

13.2.4 AMENDMENT TO MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 3A STRUCTURE PLAN

Director:	C Terelinck
Author's Declaration of Interest:	Nil.
Property Number:	317644 - Various, Lot 414 Grove Road, Kenwick
Application No:	PF18/00004
Applicant:	CLE Town Planning and Design
Owner:	Various, Grove Road Pty Ltd
Location:	Land bound by Coldwell Road, Grove Road, Lot 414 Grove Road, Roe Highway and the City of Kalamunda district boundary.
Zoning:	MRS: Industrial
	TPS No. 6: General Industry and General Rural
Review Rights:	Yes. State Administrative Tribunal against a decision by the Western Australian Planning Commission not to approve a structure plan.
Area:	87.42ha (72.61ha original Precinct 3A Structure Plan area)
Previous Ref:	8 March 2018 (Resolutions 64, 66 and 68) 27 September 2016 (Resolutions 331 and 332)
Appendices:	13.2.4A Indicative District Structure Plan 13.2.4B Approved Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan 13.2.4C Amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan 13.2.4D Schedule of Submissions 13.2.4E Proposed Stormwater Management Plan 13.2.4F Figure 2 'Aboriginal Sites on the DIA Site Register with the MKSEA' 13.2.4G Development Concept Plan

PURPOSE OF REPORT

For Council to consider endorsing a proposal to incorporate a portion of Lot 414 Grove Road, Kenwick, into the Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan.

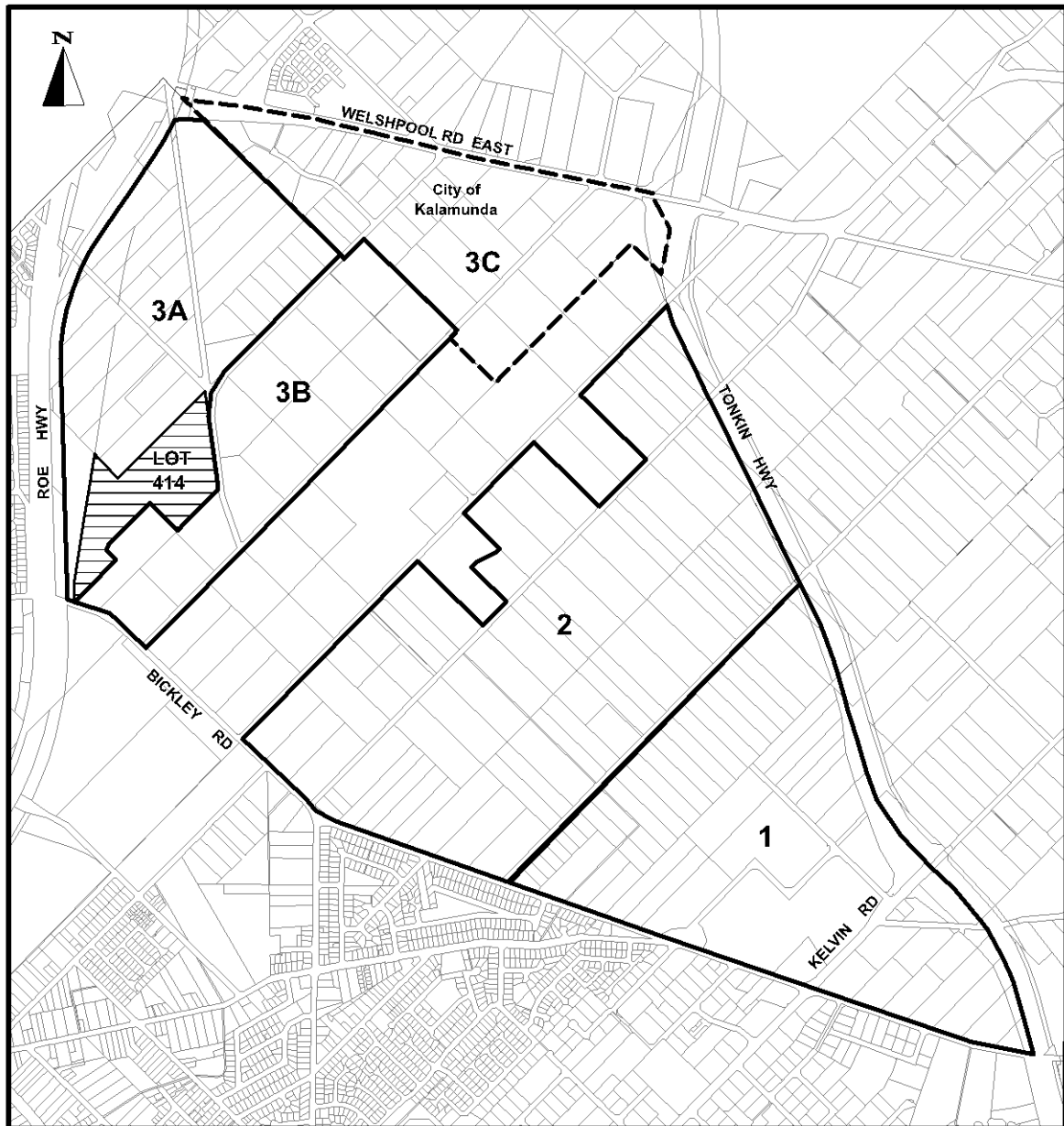
BACKGROUND**Planning Context**

The Maddington Kenwick Strategic Employment Area (MKSEA) is bound by Bickley Road, Tonkin Highway, the boundary with the Shire of Kalamunda and Roe Highway. The area was first identified in 1990 for future industrial development by the (then) State Planning Commission (now the Western Australian Planning Commission (WAPC)).

