a single, normal vehicle.</p>		
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	<p>The Break and the section of WRE to where it meets with Crystal Brook Road is already considered an unsafe crossing. Extreme caution is exercised by residents of 740 WRE, family, friends and commercial traffic when turning right (westwards) into 740 WRE, and all are strongly urged to stop and set at the Break and never attempt to cross the Break in a single go as the line of sight is so poor at this point as to be considered a blind spot.</p> <p>The No. 292 bus bay approximately 30m from proposed new Entry and Exit. Note: No. 282 bus occupies the inner lane to cross from Welshpool Road East to Crystal Brook Road. This bus entry is approximately 150m from applicant's proposed new entry/exit.</p> <p>Key observations as residents for over 50 years is that Welshpool Road East has become a major arterial road</p> <ul style="list-style-type: none"> <li>a) Road trains (transporting stock, hay, wool, building equipment as well as heavy equipment) from the agricultural districts such as Beverley and Brookton opt to use this access to the airport and Leach Highway to Fremantle instead of Greenmount.</li> <li>b) Hundreds of cyclists using the hills as their training programs pass by each week. This also extends to large groups of motorcycling enthusiasts.</li> <li>c) Motorists southbound on Tonkin Highway, when confronted with the congestion at the traffic lights (traffic extending almost to Hale Road traffic lights), opt for a short cut by turning left into Welshpool Road East then proceeding to the first or second median strip break before turning westward to rejoin Tonkin Highway south.</li> </ul>		<p>Amenity</p> <p>This submission is primarily focused on access to the site. Detailed engineering drawings have been prepared by the proponent's consulting engineer to illustrate the manner by which site access will be constructed, which shall include pavement treatments,</p>
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	<p>d) Traffic on Welshpool Road East heading east, intending to turn south into Tonkin Highway at the traffic lights, also opt for this route to save time.</p> <p>e) The applicant is currently using the second median break (outside 740 Welshpool Road East) to perform a 180 degree turn.</p> <p>f) The Arbor Centre also use this median break for their heavy equipment.</p> <p>g) Early morning traffic extends right around our property at 740 Welshpool Road East up past the Lewis Road intersection.</p> <p>Amenities</p> <p>I understand that there is a Reasonable Living Expectation to peace and undisturbed living implicit and explicit ("home environment) in the City of Kalamunda's definition of Rural Composite.</p> <p>Should 720 WRE have a new crossover positioned directly next to mine it will greatly exacerbate the existing problem of unauthorized and accidental entrance.</p> <p>To illustrate, the Applicant engaged a firm to deliver an industrial size mulcher aboard a double-axle semi-trailer to mulch the cleared back 5 acres. The firm mistook my driveway for the Applicant's, resulting in an approximately 30-minute traffic jam extending several kilometres as it sought to reverse, find somewhere to conduct a U-turn, and enter the Applicant's driveway.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>line marking and signposting to provide safe and legible access to the development.</p>
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<p>Trunklines</p>	<p>Shire of Kalamunda</p>	<p>Map Created: 21/07/2016</p>
<p>Disclaimer: The Shire of Kalamunda does not accept any liability for the accuracy of this image or the results of any actions taken when using this image. Based on information provided by and with the permission of the Western Australian Land Information Authority.</p>		
<p>Scale: 1:301</p>		

Appendix B




	<p>We wish to submit the following regarding the above proposal:</p> <ol style="list-style-type: none"> <li>1) The proposal has raised the following issues:             <ol style="list-style-type: none"> <li>a) The property frontage veers into a tight curve (signposted) to the left (east) which is not shown on the Line of Sights plans – this is an area that needs care when exiting into traffic as vision is restricted.</li> <li>b) The proposed landscaping business is sited less than 200m from heavily congested 80km/hr traffic on Tonkin Highway and Welshpool Road.</li> <li>c) The No. 282 bus bay is about 30m from proposed new Entry and Exit which will create traffic conflict and confusion. Note: No. 283 bus occupies the inner lane to cross from Welshpool Road East to Crystal Brook Road. This bus entry is approximately 150m from applicant's proposed new entry/exit.</li> <li>d) The median break opposite the proposed new entry/exit for 720 WRE is awkward and has to be shared by three neighbours opposite (southside of Welshpool Road East) who have to turn right and eastward towards Forrestfield, Kalamunda, hills area etc. At least two of these neighbours cannot make a right hand turn into Welshpool Road East. They must travel westward to this cutting the applicant proposes to use.