

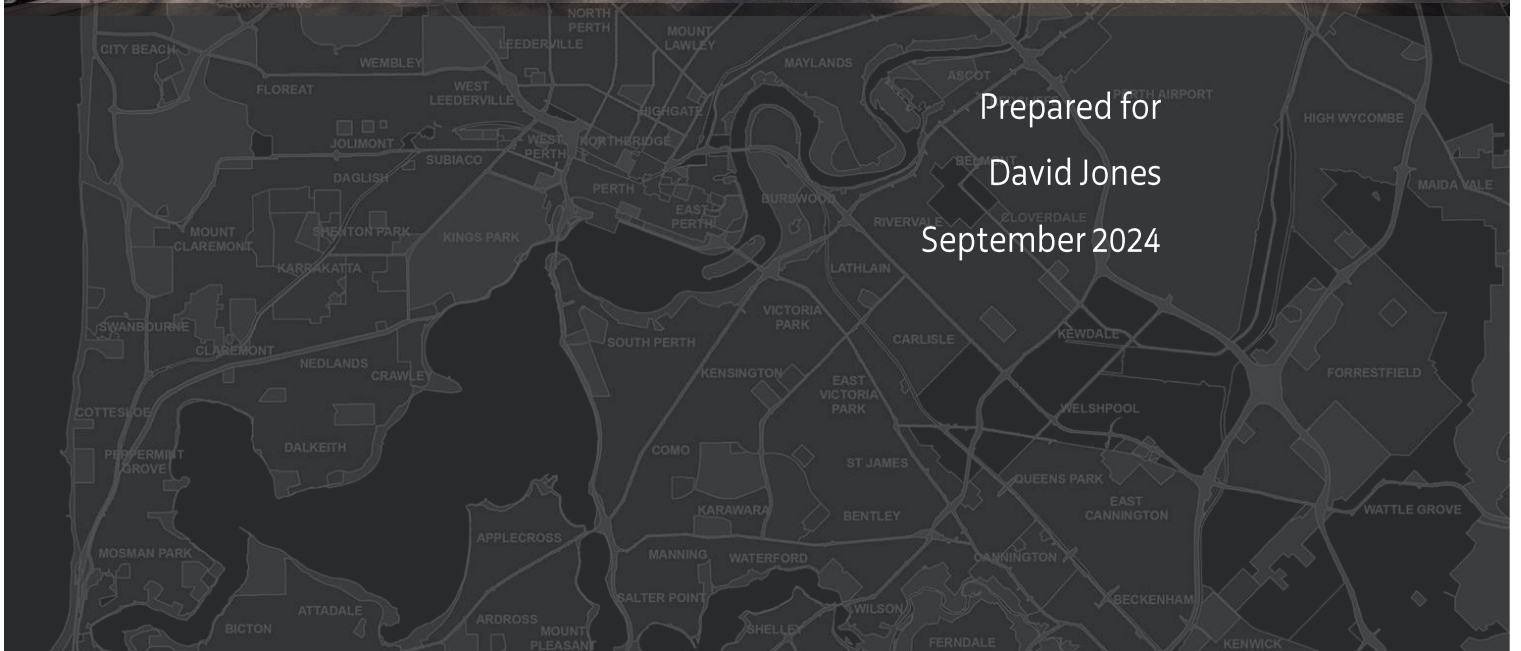
PLANNING SOLUTIONS

URBAN & REGIONAL PLANNING

Lot 9 (29) Stirling Crescent
High Wycombe, WA 6057



Prepared for
David Jones
September 2024



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Contents

1	EXECUTIVE SUMMARY	1
2	PRELIMINARY	2
2.1	Introduction.....	2
2.2	Background.....	2
3	SITE DETAILS	5
3.1	Land description	5
3.2	Servicing.....	5
3.3	Location.....	5
4	PROPOSED DEVELOPMENT.....	12
4.1	Development Summary	12
4.2	Technical reporting.....	13
4.3	Additional inputs and advice.....	15
5	STATUTORY PLANNING FRAMEWORK.....	17
5.1	State planning policies.....	17
5.2	Metropolitan Region Scheme	17
5.3	City of Kalamunda Local Planning Scheme No. 3	17
5.4	Local planning policies.....	18
6	DEVELOPMENT ASSESSMENT.....	20
6.1	Development standards and requirements.....	20
6.2	Other policies/guidelines.....	32
6.3	Matters to be considered.....	32
7	CONCLUSION	33

Appendices

Appendix 1: Certificate of Title
Appendix 2: Feature survey
Appendix 3: Development plans
Appendix 4: Traffic impact statement
Appendix 5: Swept paths
Appendix 6: Environmental noise assessment
Appendix 7: Bushfire management plan
Appendix 8: Environmental advice
Appendix 9: Geotechnical report
Appendix 10: Stormwater management plan
Appendix 11: Waste Management Plan
Appendix 12: Aboriginal cultural heritage advice
Appendix 13: Landscaping Plans

1 EXECUTIVE SUMMARY

Proposal	A development comprising two warehouses, and an ancillary office with associated hardstand, parking and landscaping, and two crossovers facilitating one-way circulation.	
Lot size	10,038m ²	
Existing land use	Residential	
Zoning	MRS Zone: Urban LPS3 Zone: Light Industry	
Land use class / permissibility	Warehouse/Storage	'P' - Permitted
Approval pathway	JDAP Determination (Opt-in)	
Decision sought	Exercise of discretion to grant development approval	
Summary of the nature of discretion sought	- Variation to clause 5.23 of LPS3 to approve the development application in the absence of an endorsed local structure plan. - Minor variation to clause 5.15.4 of LPS3 to approve a street facing elevation not wholly concrete, brick or masonry.	
Key statutory instruments	Planning Schemes Metropolitan Region Scheme Planning and Development (Local Planning Schemes) Regulations 2015 – deemed provisions City of Kalamunda Local Planning Scheme No. 3 State planning policies SPP3.7 – Planning in Bushfire Prone Areas SPP4.1 – State Industrial Interface SPP7.0 – Design of the Built Environment Government Sewerage Policy 2019 Structure plans None Local planning policies LPP26 – Public Art LPP14 – Car Parking LPP2.2 – Outdoor Advertising and Signage	
Seriously entertained planning instruments	Draft LPP35 – Hatch Court Light Industrial Precinct	
Design Review	Post-lodgement	
Mapped cconstraints	Heritage	None identified
	Bushfire	Addressed
	Environmental	None identified
	Contamination	None identified
Statutory referrals	None	

2 PRELIMINARY

2.1 Introduction

Planning Solutions acts on behalf of David Jones, the proponent of the proposed development of Lot 9 (29) Stirling Crescent, High Wycombe (**subject site**).

The key components of the proposed development are summarised below:

- Two (2) warehouses with an ancillary office, car parking and landscaping on the subject site.
- Both warehouses are connected by an undercover loading/unloading area suitable for serving heavy vehicles.
- The ancillary office is situated at the front of Warehouse 1 with an area of 360m².
- The proposed development has a total net lettable area of 4,965m².
- 53 car parking bays are provided at the front of the lot, which includes one ACROD bay.
- Two crossovers to Stirling Crescent with one-way vehicle circulation.

Planning Solutions has prepared the following report in support of an application for development approval. This report will discuss various matters pertinent to the proposal, including:

- Site details.
- Proposed development.
- Statutory planning framework.

2.2 Background

The development is located within the Hatch Court Light Industrial Precinct which has an area of approximately 30 hectares and is bounded by Abernathy Road, Adelaide Street, Stirling Crescent and Kalamunda Road.