Council previously considered the future strategic industrial expansion of the Maddington-Kenwick rural area and divided it into four planning precinct areas. The subject proposal is contained within Precinct 3A of the MKSEA.

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A plan identifying the Precinct 3A area and its location within the MKSEA follows.



To provide a planning framework for the development of the MKSEA for its intended transition from Rural to Industrial land uses, Council adopted Local Planning Policy 5.8 - MKSEA Planning Framework (LPP 5.8) in 2014, which identified the planning tasks and information requirements for progressing the planning of the area in order to ultimately undertake subdivision and development.

The first phase identified in LPP 5.8 was to obtain State Government approval to rezone land in the MKSEA from Rural to Industrial under the Metropolitan Region Scheme (MRS). In order to progress the MRS amendment, the City commissioned numerous environmental and servicing reports, including a District Water Management Strategy (DWMS) and an indicative District Structure Plan (DSP) for Precincts 1, 2 and 3 (formally referred to as a Local Structure Plan), which is contained as Appendix 13.2.4A.

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In 2016, the WAPC approved the MRS amendment for Precincts 2 and 3, rendering it Industrial under the MRS.

The second phase was to develop amendments to Town Planning Scheme No. 6 (TPS 6), and a Local Structure Plan (LSP).

In September 2016, Council endorsed a LSP over a significant portion of Precinct 3A, with the exception of Lot 414. The plan was approved by the WAPC in August 2017. The LSP covers an area of 72.61ha of land bound by Coldwell Road, Grove Road, Roe Highway and the City of Kalamunda district boundary. A copy of the approved MKSEA 3A LSP is contained as Appendix 13.2.4B.

The land within the LSP area has recently been the subject of subdivision and development approvals by the WAPC and the Metro East Joint Development Assessment Panel.

Site Description

Lot 414 Grove Road was originally part of Lot 2008, shown as land abutting the adopted LSP area, as contained as Appendix 13.2.4B. Lot 2008 was subdivided in 2017 to transfer a portion of the land to the Public Transport Authority (PTA) for its 'Kenwick Freight Facility'.

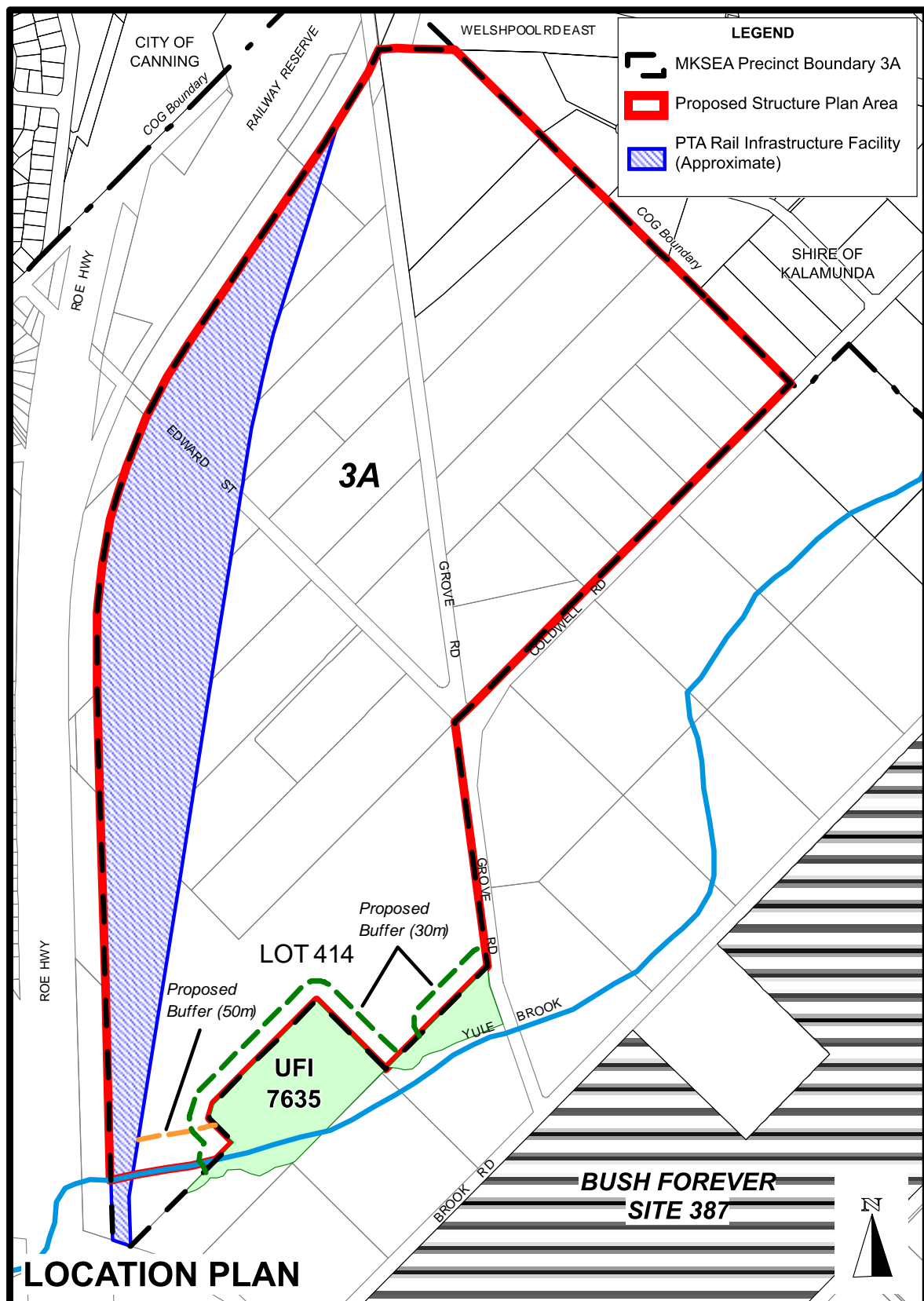
The subject area is located to the north and west of the Greater Brixton Street Wetlands (GBSW) (Bush Forever Site 387), which extends from Albany Highway in the south to Welshpool Road in the north, through the western side of the Kenwick residential area and Precinct 2 of the MKSEA. The site is also located south of Woodlupine Brook Reserve.

