

13.2.3 AMENDMENT NO. 165 TO TOWN PLANNING SCHEME NO. 6 AND DRAFT STRUCTURE PLAN - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 3A

Director:	C Terelinck
Author's Declaration of Interest:	Nil.
Property Number:	Various.
Application No:	PF16/00001, PF16/00016
Applicant:	Taylor Burrell Barnett Town Planning & Design
Owner:	Various
Location:	Land bound by Coldwell Road, Grove Road, Lot 2008 Grove Road, Roe Highway and the Shire of Kalamunda district boundary.
Zoning:	MRS: Rural
TPS No. 6:	General Rural
Review Rights:	Scheme Amendment - Nil, however, final determination is with the Minister for Planning. Structure Plan - Yes. State Administrative Tribunal against a decision by the Western Australian Planning Commission to not approve structure plan.
Area:	89.3ha (Amendment 165 area) 72.61ha (Structure Plan area)
Previous Ref:	OCM 26 April 2016 (Resolutions 122-123) OCM 8 March 2016 (Resolutions 62-68)
Appendices:	13.2.3A Indicative District Structure Plan 13.2.3B MRS Amendments 1300/57, 1301/57, 1302/57 13.2.3C Plan of Amendment No. 165 13.2.3D Draft MKSEA Precinct 3A Structure Plan 13.2.3E Schedule of Submissions 13.2.3F Welshpool Road Intersection Scenarios 13.2.3G Environmental Assets Mapping 13.2.3H LWMS Concept 13.2.3I Environmental Protection Authority Advice 13.2.3J Bushfire Hazard Mapping 13.2.3K Indicative Layout for Lot 2008 Grove Road

PURPOSE OF REPORT

For Council to consider:

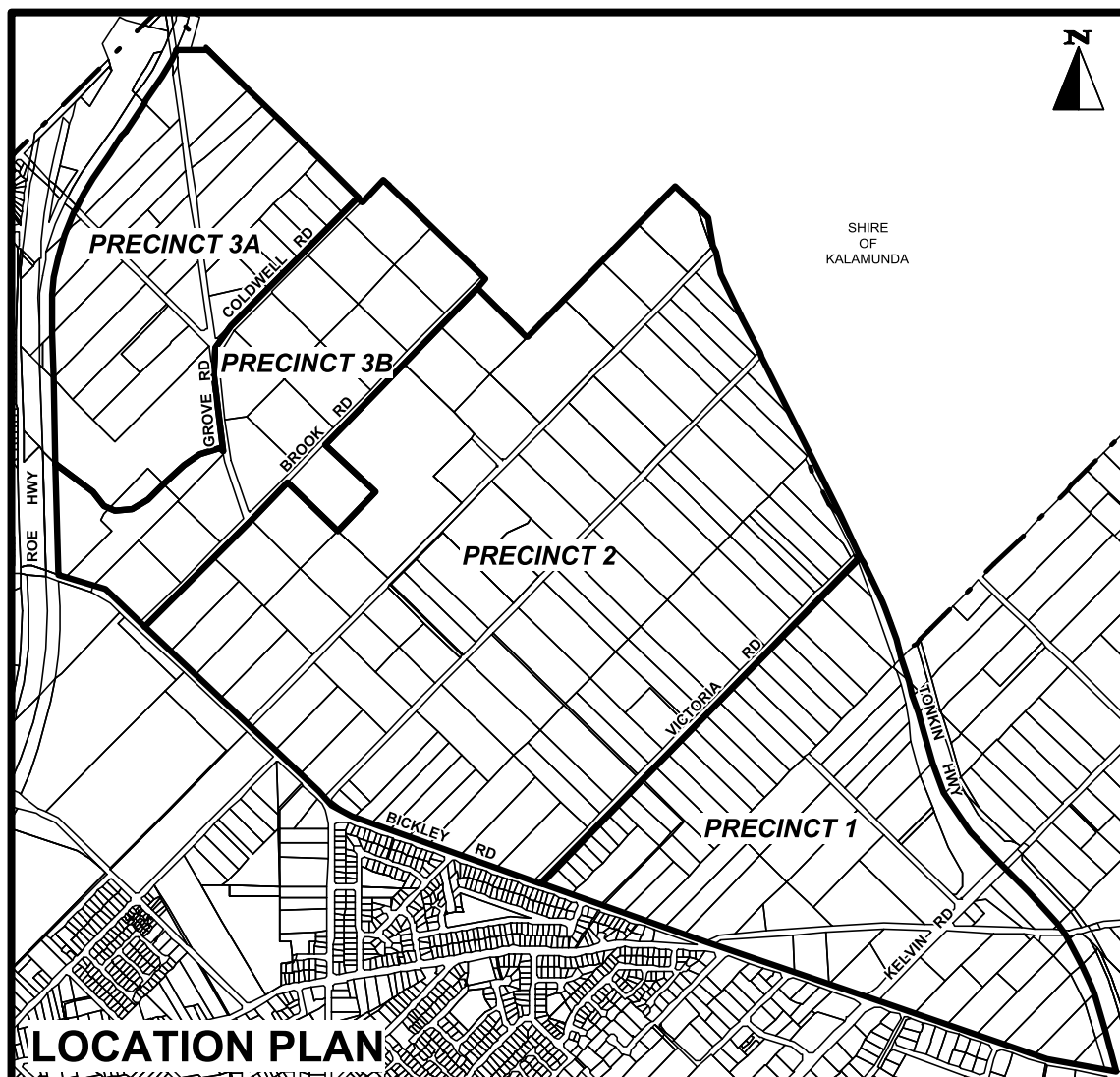
- The finalisation of Amendment No. 165 to Town Planning Scheme No. 6 (TPS 6) to rezone land contained generally within Precinct 3A of the Maddington Kenwick Strategic Employment Area (MKSEA) from General Rural to General Industry, and designating the area as a Special Control Area (SCA).
- A draft Structure Plan (SP) for a portion of Precinct 3A of the MKSEA.

*Item 13.2.3 Continued***BACKGROUND****Planning Context**

The 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)). It should be noted that adjacent land south of Welshpool Road East, in the Shire of Kalamunda, was also included in these plans.

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

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



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To provide a planning framework for the development of MKSEA, 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 is obtaining State Government approval to rezone land in MKSEA from Rural to Industrial under the Metropolitan Region Scheme (MRS). In order to progress the MRS amendment, the City was required to prepare a District Water Management Strategy (DWMS) for Precincts 2 and 3, which was formulated on the indicative District Structure Plan (DSP) (formerly referred to as a Local Structure Plan), contained as Appendix 13.2.3A.

The WAPC has since initiated an amendment to the MRS to rezone Precincts 2 and 3 of MKSEA, as well as the portion of land south of Welshpool Road East in the Shire of Kalamunda, from Rural to Industrial. Advertising of these amendments was undertaken from 20 November 2015 to 29 January 2016. A copy of the advertised MRS amendment plans are contained as Appendix 13.2.3B.

The second phases, as outlined in LPP 5.8, are the requirement for amendments to TPS 6, followed by the preparation of a SP. In this regard, Council at its meetings of 8 March 2016 and 26 April 2016 resolved (Resolutions 64 - 66 and 122 - 123), to initiate the following amendments to TPS 6:

- Amendment 165 - Rezoning land contained generally within Precinct 3A of the MKSEA from General Rural to General Industry and designating the area as a SCA.
- Amendment 166 - Rezoning land contained generally within Precinct 3B of MKSEA from General Rural to Business Development.
- Amendment 167 - Introducing Development Contribution Plan (DCP) provisions for MKSEA Precinct 3.

In accordance with Council's Resolution 67, Amendments 165 and 166 were forwarded to the Environmental Protection Authority (EPA) for comment however, due to its desire for further information, the EPA only gave consent for Amendment 165 to be advertised. Amendment 166 has therefore effectively been deferred by the EPA until such time that further planning work is undertaken to address the constraints of the area. The task of developing a structure plan for Precinct 3B is currently underway.