</li> <li>e) The map fails to clearly show our driveway entry and exit at 740 Welshpool Road East.</li> </ol> </li> <li>2) Key observations as residents for almost 60 years is that Welshpool Road East has become a major arterial road</li> </ol>	<p>Noted. Refer to traffic comments made in submission 1.</p>	<p>The submitter's objection is noted.</p> <p>Refer to responses to submission 1 and 2 in relation to traffic, access and safety considerations.</p> <p>The application was referred to PTA by the City of Kalamunda for comment. The PTA has no objection to the proposal.</p> <p>Refer to response to submission 1 and 2 above in relation traffic management and safety considerations. The updated engineering drawings, TIS and RSA all give due regard</p>
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	<ul style="list-style-type: none"> <li>a) Road trains (transporting stock, hay, wool, building equipment as well as heavy equipment) from the agricultural districts such as Great Southern, Midwest and Brookton opt to use this access to the airport and Leach Highway to Fremantle.</li> <li>b) Hundreds of cyclists using the hills as their training programs pass by each week. This also extends to large groups of motorcycling enthusiasts.</li> <li>c) Motorists southbound on Tonkin Highway, when confronted with the congestion at the traffic lights (traffic extending almost to Hale Road traffic lights), opt for a short cut by turning left into Welshpool Road East then proceeding to the first or second median strip break before turning westward to rejoin Tonkin Highway south.</li> <li>d) Traffic on Welshpool Road East heading east, intending to turn south into Tonkin Highway at the traffic lights, also opt for this route to save time.</li> <li>e) The applicant is currently using the second median break (outside 740 Welshpool Road East) to perform a 180 degree turn.</li> <li>f) The Arbor Centre also use this median break for their heavy equipment.</li> <li>g) Early morning traffic extends right around our property at 740 Welshpool Road East past Lewis Road intersection.</li> </ul> <p>To date Mr Pollock has been inconsiderate, arrogant, misleading and destructive. We have observed the uprooting of trees along our boundary as well as our fence destroyed. This has been a matter of grave concern as we have stock:</p>		<p>to these matters, where relevant.</p> <p>These issues do not raise any relevant planning considerations directly related to the development application and should be dismissed.</p>
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	<p>horses grazing etc. Particularly as we weren't advised of the illegal and unauthorized removal of our fence. He has also uprooted trees outside his fence.</p> <p>We say arrogant when at his request we met him on Saturday 11<sup>th</sup> June 2016 in the afternoon when he put forward the following proposals:</p> <ul style="list-style-type: none"> <li>a) Having the bus bay extended to act as an easing in lane</li> <li>b) The island (median strip) reduced to allow his trucks easier access to his property.</li> <li>c) In response to our voiced concerns regarding the busy road, Crystal Brook Road and Welshpool Road East junctions and the volume of heavy trucks etc Kevin Pollock mooted the idea of a roundabout such as the one at Malaga and he could arrange for this to happen.</li> <li>d) Kevin Pollock reassured us and one of our sons that nothing would be done until his submitted plans to the Shire had been passed which would take 4-6 weeks.</li> <li>e) We were upset and devastated to awake less than 48 hours later on Monday 13<sup>th</sup> June in the morning to find part of our dividing fence torn down and our entry graded and spread with some type of cement mix containing large quantities of shattered glass.</li> <li>f) Nine trucks under Kevin Pollock's control had already used our driveway.</li> <li>g) Now we, our children, grandchildren and great-grandchildren are unable to walk barefoot along this stretch of our property.</li> </ul> <p><b>3) Environment</b></p>	<p>Noted.</p>	<p>Environment</p> <p>These issues do not raise any relevant planning considerations directly related to the development application and should be dismissed.</p>
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	<p>Sadly the total deforestation of the rear 5 acres of 720 Welshpool Road East has had devastating environmental repercussions. For two weeks after the clearing of the block screeching black cockatoos circled the felled trees which had formed their original habitat.</p> <p>We observed an injured baby blue tongue lizard when it fell and subsequently died after falling into the enormous hole left by the destruction and excavation of a giant gum tree.</p> <p>Many bandicoots and snakes have invaded our property since the clearing of the virgin bushland next door. The snakes are of particular concern especially around the horse stables.</p> <p>The easterly winds will cause havoc with dust and erosion until ground cover is established that is the intention.