The proposal specifically relates to the inclusion of Lot 414 Grove Road (Lot 414), which is not currently covered by an approved LSP, into the Precinct 3A LSP.

This draft LSP proposes to cover the balance of the land that was not included in Amendment No. 165 to TPS 6, which rezoned a large portion of MKSEA 3A from General Rural to General Industry. This involves incorporating a 14.81ha portion of Lot 414 into the Precinct 3A LSP. The remaining 0.62ha of Lot 414 is still zoned General Rural, and is not proposed to be included in the draft LSP area.

A map identifying the location of the subject site follows.

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Proposal

The draft LSP contains the following elements:

- Amending the approved LSP map (Part One Implementation) to include a 14.81ha portion of Lot 414 Grove Road, Kenwick.
- Amending 'Section 6.3 - Lot 2008 Grove Road' of the approved LSP Report (Part One Implementation) and associated text to read:

"Lot 414 Grove Road

Notwithstanding the previous requirements of section 4, the following requirements are specific to Lot 414 Grove Road, being the southern extents of the Structure Plan area.

6.3.1 Wetland Buffers

Development and/or use of the 'Wetland Buffer' is generally not permitted, except where in accordance with an approved 'Wetland Management Plan'.

6.3.2 Yule Brook

Development and/or use of the 'Yule Brook Foreshore' is generally not permitted, except where in accordance with an approved 'Foreshore Management Plan'.

6.3.3 Bushfire Management Plan

A Bushfire Management Plan (or BMP) has been prepared in support of the future development of Lot 414. The adopted BMP is attached as Appendix 4 of the MKSEA Precinct 3A Structure Plan Amendment 1 (Report). Development and subdivision within Lot 414 must accord with the requirements of the adopted BMP.

Subdivision and development applications submitted for Lot 414 shall be accompanied by adopted Bushfire Management Plan, updated with an appropriate level of detail to demonstrate compliance with 'State Planning Policy 3.7 - Planning in Bushfire Prone Area', and the 'Guidelines for Planning in Bushfire Prone Area.'

6.3.4 Subsequent Plans and Strategies

Subdivision and/or development approval processes may trigger the preparation of the following:

- i) *Wetland Buffer Management Plan (Wetland UFI 7635)*

The purpose of the Wetland Buffer Management Plan shall be to determine the appropriate use, treatment and management of the buffer where it is located within Lot 414.

*Item 13.2.4 Continued**ii) Foreshore Management Plan (FMP)*

A Foreshore Management Plan shall be prepared to ensure the protection and management of the Yule Brook Foreshore where it interfaces with Lot 414. Where a Foreshore Management Plan already exists (having been prepared by others as part of MKSEA Precinct 3B works), an addendum to that FMP may be accepted in lieu.

iii) Urban Water Management Plan (UWMP)

Where required, the UWMP will generally accord with the adopted 'Local Water Management Strategy' prepared to support Amendment 1 to this Structure Plan. The UWMP may be amended in response to the recommendations of the future 'Local Water Management Strategy' to be prepared (and adopted) as part of the structure planning for adjoining Precinct 3B of the MKSEA.

iv) Landscape Masterplan (LMP)

The LM will address the treatment and management of drainage detention areas and any open space contribution or landscaping associated with subdivision or development, respectively.

The recommendation of the LMP in relation to drainage detention areas will be informed by the adopted 'Local Water Management Strategy', and the 'Wetland and Wetland Buffer Assessment', prepared in support of Amendment 1 to the Structure Plan."

A copy of the Draft LSP is contained as Appendix 13.2.4C.

Consultation

In accordance with Clause 18 of Schedule 2 - Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the draft LSP was advertised for a period of 28 days (from 21 June until 19 July 2018) by way of letters to directly affected and immediately surrounding landowners and relevant authorities, as well as by giving notice on the City's website.

In response, 26 submissions were received; eight from government agencies, three from landowners/occupiers within 200m of the subject site and 15 from interested parties outside of the consultation area. A summary of the submissions received and comments thereon are included in the Schedule of Submissions as contained as Appendix 13.2.4D.

A map identifying the consultation area and the origin of each submission follows.

It is noted that the origin of the submissions received from interested parties outside of the consultation area are not shown on the consultation plan.

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It is important to note that one submission received represents 22 properties within the wider MKSEA Precinct 3A precinct.

The main issues raised in the submissions are as follows:

- Water management for the wider MKSEA and Precinct 3 area.
- The protection of environmentally sensitive areas.
- Development requirements associated with the implementation of a LSP.