A draft SP was prepared for the Amendment 165 area, with the exception of Lot 2008 Grove Road. Amendment 165 and the SP were subsequently advertised in accordance with requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The progression of these two proposals is the subject of this report.

A copy of the Amendment 165 map and the proposed SP are contained as Appendices 13.2.3C and 13.2.3D, respectively.

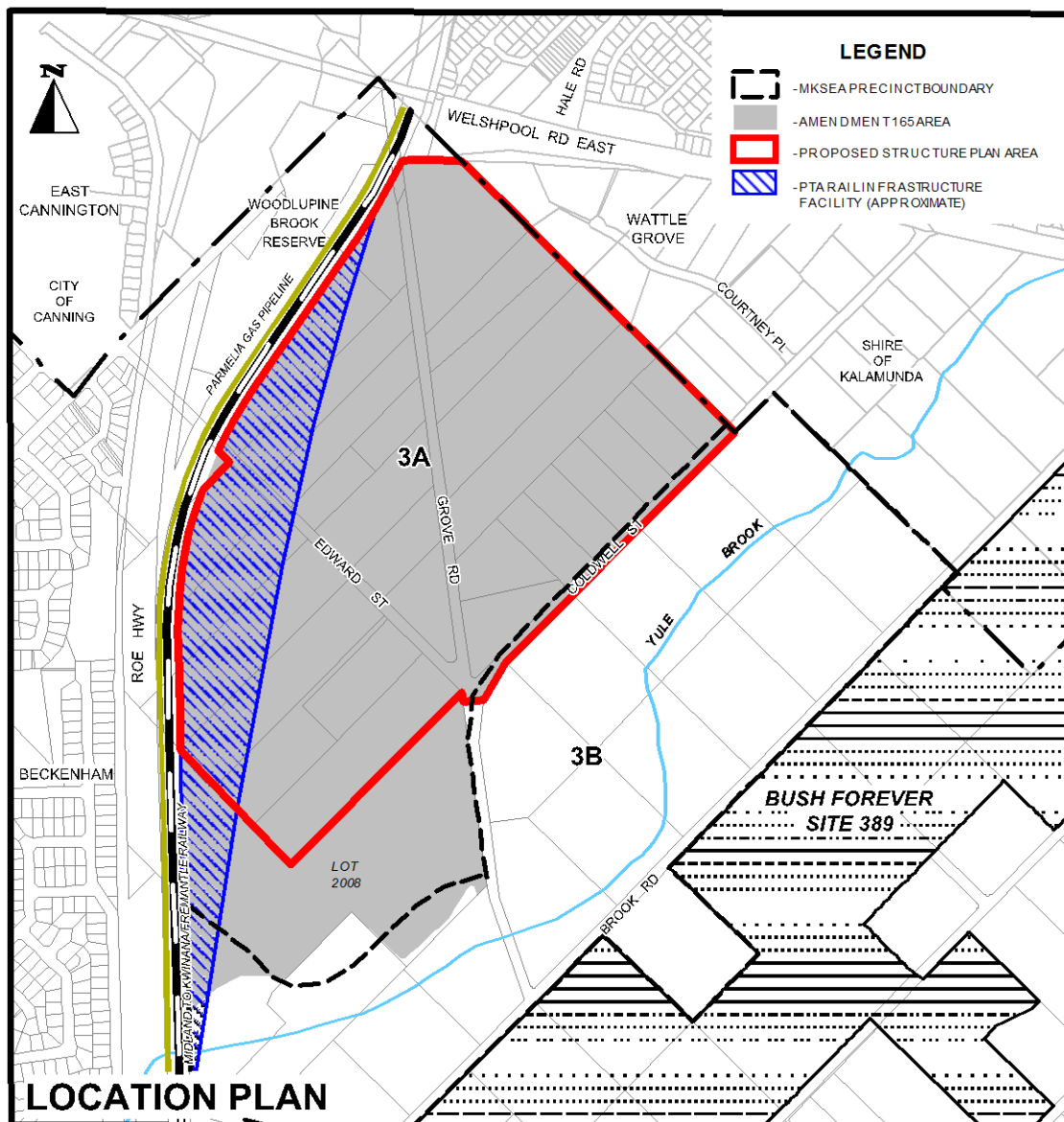
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Site Description

The subject proposals relate to Precinct 3A, which encompasses approximately 89.3ha of land generally bound by Coldwell Road, Grove Road, Brook Road, Bickley Road, Roe Highway and the Shire of Kalamunda district boundary. Precinct 3A incorporates 30 land parcels and is primarily in the control of a single landowner, who has options to purchase approximately 75% of the landholdings.

The subject area is located 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 MKSEA. The site is also located south of Woodlupine Brook Reserve.

A plan identifying the subject area follows.



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Proposal

Amendment 165

Amendment 165 proposes the following:

- Rezoning land contained generally within Precinct 3A of MKSEA from General Rural to General Industry;
- Establishing a SCA over Precinct 3A and inserting the associated provisions into the Scheme text as follows:
 - Inserting a new provision (i) in Clause 6.1 as follows:
 - (i) *Maddington Kenwick Strategic Employment Area - Precinct 3A.*
 - Inserting a new Clause 6.10 as follows:

6.10 STRUCTURE PLANNING AREAS

6.10.1 Prior to subdivision or development being undertaken within the Special Control Area (Structure Planning Areas) a structure plan, or plans, will be required to be prepared and approved over all or part of the Special Control Area for the purpose of Schedule 2 Part 4 clause 15(a)(ii) of the Planning and Development (Local Planning Schemes) Regulations 2015.

6.10.2 Notwithstanding clause 6.10.1, subdivision or development may be approved prior to a structure plan being approved in accordance with Schedule 2 Part 4 clause 27(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 and any applicable Local Planning Policy.

A copy of the draft Amendment 165 map is contained as Appendix 13.2.3C.

Local Structure Plan

The draft SP contains the following elements:

- The realignment and extension of Grove Road to Welshpool Road, to create a four-way intersection with Hale Road.
- The upgrade of Coldwell Road and Grove Road to a 30m reserve in order to accommodate drainage swales.
- Recognition of the land proposed to be acquired by the State Government for the future rail freight facility.
- Provision of a 20m wide access from the realigned Grove Road to the future rail freight facility land.
- The closure of Edward Street to facilitate an orderly lot layout fronting the proposed realigned Grove Road.

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- Indicative drainage basin locations.

A copy of the proposed SP is contained as Appendix 13.2.3D.