</p> <p><b>CONCLUSION</b></p> <p>We already have a beautiful, profitable and well maintained garden centre directly opposite which has served our community for many decades.</p> <p>It appears the applicant was rash and impetuous and failed to research the property at 720 Welshpool Road East for conversion to a proposed landscaping business. In order to fulfil his vision he is being presumptive and willing to override existing processes in order to achieve his goal. Dealings with</p>	<p>Noted. In the event that the development application is approved, the City of Kalamunda will impose a condition prohibiting removal of vegetation and a requirement for a rehabilitation plan for Yule Brook. The City will refer this plan once received to DWER and DPLH for comment.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted, in the event the development application is approved , a Dust Management Plan will be required as a condition of approval.</p> <p>Noted.</p>	<p>Appropriate dust suppression will be undertaken as part of a dust management plan for the garden centre operation.</p> <p><b>Conclusion</b></p> <p>Refer to response to submission 2 above in relation to the existing garden centre at 721 Welshpool Road East. These comments do not raise any relevant planning considerations directly related to the development application and should be dismissed.</p>
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	<p>him have left us distrustful and appalled at his deceptive approach.</p> <p>Mr Pollock wishes to change his entry/exit driveway for the convenience of his proposed business but at the cost of everyone's safety. His proposal is selfish and dangerous.</p> <p>We trust the above objections are given serious considerations before any decision is made regarding the applicant's requests</p>		
8	<p><u>Objection</u></p> 		The submitter's objection is noted.

	 <p>Dear Mayor and Councillors,</p> <p>I object to the Development Application for a Garden Centre at Lot 150 (720) Welshpool Road East Wattle Grove (DA20/0585). This area of land is 3.9 hectares (9.6 acres) and has Crystal Brook flowing through the end of the property and then in close proximity joining Yule Brook which is of Aboriginal Heritage value and an important waterway for the Swan Coastal Plain. Yule Brook therefore is in danger of being contaminated by a worksite such as a Garden Centre.</p> <p>The area is zoned Rural, is next to a Bush Forever Site and a Garden Centre is not in keeping with the desired amenity of the area. There is a Garden Centre over the road (Magic Mulch) and we don't need another one.</p> <p>There are animal boarding places nearby which also don't need to be dealing with more dust and noise that this Garden Centre would make even when they say "it won't happen".</p>	<p>Noted.</p> <p>It is acknowledged that Yule Brook is a registered Aboriginal Site (ID:36929). In the event that the development application is approved, the City of Kalamunda will impose a condition for a rehabilitation and revegetation plan for the rear portion of the site abutting the Yule Brook. The City will refer this plan once received to DWER and DPLH for comment.</p> <p>Refer to comments in Submission 2.</p> <p>Noted., the proposal does not impact on the bush forever to the north of the site. In the event the development application is approved, the City will</p>	<p>Refer to responses to submission 2 in relation revegetation along the portion of Yule Brook within the property and the City's acceptance of a stormwater drainage management plan for the proposed development.</p> <p>The subject site is zoned 'Rural Composite'. The proposed use is capable of approval under LPS 3 and is consistent with the objectives of the Rural Composite zone. Refer to response to submission 2 above in relation to the existing garden centre at 721 Welshpool Road East.</p> <p>Noise and dust management will be required via conditions of development approval and shall be undertaken to ensure adjoining properties are not unduly impacted by the proposed development.</p>
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	<p>One of the reasons the former owners of a Welshpool Road East property, just down the road a little from this proposed Garden Centre, left their home and business, which was an Equestrian Centre of international standing, was because of the dust and visual pollution of a neighbouring property and the negative response from the CoK Shire to do anything about it after many requests for help with this problem.</p> <p>It is so important to care for the environment and there are many industrial areas nearby where such a Garden Centre can do business.</p>	<p>impose a condition prohibiting the removal of any additional vegetation with approval.</p> <p>Noted.</p>	
<p>9</p>	<p><u>Objection</u></p> <p>This first point to note is that a “Garden Centre” is not an appropriate classification for this development – it is in fact an intensive development, a large scale soil and landscape materials depot (Hardstand), serviced by/servicing large scale road trains (19m-23m), trucks and heavy duty on-site machinery.</p> <p>Objection is based in the following:</p>	<p>Noted.</p>	<p>The submitter’s objection is noted.</p> <p>Refer to response to submission 6 in relation to the appropriate land use classification for the proposed use.</p>