- In 2010, the Hatch Court precinct was rezoned from Rural to Urban under the Metropolitan Region Scheme by Amendment No. 1187/57.
- On 6 February 2016, Amendment No. 80 to the City's Local Planning Scheme No. 3 (LPS3) was gazetted rezoning the precinct from 'Urban Development' to 'Light Industry' and inserting a requirement to prepare a structure plan to address access considerations and the interface to existing residential land uses. Subsequently no structure plan has been endorsed over the Hatch Court precinct.
- On 17 September 2019 the City granted approval for a hardstand and warehouse on Lot 201 (614) Kalamunda Road within the structure plan area.
- In 2021, Main Roads completed the detailed planning of modifications to the Great Eastern Bypass Interchange to improve traffic flow and regional connectivity in and around the subject site (refer **Figure 2** below). These changes will include closing access to Great Eastern Highway from Stirling Crescent, reducing industrial traffic along Stirling Crescent considerably as non-local traffic shifts to Abernathy Road and Stirling Crescent north of Adelaide Street.

- In August 2021, Main Roads released an update regarding additional local upgrade works to be undertaken by the City of Stirling¹ to Stirling Crescent and Talbot Road in support of the proposed changes to the regional road network (refer Figure 3 below).
- In July 2022, *State Planning Policy 4.1 – Industrial interface* was gazetted by the Western Australian Planning Commission establishing the current state policy towards the use of compatible land use zones between industrial and sensitive land uses. The policy clearly states that “*The Light Industry zone can be used ... to achieve a compatible land use transition at the interface of General Industry or Strategic Industry zones*” and provides a clear framework for the assessment and management of impacts within transitional areas.
- On 26 April 2022, the Council of the City resolved to advertise *Draft Local Planning Policy 35 – Hatch Court Industrial Precinct (LPP35)* for public comment. The intent of LPP35 was to guide the development of Lot 1499 only, in the absence of a structure plan, and to prevent the development of the remainder of the precinct—including the subject site. The response to draft LPP35 by local landowner was as follows:
 - On 26 June 2022, Council received a petition from 15 landowners within the Hatch Court Industrial Precinct requesting Council to initiate a scheme amendment deleting the structure planning requirement from LPS3.
 - On 25 October 2022 the proponent lodged a strong objection to draft LPP35 on the grounds that a structure plan was simply no longer required for the subject site, nor the precinct generally and that all relevant considerations have been resolved by the proposed changes to the regional movement network, or are already capable of resolution via the existing framework and decision-making powers.
- On 17 May 2023, the Metro Outer Joint Development Assessment Panel (JDAP) approved the development of Lot 1499 for industrial purposes in the absence of either the structure plan, or the finalisation of draft LPP35—with the support of the City.

Subsequent to this, LPP35 has **never** been re-considered by Council, and has been given little to no weight in the assessment of the proposed development application in favour of a detailed consideration of the requirements of all endorsed planning instruments.



Figure 1 – DAP applications within the surrounding area

¹'Great Eastern Highway Bypass Interchanges Project' (August 2021) Main Roads Western Australia, <https://www.mainroads.wa.gov.au/globalassets/projects-initiatives/projects/metro/great-eastern-highway-bypass/gehbi-stirling-crescent-talbot-road-and-adelaide-street.docx>

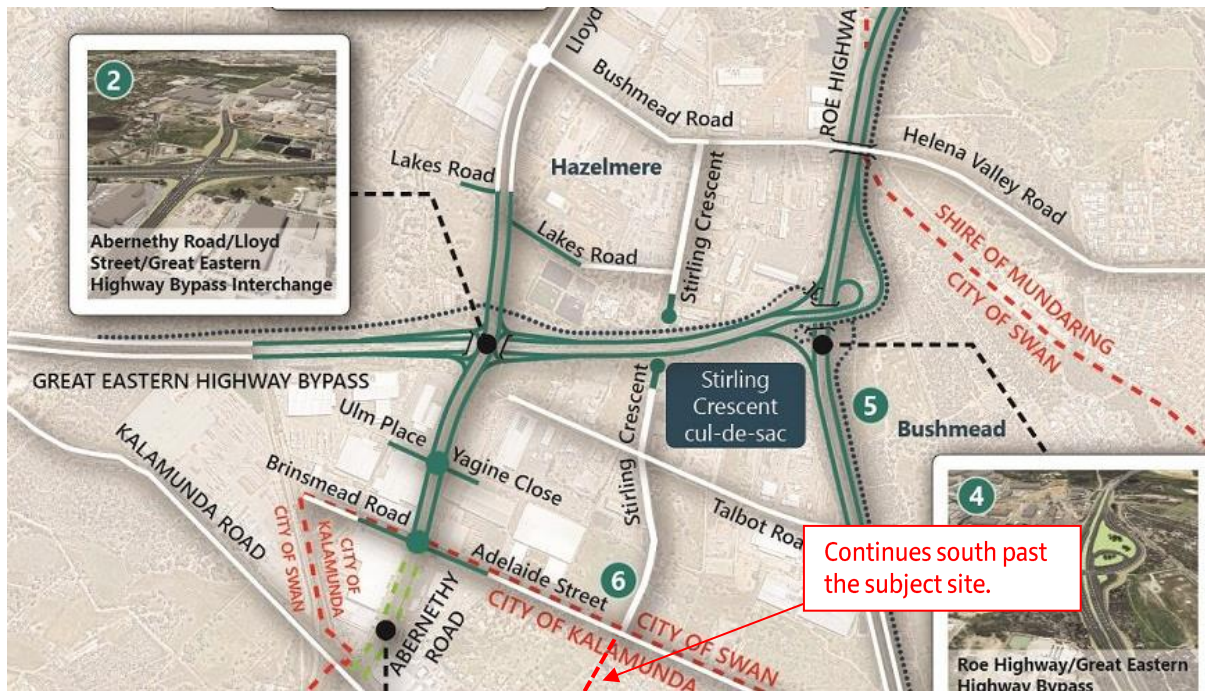


Figure 2 – Extract from Main Roads infographic with annotations showing location of subject site