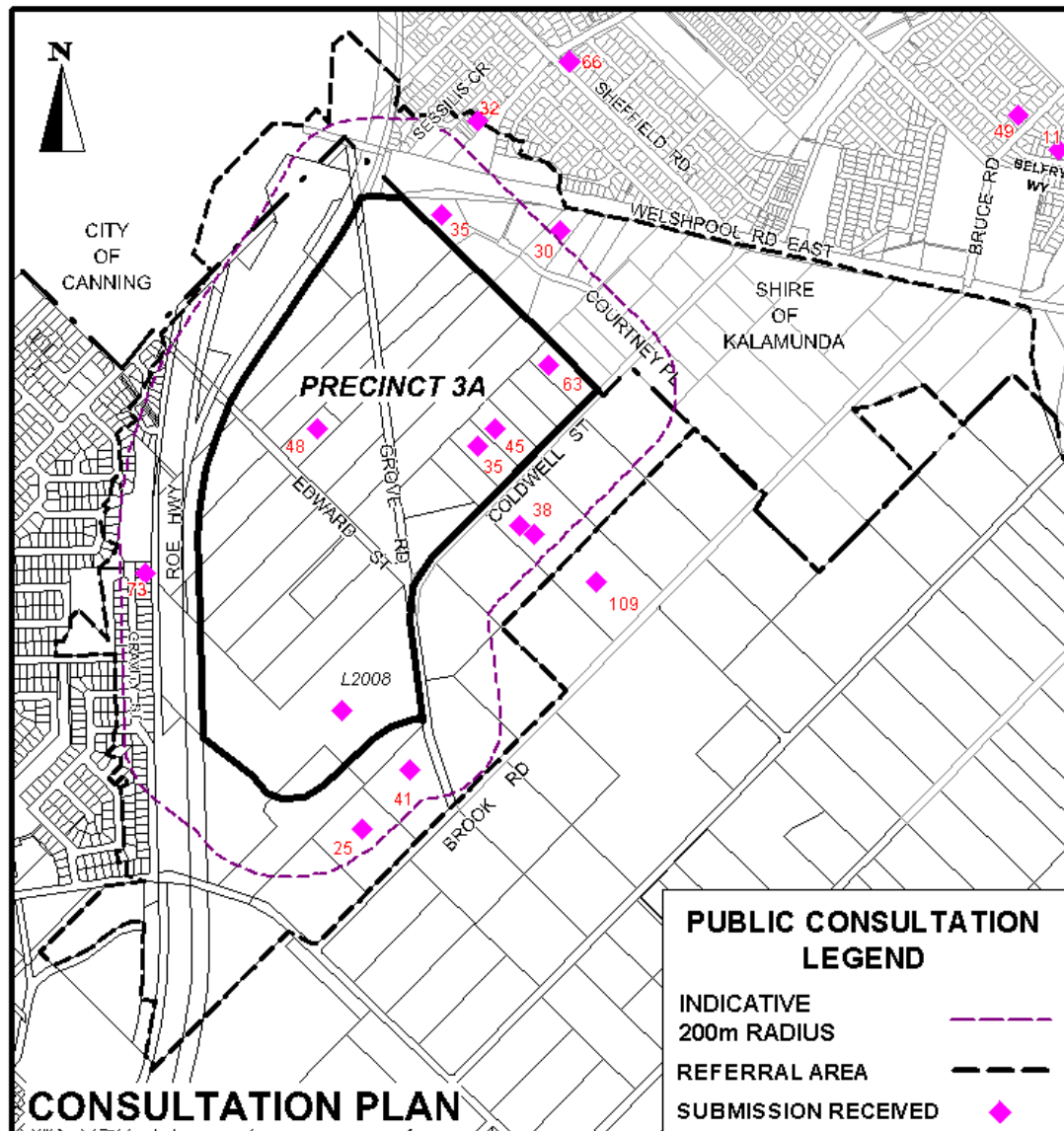
Consultation

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the SP and Amendment 165 were advertised for a period of 28 days (from 22 July 2016 to 19 August 2016) and 42 days (from 23 July 2016 to 3 September 2016), respectively, by way of:

- Letters being sent to landowners and occupiers within the amendment/SP area and within a 200m radius of the area.
- Letters to relevant government agencies.
- An advertisement placed in the West Australian newspaper.
- A notice on the City's website.
- A public display at the City's Civic Centre.

The City received 38 submissions during the advertising period, with 15 being received from government agencies and 23 being received from landowners and/or occupiers (or parties representing landowners and/or occupiers). A map identifying the extent of the consultation area and the origin of each submission follows. It should be noted that in six instances, the origin or relationship of the submitter to the area was withheld.

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A summary of the submissions received and comments thereon are included in the Schedule of Submissions contained as Appendix 13.2.3E. The main issues raised in the submissions are as follows:

- The realignment and extension of Grove Road to connect with Welshpool Road at its existing intersection with Hale Road, and impacts on traffic.
- Water management for the wider Precinct 3 area.
- The protection of environmentally sensitive areas.
- The appropriateness of industrial development within close proximity to residential areas due to associated noise and pollution.

Each is discussed in the following sections, along with any other applicable technical matters.

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Precinct 3 has been identified as an area which requires comprehensive planning prior to subdivision and development being undertaken. For this to occur, rezoning to Business Development will trigger the requirement for a future structure plan through the provisions of TPS 6. From thereon, a structure plan would outline specific zonings and reservations of land within the structure plan area, as well as other details such as the location of roads and specific subdivision or development requirements.

It is important to note however, that through the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions (Deemed Provisions) in August 2015, structure plans are no longer given the force and effect of the Scheme. Rather, an approved structure plan will simply be a document for which planning decision-makers are to give 'due regard' to when making decisions on subdivision and development of land within the structure plan area. Whilst this change will mean that structure plans have less statutory weight, it is expected to provide decision makers with greater flexibility to depart from a structure plan without needing to formally modify the structure plan.

In order to have the force and effect of a scheme, an approved structure plan will need to be incorporated into a scheme via an amendment. This would need to occur when the structure plan has been developed to such a stage that the boundaries of the proposed zonings are established and not likely to be modified. As such, in instances where the proposed zonings are unlikely to be modified, it may be appropriate to simply rezone land to the ultimate zoning, rather than undertaking a later review of the structure plan and Scheme.

The subject amendment proposes the rezoning of generally unconstrained land contained generally within Precinct 3A of MKSEA from General Rural to General Industry. The remaining, more constrained land within Precinct 3, including a portion of Precinct 3A and all of Precinct 3B are proposed to be rezoned from General Rural to Business Development through Amendment 166. In considering this approach and the appropriateness of the proposed General Industry zoning, the following should be noted:

- Land parcels within Precinct 3A are primarily within the control of a single landowner.
- Precinct 3A is relatively unconstrained from an environmental perspective, whereas land within Precinct 3B is potentially constrained by the Yule Brook drainage area and a number of classified wetlands, which require further analysis before confirming the appropriate uses and development outcomes. It should be noted however that the southern boundary of Precinct 3A incorporates land on Lot 2008 Grove Road that is not constrained by mapped wetlands, or the Yule Brook and its associated flood plain. This boundary does not however take into consideration buffer requirements which would need to be considered through the structure planning process.
- Precinct 3A was specifically identified as a higher priority for development than Precinct 3B within the WAPC's *Economic and Employment Lands Strategy*.

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- In accordance with TPS 6, the objective of the General Industry zone is *"To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas."* Given that the area is well connected to intermodal freight facilities, it is expected that it will accommodate uses such as manufacturing, processing, warehousing and bulk goods handling activities, which are suitable for the General Industry zoning.

For the reasons mentioned above, the proposed zoning is considered appropriate. It should be noted that, notwithstanding the proposed General Industry zoning, Precinct 3A will still maintain a requirement for a SP through the proposed SCA provisions.

Special Control Area

The subject amendment proposes the establishment of a SCA over the amendment area and the insertion of provisions into Part 6 of the TPS 6 text to specifically provide for the following:

- The requirement for a structure plan to be prepared and approved for the amendment area, prior to any subdivision or development being undertaken within the SCA.
- Discretion to support subdivision or approve development in the SCA in the absence of a structure plan for the SCA.

These proposed SCA provisions are discussed below in light of submissions received.

Department of Planning's Submission

The Department of Planning (DoP) has suggested several modifications (Submission No. 28) including:

- Clause 6.1 (i) text be modified to include the words "subject to structure planning". This provides clarity and is considered acceptable (Modification 1).
- Clauses 6.10 and 6.10.1 text to be modified to relate specifically to Precinct 3A. The suggested modifications to proposed Clauses 6.10 and 6.10.1 are supported (Modification 1A).
- Clause 6.10.2 (which proposes to provide for subdivision or development to be approved ahead of an approved structure plan) be deleted as it will duplicate clause 27(2) of the Deemed Provisions. This modification is supported (Modification 2).