	<p><u>1.Violation of 500m buffer that should exist around Bush Forever Site (Site 320)</u></p> <p>The proposed development site abuts Site 320 Bush Forever.</p> <p>Site 320 is a vital site representing a remainder of irreplaceable Banksia woodlands of the Swan Coastal plain and globally significant portion of the the natural vegetation of the land and the structure and floristics of the natural vegetation and provides the necessary habitat for native fauna.</p> <p>The Floristic Community Types have been identified as Supergroup 2: Seasonal Wetlands</p> <p>S2 Northern Pericalymma ellipticum dense low shrublands (most southern representation), Supergroup 3: Uplands centred on Bassendean Dunes and Dandaragan Plateau</p> <p>20a Banksia attenuata woodlands over species-rich dense shrublands (in area of most southern representation) and 23a Central Banksia attenuata — B. menziesii woodlands</p> <p>The floristics has been identified as (including but not limited to) "Significant Flora: Conospermum undulatum (R); Isopogon drummondii (3), Lambertia multiflora var. darlingensis (3), Stachystemon axillaris (4), Verticordia lindleyi subsp. lindleyi (4); Beaufortia squarrosa, Dasypogon obliquifolius, Hakea conchifolia, Xanthorrhoea drummondii</p> <p>The Fauna has been identified as (including but not limited to) : structured survey for birds (25 species), native mammals (1</p>	<p>Noted, In the event that the development application is approved, the City of Kalamunda will impose a condition for a rehabilitation and revegetation plan for the rear portion of the site abutting the Yule Brook. The City will refer this plan once received to DWER and DPLH for comment.</p>	<p>Bush Forever Site 320</p> <p>No development is proposed within Bush Forever Site 320. It is not apparent where the reference to providing a 500m buffer between the proposed development and Bush Forever Site 320 has been derived from. There is no requirement for a buffer to be provided between development and Bush Forever Sites within the planning framework.</p>
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	<p>species), reptiles (11 species) and amphibians (3 species) (Harvey et al. 1997). Significant bird species: category 4 (3). Significant mammal species: Quenda (Friend 1996 D)</p> <p><i>(Bush Forever Site Description, from Bush Forever Volume 2 Government of WA 2000, <a href="https://www.bushlandperth.org.au/wpcontent/uploads/2017/11/Hartfield_Park_Forrestfield_BF_site_320_site_description.pdf">https://www.bushlandperth.org.au/wpcontent/uploads/2017/11/Hartfield_Park_Forrestfield_BF_site_320_site_description.pdf</a>)</i></p> <p>As a Bush forever site it has been afforded protection and is Subject to protection under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.</p> <p><u>2. The development will severely and negatively impact Bush Forever site 320</u></p> <p>The hydrology of the area and its surrounds is of primary concern: This development will cause a significant disturbance, compromise and or destruction to Site 320, surrounds and the hydrological systems it supports.</p> <p>The identified hydrological sites and systems have been identified as</p> <p>A. Yule Brook (a creek feeding into the world class reserve: Brixton Wetlands)</p>	<p>Noted.</p> <p>Noted. The proponent has submitted a stormwater management plan that has been assessed by the City's engineers. The proposal is setback far enough from the Yule Brook watercourse that it will not negatively impact on the creek. In addition to this the City advertised the application to the DWER who provided a non-objection to the proposal.</p>	<p>Hydrological Impacts on Bush Forever Site 320</p> <p>Refer to responses to submission 2 in relation to the Yule Brook, groundwater considerations and the City's acceptance of a stormwater drainage management plan for the proposed development.</p> <p>It is noted the Yule Brook is separated from the proposed development by at least 80 m (from the proposed grassed overflow car parking area). The submitter's assertion that there will be significant disturbance to Bush Forever</p>
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	<p>- Acid Sulphate Soil: the property sits on/next to an area identified as having Acid Sulphate Soil</p> <p>"if the soils are drained, excavated or exposed to air by a lowering of the water table, the sulphides react with oxygen to form sulphuric acid. Release of this sulphuric acid from the soil can intern release iron aluminium and other heavy metals particularly arsenic with in the soil once. Once mobilised in this way the acid and metals can create a variety of adverse impacts killing vegetation, seeping into an acidifying groundwater and surface water bodies, killing Fish and other aquatic organisms..." (reference Wikipedia, Acid Sulphate soil study)</p> <p>The effects of this on the surrounding areas namely site 320 Bush Forever, Yule Brooke and Yule Brooke foreshore and system which feeds into the environmentally rare, precious and protected Brixton Wetlands - would be devastating.