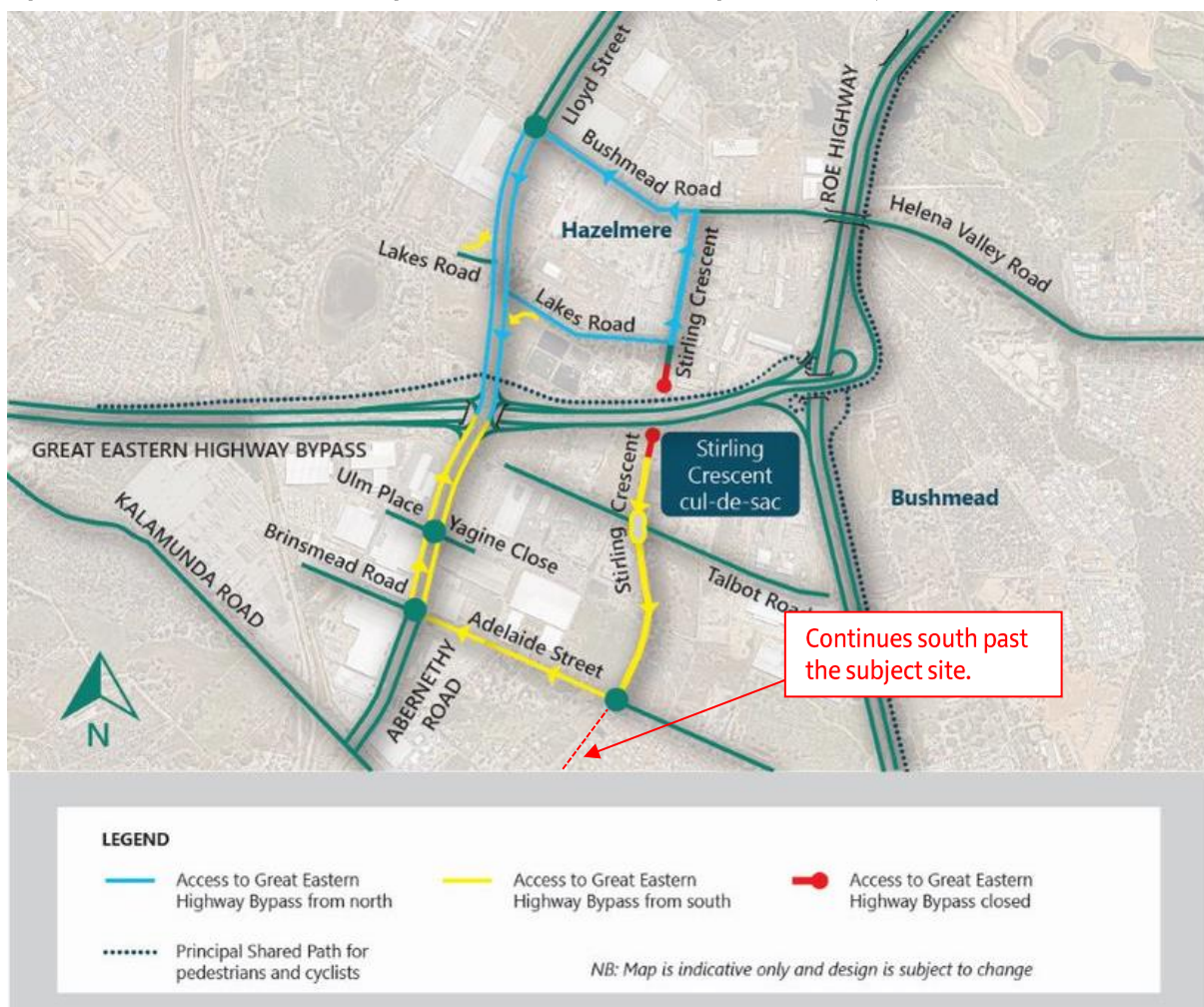


Figure 3 – Extract from August 2021 project update from Main Roads with annotations showing location of subject site

3 SITE DETAILS

3.1 Land description

Refer to **Table 1** below for the lot details and a description of the subject site.

Table 1 - Lot details

Lot	Deposited Plan	Volume	Folio	Area (m ²)
9	67603	1689	342	10,032

The land is not subject to any encumbrances.

Refer **Appendix 1** for a copy of the Certificate of Title and Deposited Plan.

3.2 Servicing

The subject site is connected to reticulated water supply, but is not currently connected to any reticulated sewage. The development will be serviced by an on-site effluent disposal system in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and the Government Sewerage Policy 2019. This is capable of being addressed with a suitably worded condition of approval.

3.3 Location

3.3.1 Regional context

The subject site is located within the Hatch Court Light Industrial Precinct. This precinct borders the western edge of Airport land and sits along the southern boundary of the Hazelmere industrial precinct to the north. It is approximately 13.5 kilometres north-east of the Perth city centre, 4km south of the Midland town centre, and 7km north-west of the Kalamunda town centre.

The subject site fronts Stirling Crescent (a local road under the jurisdiction of the City) at its south-eastern boundary. Stirling Crescent connects to the Great Eastern Highway Bypass and Kalamunda Road, connecting the site to main transport corridors including Roe Highway and Great Eastern Highway.

3.3.2 Local context

The area surrounding the subject site to the north and north-east are generally characterised by either industrial land uses or formerly rural-residential land uses now transitioning to industrial activities. Land uses to the east and south of the subject are generally residential, increasing in density as one move further south away from the subject site.

Specifically, the immediate context of the subject site is as follows:

- To the north and the west are former rural-residential lots now rezoned for industrial development.
- To the south, across Stirling Crescent, are existing large residential lots providing a transition to standard residential housing.
- To the east, the site has been predominantly developed with a hardstand for a logistics operation.

Refer to **Figure 1** below for an aerial photograph.



Figure 4 – Aerial context figure

3.3.3 Current land use

The site currently has an existing residential dwelling with access from Stirling Crescent via an existing crossover and driveway.

The site contains a number of mature trees primarily planted by the landowner around the periphery of the property prior to 1985 and a man-made pond. The trees are primarily non-native species (Lemon Scented Gum, Spotted Gum).



Figure 5 – Aerial photograph of the subject site dated 19 June 1985 (Source: Landgate)

3.3.4 Topography and soils

A feature survey has been undertaken by Scanlan Surveys, and a geotechnical investigation undertaken by Brown Geotechnical.

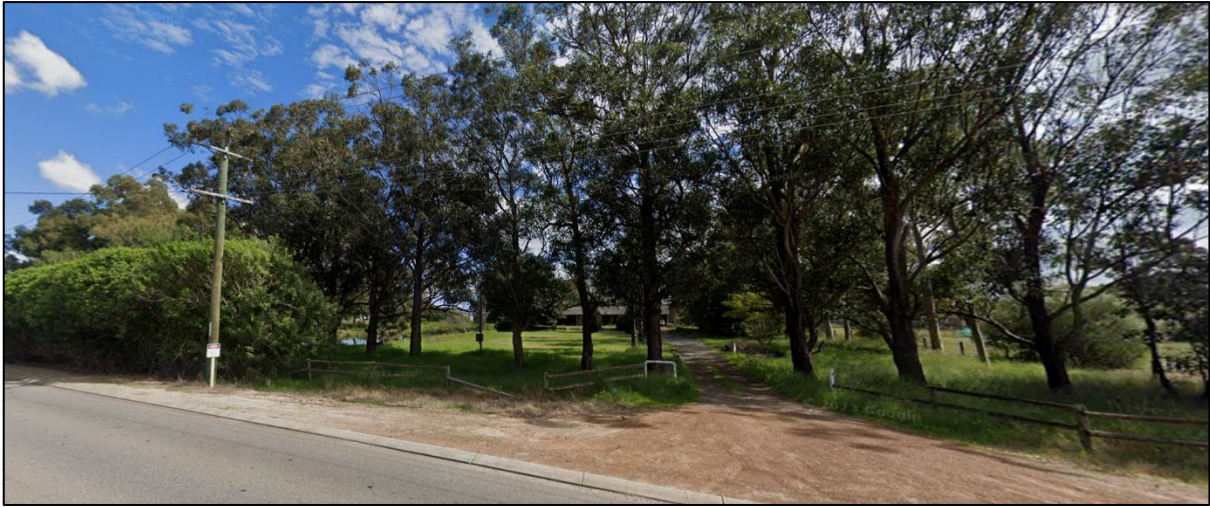
The site is generally flat, with an artificial duck pond measuring approximately 25 by 50 metres in the southern corner of the lot.

Undeveloped areas of the site generally comprise levels of approximately 23.0m AHD, with the pad of the existing dwelling sitting at 24.0m AHD and the artificial pond at 21.2m AHD.

The topography of the site does not reflect the natural ground levels, as the excavated sand from the pond has presumably been used to create the pad on which the house was constructed and a layer of clay has been deposited unevenly across the entirety of the subject site.

