

## Local Planning Policy 35 – Hatch Court Light Industrial Area

Management Procedure

Relevant Delegation

### 1. Citation

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This Policy may be cited as Local Planning Policy 35 – Hatch Court Light Industrial Area (LPP35).

### 2. Introduction

Council, at its meeting on 26 July 2022, resolved to advertise a previous version of Local Planning Policy 35 – Hatch Court Light Industrial Precinct (LPP35) for public comment (the previous Policy).

The previous Policy divided the Hatch Court Light Industrial Area into two precincts – A and B. That Policy expressed a presumption against development within Precinct A prior to adoption of a Local Structure Plan but supported development in Precinct B ahead of structure planning. Precinct B comprised only one property fronting Adelaide Street, while all other land covered by the Policy was included in Precinct A.

Affected landowners raised concerns that the previous Policy attempted to stall or sterilise redevelopment of most land in the Area until a Structure Plan is finally adopted.

Council subsequently resolved (on 22 October 2024, OCM 137/2024) to abandon the previous Policy and to instead prepare a Local Structure Plan, Development Contribution Plan, and Design Guidelines for the Hatch Court Light Industrial Area.

Pending completion of this work, the City is cognisant that some landowners within the area may wish to subdivide and/or develop their properties in the meantime, despite the need for coordinated and integrated planning and infrastructure delivery in the Area.

In recognition of this, Council at its meeting on 26 August 2025 resolved (OCM 2025/128) to prepare a new Local Planning Policy for the Hatch Court Light Industrial Area to introduce appropriate planning controls that would allow subdivision and development to occur prior to adoption of a Local Structure Plan, Development Contribution Plan and Design Guidelines for the area.

This Local Planning Policy responds to Council's resolution.

### 3. Objectives

The objective of this policy is to ensure that subdivision and development occurring within the Hatch Court Light Industrial Area prior to adoption of a Local Structure Plan, Development Contribution Plan and Design Guidelines for the Area:

- a) Does not prejudice or preclude the orderly and proper planning of the area via the Structure Plan;
- b) Does not prejudice or preclude the timely and coordinated delivery of common infrastructure that is reasonably required for and generated by development in the area; and
- c) Is accompanied by relevant details and technical information to address these requirements; and
- d) If approved, is subject to a condition requiring satisfactory arrangements to be made with the City for payment of the landowner's development contribution in future, once the Hatch Court Development Contribution Plan is adopted.

### 4. Definitions

**Application** means a development application under the City's Local Planning Scheme No. 3 (LPS3) or a subdivision application pursuant to Part 10, Divisions 1 – 4 of the *Planning and Development Act 2005*.

**Deemed Provisions** means the provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Policy Area** means the Hatch Court Light Industrial Area to which this Policy applies, as depicted in Figure 1.

**Sacrificial Development** means development that will not prejudice coordinated planning and infrastructure delivery outcomes for the Area in future, because it:

- i. Is designed and constructed with the expectation of future obsolescence; and
- ii. Is impermanent and can be easily removed or replaced without injuriously affecting the remainder of the development with which it is associated; and
- iii. Serves a short-term purpose.

## 5. Policy Application

This Policy applies to all proposals for subdivision or development of land within the Hatch Court Light Industrial Area, as depicted in Figure 1.

*Fig. 1 – Hatch Court Light Industrial Policy Area*



## 6. Application Requirements

6.1 Pursuant to clause 63(1)(d) of the Deemed Provisions, applications for development approval within the Policy Area must be accompanied by the following:

- a) For Lots 1, 10, 11, 52 and 53 Hatch Court, applications must be accompanied by information from a suitably qualified consultant detailing:
  - How the proposed development will be appropriately setback from and interface with the designated Resource Enhancement Wetland (REW) on the subject lot; and
  - How the REW will be protected, managed or modified to accommodate the proposed development.
- b) For Lots 10, 11, 12, 13, 14, 52 and 53 Hatch Court, applications must be accompanied by information from a suitably qualified consultant detailing how the proposed development will facilitate continuation of the drainage function currently provided by the drainage corridor depicted in Figure 1.
- c) For lots abutting Hatch Court, development plans must illustrate road widening to accommodate RAV 4 vehicle movements, to achieve:
  - A minimum sealed carriageway width of 9 metres;
  - The future construction of a cul-de-sac at the Stirling Crescent and Hatch Court intersection.
- d) For lots traversed by the Approximate Future Road Alignment shown in Figure 1, development plans must:
  - Illustrate the proponent's preferred alignment of that future road to accommodate RAV 4 vehicle movements; and
  - Demonstrate how development will be appropriately setback from that alignment or incorporate Sacrificial Development to facilitate the future delivery of that road.
- e) If the application incorporates Sacrificial Development, details:
  - Demonstrating how that component of the development meets the Policy definition of Sacrificial Development; and
  - Describing how, when and/or under what circumstances the Sacrificial Development may be removed in future.