Warehouse Land Use Permissibility

The applicant has advised of the intention to develop the area as a transport and logistics precinct, with the predominant use of land being the TPS 6 land use class of 'Warehouse'. That use is a 'D' (Discretionary) use in the General Industry zone, meaning that it is not permitted unless the local government has exercised its discretion by granting planning approval.

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To provide certainty for this land use, the applicant has requested that the 'Warehouse' land use be identified as a 'P' (Permitted) use within the proposed SCA.

In considering this request, it is acknowledged that the nature of the Warehouse land use is such that it is typically benign in nature and is thereby considered to be appropriate in the General Industry zone. Furthermore, the applicant points out that the Warehouse land use is a 'P' (Permitted) use in other General Industrial precincts such as Welshpool, Kewdale, Hazelmere and Forrestfield. It should be noted that notwithstanding a 'P' (Permitted) land use permissibility, a Warehouse development will still be required to obtain planning approval and comply with the relevant Scheme provisions including those relating to siting of buildings, car parking and landscaping.

For the reasons outlined above, the request to make the 'Warehouse' land use a 'P' use (Permitted) in the proposed General Industry area is supported (Modification 3).

Interface with Sensitive Land Uses

Industrial areas and their associated land uses can generate a range of emissions including noise, dust, gas, odour, light spill and risk levels which may not be compatible with other land uses. As such, the planning of new industrial areas near existing or future sensitive land uses needs to consider these impacts and how they will be managed to ensure that amenity is maintained at acceptable levels so as to avoid future land use conflicts.

The Precinct 3A area is situated within 70m of the Wattle Grove residential area. To the west, the Beckenham and East Cannington residential areas are located 120m away, but are separated from the area by Roe Highway and the freight railway line. It should be noted that there are also existing rural-residential uses within and abutting the subject area, including in MKSEA Precincts 2 and 3B, and in Wattle Grove (the 'Kalamunda wedge').

The WAPC's State Planning Policy 4.1 - State Industrial Buffer (SPP 4.1) provides guidance on planning for industrial areas and associated land use conflicts, and recommends establishing buffer areas and incorporating them into strategic plans, town planning schemes or statutory documents. In the context of the MKSEA, it is considered that the establishment of buffers would be best achieved through strategic documents in the form of a DSP, which from thereon could inform the local structure planning, subdivision and development processes.

The indicative DSP prepared for MKSEA (contained as Appendix 13.2.3A) stipulates that land uses fronting the southern side of Welshpool Road (in the Shire of Kalamunda) and the northern side of Bickley Road should provide a suitable transition to nearby residential areas. Whilst it does not provide for specific buffers, LPP 5.8 requires a SP to be accompanied by odour, noise and dust management strategies to address appropriate separation distances between proposed industrial development and sensitive land uses.

The proposed SP and accompanying Environmental Assessment and Management Strategy prepared by Emerge Associates (June 2016), recognises the need to address the abovementioned requirements and manage potential conflicts between the proposed industrial area and existing sensitive land uses. More specifically, it recognises that the operation of more impactful industrial uses will be regulated under Part V of the *Environmental Protection Act 1986* (EP Act) through the attainment of

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Works Approvals and Operating Licences from the Department of Environment Regulation (DER).

The abovementioned report serves to defer the consideration of future land use conflict issues to the development stage when specific land uses are known and the most impactful can be regulated by the DER. Nonetheless, this does not obviate the need to consider general, cumulative amenity impacts that can be experienced by sensitive land uses from industrial uses and estates, and how they will be dealt with through zoning and spatial layout (ie the scheme amendment and structure planning processes).

In considering the interface with sensitive land uses, the following points are considered relevant:

- Due to the site's proximity to intermodal freight facilities, it is expected that it will accommodate uses such as manufacturing, processing, warehousing and bulk goods handling activities. The applicant has also advised of the intention to develop the area as a logistics and freight based industrial estate. These land uses are generally considered to be relatively benign in terms of emissions.
- The EPA's Guidance Statement No. 3 - Separation Distances between Industrial and Sensitive Land Uses, published in June 2005, does not recognise these types of land uses as being impactful and therefore provides minimal guidance on appropriate separation distances.
- The Shire of Kalamunda has advised through its submission on the proposals (No. 36) of its intention to rezone the 'Kalamunda wedge' for light industrial purposes in order to provide a graduation of zoning near the Wattle Grove residential area. Given that this area is effectively at the forefront of the industrial area and is directly adjacent to the Wattle Grove residential area, it is considered that interface issues, including the potential requirement for noise attenuation measures, would be dealt with through the planning of this area of land within the Shire of Kalamunda.
- The applicant has advised that its client has acquired an interest in land within the 'Kalamunda wedge' area and is looking to expand acquisition to further assist in managing potential land use conflicts and to progress a local scheme amendment and structure plan for this area, with the timing of its transition to an industrial area not being significantly dissimilar to that of Precinct 3A.
- The State Government's proposed rail freight facility adjacent to the existing freight railway line (in the vicinity of the Beckenham and East Cannington residential areas) will be subject to the requirements of State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4). This will involve any future proposal being assessed for transport noise impacts on adjoining noise-sensitive land uses and any mitigation measures being undertaken by the Public Transport Authority (PTA).
- Similarly, any major redevelopment to an existing major road that involves physical construction works designed to facilitate an increase in traffic capacity may also be subject to the requirements of SPP 5.4. As such, any major upgrades to Welshpool Road that stem from the proposed industrial area may need to incorporate noise mitigation measures (eg noise walls) to protect the existing residential area in Wattle Grove from adverse transport noise.

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- The subject area and the nearby residential areas fall within the Perth Airport 20-25 ANEF contour and will ultimately be subject to up to 200 aircraft movements exceeding 65 decibels on average per day. Notwithstanding the proposed industrial area, Precinct 3A and the surrounding areas will be subject to significant noise nuisance from other sources.
- The *Environmental Protection (Noise) Regulations 1997* assign acceptable maximum noise levels that can be experienced at noise-sensitive premises (ie residential housing). As such, future industrial uses will be required to comply with these Regulations.

Based on the above points, it is accepted that potential land use conflicts are unlikely to arise from the proposed industrial area, providing that these issues are appropriately considered through the subsequent planning stages. In this regard, particular attention will need to be given to the development approval process for any uses that are likely to result in significant emissions and the requirements of SPP 5.4.

Movement Network

The proposed SP makes provision for a road network by way of:

- Realigning and extending Grove Road to Welshpool Road to create a four-way intersection with Hale Road.
- Widening Coldwell Road and Grove Road to a 30m wide reservation.
- Closing the redundant portion of the Edward Street and Grove Road reserves.
- Providing a 20m wide access from the realigned Grove Road to the future rail freight facility land.

Discussion on the movement network aspects of the proposals follow.

Background

In June 2015 the City engaged Cardno to develop a traffic model for the MKSEA area based on the indicative DSP, and 2021 and 2031 modelling reflecting a partial and full build-out of MKSEA, respectively. It is important to note that unlike the proposed SP, the indicative DSP did not propose any additional intersections to major roads, but rather, proposed to utilise and upgrade existing intersections.

Some of the key points made in the Cardno assessment which are relevant to Precinct 3A are as follows:

- The existing Tonkin Highway/Kelvin Road and Tonkin Highway/Welshpool Road intersections will be upgraded to grade-separated interchanges by 2031.
- In its existing form, the Welshpool Road/Roe Highway interchange fails to perform satisfactorily for both the 2021 and 2031 models.