As mentioned above, the proposal was referred to the following government agencies:

- ATCO Gas
- City of Kalamunda
- Department of Biodiversity, Conservation and Attractions
- Department of Fire and Emergency Services
- Department of Planning, Lands and Heritage (South East Metropolitan branch, Infrastructure Land Use Coordination branch and Aboriginal Affairs)
- Department of Health
- Department of Transport
- Department of Water and Environmental Regulation
- Main Roads Western Australia
- Perth Airport
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

Issues and technical advice are discussed in the following sections, along with any other applicable technical matters.

It should be noted that in the event that Council endorses the draft LSP, it will be recommended that a copy of the Schedule of Submissions, as contained as Appendix 13.2.4D be forwarded to the Environmental Protection Authority (EPA) and the Department of Biodiversity, Conservation and Attractions (DBCA), for their information.

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DISCUSSION

Town Planning Scheme No. 6 Requirements

Structure Plan Requirements

Through the assessment of the approved LSP covering most of Precinct 3A, the EPA recommended that a number of provisions be incorporated into Amendment No. 165, and therefore subsequently enforced through TPS 6. The following provisions have been inserted into TPS 6 as a result of the gazettal of Amendment No. 165 on 30 December 2016:

- “5.6.3 To ensure the identification and protection of significant environmental values within and adjacent to the amendment area, the following information is required to accompany Structure Plan (or subdivision/development applications where a Structure Plan is not required) where planning has the potential to impact significant environmental values.*
- 5.6.3.1 Investigations to determine the water balance and buffer requirements for occurrences of the Threatened Ecological Community and wetland identification as UFI 7635 in the Geomorphic Wetlands Swan Coastal Plan dataset occurring adjacent to the Amendment area, prepared on advice by the Department of Parks and Wildlife and to the satisfaction of the Environmental Protection Authority.*
- 5.6.3.2 A boundary definition study for wetland UFI 7635 prepared on advice by and to the satisfaction of Department of Parks and Wildlife.*
- 5.6.3.3 Local Water Management Strategy(s) informed by the outcomes of the water balance and buffer investigations (where there are potential impacts to significant environmental values) prepared on advice of Department of Parks and Wildlife and responsible authority, to the satisfaction of the Department of Water.”*

In summary, the intent of the provisions is to:

- Identify significant environmental values within the area.
- Stipulate information requirements to accompany structure plan proposals and/or subdivision/development proposals.

At this present time, the DBCA have stated that its role is to provide advice on the investigations to determine the water balance and buffer requirements for the Wetland UFI 7635 to the satisfaction of the EPA. The DBCA and the Department of Water and Environmental Regulation (DWER) staff have met with the applicants on two occasions to discuss the requirements of UFI 7635.

The draft LSP proposes a 30m buffer to the wetland (UFI 7635) and a 50m buffer to Yule Brook. The advice of the DBCA is critical in assessing this aspect of the plan, and the DBCA has highlighted the following recommendations:

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- The requirement for a minimum 50m buffer to UFI 7635 in accordance with the EPA *Guidance Statement 33*.
- The requirement that the post-development hydrological parameters for both water quality and water quantity should match that prior to development occurring, to mitigate the impacts of the development on UFI 7635.
- The draft LSP map shows two distinct wetlands approximately 80m apart. The DBCA expects that the two wetlands would be linked via a 50m buffer from each of the wetlands.

The DBCA has considered that it is premature to provide further comment on wetland UFI 7635 until the EPA has determined the appropriate width of the wetland buffer.

The DWER (on behalf of the EPA) is currently in the process of reviewing the submitted Local Water Management Strategy (LWMS) and the Wetland and Wetland Buffer Assessment to address the Scheme provisions outlined above.

Given the timeframes imposed by the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Council's recommendations on the draft LSP are required to be sent to the WAPC for consideration prior to the EPA/DWER formalising their assessment.

To ensure the requirements of TPS 6 have been met to the satisfaction of the EPA and DBCA, it is recommended that the WAPC not grant approval of the draft LSP until the environmental assessment by the State agencies has been completed (modification 1).

Amendment No. 167 - Introducing Development Contribution Plan provisions for MKSEA Precinct 3

In March 2016, Council resolved (Resolution 66) to initiate Amendment No. 167 to TPS 6 to establish a Development Contribution Plan (DCP) over Precinct 3 of the MKSEA (inclusive of Lot 414). The Amendment establishes a mechanism for landowners to share common costs associated with delivering infrastructure to the area.

It is noted that the draft LSP makes reference to the future DCP and its anticipated associated costs. Whilst Council has initiated Amendment No. 167, a formal Development Contribution Plan Report (DCPR) for MKSEA Precinct 3 is yet to be publicly advertised for comment. Advertising of the DCPR is anticipated to occur in the later part of 2018. As such, it is recommended that the draft LSP be modified to acknowledge the requirements of Amendment No. 167 and the future DCP (modification 2).

Environmental Considerations

In considering the environmental values and hydrology of the subject site and surrounding area, the following should be noted:

- The GBSW (Bush Forever Site 387) is situated approximately 250m south and east of Precinct 3A. The GBSW is mapped as Conservation Category Wetland (CCW) and includes Declared Rare and Priority Flora and Threatened

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Ecological Communities (TECs), which are subject to protection under both State and Federal environmental legislation.