It is likely that this clay will need to be removed to facilitate the proposed development.

Refer **Appendix 2** for a copy of the feature survey, and **Appendix 9** for the geotechnical report.



Photograph 1 – The subject site as seen from Stirling Crescent, looking west (Source: Google Maps)



Photograph 2 – View looking north towards the subject site



Photograph 3 – View from the front of the subject site looking south-west along Stirling Crescent



Figure 6 – View looking north along Stirling Crescent with the subject site to the left



Photograph 4 – View from southern end of the subject site looking north towards the existing dwelling



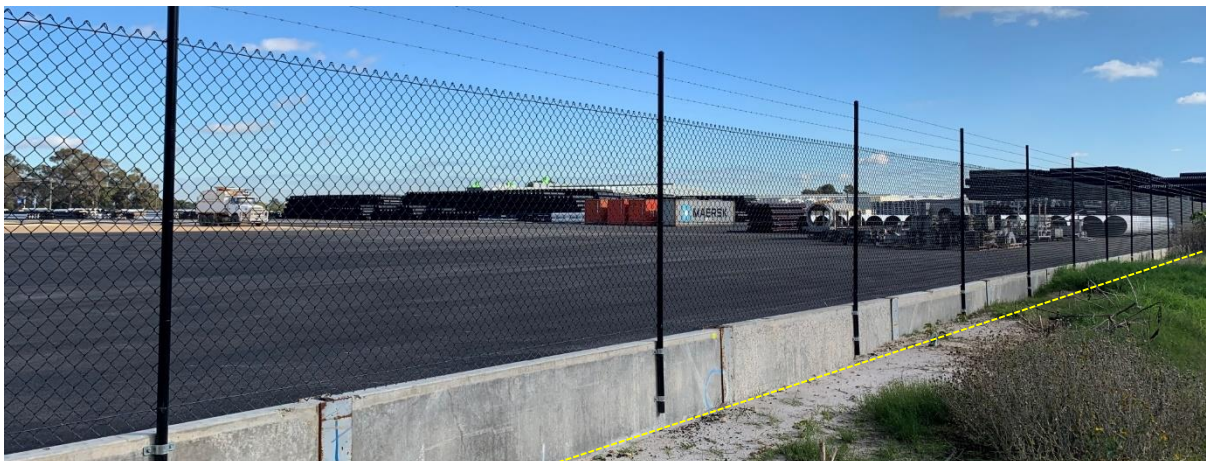
Photograph 5 – View looking north along the driveway towards the existing dwelling



Photograph 6 – View south along the western boundary



Photograph 7 – View from centre of the block looking south over the duck pond towards Stirling Crescent



Photograph 8 – View from the western boundary looking west towards the existing warehouse and hardstand



Photograph 9 – View from the north-western corner of the subject site looking south along the western boundary



Photograph 10 – View from the eastern boundary looking east over the adjoining Lot 8



Photograph 11 – View from the subject site looking east towards Stirling Crescent

4 PROPOSED DEVELOPMENT



Figure 7 – Perspective of proposed development from Stirling Street looking north towards ancillary office

4.1 Development Summary

The proposal involves a light industrial development comprising two warehouses and an ancillary office with associated landscaping, parking and access.

Specifically, the proposed development comprises the following:

- Two warehouses with a combined net lettable area of approximately 4,875m² separated by a 21.6m wide undercover loading/unloading area:
 - Warehouse 1 has 2,345m² of NLA with setbacks of 10.78m to the western boundary and 8.9m to the eastern boundary.
 - Warehouse 2 has 2,530m² of NLA with nil setbacks to the northern, eastern and western boundaries.
- An ancillary office adjoining Warehouse 1, comprising a floor area of 360m² containing a reception centre, office space, staff room and bathroom facilities with a 20m setback to Stirling Crescent, 19.6m to the eastern boundary and 25m to the western boundary.
- External car parking areas (which we understand are designed in accordance with the relevant Australian Standards) comprising the following:
 - 53 light-vehicle car parking bays located to the south and east of the proposed office (inclusive of an accessible bay).
- One bicycle rack with space for six bicycles.
- Heavy vehicle access to the loading/unloading area along the south-west and north-east boundaries of the subject site. This driveway passes along both sides of Warehouse 1 to create drive-through access to the loading/unloading area.

- Access arrangements are provided as follows:
 - One 11m wide crossover providing ingress movements for light and heavy vehicles at the eastern end of the Stirling Crescent boundary.
 - One 11m wide crossover providing egress movements for light and heavy vehicles at the western end of the Stirling Crescent boundary.
 - One-way heavy vehicle circulation in anti-clockwise direction through the subject site.

The proposed development incorporates landscaping and a range of façade treatments to achieve a high quality built form outcome. These treatments include complementary finishes and treatments contributing positively to the public realm and the Hatch Court Light Industrial Precinct.

The facility has been designed to accommodate up to 24/7 hours of operations.

Refer to **Appendix 4** for the development plans which depict the proposed development.

4.2 Technical reporting

This application is supported by the following technical reporting and co-consultant inputs:

4.2.1 Traffic impact statement

The proposed development and access arrangements are supported by a Transport Impact Statement (TIS), prepared by KCTT. The conclusions of the report are summarised as follows:

- Swept path analysis confirms that the site is capable of being accessed by vehicles up to 19m, including service vehicles (8.8m) and fire trucks (12.4m).
- Any additional traffic generated by the development would have a negligible impact on traffic volumes along the Stirling Crescent.
- The proposed amount of parking can easily accommodate the requirements of the proposed development.
- The planned closure of Stirling Crescent at the Great Eastern Highway Bypass and the connection of Adelaide Street to Abernathy road is expected to drastically reduce heavy vehicle traffic along Stirling Crescent.

In summary KCTT believe that the proposed development will not result in any negative impact on the surrounding road network.

Refer to **Appendix 4** or the TIS prepared by KCTT.

4.2.2 Environmental Noise Assessment

The subject site is located within a precinct transitioning from residential land uses towards industrial activities, meaning that existing residential dwellings are still located to the north and east of the subject site. Further, the subject site directly fronts residential dwellings on the southern side of Stirling Crescent.

The proposed development seeks approval to operate warehousing and logistics activities up to 24 hours a day, 7 days a week.

An Environmental Noise Assessment has been undertaken by Herring Storer Acoustics. The report conclusions are summarised as follows:

- Noise emissions relating to the movement of forklifts **within** the two warehouses have been assumed as capable of retention within the buildings themselves.
- Noise emissions relating to the external movement of trucks around the site and loading dock activities (including forklift movements) have been assessed over a 24/7 period assuming worst day conditions.
- Truck movements are identified as the main determinate of overall environmental noise—based on the assumption that each truck arrival generates a corresponding level of forklift movement due to unloading activity.
- During the Daytime, Sunday/Public Holiday and Evening periods the site is capable of operating in compliance with the Noise Regulations without limitations or restrictions on truck arrivals.
- Within the Nighttime period, compliance can be achieved with a limitation restricting movements to a maximum of 10 trucks within a four-hour period.

Refer **Appendix 5** for a copy of the report.

4.2.3 Bushfire management plan

A BAL contour map and bushfire management plan (**BMP**) have been prepared by Western Environmental. The BMP confirms BAL-levels within the entirety of the subject site to be BAL-12.5 to BAL-LOW, and concludes that the development satisfies the intent, aims and objectives of *State Planning Policy 3.7 Planning in bushfire prone areas (SPP3.7)* and the guidelines, and is recommended for approval.