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- Welshpool Road is classified as a Primary Distributor Road under the Main Roads WA (MRWA) Metropolitan Functional Road Hierarchy. Existing weekday traffic volumes are 2,539 and 2,839 vehicle trips in the AM and PM peak hour period, respectively. By 2031, with the full build out of the MKSEA, there would be no substantial changes to peak hour traffic volumes on Welshpool Road.
- The proximity of the intersection of Brook Road/Welshpool Road to the proposed Tonkin Highway/Welshpool Road grade-separated intersection is likely to require the former to be modified to a left-in/left-out configuration.
- Converting the Welshpool Road/Coldwell Road intersection to a roundabout configuration was the preferred treatment for this intersection, however it was noted that the existing road reservation width does not allow for a roundabout to be constructed.
- An alternative, a signalised arrangement for the Welshpool Road/Coldwell Road intersection was found to result in satisfactory performance for this intersection.
- Following the construction of grade-separated interchanges planned for Tonkin Highway, Coldwell Road and Brook Road are expected to accommodate less 'rat-run' traffic from the south and will be primarily used by traffic associated with the MKSEA.
- To provide for future industrial uses in the area, all roads within the area be capable of accommodating Category 4 restricted access vehicles (RAV), which equates to vehicles up to 27.5m in length, with a mass of 87.5 tonnes.

Transport Assessment

The applicant engaged Cardno to prepare a traffic impact assessment (TIA) to support the SP proposal. The purpose of the TIA was to assess the proposed road network and potential traffic impacts, particularly in relation to the proposed Grove Road intersection with Welshpool Road which was not taken into consideration in the previous modelling. The assessment was prepared based on the assumptions and data adopted for the entire MKSEA through the previous modelling undertaken.

The key points made in this assessment are as follows:

- Development within Precinct 3 will generate 603 vehicle trips during the AM peak hour period and 501 vehicle trips during the PM peak hour period.
- As part of the MRWA's network planning, the intersection of Hale Road/Tonkin Highway may be severed. It should be noted that due to the unavailability of data for this intersection, the TIA has conservatively assumed that the affected turning movements currently undertaken at this intersection will instead utilise the intersection of Welshpool Road/Hale Road.
- The potential access into Precinct 3A (Coldwell Road and Grove Road) was modelled based on four scenarios, as follows:
 - Scenario 1 - A signalised intersection for all movements at the Welshpool Road/Coldwell Road intersection, with the Welshpool Road/Hale Road intersection retaining its existing form.

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- Scenario 2 - A signalised intersection for all movements at the Welshpool Road/Coldwell Road intersection, and the provision of Grove Road connecting to the existing Welshpool Road/Hale Road intersection with left-in/left-out/right-in configuration and a third through-lane on Welshpool Road.
- Scenario 3 - Maintaining the Welshpool Road/Coldwell Road intersection as a priority intersection (un-signalised), but without right-out movements, and the provision of Grove Road connecting to the existing Welshpool Road/Hale Road intersection with left-in/left-out/right-in/right-out configuration and a third westbound through-lane on Welshpool Road.
- Scenario 4 - A signalised intersection for all movements at the Welshpool Road/Coldwell Road intersection, and provision of Grove Road connecting to the existing Welshpool Road/Hale Road intersection with un-signalised left-in/left-out access for Grove Road.

Plans showing the four scenarios are contained as Appendix 13.2.3F.

- Scenarios 1 and 4 were found to have an unacceptable level of service (LOS) (average delay greater than 80 seconds) for the right turn movement from Welshpool Road to Hale Road, due to the amount of 'green time' required for Welshpool Road through-traffic. As such, Scenarios 2 and 3 are preferred as they were found to result in an acceptable LOS for all turning movements.
- Scenario 3 was preferred over Scenario 2, particularly as it will negate the requirement to upgrade the Welshpool Road/Coldwell Road intersection to a signalised form, and it can be achieved in the short-term as it does not require the ceding of land that is not in the control of the proponent.
- The proposed 30m wide road reserves proposed for both Coldwell Road and Grove Road will include a 10m wide road pavement with 5m traffic lanes in each direction, and a 5m verge on one side. The remaining land will accommodate verges and a swale. This arrangement will be sufficient in accommodating on-road cycling and a footpath.
- The report recommends that all roads within the precinct be capable of accommodating Category 4 RAVs.

Main Roads WA Comments

The proposals were referred to MRWA for comment given that they require consideration of regional transport matters and involve access to a major road (Welshpool Road) that is under the care and control of MRWA. In response, MRWA advised in its submission (No. 25) that they are currently working with the proponents with a view to possibly allowing left-in/left-out only movements at the Welshpool Road/Grove Road/Hale Road intersection, as per 'Scenario 4'. As these discussions are still ongoing, MRWA have formed the view that the SP should be deferred until such time that an agreement is reached.

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It remains unclear as to why MRWA prefers Scenario 4 particularly given that TIA modelling suggests that it would result in an unacceptable LOS. Nonetheless, it appears that MRWA may be open to considering a four-way intersection with the connection of Grove Road to the existing Welshpool Road/Hale Road intersection, providing that an appropriate design is formulated.

In any event, MRWA are the ultimate decision makers on access to Primary Regional Roads such as Welshpool Road. Should they make an unfavourable decision the Precinct 3A SP will require a redesign so that the Coldwell Road and Brook Road intersections with Welshpool Road form the main access points to the Precinct 3 area, as originally anticipated by the MKSEA DSP.

Whilst it is not ideal to have this issue remain outstanding at this stage of the planning process, it is considered that it should not prevent the progression of the SP to the WAPC for consideration and determination. The area has long been identified as a future industrial area, and the potential links to Welshpool Road and other major roads are a key basis requirement of the SP. As such, it will be recommended that the intersection and access arrangements for Welshpool Road are endorsed by MRWA as a matter of urgent priority (Modification 5).

Public Transport Authority Comments

In terms of the proposed 20m access to the proposed rail freight facility, the PTA in its submission (No. 24) advised that the design for the rail freight facility, including vehicle access arrangements, is still being developed in conjunction with MRWA and the proponent. Furthermore, the PTA raised concerns about the location of the proposed access as it encroaches the Parmelia Gas Pipeline easement and will require the pipeline to be traversed at that access point.

In light of the PTA's submission, it will be recommended that vehicular access arrangements to the proposed rail freight facility be finalised in consultation with the PTA, prior to the SP being approved by the WAPC (Modification 6).

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 500m south and east of Precinct 3A. The GBSW is mapped as a Conservation category wetland (CCW) (highest value wetland category that is, along with its buffers, fully protected) and includes Declared Rare and Priority Flora and Threatened Ecological Communities (TECs), which are subject to protection under both State and Federal environmental legislation.
- The Precinct 3A area includes a Multiple Use category wetland (MUW) (the wetland category with minimal protection requirements). A Resource Enhancement wetland (REW) (UFI 7635) (a wetland prioritised for protection and rehabilitation) is situated south of the area in Precinct 3B, and is partially within and adjacent to Lot 2008 Grove Road. This REW is considered to be an 'Environmentally Sensitive Area' which accommodates TEC 'Shrubland and Woodland on Muchea Limestone' and Declared Rare Flora.

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- Remnant vegetation over the majority of the site is in a 'Completely Degraded' condition, with some isolated patches of remnant vegetation in the south east of the site being considered to be in a 'Degraded' condition. There are also occurrences of Tuart (*Eucalyptus gomphocephala*) along Coldwell Road. This species is normally associated with 'Muckee limestone' soils.
- Precinct 3A contains approximately 3.7ha of Black Cockatoo foraging habitat, and some limited roosting and breeding habitat.
- The Yule Brook dissects Precinct 3B of the MKSEA, and runs parallel to the boundary between Precincts 3A and 3B. The Yule Brook floodplain is contained entirely within Precinct 3B.
- The surface hydrology of the site is characterised by low permeability sandy clay soils and an overall very flat gradient. Surface runoff is generally guided by existing man-made surface water drains/channels which discharge from Precinct 3A to Precinct 3B, where it is conveyed to Yule Brook. Groundwater beneath the site has been characterised as being shallow and is at or near the surface.

Plans showing the relevant environmental assets are contained as Appendix 13.2.3G.