</p> <p>III) Effects of Poor land management and product storage with the</p> <p>- Use of in-organic fertilisers, high nitrogen feeds and poisons used to control weeds on the hydrology of Site 320 (and its soil, flora and fauna.)</p> <p>The applicant has, on record, admitted to the use of weed killer and poisons as part of his approach to land management (Ref: Section 45, City of Kalamunda, Court records/Judgement extract). The effects of run off of any of these fertilizers or feeds or poisons can be devastating to the systemic poisoning of the soil, flora (from spray drift and uptake through roots),</p>		<p>ASS mapping shows the vast majority of the site, with the exception of the small triangular portion of the lot on the north side of Yule Brook, as having moderate to low risk of ASS occurring within 3m of the natural soil surface (but high to moderate risk of ASS occurring beyond 3m of the natural soil surface). No deep excavation of soils is proposed and accordingly the risk of disturbing ASS is not considered to be significant. Where shallow excavation is necessary such as to construct drainage swales and drainage basin, appropriate management of any potential ASS can be required as a condition of development approval (as part of a construction management plan).</p>
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	<p>waterways, Yule Brook, the catchment surrounds and Brixton Wetlands.</p> <p>-Storage and run off from high nitrogen animal waste and manures on the hydrology of Site 320 (and its soil, flora and fauna.)</p> <p>The large scale, high volume storage of high nitrogen treated or untreated animal waste runs a high risk of runoff into the local hydrological systems. Manures are not only high in nitrogen (creating its own chemical imbalance) but as an animal by product, if the animals are treated with chemicals via intensive farming methods this will effectively be present in the manure and then run into the water systems polluting, compromising and negatively affecting the catchment, flora and fauna. This is especially high risk as the area is identified as a seasonal wetland.</p> <p>Storage of contaminants from raw mulch and treated timbers/mulches on the hydrology of Site 320 (and its soil, flora and fauna.)</p> <p>The large scale, high volume storage of raw mulch and treated timbers/mulches runs a high risk of runoff into the local hydrological systems. These materials if treated (or even in some cases untreated) the runoff into the local catchment and surrounds can create and irretractable and toxic chemical imbalance) polluting, compromising and negatively affecting for the catchment, flora and fauna. This is especially high risk as the area is identified as a seasonal wetland.</p>		<p>Land Management and Product Storage</p> <p>If required, a weed management plan could be prepared as a condition of development approval.</p> <p>With regard to storage of materials, refer to responses to submission 2 regarding the City's acceptance of a stormwater drainage management plan for the proposed development. The stormwater drainage management plan demonstrates run off from material storage areas and impervious surfaces (such as access driveways) will be directed to a drainage basin located adjacent to Welshpool Road East (away from Yule Brook). It is noted no bulk</p>
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	<p>Furthermore these products carry the risk of DIEBACK.</p> <p>Bush forever Site 320 has been identified as a “site threatened by Dieback (phytophthora sinnamoni). This development will increase that risk significantly. Not only will the vehicles of customers run a risk of spread (up to 100 a day) but also the very Products and materials (as listed in the application) themselves can carry Dieback. The dieback can be airborne, physically spread or aquatically. These products include but are not limited to mulches made from timber products.</p> <p>IV) Effects of subterranean "Rain Garden" and other below ground soil and water disturbances and modifications on the hydrology of Site 320 (and its soil, flora and fauna.)</p> <p>The application indicates the intention to install swales, subterranean drain structures etc; such modifications of any/all natural water complexes in a wetland or catchment area can and will negatively impact on Yule Brook and its foreshore – which actually runs through the applicants property but also would affect the hydrological systems of neighbouring Bush Forever site 320, its soil, water, flora, fauna and further downstream including the world class reserve – Brixton Wetlands. Shifts in aquatic connectivity can cause erosion, compromise, soil, water availability for flora and sediment shifts.</p> <p>V) Effects of ineffective Fire Mitigation.</p> <p>This intensive development would place the neighbouring Bush Forever Site 320 and surrounds at high risk of destruction through fire due to the high volume, on-site</p>	<p>Noted.</p>	<p>manure storage or sale is proposed. Only bagged manure products will be offered for sale form the garden centre.</p> <p>Stormwater Management</p>