Refer **Appendix 7** for a copy of the report.

4.2.4 Geotechnical reporting

The subject site falls within a mapped 'Multiple Use' wetland and contains an artificial duck pond with a surface water level corresponding to the surrounding groundwater level.

Brown Geotechnical was engaged to undertake an investigation in support of the proposed development. This involved a site inspection and new soil samples in addition to three previous samples taken from a June 2014 investigation of the subject site.

The conclusions of the report have informed the preparation of a stormwater management plan, and will be relevant to the earthworks associated with the proposed development, but otherwise has limited relevance to the assessment of the proposed application.

Refer **Appendix 9** for a copy of the report.

4.2.5 Site and Soil Evaluation

A site and soil evaluation report has been prepared by Galt Engineering in support of the proposed development and demonstrating that the proposed drip-irrigation ATU system is capable of being installed on the subject site. The following key points are noted:

- The default calculation method in AS1547 recommends using the same calculation rate for the infiltration of stormwater and treated effluent, generating a requirement of more than 1,000m² for the Land Application Area (**LAA**)—the minimum area that must be retained as landscaping.
- However, the geotechnical investigation undertaken confirms that the site contains soil which is highly permeable allowing stormwater to go straight through and not significantly impact the water balance.

- This higher infiltration rate allows for the LAA area to be reduced to the WA Government Sewerage Policy minimum (250 m² + setbacks).

4.2.6 Stormwater management plan

A stormwater management plan has been prepared by Porters Engineers confirming that the development is capable of adequately retaining stormwater on-site, subject to filling and retaining to achieve clearance above the expected maximum groundwater levels.

Refer **Appendix 10** for a copy of the plan.

4.2.7 Waste Management Plan

The development is supported by a Waste Management Plan (WMP) prepared by Talis. This plan confirms that bin size, area, collection frequency and collection method associated with the proposed development satisfy the City's requirements.

Refer **Appendix 11** for a copy of the report.

4.3 Additional inputs and advice

4.3.1 Vegetation assessment

The subject site contains a number of trees around the site boundaries which are proposed to be cleared to facilitate the warehouse development. Western Environmental conducted a preliminary assessment to identify any potential environmental considerations and provide advice as to whether any additional reporting is necessary.

Refer **Appendix 8** for a copy of the advice.

4.3.2 Aboriginal cultural heritage advice

Although a development application does not trigger any requirement under the *Aboriginal Cultural Heritage Act 1972* – Waru consultants were engaged to undertake a preliminary desktop review and site inspection and provide advice. This advice is summarised as follows:

- Many decades prior to the subdivision of the subject site for housing the area was cleared and used for farming and grazing resulting in considerable ground disturbance.
- Subsequent site development has resulted in further low-level disturbance associated with excavation of a pond, construction of a residential dwelling on an elevated sand pad, and non-native tree planting.
- Given the number of heritage sites mapped in proximity to the subject site, it is likely that the subject site was surveyed in the 1970s and early 1980s as part of the Perth Area Archaeological Survey Project and that no heritage places were identified.
- A historic camping site abutting the subject site has been filled, drained, cleared and flattened and no longer exists.
- A physical inspect of the subject site confirmed that the land was unlikely to have been suitable for camping and that given historic ground disturbance there is very little potential for any archaeological material to survive in situ and in context.
- There is negligible risk that development of the land will affect any Aboriginal heritage sites.

Refer **Appendix 12** for a copy of the written advice.

5 STATUTORY PLANNING FRAMEWORK

5.1 State planning policies

5.1.1 State Planning Policy 3.7 – Planning in Bushfire Prone Areas

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) applies to the subject site as part of the site is in a Bushfire Prone Area. SPP3.7 is applied in the planning framework through the LPS3 and Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

5.2 Metropolitan Region Scheme

Under the provisions of the Metropolitan Region Scheme (MRS) the subject site is zoned Urban. The proposed development is consistent with the intent of the Urban zone and may be approved accordingly.

The subject site is not affected by land reserved by the MRS, nor is it subject to any resolution or declaration made under the MRS.

5.3 City of Kalamunda Local Planning Scheme No. 3

5.3.1 Zoning

The subject site is zoned 'Light Industry' under the provisions of the City of Kalamunda Local Planning Scheme No. 3 (LPS3). Refer to Figure 8, zoning map below.

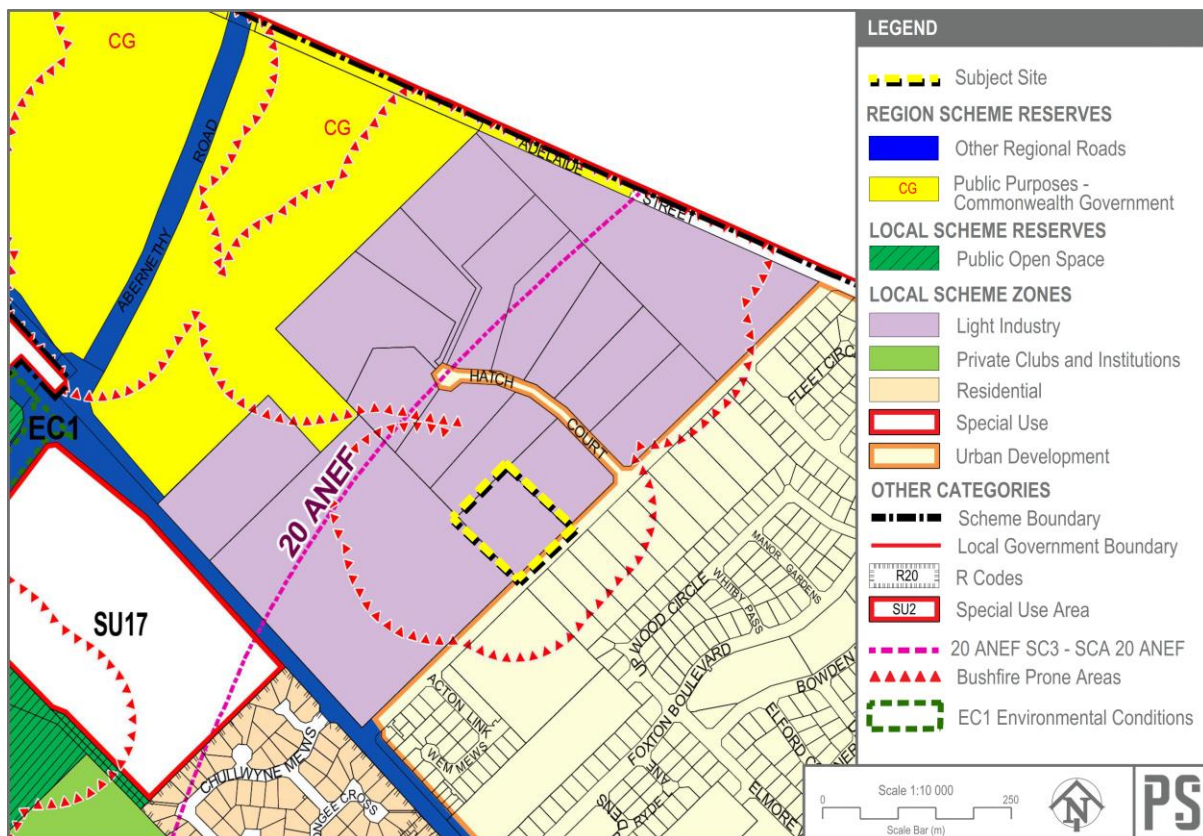


Figure 8 – Zoning map extract of LPS3 (Source: DPLH)

5.3.2 Land use permissibility

Pursuant to the provisions of Schedule 1 of LPS3, the proposed development seeks approval for a 'Warehouse/Storage' land use, meaning:

"warehouse/storage" means premises including indoor or outdoor facilities used for –

- (a) *the storage of goods, equipment, plant or materials; or*
- (b) *the display or sale by wholesale of goods.*

The proposed development is entirely consistent with the general definition of a Warehouse/Storage use, as it provides for the indoor storage of goods, equipment, plant and/or materials.