- 6.2 Pursuant to clause 63A(1)(b)(ii) of the Deemed Provisions, if a development application does not satisfy the information requirements described in clause 6.1, the City may give written notice to the applicant requiring further information or an amended application before it can be accepted.
- 6.3 Subject to clause 6.4, every application for development within the Policy Area will be advertised for public comment before being determined. This will occur by:
- a) Referral of the application for comment to all landowners within the Policy Area and, where the subject lot abuts Adelaide Street, Stirling Crescent, or Kalamunda Road, to landowners outside the Policy Area as required by the City; and
  - b) Referral of the application for comment to utility providers and relevant agencies, including Department of Water and Environmental Regulation (DWER), Department of Biodiversity, Conservation and Attractions (DBCA), and Main Roads Western Australia (MRWA).
- 6.4 The City may vary or waive the requirement to advertise a development application where in the City's opinion:
- a) The application is for an amendment to an already approved development, and the amendment does not warrant advertising; or
  - b) The application is for a new development, the nature of which will not prejudice or prevent coordinated planning and infrastructure delivery within the Policy Area in future.
- 6.5 In respect of an application to subdivide land within the Policy Area, the City may:
- a) Request from the Western Australian Planning Commission (WAPC) such information from the applicant as set out in clauses 6.1 a) – d) which the City considers necessary to inform its comment on that application; and

- b) Recommend such conditions derived from the provisions of this Policy as it considers necessary for the orderly and proper planning of the Policy Area.

## **7. Policy Statement**

7.1 The City will require subdivision and development within the Policy Area to:

- a) Commit to paying development contribution costs in future, once the Hatch Court Development Contribution Plan is adopted; and
- b) Make provision for and be suitably setback from the designated Resource Enhancement Wetlands, Drainage Corridor, Hatch Court Road Widening (including cul-de-sac at its intersection with Stirling Crescent), and Approximate Future Road Alignment shown in Figure 1, unless the development proposed within that part of the subject lot is Sacrificial Development.

7.2 The City may impose, and where it is not the decision maker may recommend, conditions of approval for any application within the Policy Area to achieve the objective of this Policy, including but not limited to:

- a) Ceding land free of cost to the Crown for widening Hatch Court and the future cul-de-sac at its intersection with Stirling Crescent.
- b) Applying an easement in the City's favour for drainage purposes.
- c) Applying an easement in the City's favour for the purposes of protecting the Approximate Future Road Alignment shown in Figure 1.
- d) Requiring satisfactory arrangements<sup>1</sup> to be made with the City for payment of development contributions in future, in accordance with the Hatch Court Development Contribution Plan once adopted.

7.3 The City will refuse or recommend refusal of applications for development and subdivision of land within the Policy Area where, in the City's opinion the application:

- a) Is contrary to the objectives of this Policy; or

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<sup>1</sup> Suitable arrangements are set out under State Planning Policy 3.6 – Infrastructure Contributions and Local Planning Policy 25 – Interim Development Contribution Arrangements.

- b) Will unduly prejudice or prevent the orderly and proper planning of the area, or the coordinated delivery of infrastructure under the City's proposed Local Structure Plan, Development Contribution Plan, and Design Guidelines; or
- c) Will result in future subdividers or developers being unfairly and inequitably burdened by development contribution costs that ought to be shared among all landowners within the Hatch Court Light Industrial Area

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| Legislation      | <i>Local Planning Scheme No. 3</i> |
| Adopted          | XX XXXXX XXXX (OCM XXX/2XXX)       |
| Reviewed         | Nil                                |
| Next Review Date | 12 Months from Adoption            |