LPP 5.8 requires a SP to be accompanied by a plan and report to detail and address environmental factors relevant to the area, including water management, wetland, TEC and vegetation studies, buffer definition studies and management plans. In this regard, the SP was accompanied by an Environmental Assessment and Management Strategy and Local Water Management Strategy, both prepared by Emerge Associates (June 2016 and April 2016, respectively). It should be noted that these documents were informed by previous reports initiated by the City, the most recent of which included the following:

- A Flora Vegetation and Wetlands Survey for the complete MKSEA (Tauss and Weston 2010).
- A DWMS for Precincts 2 and 3 (TME 2014).

The key findings/proposals of these documents in relation to the relevant abovementioned points are discussed in the following sections.

Vegetation, Flora and Fauna

Historically, a majority of the site was historically cleared to support agricultural land uses, with most existing vegetation within the site being primarily comprised of planted, non-endemic species. There are small areas of remnant vegetation and scattered trees, however these areas are considered to be in a 'Degraded' condition, as they are highly disturbed, absent of native understorey species and subject to weed invasion. Due to this, fauna habitat values within the site were found to be limited. This includes the 3.7ha of Black Cockatoo foraging, roosting and/or breeding habitat. Due to their disturbed and scattered nature, it was concluded that these did not represent quality habitat.

Item 13.2.3 Continued

In terms of other potentially significant vegetation, the survey undertaken by Tauss and Weston (2010) identified occurrences of Tuart (*Eucalyptus gomphocephala*) along Coldwell Road, a species that is usually associated with 'Muchea limestone' soils. Tauss and Weston advised that these occurrences may be significant and recommended detailed assessment to determine if they occur naturally. Notwithstanding, a later assessment of these trees undertaken by Emerge Associates (September 2016) put forward the hypothesis that the trees had been planted and therefore were not particularly significant. The report has not yet been reviewed by the EPA and DPaW. As such, it will be recommended that the findings of this assessment be incorporated into the SP document, following review by the EPA and DPaW (Modification 7).

Implementation of the SP through subsequent subdivision and development will involve the clearing of vegetation on the site. It should be noted that in accordance with the *Environmental Protection and Biodiversity Conservation Act 1999*, the proponents will be required to refer any actions involving the removal of vegetation that may have a significant impact on Black Cockatoos to the Federal Department of Environment and Energy. The clearing of other remnant vegetation associated with subdivision approval will not require further assessment or approval.

Hydrology and Water Management

The WAPC's Better Urban Water Management (2008) guideline document stipulates that a LWMS is to accompany a SP. 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 LWMS has been prepared to support the SP in accordance with the WAPC's guideline document and the approved DWMS for MKSEA. The main principles of the LWMS include:

- Maintaining the existing hydrology by matching pre-development discharge rates and maintaining arterial flows through the site.
- Lot detention areas, a flood detention basin and extended detention within roadside conveyance swales will be used to detain flows. Future flood detention basins have been identified on Lots 40 and 41 Edward Street and within the southern portion of the future rail freight facility site.
- Stormwater treatment will occur within the lot using bio-retention areas. Runoff from the road network will be conveyed within roadside conveyance swales which, due to the flat nature of the area, will allow water quality treatment to occur via extended detention.
- 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, post-development drainage arrangement are contained as Appendix 13.2.3H.

Item 13.2.3 Continued

The LWMS is generally acceptable subject to minor changes, however it is required to be referred to the Department of Water (DoW), Water Corporation, and DPaW for assessment and final endorsement. It is considered that any changes required by the City, DoW, Water Corporation and DPaW are unlikely to significantly impact on the SP design.

As such, it will be recommended that prior to the SP being approved by the WAPC, the LWMS should be formally endorsed by the City, the DoW, Water Corporation and DPaW (Modification 8).

Wetlands and Threatened Ecological Communities

The subject area contains a substantial MUW. This is in close proximity to an REW (UFI 7635) situated south of the area (partially within and adjacent to Lot 2008 Grove Road) and a CCW (the GBSW) situated 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, including the existing agricultural drain/remnant watercourse that runs through Lot 2008 Grove Road and discharges into the REW and Yule Brook.

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 50m wide buffer around the CCW and REW would not encroach into the Amendment 165 or SP areas. It is expected that investigations on the buffer requirements for the REW will be addressed through a future SP covering Lot 2008 Grove Road.

Environment Protection Authority Determination

Amendment 165 was referred to the EPA for assessment and the EPA determined that it was not required to be formally assessed, however, the EPA provided advice and recommended a number of provisions be incorporated into Amendment 165. A copy of the EPA's advice is provided in Appendix 13.2.3I.

In summary, the intent of the recommended provisions is (i) to identify significant environmental values within and adjacent to the amendment area, and (ii) to stipulate information requirements to accompany structure plan proposals and/or subdivision/development applications.

Upon reviewing this point, the provisions are somewhat unnecessary given that they are standard requirements that would be captured through the assessment of any SP, subdivision or development proposals for this area. Nonetheless, the City acknowledges that the EPA seeks assurance that the highlighted matters will be dealt with appropriately through statutory provisions of TPS 6, and therefore supports their inclusion into Part 6 of TPS 6, subject to the clauses forming part of Clause 6.10 of the Scheme (Modification 4).

It should be noted that the applicant in submission No. 12) has raised some concerns with regard to the proposed wording of the provisions and/or their necessity. Responses to these comments have been provided in the attached Schedule of Submissions (Appendix 13.2.3E).

*Item 13.2.3 Continued***Indigenous Heritage**

Preliminary investigation of Aboriginal heritage in the MKSEA area was undertaken in 2009 and identified eight previously recorded Aboriginal heritage sites in the MKSEA and that there is a medium risk that previously unrecorded Aboriginal sites also exist. Of the eight recorded sites, only one was found to be within Precinct 3A. Notwithstanding, a review of the original survey report found it to be incorrect and that the actual location of the heritage site and associated heritage values actually occurs approximately 100m south-east of its current mapped location, being outside of the Precinct 3A area.

Site Constraints**Bushfire Hazard**

The subject area has been identified as bushfire prone and 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 with 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. In this regard, the main aspects and recommendations of the BMP include:

- Areas of existing vegetation represent 'Moderate' and 'Extreme' bushfire hazards.
- Following the development of the area and subsequent removal of all vegetation, a post-development bushfire hazard of 'Low', with the exception of an area located adjacent to the Roe Highway road reserve and Woodlupine Brook Reserve which represents a permanent 'Extreme' bushfire hazard.
- The proposed rail freight facility land will provide a minimum separation distance of 35m between the adjacent bushfire hazards and the remainder of the industrial area, which is in excess of the generic 20m Asset Protection Zone requirement.
- The rail freight facility will be serviced by dual access points to Grove Road and Bickley Road.
- Staged subdivision, where bushfire hazards will be temporary, must ensure development is sited in such a way that it is not exposed to an unacceptable level of radiant heat (ie BAL-29 rating).
- The site will be supplied with scheme water and fire hydrants will be installed in accordance with standard subdivision requirements.
- There is a need for an interconnected public road network which facilitates vehicular movements to at least two egress points.

An extract from the BMP showing the pre-development and post-development bushfire hazard ratings is contained as Appendix 13.2.3J.

Item 13.2.3 Continued

The proposal was referred to the Department of Fire and Emergency Services (DFES) for comment. The following points were raised in its submission (No. 33):

- The proposed four-way intersection with Welshpool Road/Hale Road/Grove Road is critical to the BMP demonstrating compliance with the vehicular access provisions of the Guidelines for Planning in Bushfire Prone Areas.
- The SP provides only one 20m wide access road to the proposed rail freight facility. In accordance with the Guidelines for Planning in Bushfire Prone Areas, provision should be made for adequate emergency access to the full length of the rail freight facility boundary.
- The BMP incorrectly refers to a 'Hazard Separation' as being an Asset Protection Zone, and therefore minor modifications are required to the terminology used.