- The majority of Lot 414 is currently identified as a Multiple Use category wetland (MUW). A Resource Enhancement wetland (REW) (UFI 7635) is situated partly within Lot 414 (buffers). This REW is considered to be an 'Environmentally Sensitive Area' which accommodates TEC 'Shrubland and Woodland on Muchea Limestone' and Declared Rare Flora.
- Lot 414 is in close proximity to Black Cockatoo foraging habitat, and some roosting and breeding habitat.
- The site is generally cleared, lightly vegetated, level to gently sloping with subsurface soils in a generally undisturbed condition. The subsurface profile was found to comprise of a thin layer of organic Sandy topsoil over fine to coarse grained Bassendean Sands which in turn overlies high plasticity Sandy Clays of the Guilford Formation.
- Due to the presence of Guilford Clays at shallow depths in the foundation, and the presence of a high water table, the site is not considered conducive to the on-site disposal of stormwater.

To address the above, an Environmental Assessment Report (EAR), a Wetland and Wetland Buffer Assessment (WWBA) and a LWMS were submitted in support of the draft LSP. The report covers the following issues.

Vegetation, Flora and Fauna

Historically, a majority of the site was cleared to support agricultural land uses and horse agistment. Some non-endemic species have been planted along the fence lines of Lot 414. A strip of riparian vegetation occurs in association with Yule Brook, with some isolated Marri occurring in the south-eastern corner of Lot 414.

The EAR concluded that the portion of Lot 414 which has development potential is considered to be 'Completely Degraded'. However, the EAR recognises that the Marri provides some foraging habitat for Black Cockatoos.

Given the proximity of two known Cockatoo roosting sites within 2km of the subject lot, an assessment for Black Cockatoo habitat should be undertaken, to identify potential habitat used for foraging, breeding or roosting. If nesting, breeding or roosting sites are identified within the draft LSP area, and meet the criteria of being of significant impact, the landowner is obliged to refer the application to the Minister for the Environment under the *Environmental Protection and Biodiversity Conservation Act 1999*.

Wetlands and Threatened Ecological Communities

The following table outlines the difference between the wetland classifications in terms of their conservation status:

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Classification	Description
Conservation Category Wetland (CCW)	All CCW wetlands and appropriate buffers are fully protected and any proposals that are likely to lead to a significant adverse impact on these wetlands are likely to be formally assessed by the EPA.
Resource Enhancement Wetland (REW)	All reasonable measures are taken to minimise the potential impacts on REW and appropriate buffers. These wetlands have the potential to be restored to CCW, and rehabilitation is encouraged.
Multiple Use Wetland (MUW)	All reasonable measures are taken to retain the hydrological functions of the wetland (including on-site water infiltration and flood detention) and, where possible, other wetland functions.

As shown on the earlier location plan of this report, the subject area contains a MUW. This is in close proximity to an REW (UFI 7635) situated directly south of the area (partially within Lot 414 due to buffers) and a CCW (GBSW) situated to the south and east of the subject area.

In terms of both the MUW and nearby REW, which contains a water-dependent TEC, it should be noted that the drainage strategy proposes to generally retain the existing hydrology of the area. This includes maintaining pre-development flow rates at the existing discharge points.

In terms of buffers, the EPA's Guidance Statement No. 33 'Environmental Guidance for Planning and Development' states that wetlands that are to be protected (such as CCWs and REWs) require a minimum 50m wide buffer. In this regard, a 30m wide buffer has been proposed around UFI 7635, which is considered unacceptable, as it does not accord with the Guidance Statement and the DBCA advice. Consequently, it will be recommended that the draft LSP be modified to depict a minimum 50m buffer to UFI 7635 in lieu of the 30m buffer proposed (modification 3).

However, as previously mentioned, the DWER (on behalf of the EPA), is currently in the process of reviewing the submitted WWBA with the aid of DBCA advice and this may lead to a change in buffer widths.

Ultimately, the environmental agencies may resolve to require greater buffer widths, as a consequence of the combination of environmental constraints affecting the land.

Wetland Buffer Management

It is noted that the applicant does not intend to subdivide the draft LSP area. As such, there is therefore no statutory mechanism to trigger the wetland buffers to be ceded to the Crown free of cost.

The applicant has advised that a Wetland Management Plan (WMP) and Buffer Management Plan (BMP) will be prepared in future, and has suggested that a WMP be prepared as part of the structure planning for Precinct 3B, and a BMP be prepared as a condition of development approval associated with the development of Lot 414.

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The City is of the opinion that to ensure the proper management of the wetland buffer, thus ensuring the ultimate protection of wetland UFI 7635, at the time of subdivision or development, the buffer is to be ceded free of cost to the Crown (modification 4).

Hydrology and Water Management

The WAPC's Better Urban Water Management (2008) guideline document stipulates that a LWMS is to accompany a LSP. Typically, a LWMS is a broad drainage strategy for a specific development area that addresses the management of additional quantities of stormwater created from urban development.

The main principles of the applicant's LWMS include:

- Maintaining the existing hydrology by matching pre-development discharge rates and maintaining arterial flows through the site.
- Lot detention areas and a flood detention basin will be used to detain flows coming up from upstream, in addition to the flows from the development itself.
- The use of fill to protect properties from flooding and inundation by groundwater.
- Managing groundwater quality by maintaining or improving runoff through the treatment of surface water runoff prior to infiltration to groundwater and through implementing nutrient minimising landscape management practices.
- Accommodating peak flows from the Yule Brook floodplain.

Plans showing the existing drainage scenario and the proposed and post-development drainage arrangements are contained as Appendix 13.2.4E.