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	<p>storage or highly combustible materials - which includes but is not limited to - Karri and Peat Moss, Kimberly red mulch, black mulch, Enviro Mulch, wood chips, pine bark mulch, timber products, railway sleepers, firewood bags, garden steaks, and highly flammable materials including sealants.</p> <p>VI) Effects of Diesel on surrounds, hydrology, flora, fauna and soil on Site 320.</p> <p>The development has acknowledge that the property will be intensively serviced by/or service large trucks as well as have onsite heavy machinery. Diesel is carcinogenic and a major and significant pollutant – that can permanently damage and destroy soil (through spills and leaks), hydrological systems (especially in a seasonal wetlands area) flora and fauna - as an airborne pollutant and compromise air quality</p> <p><u>IN SUMMARY</u></p> <p>In accordance with the Planning development Act 2005, State Planning Policy, Bushland policy for the Perth Metropolitan Region -</p> <p>Site 320 - as a Bush Forever site requires to be spared adverse impact, which is defined as</p> <p>“A harmful effect and will generally involve but is not limited to a direct impact on a bush area through the clearing of regionally significant bushland; or</p>	<p>Noted.</p>	<p>Refer to response above in relation to stormwater management and the City's acceptance of a stormwater drainage management plan for the proposed development.</p> <p>Fire Risk</p> <p>The proposed development is well separated from the adjacent Bush Forever Site. A Bushfire Management Plan has been prepared in support of the proposal and further, normal management measures will be undertaken to minimise risks of a fire event impacting on adjoining properties, including management of grassed areas</p>
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	<p>A significant indirect impact on a Bush Forever area through development directly abutting regionally significant Bushland that is likely to result in, but is not limited to,</p> <p>Significant hydrological impacts, the spread of dieback, direct drainage into regionally significant bushland, significant access and weed infestation issues, fire management issues and other significant management implications and threatening processes arising from development.”</p> <p>In this context, the proposed development, abutting Bush Forever Site 320 fails EVERY environmental standard and is likely to result in a negative significant indirect (and direct) impact on site 320. The development will bring about Dieback spread, drainage issues, weed infestation issues (airborne and waterborne), fire management and other issues mentioned - including but not limited to pollution of soil and waterways (catchment and downstream) from runoff from soils, manures, poisons, compost, mulch, diesel pollution, potential triggering of acid sulphate soil consequences due to drops in ground water levels - affecting flora and fauna. Additionally, there are no plans for onsite management of rare and endangered fauna such as the bandicoots - the population would be immediately affected by vehicles, machinery, poisons and ground disturbances.</p> <p>Not only does the development fail the standards of the Planning Development Act 2005 but also disregards, fails to refer, respect or defer to - the Environmental Land Use Planning Strategy</p>	<p>Noted. The site is designated as bushfire prone under the Office of Bushfire Risk Management mapping system. State Planning Policy 3.7 (SPP 3.7) guides the implementation of effective riskfire-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. The proponent has prepared a Bushfire Management Plan (BMP) in support of the application that adequately addresses the four elements stipulated under the Guidelines The BMP indicates the proposal can achieve a low-risk rating of BAL 12.5 through establishing an Asset Protection Zone (APZ) around the development. A condition has been imposed requiring the APZ to be implemented and maintained by the landowner in accordance with the Guidelines.</p> <p>Noted, the proposal has been assessed against all relevant planning framework and is fully compliant with the exception of a minor</p>	<p>outside the development area, maintenance of fire breaks and availability of sprinkler systems (also used for dust suppression).</p> <p>It is also noted that in terms of fire risk, mulches are not deemed to be flammable and are used to establish ‘low threat’ landscaped areas to mitigate bushfire risk.</p> <p>Effect of Hydrocarbons on Soil and Groundwater and Air Quality</p> <p>Refer to response above in relation to stormwater management and the City's acceptance of a stormwater drainage management plan for the proposed development.</p> <p>It is noted no servicing of vehicles will occur on site and in relation to air borne pollutants, it is much more likely any impacts on air quality would be a result of the relative</p>
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10	<u>Objection</u>		The submitter's objection is noted.