Pursuant to Table 1 – Zoning Table of LPS3, Warehouse/Storage a 'P' (permitted) use within the Light Industry zone and is capable of approval. The proposed use is entirely appropriate and suitable for establishment on the development site in consideration of its zoning under the MRS and LPS3.

5.4 Local planning policies

5.4.1 Local Planning Policy 26 – Public Art

The City has adopted *Local Planning Policy 26 – Public Art Contribution (LPP26)* to deliver public art via the development assessment process. LPP26 requires all development with a value in excess of \$500,000 to make 1% contribution towards public art unless it can be demonstrated that the provision of public art is not reasonably necessary, having regard to the purpose and objectives of the policy.

The proposed development seeks an exemption from the contribution requirement on the grounds that the development makes an alternate contribution to the broader community by providing a high-quality residential interface to a significantly higher level than surrounding developments.

5.4.2 Draft Local Planning Policy 35 – Hatch Court Light Industrial Precinct

Pursuant to LPS3, development occurring on the subject site cannot take place without an approved structure plan. Draft LPP35 identifies Precinct B (to the north-east of the subject site) as being capable of development without an approved structure plan.

Precinct A (containing the subject site) has been identified under this Draft LPP35 as not capable of development until such time as a local structure plan has been prepared.

Whilst Draft LPP35 is *technically* considered a seriously entertained planning instrument—it's a valid question as to whether this status can continue indefinitely, and our position is that **little to no weight should be given to it in the assessment of this application** for the following reasons:

- Draft LPP35 has never been re-considered by Council following public consultation in July 2022. This must be understood to indicate **little to no will or desire on the part of the City or the elected members** to progress this planning instrument any further.
- As previously outlined in this report, the rationale for requiring a structure plan to address interface considerations is no longer applicable as a result of changes to the planning framework since the Hatch Court precinct was rezoned in 6 February 2016. This includes the gazettal of both *SPP4.1 – Industrial interface* and *SPP7.0 – Design of the Built Environment*, which provide a framework for assessing interface considerations.
- Planned changes to the local and regional movement network will shift heavy traffic away from Adelaide Crescent reducing the need to deliver a connecting road between Adelaide Street and Hatch Court.

- Development applications within both precincts A and B (Lots 201, 200 and 1499) have been approved for industrial development in the absence of a structure plan demonstrating that all relevant considerations addressed by the LPP35 are capable of being addressed by other elements of the existing planning framework.

In light of the above, the existence of Draft LPP35 does not create a presumption against the development of the subject site in the absence of a local structure plan. A detailed assessment against Draft LPP35 is not warranted as the relevant considerations are described in the additional site and development requirements of LPS3 and are addressed elsewhere in this report.

6 DEVELOPMENT ASSESSMENT

6.1 Development standards and requirements

6.1.1 Development requirements

An assessment against the relevant requirements of Clause 5.15 of LPS3 is provided in **Table 2** below.

Table 2 – Assessment against applicable clause 5.15 development requirements

Requirement			Compliance	
Setbacks	Front (Stirling Crescent)	15m	20m	✓
	Side	Nil	Nil – 10.7m	✓
	Rear	Nil	Nil	✓
Site requirement	Site Coverage	60%	53%	✓
	Plot Ratio	0.5		✓
	Landscaping Strip (Road Frontage)	3m to all road frontages		✓

The development is demonstrated to be compliant with site development requirements and warrants approval accordingly.

6.1.2 Car parking requirements

The proposed development is for a Warehouse land use comprising two warehouse buildings and an ancillary office. It is our position that the appropriate assessment methodology is for the office to be treated as incidental to the predominant use with a single parking assessment methodology applied to the whole development. This approach is warranted for the following reasons:

- Individual components of a development should only be assessed independently as when they are capable of operating separate and distinct from each other with a clearly identifiable difference in parking demand generation.
- The warehouse and office component function as a single land use, as demonstrated by the office abutting and opening directly onto the Warehouse 1 floor, and staff amenities (toilets, kitchen and internal and external eating areas) being provided only within the office building. The warehouse would be unable to function without access to the office building.
- Any notion of a clear distinction between “white collar” administrative and “blue collar” roles on the warehouse floor is highly outdated and not reflective of contemporary warehouse and logistics businesses which require flexible roles with staff working in both the office area and on the warehouse floor.
- Whilst the office building gives the illusory appearance of a distinct land use—this is simply a function of the size of the development as a whole. Most commercial land uses include an administrative component—and we would not, for example, suggest that the reception area of a doctor’s studio be assessed separate and distinctly from the doctor’s consulting rooms.

In light of the above, an assessment against the Clause 5.7 parking requirements using this methodology is provided in the following table.

Table 3 – Assessment against LPS3 car parking requirements

Land use	Minimum parking rate	Assessment	Requirement
Warehouse / Storage	3 bays for up to the first 200m ² of floor area and thereafter 1 bay for every 100m ² of NLA or part thereof.	4,965m ² NLA	51 bays
Total number of parking bays required			51 bays
Number of parking bays provided			53 bays
Total parking shortfall/surplus			2 bays

The development is demonstrated to be compliant with minimum parking requirements and warrants approval accordingly.

Justification for a theoretical parking shortfall

Notwithstanding—in light of the City's previous approach to parking assessment for developments within this area, we acknowledge that they may elect to assess the Office area as a separate and distinct land use. Whilst, for the reasons already stated, we do not agree to this approach, if the JDAP was to accept this methodology then the proposed development would generate a parking shortfall of 10 bays.

A parking shortfall is capable of variation under LPS3, and is justifiable for the following reasons:

- The subject site is not connected to the reticulated sewer network is required to be serviced by an on-site wastewater system requiring 250m² of landscaped area for drip irrigation. It is not possible to deliver this area without reducing the amount of sealed parking bays.
- The additional landscaping area associated with the on-site wastewater treatment achieves a better outcome for the development interface to Stirling Crescent, and will support the growth of larger trees in and around the customer and staff parking areas.
- Notwithstanding the above—the Traffic Impact Statement (refer **Appendix 4**) has conservatively assessed the ancillary office as a separate land use for the purpose of assessing parking demand generation. This generates an overall vehicle demand for 30 vehicles during peak hour traffic generation. The TIS concludes that *"Considering anticipated traffic generation, the proposed parking can easily cater to the requirements of the proposed development."*
- The DPLH's *Interim Guidelines for Car Parking requirements for non-residential land uses in Perth and Peel* recommends that parking requirements be treated as discretionary, rather than relying on rigid minimum parking rates.

The amount of parking is demonstrated to be acceptable, and to warrants approval accordingly.