The LWMS is generally acceptable subject to minor changes, however, it is required to be referred to the EPA, DWER, Water Corporation, and DBCA for assessment and final endorsement.

It should be noted that whilst the Public Transport Authority (PTA) has no objection to the draft LSP, the PTA has raised concern about the location of the 'indicative drainage basin to be provided on future PTA land' (as shown as notation B on the LSP map). The PTA requires the exclusive use of its drainage basin at all times without exception. The PTA has requested that this notation be removed from the draft LSP and any other associated plans. In light of the PTA submission, it will be recommended that notation B be removed from the draft LSP map (modification 5).

It will be recommended that prior to the draft LSP being approved by the WAPC, the LWMS should be formally endorsed by the City of Gosnells, DWER, DBCA and Water Corporation. Further, it is recommended that prior to WAPC approving the draft LSP, the PTA is provided an opportunity to make comment on any amended plans as a result of modification 5.

*Item 13.2.4 Continued***Indigenous Heritage**

A preliminary investigation of Aboriginal heritage in the MKSEA was undertaken in 2009. This identified eight previously recorded Aboriginal sites in the MKSEA, and that there is a medium risk that previously unrecorded Aboriginal sites also exist. A copy of Figure 2 'Aboriginal Sites on the DIA Site Register within the MKSEA' is attached as Appendix 13.2.4F.

In accordance with the Department of Aboriginal Affairs *Aboriginal Heritage Inquiry System*, four Heritage Places have been recorded near the draft LSP area. Heritage Place 4340 is believed to be to the north of Lot 414, and Heritage Place 122 has been considered as 'Stored Data/Not a Site' and assessed to not meet Section 5 of the *Aboriginal Heritage Act 1972* (AHA).

There are two 'Other Heritage Places' that are 'Lodged', meaning that information has been received by the relevant authority (Department of Aboriginal Affairs), but an assessment has not been completed to determine if it meets Section 5 of the AHA. Heritage Place 24785 has been mapped over Lot 414, and Heritage Place 3312 has been mapped nearby.

With respect to Heritage Site 4340, through the assessment of the approved LSP, a Site Verification Assessment was undertaken. This report concluded that the reliable and correct location for site 4340 is on Lot 414 (formerly Lot 2008). It has been concluded that the draft LSP does not address the requirements under the AHA. Further, the status of sites 24785 and 4340 are yet to be formally assessed by the Department of Aboriginal Affairs.

It should be noted that the draft LSP was referred to the Department of Planning, Lands and Heritage - Aboriginal Affairs. The City did not receive a response to this referral.

Considering the obligations under the AHA, it will be recommended that compliance with the AHA is obtained prior to approval of the draft LSP (modification 6).

Site Constraints**Bushfire Hazard**

The draft LSP has been identified as bushfire prone. The provisions of State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7) apply to all planning proposals in designated bushfire prone areas.

In accordance with the requirements of SPP 3.7, a Bushfire Management Plan (BMP) has been prepared in support of the draft LSP for the purpose of identifying bushfire hazard levels (ie Low, Moderate or Extreme) within, and in the vicinity of, the site, and to ensure that the threat posed by any hazard is appropriately mitigated in accordance with the requirements of the WAPC's Bushfire Protection Guidelines (the Guidelines).

It is important to note that the Guidelines state that a planning proposal should satisfy bushfire protection requirements within the boundaries of the land so as not to impact on the bushfire and environmental management of neighbouring reserves, properties or conservation covenants. The Guidelines includes a principle that, where revegetation of waterway foreshores, wetland or coastal buffers is necessary for their

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protection or management, it may be necessary to modify the development location or reduce lot yield to provide adequate hazard separation from the future vegetation boundary.

The BMP is based on the premise of a 30m revegetated buffer to UFI 7635. The BMP states that the buffer will affect the BAL ratings of any future development onsite, depending on the classification of buffer vegetation. The eventual width of the buffer to UFI 7635 is unresolved; however, considering the advice from DBCA coupled with the knowledge that the EPA is yet to comment on the proposed buffer width, a 30m buffer to UFI 7635 is unlikely to be adequate to support the protection of the wetland. If the buffer is required to be increased to a 50m minimum width by the WAPC, subsequent impacts on the BMP will arise. Once the buffer width has been formally resolved, the BMP should be updated to reflect the future vegetation classifications.

Further to the unresolved buffer width, the proposed Asset Protection Zone (APZ) contained in the BMP appears to extend over 'Flood Storage Area B' and 'Flood Storage Area C' (drainage detention basin). The proposed landscape treatment of the drainage detention basins must be reflected in the BMP.

The LWMS indicates that the treatment of stormwater runoff is provided through planting of the detention basins with species suitable for nutrient removal, and provision of high phosphorous retention index (PRI) soils beneath.

In the context of planting, the vegetation proposed within the drainage detention basins cannot be considered excluded vegetation under *Clause 2.2.3.2 - Exclusions - Low threat vegetation and non-vegetation areas of Australian Standard 3959-2009 - Construction of buildings in bushfire prone areas*.

Considering this non-exclusion, the vegetation cannot be considered low threat, and therefore the APZs do not meet the required standards as per the Guidelines. The locations of the APZs should be revised to accommodate these areas of classified vegetation, with all APZs meeting the required standards of the Guidelines.

The Department of Fire and Emergency Services (DFES) has not provided comment on the BMP submitted with the draft LSP. As such, it will be recommended that prior to the draft LSP being approved by the WAPC, the BMP and draft LSP be revised to the satisfaction of DFES (modification 7).