	<p>I wish to register my opposition to the council approving the development application for a Garden Centre in Welshpool Road East.</p> <p>Firstly, it is not what the majority of Wattle Grove residents want, not that that seems to be taken into account when the City makes decisions.</p> <p>Secondly, there is a very similar, long standing family business across the road. Why do we need the same business so close? This does not seem to support current local business.</p> <p>Please listen to residents who LIVE in this area.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted, the zone allows for the uses to be considered an application to be taken on its merits. As part of the assessment process, proximity to existing similar land uses is not a relevant planning consideration.</p>	<p>Refer to response to submission 2 in relation to matters to be taken into account under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015. The impact of a new garden centre development on a similar existing business is not a relevant planning consideration in this instance.</p>
<p>11</p>	<p><u>Objection</u></p> <p>I am opposed to the proposed Development Application of Lot 150(720) Welshpool Road East for another Garden Centre.</p> <p>It is contrary to the regulatory planning framework.</p> <p>It will create a significant risk to road users of Welshpool Road east.</p> <p>It will impact the environmentally sensitive areas around it.</p> <p>The majority of the residents oppose the expansion of the industrial/commercial area in the foothills.</p>	<p>Noted, the site is zoned 'Rural Composite' Under Local Planning Scheme No.3 The objectives of the Rural Composite zone allow for a limited range of rural and low scale commercial uses in a manner that will not adversely affect the landscape and environmental qualities of the land appropriate to the area. The proposed uses are compatible and consistent with the objectives of the zone. Notwithstanding a minor net lettable area (NLA) variation, the proposal is fully compliant with all relevant planning framework. The NLA variation is to allow for additional display and storage space for plants, pots fertilizers etc.</p> <p>The use 'Garden Centre' is an 'A' use under LPS3 which means the use is not permitted unless the</p>	<p>The submitter's objection is noted.</p> <p>Refer to response to submission 2 in relation to the consistency of the proposal with the applicable planning framework.</p> <p>Refer to response to submission 1 and 2 above in relation to traffic, access and safety considerations.</p> <p>Refer to response to submission 2 above in relation</p>

	<p>It duplicates the services of another garden centre within 100 metres of the property subject to the development application.</p>	<p>local government has exercised discretion to approve the use.</p> <p>The use 'Caretakers Dwelling' is a 'D' discretionary land use under LPS 3 meaning it is not permitted unless the local government has exercised discretion by granting approval for the use.</p>	<p>to management of potential environmental impacts on adjoining land.</p> <p>The proposal is consistent with the state and local planning framework and therefore this issue should be dismissed.</p> <p>Refer to response to submission 2 in relation to matters to be taken into account under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015. The impact of a new garden centre development on a similar existing business is not a relevant planning consideration in this instance.</p>
<p>12</p>	<p><u>Objection</u></p> <p>I object to the above denigration of natural vegetation (that has already taken place) on this currently zoned rural property.</p> <p>The City of Kalamunda is trying to promote people to venture to the foothills and more importantly the town of Kalamunda.</p>	<p>Noted.</p> <p>The zone allows for the uses to be considered an application to be taken on its merits. As part of the assessment process, proximity to existing similar land uses is not a relevant planning consideration.</p>	<p>The submitter's objection is noted.</p> <p>This matter is not related to the development application and should therefore be dismissed.</p>



	<p>Crossing over Tonkin Highway heading east you immediately have an eye sore in the business of "Magic Mulch". Do we need a replica of this on the left.? I don't think so.</p> <p>The back of the property has part of Yule creek and Crystal brook cutting across it. Has any environmental reports been completed in regard to the land in question?. From the plans that are proposed this is going to be a revegetated zone with trees and shrubs and another zone of Sedges and Rushes. In view of all the clearing that has been carried out already I find this hard to believe will happen.</p> <p>We as the City have a saying of "Come to the Home of The Forrest". As mentioned as you cross the Tonkin and head to Kalamunda I don't believe this development enhances our slogan.</p> <p>Revegetate the area to is original state to maintain the lifestyles of the properties in the area.