6.1.3 Industrial zone development requirements

Table 4 – Assessment against LPS3 development requirements for industrial zones

Clause / requirements		Assessment	Compliance
5.15.1	Setbacks – Setback area not to be used for anything other than parking, access, landscaping, deliveries and trade display.	It is proposed that the front setback be used for landscaping, access and car parking. For the side setbacks, it is proposed that this area is used for vehicle access to the loading/unloading area.	✓
5.15.2	Proximity to Residential Zones – No building closer than 15m from a Residential Zone.	At the closest point, the proposed buildings are 40 metres away from a residential zone.	✓
5.15.3	Access – All vehicular access designed to enable vehicles to enter and leave in forward gear.	All vehicles servicing the proposed development can enter and leave in forward gear as a result of the drive-through loading/unloading area.	✓
5.15.4	Storage – No storage within 2 meters of side boundaries or forward of building line.	The proposal does not include storage within 2 metres of side boundaries or forward of the building line.	✓
5.15.4	Materials – Street facing walls or buildings to be wholly brick, concrete or masonry and may not be clad with Zinalume.	The southern elevation of Warehouse 1 is colorbond and partially visible from the street meaning that the development is not strictly compliant with this requirement. However, the variation is considered supportable given that the warehouse is largely screened by the office building which is wholly concrete treated with colours, articulations, windows, cement cladding and awning features over the main entrances.  Figure 9 – Render of proposed street facing façade	Variation – Justified
5.15.6	Loading/Unloading Bays – Paved with dimensions 3.5m x 7m with a clearance of 3.5m.	The proposed loading/unloading bays exceed the minimum area and clearance requirements.	✓
5.15.7	Service Yards & Refuse Storage – Screening to be provided to these areas.	Two refuse areas located to the rear of Warehouse 1 within an alcove screened from view of the street.	✓
5.15.8	Landscaping – Shade trees to be provided in car parking areas with more than 12 car bays.	The following 28 bays are capable of receiving shade from trees as follows: 17 bays (bays 1-17) along the street boundary are shaded by 10 trees.	✓

Clause / requirements		Assessment	Compliance
		4 bays (bays 18-21) are capable of receiving shade from trees planted in the adjacent landscaping strip. 4 bays (bays 22-25) adjacent to the firefighting tanks are capable of receiving shade from two trees planted in the nearby landscaping area. 3 bays (bays 51-53) adjacent to the ATU sewer system are capable of receiving shade from two trees planted in nearby landscaping areas. The following bays are not capable of being shaded by trees for the following reasons: 12 bays (bays 35-45) along the southern elevation of the Office are covered by a shade structure. 12 bays (bays 26-34 and 46-50) are not shaded by trees due to the need to provide pedestrian access. Overall, 40 of 51 bays (78%) are capable of receiving shade from trees or shade structures.	
5.15.9	Drainage – On-site storage and stormwater treatment to achieve water sensitive design standards.	Geotechnical investigations and a stormwater management plan have been provided in support of this application.	✓

The development is demonstrated to be compliant with the development requirements applicable to the industrial zone and warrants approval accordingly.

6.1.4 Removal of vegetation

Clause 5.18 of LPS3 states that vegetation shall not be removed unless it is in accordance with relevant legislation.

The subject site contains a number of trees around the site boundaries which are proposed to be cleared to facilitate the warehouse development. Western Environmental conducted a preliminary assessment to identify any potential environmental considerations and provide advice as to whether any additional reporting is necessary (refer **Appendix 8**).

The advice is summarised as follows:

- The quality of existing vegetation, including planted trees along the site boundary, is very poor and primarily non-native species.
- Some trees were identified as potential "low value" foraging and breeding habitat for Black Cockatoos—but no evidence of them being used as such was observed, most were non-native trees, and the total potential foraging area was less than 1 hectare.
- Clearing of the trees was identified as exempt under Regulation 5, Item 1 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- Clearing of the trees does not require referral under the EPBC Act as it amounts to less than 1 hectare of potential foraging habitat.

Regulation 5, Item of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* is quoted as follows:

Clearing of a site for the lawful construction of a building or other structure on a property, being clearing which does not, together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed five hectares, if – (a) the clearing is to the extent necessary; and (b) the vegetation is not riparian vegetation.

This advice demonstrates that clearance of any existing vegetation does not require any additional approvals.

6.1.5 Special Control Area – Bushfire Prone Areas

LPS3 sets out development requirements for lots in the 'Bushfire Prone Areas' Special Control Area (SCA). Pursuant to clause 6.7.3, all applications must be accompanied by a Bushfire Attack Level (BAL) assessment and a suitable fire management plan. This requirement has been addressed with the provision of a BMP (refer **Appendix 7**) inclusive of a BAL contour assessment.

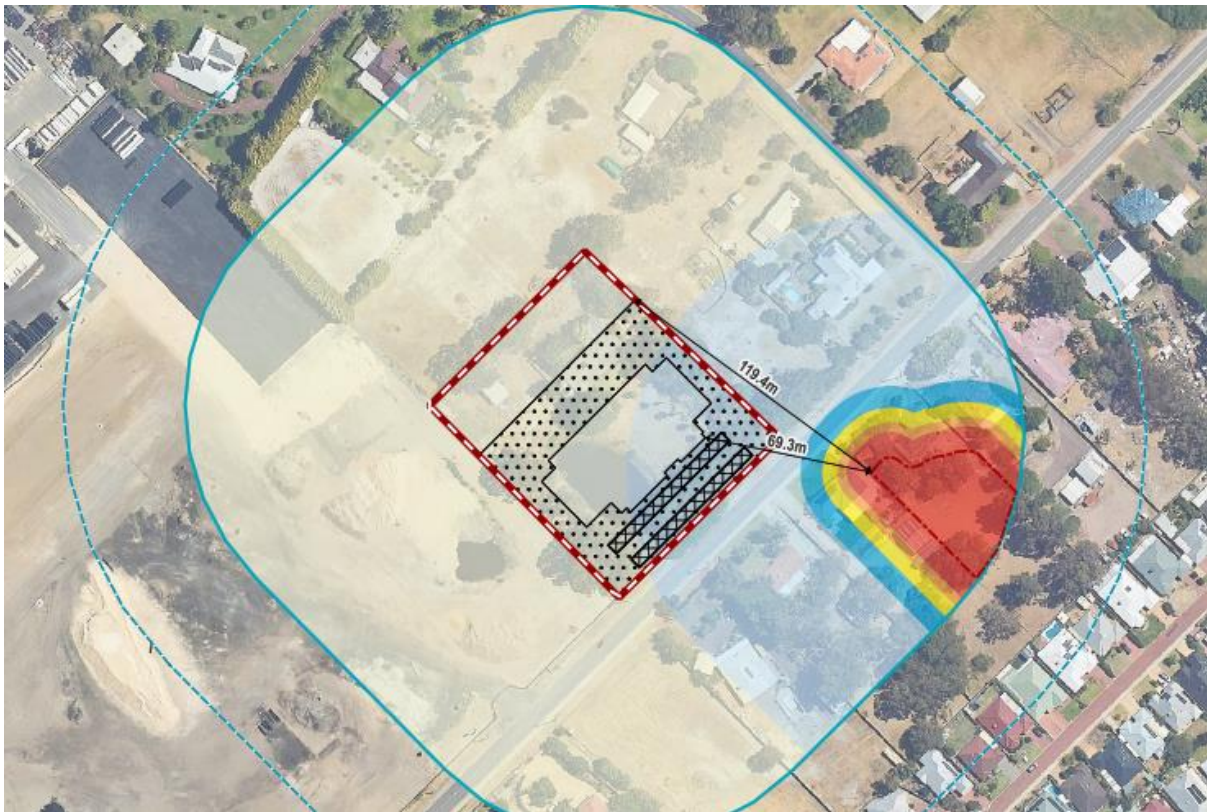


Figure 10 – Extract from BMP showing BAL contour assessment

6.1.6 Additional requirements that apply to land in scheme area

Clause 5.23 of LPS 3 lists the following site and development requirements that apply to the land zoned Light Industry bounded by Kalamunda Road, Stirling Crescent, Adelaide Street and land reserved for Perth Airport under the MRS. The subject site is one of 16 lots that fall within this area.