To address the above points, DFES have requested that a revised BMP be prepared in accordance with SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas. As such, it will be recommended that prior to the SP being approved by the WAPC, that the BMP and SP be revised to the satisfaction of DFES (Modification 9).

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.

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).

In order to clarify the requirements of Planning Bulletin 87, the proposed SP includes notations depicting the location of the 45m setback area and the 356m notification area. In addition the SP text includes explanatory text stipulating the requirements of Planning Bulletin 87. These notations and text are considered to be acceptable.

*Item 13.2.3 Continued***Infrastructure and Servicing**

The future development of the area will be dependent on the availability of utilities such as sewer, power and water, 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:

- Sewer connection to the land is available through the construction of a wastewater pump station which would discharge into an existing sewer main located on Station Street, Cannington; approximately 1.5km north-west of the site.
- Water supply will be available through the extension of an existing main that runs along Grove Road.
- There are existing overhead powerlines in Edward Street, Grove Road (south of Coldwell Road) and Coldwell Road (east of the SP area) that may be utilised to supply power to the area.
- A gas supply is not intended for this area, however should one be required further investigations can be undertaken with a view of connecting to an existing gas main along Coldwell Road.

Design Considerations

The proposed SP does not provide detail on the nature of a future subdivision, including lot and road layouts. In this regard, it should be noted that the WAPC's 'Structure Planning Framework' document stipulates that a SP should only provide details on the proposed major roads in an area, and that individual lot layout should not be pre-determined by the SP. Notwithstanding, a SP should still address such matters where there is a need to meet technical requirements either on a holistic level, or prior to the formulation of a subdivision design.

To support the development of this area the SP stipulates certain requirements to be met through the subdivision process. These requirements include:

- The preparation of a Landscape Masterplan to identify the design standards applicable to the local road network, stormwater basin/swales and open spaces, including entry statements, public art and other built form and landscape features.
- The preparation of Design Guidelines, possible in the form of a Local Planning Policy or Local Development Plan, to address the location of buildings and other site considerations that will maintain an orderly and attractive streetscape and estate.

It is considered that the abovementioned requirements should be prepared collaboratively with the City to ensure that the objectives of the MKSEA are achieved.

Extent of Structure Plan

As previously mentioned, Amendment 165 is proposing to rezone the proposed SP area and a portion of Lot 2008 Grove Road from General Rural to General Industry, as well as introduce Special Control Area provisions requiring the preparation of "...a

Item 13.2.3 Continued

structure plan, or plans...". Whilst the amendment does not strictly establish precinct boundaries or a minimum area for which a SP should be prepared, it is expected that a SP should be able to be integrated with adjoining areas. Issues such as road network, drainage, lot layout and bushfire management should be addressed in the context of the proposed SP and the broader area.

The applicant has prepared an indicative subdivision and road layout plan for Lot 2008 Grove Road to address this matter (contained as Appendix 13.2.3K) which shows how the site could be developed independently of the balance of Precinct 3A. Whilst this plan is not binding in any way, it demonstrates how the area can be appropriately developed to account for possible 50m wide environmental buffers and a road network.

The owners of Lot 2008 Grove Road have raised no objections to the exclusion of their site from the proposed SP, however they did raise concerns that issues relating to water management should be viewed more holistically. In this regard, the proposed LWMS seeks to distance itself from the drainage requirements of Lot 2008, particularly in relation to the existing agricultural drain that flows from the western boundary of Lot 2008 to wetland UFI 7635 and Yule Brook. The latest LWMS proposes to maintain pre-development flows through this drain, rather than considering the demand/reliance that future development on Lot 2008 might have for this drain.

Whilst it would be preferable to have the water management for the wider area addressed holistically, the proponent has satisfied the obligation to address drainage requirements for the SP area whilst respecting and accommodating the existing hydrology of the area. Furthermore, it is considered that the future planning for Lot 2008 can accommodate the drainage requirements for the site and the requirements of the relevant Government agencies.

Structure Plan Implementation

The proposed SP contains elements that present complex implementation and staging issues for the future development of the area. Namely, these issues relate to the following:

- Establishing a trigger and timing for upgrades to local roads and intersections.
- The widening of roads relying on land being acquired from several landowners.
- The timing of the Edward Street road closure given that requires all lots currently being serviced by Edward Street to have legal access to another public road. The timing of this would therefore be subject to private developer intent.
- Locating a proposed drainage basin in the future rail freight facility land.
- The delivery of services to the area, including sewer.

It is expected that most of the abovementioned issues will be addressed through the Development Contribution Plan Report (DCPR) prepared in association with Amendment 167, which will be covered in a future report to Council. Alternatively, if subdivision of the Precinct 3A area proceeds ahead of the finalisation of a DCPR, it would be expected that the developer be required to take the necessary steps to ensure the delivery any infrastructure which has a bona-fide 'need and nexus' link to the subdivision.

Item 13.2.3 Continued

In terms of the issues that cannot be addressed through the DCPR (because they rely on other landowners and their intent to develop) it should be acknowledged that this is a common, unavoidable issue where there is fragmented land ownership and subdivision is undertaken in a staged manner. As such, it cannot always be expected that an initial subdivision can deliver the ultimate SP outcome, and instead, negotiated temporary arrangements are often required. It is expected that this may occur for the proposed SP, particularly for the closure of Edward Street, the widening of roads and the provision of a drainage basin in the future rail facility land.

Statutory Process

In terms of the proposed SP, in accordance with Clauses 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);*
- (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.*

In terms of Amendment 165, in accordance with Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the local government must, within 60 days after the end of the submission period, pass a resolution:

- (a) *to support the amendment without modification; or*
- (b) *to support the amendment with proposed modifications to address issues raised in the submissions; or*
- (c) *not to support the amendment.*

Following the assessment of the proposals by the local government and the passing of a resolution, both proposals are forwarded to the WAPC and/or the Minister for Planning for consideration and final determination.

Item 13.2.3 Continued

CONCLUSION

It will be recommended that Council endorses this report and recommends to the WAPC that the SP and Amendment 165 be approved subject to the following modifications and/or information requirements:

No.	Recommended Modification and/or Information Requirement	Reason(s)
Amendment 165		
1. Page 9	Modify proposed Clause 6.1(i) of Town Planning Scheme No. 6 to include the wording 'subject to structure planning'.	To summarise the requirement for the identified Special Control Area.
1A Page 9	Modify proposed Clauses 6.10 and 6.10.1 to replace references to "Structure Planning Areas" with "Maddington Kenwick Strategic Employment Area Precinct 3A".	To specify the spatial area to which the provisions apply.
2. Page 9	Delete proposed Clause 6.10.2 of Town Planning Scheme No. 6.	To remove duplication of clause 27(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> - Schedule 2 - Deemed Provisions.
3. Page 10	Inserting the following provision into Part 6 of Town Planning Scheme No. 6: 6.10.2 <i>Notwithstanding Table 1, the use class of 'Warehouse' as defined in Schedule 1 is designated as a 'P' use within the Special Control Area for the purpose of clause 4.3.</i>	To make the land use 'Warehouse' a 'P' use (Permitted) in the proposed Maddington Kenwick Strategic Employment Area Precinct 3A General Industry zone.
4. Page 19	Inserting the following provision into Part 6 of Town Planning Scheme No. 6: 6.10.3 <i>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(s) Plan (or subdivision/development applications where a Structure Plan is not required) where planning has the potential to impact significant environmental values:</i> 6.10.3.1 <i>Investigations to determine the water balance and buffer requirements for occurrences of the Threatened Ecological Community and wetland identified as UFI 7635 in the Geomorphic Wetlands Swan Coastal Plain 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</i> 6.10.3.2 <i>A boundary definition study for wetland UFI 7635 prepared on advice by and to the satisfaction of Department of Parks and Wildlife.</i>	To incorporate Scheme provisions recommended by the Environmental Protection Authority.