Parmelia Gas Pipeline

The Parmelia Gas Pipeline runs parallel to the western boundary of the Precinct 3A area, following the alignment of the freight railway line, and is protected by a 15m wide easement which includes some of the Precinct 3A area. The WAPC's Planning Bulletin 87 - 'High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region' provides guidance on matters to be taken into account when considering planning proposals in the vicinity of the Parmelia Gas Pipeline.

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For any industrial/commercial development, Planning Bulletin 87 stipulates that a 45m wide setback from the pipeline easement boundary should be provided. Any proposed subdivision and/or development within this setback area can be considered and approved where it is demonstrated that the risk from the pipeline is within acceptable levels in accordance with AS 2885. Furthermore, any subdivision and/or development that falls outside the 45m setback, but are within 356m of the easement, fall within a 'notification area' which require referrals of any proposals to the pipeline owners (APA Group).

With reference to the draft LSP, the 45m wide setback from the pipeline easement encroaches approximately 10m into Lot 414. It is noted that a large portion of Lot 414 is subject to the 'notification area'. In order to clarify the requirements of Planning Bulletin 87, the draft LSP includes notations depicting the location of the 45m setback area and the 356m notification area. Further text within Part One of the draft LSP documentation stipulates the requirements of Planning Bulletin 87. These notations and text are considered to be acceptable.

Design Considerations

The proponent has prepared a development concept plan for Lot 414, which is attached as Appendix 13.2.4G. Although not binding in any way, the concept plan seeks to demonstrate how the site could be developed in future. Notwithstanding the unresolved buffer width, the concept demonstrates how Lot 414 can be developed in conjunction with the relevant infrastructure within the approved LSP.

Traffic

A Traffic Summary (TS) has been prepared to support the draft LSP, which has been based on the development concept plan submitted by the applicant. As mentioned above, this concept is not binding in any way.

The summary states that upon the full development of Lot 414, the site is expected to generate employment for 60 persons; this consists of a Warehouse development of 20,000m² and an associated 800m² Office.

It is anticipated that there will be three access points to the site from Grove Road.

Consistent with the trip generation and distribution assumptions adopted within the approved LSP, the trip generation volumes are summarised as follows:

- AM 42 in trips; 20 out trips.
- PM 18 in trips; 38 out trips.

The TS surmises that, as all of the land is zoned Industrial under the MRS and assumed General Industry under the approved LSP, the draft LSP will be consistent with the surrounding sites once developed.

In conclusion, the TS determines that the trip generation by inclusion of Lot 414 into the draft LSP area will have a minimal impact on the immediate local road network.

The City has also reviewed the ability of the current and proposed road network to accommodate traffic.

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Presently, the portion of Grove Road abutting Lot 414 has a road reserve width of 20m and an asphalt seal of 7.4m wide without kerbing. Additionally, the unsealed shoulders range in width from 1-2m. The proponent has stated that the Grove Road pavement appears to be in satisfactory condition and will be retained within the 20m wide existing road reserve.

That being said, the ability to cope with design traffic (ie industrial and RAV vehicles) requires the provision of adequate heavy pavements as opposed to the current rural standard pavements, as well as appropriate geometry to cater for the design traffic.

Further, 7.4m pavements of unknown depth with gravel shoulders are not suitable for RAV vehicles. It is recommended that Grove Road fronting Lot 414 be upgraded to an industrial standard, and that these upgrades are designed in cohesion with the wider Precinct 3A area (modification 8).

Infrastructure and Servicing

The future development of the draft LSP area will be dependent on the availability of infrastructure and utilities such as sewer, power, water and roads, all of which are necessary to provide for the ultimate development of the area. In this regard, investigations into the servicing requirements for the area concluded as follows:

- Future development proposes the use of Aerobic Treatment Units (ATUs) for the management of onsite wastewater. The Water Corporation has not provided specific objection to this; however, notes that the installation of reticulated size gravity sewers is the responsibility of the developer at the time of subdivision or development. Further, the Water Corporation states that reticulated sewerage will not become available in the future if the MKSEA is developed with onsite treatment systems.
- There are existing overhead powerlines on the eastern side of Grove Road which may be utilised to supply power to the area.
- Water supply will be available through the extension of an existing main that runs along Grove Road. The Water Corporation notes that the developers may need to undertake some upgrades to the existing water reticulation mains, depending on the final water demands and fire flow requirements for the industrial uses.
- A gas supply is not intended for this area, however, should one be required in future, further investigations can be undertaken with a view to connecting to existing gas mains within the vicinity of Precinct 3A.

Statutory Process

In terms of the proposed amendment, in accordance with Clause 20(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions, the local government must provide a report to the WAPC containing the following:

- (a) *A list of submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under Clause 19(2);*

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- (b) *any comments by the local government in respect of those submissions;*
- (c) *a schedule of any proposed modifications to address issues raised in the submissions;*
- (d) *the local government's assessment of the proposal based on appropriate planning principles;*
- (e) *a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any modifications.*

Following an assessment of the proposal by the local government and the passing of a resolution, the proposal will be forwarded to the WAPC for consideration and final determination.