</p>	<p>Noted, in the event that the development application is approved, the City will impose a condition prohibiting the removal of any further vegetation without approval, and a condition requiring a revegetation and rehabilitation plan to be submitted to the City for the rear portion of the site abutting the Yule Brook. The plan will be referred to DWER and DPLH for their comment.</p> <p>Noted.</p> <p>Noted.</p>	<p>The proposal should be considered on it's own merits and not on the basis of a another existing garden centre use in the locality.</p> <p>Refer to response to submission 2 above in relation to Yule Brook and the City's acceptance of a stormwater drainage management plan for the site.</p> <p>With regard to revegetation works proposed along the section of Yule Brook within the subject site, compliance with this requirement can be ensured via a condition of development approval.</p>
<p>13</p>	<p><u>Objection</u></p> <p>SOME of my concerns with the planning and planning procedures for this proposition are:</p>	<p>Noted.</p>	<p>The submitter's objection is noted.</p>



	<p>particularly on close proximity to bush forever sites (and how it will and has adversely impacted on native flora &amp; fauna)?</p> <p>4. There appears to be contradictory (and absence of) information from the various authorities in relation to:</p> <ul style="list-style-type: none"> <li>a) The proposed Garden Centre development</li> <li>b) detail of public works for             <ul style="list-style-type: none"> <li>i) Tonkin Highway and WRE interchange</li> <li>ii) upgrade of Crystal Brook Road with WRE intersection</li> <li>iii) upgrade of Lewis Road with WRE intersection</li> </ul> </li> </ul> <p>The various activity are at the moment –</p> <ul style="list-style-type: none"> <li>c) Kalamunda City Council</li> <li>d) Main Roads</li> <li>e) EPA environmental protect agency</li> <li>f) Police Road Safety Commission</li> </ul> <p>4. My greater concern is that the plans for this proposed Garden Centre will morph, by stealth, into a fully industrialised site processing recycled materials (yet to be defined) bringing with it all the machinery and its use and all that the use of this machinery implies.</p> <p>It should be noted that this site has already been severely impacted to the point that there is directive</p>	<p>The use ‘Garden Centre’ is an ‘A’ use under LPS3 which means the use is not permitted unless the local government has exercised discretion to approve the use.</p> <p>The use ‘Caretakers Dwelling’ is a ‘D’ discretionary land use under LPS 3 meaning it is not permitted unless the local government has exercised discretion by granting approval for the use.</p> <p>In addition to the land use permissibility the scheme talks to the objectives of the zone ‘Rural Composite’ . The objectives of the Rural Composite zone allow for a limited range of rural and low scale commercial uses in a manner that will not adversely affect the landscape and environmental qualities of the land appropriate to the area. The proposed uses are compatible and consistent with the objectives of the zone. Notwithstanding a minor net lettable area (NLA) variation, the proposal is fully compliant with all relevant planning framework. The NLA variation is to allow for additional display and storage space for plants, pots fertilizers etc.</p> <p>The applicant has applied for a Garden centre and Caretakers Dwelling. In the event the application is approved and the applicant undertakers activities contrary to the planning approval, then the City could take compliance action against the applicant and landowner.</p>	<p>760 Welshpool Road East does not form part of this application.</p> <p>Land Use Permissibility</p> <p>The permissibility of land uses for the subject site is set out in the Local Planning Scheme (LPS3). A garden centre is capable of approval in the Rural Composite zone.</p> <p>Road Infrastructure Upgrades</p> <p>An assessment of existing road conditions, planned changes to the surrounding road network and the implications for access to 720 Welshpool Road East are included in the TIS and RSA. Detailed engineering drawings have been prepared which respond to matters raised in submissions, ongoing consultation with the City's engineering services and the recommendations of the TIS and RSA, to ensure the proposed garden centre can operate in a manner that will</p>
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	<p>against its current owners to revegetate a substantial area of Bush Forever site which they cleared.</p> <p>Summary</p> <p>The above is a brief comment expressing some of my concerns; as such I am seeking a significant extension of time in which to allow submissions objecting to the proposed Garden Centre on 720 WRE, to be forensically investigated in all its forms.</p>		<p>not bring about road safety issues and will not impact on the efficient functioning of the surrounding road network.</p> <p>Future Development of the Site</p> <p>This assertion is entirely speculative and does not reflect the current application before the City of Kalamunda</p> <p>This matter is not relevant to the development application for a garden centre and should be dismissed.</p>
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