Item 13.2.3 Continued

No.	Recommended Modification and/or Information Requirement	Reason(s)
	<p>6.10.3.3 <i>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.</i></p> <p>6.10.3.4 <i>Investigations to examine the occurrences of Eucalyptus gomphocephala (Tuart) potentially occurring on Muchea Limestone near Coldwell Road to enable assessment of their significance, prepared on advice of and, to the satisfaction of the Environmental Protection Authority.</i></p> <p>6.10.4 <i>To ensure management of the significant environmental values within and adjacent to the amendment area, the following information is required to accompany subdivision and development applications:</i></p> <p>6.10.4.1 <i>Detailed Vegetation, Wetland and/or Buffer Management Plans for wetland UFI 7635 and occurrences of Threatened Ecological Communities, Declared Rare and Priority Flora and retained areas of significant vegetation including Declared Rare and Priority Flora (where applicable), on advice from Department of Parks and Wildlife and to the satisfaction of the responsible authority.</i></p>	
Structure Plan		
5. Page 15	Endorsement of the proposed intersection and access arrangements to Welshpool Road by Main Roads WA.	The issue of access to Welshpool Road remains unresolved and its resolution is critical to the Structure Plan design.
6. Page 16	Endorsement of the vehicular access arrangements to the proposed rail freight facility by the Public Transport Authority.	The issue of access to the proposed rail freight facility remains unresolved.
7. Page 17	The assessment of the Tuart trees (<i>Eucalyptus gomphocephala</i>) occurring along Coldwell Road, as prepared by Emerge Associates (September 2016) is to be endorsed by the EPA and DPaW, after which, the endorsed assessment is to be incorporated into the Local Structure Plan documentation.	To include additional environmental assessments as part of the Structure Plan documentation.

Item 13.2.3 Continued

No.	Recommended Modification and/or Information Requirement	Reason(s)
8. Page 18	Endorsement of the Local Water Management Strategy by the City, the Department of Water, Water Corporation and the Department of Parks and Wildlife.	To provide a broad drainage strategy for the Structure Plan area so as to inform any future detailed drainage strategies forming part of subdivision proposals.
9. Page 21	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.

FINANCIAL IMPLICATIONS

All costs associated with the Scheme Amendment and Structure Plan will be borne by the applicant.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development Act 2005*
- Local Planning Policy 5.8 - MKSEA Planning Framework.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 5) AND COUNCIL RESOLUTION

328 Moved Cr P Yang Seconded Cr T Lynes

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 Amendment 165 to Town Planning Scheme No. 6 and the proposed Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan and endorses the responses to those submissions, as contained in Appendix 13.2.3E.

CARRIED 9/0

FOR: Cr J Brown, Cr D Goode, Cr D Griffiths, Cr T Healy, Cr T Lynes, Cr L Storer, Cr B Wiffen, Cr P Yang and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 5) AND COUNCIL RESOLUTION

329 Moved Cr P Yang Seconded Cr T Lynes

That Council, pursuant to Section 50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* supports Amendment 165 to Town Planning Scheme No. 6 with a recommendation that the amendment be approved by the Minister for Planning, subject to the following modifications:

1. Modify proposed Clause 6.1.1(i) of Town Planning Scheme No. 6 to summarise the requirement for the identified Special Control Area by including the wording 'subject to structure planning'.
- 1A. Modify proposed Clauses 6.10 and 6.10.1 to replace references to "Structure Planning Areas" with "Maddington Kenwick Strategic Employment Area Precinct 3A".
2. Delete proposed Clause 6.10.2 of Town Planning Scheme No. 6 to remove duplication of clause 27(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions.
3. Inserting the following provision into Part 6 of Town Planning Scheme No. 6 to make the land use 'Warehouse' a 'P' use (Permitted) in the proposed Maddington Kenwick Strategic Employment Area Precinct 3A General Industry zone:

6.10.2 *Notwithstanding Table 1, the use class of 'Warehouse' as defined in Schedule 1 is designated as a 'P' use within the Special Control Area for the purpose of clause 4.3.*
4. Inserting the following provisions into Part 6 of Town Planning Scheme No. 6, as recommended by the Environmental Protection Authority:

6.10.3 *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(s) Plan (or subdivision/development applications where a Structure Plan is not required) where planning has the potential to impact significant environmental values:*

6.10.3.1 *Investigations to determine the water balance and buffer requirements for occurrences of the Threatened Ecological Community and wetland identified as UFI 7635 in the Geomorphic Wetlands Swan Coastal Plain 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.*

Item 13.2.3 Continued

- 6.10.3.2 *A boundary definition study for wetland UFI 7635 prepared on advice by and to the satisfaction of Department of Parks and Wildlife.*
- 6.10.3.3 *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.*
- 6.10.3.4 *Investigations to examine the occurrences of Eucalyptus gomphocephala (Tuart) potentially occurring on Muchea Limestone near Coldwell Road to enable assessment of their significance, prepared on advice of and, to the satisfaction of the Environmental Protection Authority.*
- 6.10.4 *To ensure management of the significant environmental values within and adjacent to the Special Control Area, the following information is required to accompany subdivision and development applications:*
- 6.10.4.1 *Detailed Vegetation, Wetland and/or Buffer Management Plans for wetland UFI 7635 and occurrences of Threatened Ecological Communities, Declared Rare and Priority Flora and retained areas of significant vegetation including Declared Rare and Priority Flora (where applicable), on advice from Department of Parks and Wildlife and to the satisfaction of the responsible authority.*

CARRIED 9/0

FOR: Cr J Brown, Cr D Goode, Cr D Griffiths, Cr T Healy, Cr T Lynes, Cr L Storer, Cr B Wiffen, Cr P Yang and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 5) AND COUNCIL RESOLUTION

330 Moved Cr P Yang Seconded Cr T Lynes

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 Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan, as outlined in this report.

CARRIED 9/0

FOR: Cr J Brown, Cr D Goode, Cr D Griffiths, Cr T Healy, Cr T Lynes, Cr L Storer, Cr B Wiffen, Cr P Yang and Cr O Searle.

AGAINST: Nil.

*Item 13.2.3 Continued***STAFF RECOMMENDATION (4 OF 5) AND COUNCIL RESOLUTION****331 Moved Cr P Yang Seconded Cr T Lynes**

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 Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan be approved subject to:

- i) Endorsement of the proposed intersection and access arrangements to Welshpool Road by Main Roads WA.
- ii) Endorsement of the vehicular access arrangements to the proposed rail freight facility by the Public Transport Authority.
- iii) The assessment of the Tuart trees (*Eucalyptus gomphocephala*) occurring along Coldwell Road, as prepared by Emerge Associates (September 2016) is to be endorsed by the EPA and DPaW, after which, the endorsed assessment is to be incorporated into the Local Structure Plan documentation.
- iv) Endorsement of the Local Water Management Strategy by the City, the Department of Water, Water Corporation and the Department of Parks and Wildlife.
- v) Endorsement of the Structure Plan and Bushfire Management Plan by the Department of Fire and Emergency Services.

CARRIED 9/0

FOR: Cr J Brown, Cr D Goode, Cr D Griffiths, Cr T Healy, Cr T Lynes, Cr L Storer, Cr B Wiffen, Cr P Yang and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (5 OF 5) AND COUNCIL RESOLUTION**332 Moved Cr P Yang Seconded Cr T Lynes**

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

CARRIED 9/0

FOR: Cr J Brown, Cr D Goode, Cr D Griffiths, Cr T Healy, Cr T Lynes, Cr L Storer, Cr B Wiffen, Cr P Yang and Cr O Searle.

AGAINST: Nil.