CONCLUSION

It will be recommended that Council endorses this report and recommends to the WAPC that the draft LSP be approved subject to the following modifications and/or information requirements:

No.	Recommended Modification and/or Information Requirement	Reason(s)
1.	The Structure Plan Report and Map being updated to address the requirements of Clauses 5.6.3.1, 5.6.3.2 and 5.6.3.3 of the City of Gosnells Town Planning Scheme No. 6, to the satisfaction of the DBCA and EPA.	To include additional environmental assessments as part of the Structure Plan documentation as required by Town Planning Scheme No. 6. To address the requirements of the DBCA and EPA.
2.	Modify Part One of the Structure Plan Section 6.6 to acknowledge the requirements of Amendment No. 167 and the associated DCP.	To ensure the Structure Plan references the cost sharing arrangement applicable to the Structure Plan area.
3	Modify the Structure Plan and associated technical appendices to depict a 50m buffer to wetland UFI 7635 in accordance with DBCA advice.	To ensure the ultimate protection of wetland UFI 7635.
4.	Modify Part One of the Structure Plan Section 6.6 to state that at the time of subdivision or development (whichever occurs first), the buffer surrounding UFI 7635 is to be ceded free of cost to the Crown.	To ensure the management and ultimate protection of wetland UFI 7635.
5.	Modify the Structure Plan Map to remove "Notation B" at the advice of the PTA.	To ensure that the PTAs future drainage infrastructure is not compromised by the Structure Plan.
6.	Modify Part One of the Structure Plan Section 5.9 to ensure the proponent has liaised with the Department of Aboriginal Affairs, and fulfilled their obligations under the Aboriginal Heritage Act 1972.	To ensure compliance with the Aboriginal Heritage Act 1972 is obtained.
7.	Endorsement of the Local Structure Plan and Bushfire Management Plan by the Department of Fire and Emergency Services.	To ensure that the Structure Plan and associated Bushfire Management Plan meet the objectives of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas.

Item 13.2.4 Continued

No.	Recommended Modification and/or Information Requirement	Reason(s)
8.	Modify Part One of the Structure Plan Section 6.5.2 to ensure that the portion of Grove Road abutting Lot 414 is upgraded to an Industrial Standard.	To ensure a consistent road network throughout the wider Precinct 3A area.

FINANCIAL IMPLICATIONS

All costs associated with the draft LSP will be borne by the applicant.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- *Aboriginal Heritage Act 1972.*
- *Environmental Protection and Biodiversity Conservation Act 1999.*
- Town Planning Scheme No. 6.
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 5)

257 Moved Cr R Mitchell Seconded Cr O Searle

That Council, pursuant to Clause 20(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions, notes the submissions received in respect of the proposed amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan and endorses the responses to those submissions, as contained as Appendix 13.2.4D.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 5)

258 Moved Cr R Mitchell Seconded Cr O Searle

That Council, pursuant to Clause 20(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions, endorses the assessment of the proposed amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan, as outlined in this report.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (3 OF 5)

259 Moved Cr R Mitchell Seconded Cr O Searle

That Council, pursuant to Clause 20(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions, recommends to the Western Australian Planning Commission that the proposed amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan be approved subject to the following modifications:

No.	Recommended Modification and/or Information Requirement	Reason(s)
1.	The Structure Plan Report and Map being updated to address the requirements of Clauses 5.6.3.1, 5.6.3.2 and 5.6.3.3 of the City of Gosnells Town Planning Scheme No. 6, to the satisfaction of the DBCA and EPA.	To include additional environmental assessments as part of the Structure Plan documentation as required by Town Planning Scheme No. 6. To address the requirements of the DBCA and EPA.
2.	Modify Part One of the Structure Plan Section 6.6 to acknowledge the requirements of Amendment No. 167 and the associated DCPR.	To ensure the Structure Plan references the cost sharing arrangement applicable to the Structure Plan area.
3.	Modify the Structure Plan and associated technical appendices to depict a 50m buffer to wetland UFI 7635 in accordance with DBCA advice.	To ensure the ultimate protection of wetland UFI 7635.
4.	Modify Part One of the Structure Plan Section 6.6 to state that at the time of subdivision or development (whichever occurs first), the buffer surrounding UFI 7635 is to be ceded free of cost to the Crown.	To ensure the management and ultimate protection of wetland UFI 7635.
5.	Modify the Structure Plan Map to remove "Notation B" at the advice of the PTA.	To ensure that the PTAs future drainage infrastructure is not compromised by the Structure Plan.
6.	Modify Part One of the Structure Plan Section 5.9 to ensure the proponent has liaised with the Department of Aboriginal Affairs, and fulfilled their obligations under the Aboriginal Heritage Act 1972.	To ensure compliance with the Aboriginal Heritage Act 1972 is obtained.
7.	Endorsement of the Local Structure Plan and Bushfire Management Plan by the Department of Fire and Emergency Services.	To ensure that the Structure Plan and associated Bushfire Management Plan meet the objectives of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas.
8.	Modify Part One of the Structure Plan Section 6.5.2 to ensure that the portion of Grove Road abutting Lot 414 is upgraded to an Industrial Standard.	To ensure a consistent road network throughout the wider Precinct 3A area.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

Item 13.2.4 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (4 OF 5)

260 Moved Cr R Mitchell Seconded Cr O Searle

That Council endorses that the Schedule of Submissions and the response to those submissions, as contained as Appendix 13.2.4D be forwarded to the Environmental Protection Authority and the Department of Biodiversity, Conservation and Attractions for their information.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

AGAINST: *Nil.*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (5 OF 5)

261 Moved Cr R Mitchell Seconded Cr O Searle

That Council, following determination of the proposal by the Commission, notifies those persons who made a submission on the amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan of its decision.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

AGAINST: *Nil.*