Table 5 – Additional development requirements applicable to the subject site

No.	Description of Land	Requirement
1	Lots 10, 11, 12, 13, 14, 15, 16, 51, 52 and 53 Hatch Court, Lots 1, 8, 9, and 1499 Stirling Crescent and Lots 200 and 201 Kalamunda Road, High Wycombe.	1. A structure plan is to be prepared and approved for the land pursuant to Part 4 of the deemed provisions and is to specifically address: (a) Traffic management including: • Provision of future vehicular access to be primarily via Adelaide Street; • Ensuring any vehicular access to Kalamunda Road does not reduce existing levels of access for adjacent properties; and • Access for lots with frontage to Stirling Crescent being provided via an internal road only. (b) Appropriate interface with existing residential development along Stirling Crescent including setbacks, landscaping, fencing and façade treatment provisions; (c) the identification and protection of environmentally significant areas within the land through the provision of appropriate buffers; and (d) The identified bushfire risk in accordance with State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas. 2. Subdivision and / or development is to generally be in accordance with the approved structure plan.

A structure plan has not been prepared or adopted over the subject site and surrounding precinct.

The proposed development seeks a variation to clause 5.23 to approve the development in the absence of an approved structure plan.

Clause 27(2) of the deemed provisions, allows for development approval to be granted on land in the absence of a structure plan (where one is required) if the decision maker is satisfied that:

- (a) *the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and*
- (b) *the proposed development or subdivision would not prejudice the overall development potential of the area.*

These considerations are addressed in detail as follows:

(a) The development does not conflict with the principles of orderly and proper planning

The principles of orderly and proper planning, as summarised by the DPLH²,

"relates to a proposal's consistency with the established planning framework for an area, including instruments such as State planning policy, planning strategy or planning scheme. Use of the term depends on the context of the site, location and planning framework in question."

This report demonstrates that the proposed development is compliant with the requirements of the applicable state and local planning framework.

Critically, the proposed use is a 'P-class', permitted use within the zone, and note 2 of clause 4.3.3 of LPS3 states in part that *"The local government will not refuse a 'P' use because of the unsuitability of the use for the zone..."*

Given that the development proposes a land use capable of approval "as of right", the proposal is inherently consistent with the local planning framework.

This leads us to the second question of whether the development is prejudicial to the development of the area the primary planning consideration. This requires an evaluation of the specific built form, access considerations and other matters provided for under the local planning framework.

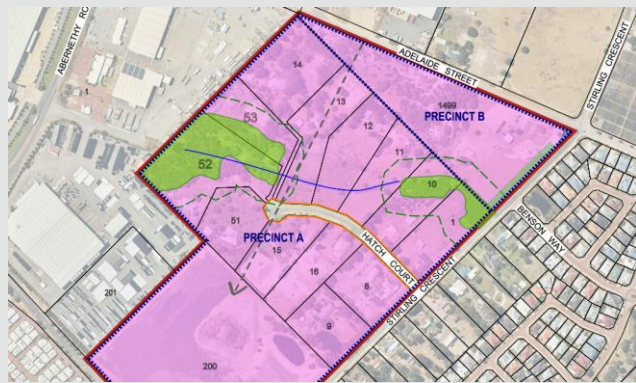
(b) the proposed development or subdivision would not prejudice the overall development potential of the area.

To determine whether the development has the potential to prejudice the overall development of the area, a detailed assessment against the structure planning objectives is provided in the following table:

Table 6 – Assessment against structure planning objectives for the Hatch Court Industrial precinct

Structure planning objective	Assessment / response	Outcome
(a) Traffic management including:		
Provision of future vehicular access to be primarily via Adelaide Street;	The proposed access arrangements between the development and Stirling Crescent is wholly consistent with the intent of this clause for the following reasons: - This clause is applicable on a <u>precinct</u> level and includes the word 'primarily' which means 'for the most part' or 'mainly'. This is highly relevant as it indicates that this particular clause cannot be interpreted as an absolute requirement. In other words, this clause requires the "provision of future vehicular access [for the precinct] to be [mostly] via Adelaide Street". This clearly allows for a level of traffic on streets other than Adelaide Street including Stirling Crescent. <u>The subject site is the only lot within the precinct which solely fronts Stirling Crescent.</u> All other lots fronting Stirling Crescent have a secondary frontage to Kalamunda Road, Hatch Court or Adelaide Street. As a result, exercising discretion in support of the proposed development is based on the specific merits and circumstances of the site and cannot establish a precedent for other lots fronting Stirling Crescent to achieve access from it.	Satisfied

²'Making good planning decision' (26 June 2024) *Planning Online*, Department of Planning, Lands & Heritage, <https://www.planning.wa.gov.au/how-does-planning-work/making-good-planning-decisions>

Structure planning objective	Assessment / response	Outcome
	Development of the subject site does not prejudice the delivery of a future link between Hatch Court and Adelaide Street. Draft LPP identifies an indicative alignment across Lot 1499 and 13 but the subject site has <u>not</u> been identified as a lot that would be required to either cede land or achieve direct access to that future road. As such, the proposed development has been demonstrated to be non-prejudicial to the delivery of this particular planning objective and warrants support accordingly.	
Ensuring any vehicular access to Kalamunda Road does not reduce existing levels of access for adjacent properties	The subject site does not have access to Kalamunda Road.	Not applicable
Access for lots with frontage to Stirling Crescent being provided via an internal road only	This provision requires existing lots fronting Stirling Crescent to achieve access from Adelaide Street, Hatch Court or Kalamunda Road via an "internal road only". This includes the subject site. The term "internal road" is ambiguous, but based on general usage within various WA government documents it could mean <u>either</u> a public road internal to the Industrial zoned precinct; or a private road internal to the boundaries of a private lot or lot/s. Public internal road The subject site is unable to achieve access to any public road other than Stirling Crescent, either now or in the future regardless of whether a structure plan is adopted. This is because the indicative alignment of the public road linking Hatch Court with Adelaide Street, as shown on draft LPP35, does not connect to the subject site.  Figure 11 – Extract of the draft LPP35 map showing the indicative public road alignment between Adelaide Street and Hatch Court. The proposed development has been demonstrated to not be prejudicial to the delivery of the public road shown indicatively in draft LPP35 and warrants support accordingly.	Variation required

Private internal road

Whilst this clause could be interpreted as requiring the subject site to achieve access to the subject site from Hatch Court via an access easement over the adjoining lots, this is not a requirement that should be treated as prescriptive and determinative for the following reasons:

- This is just one of several key considerations under LPS3 which need to be evaluated and weighed appropriately in the decision-making process.
- Whilst clause 5.23 of LPS3 purports to restrict the subject site from being developed with access via Stirling Crescent– LPS3 also zones the site Light Industry and identifies the development as a 'P' use, legally capable of approval "as of right". The development is also demonstrated to be compliant with the LPS3 requirements for development within the zone. This should weigh heavily in favour of approval.
- The apparent restriction on access to Stirling Crescent must also be read in context of all three clauses addressing 'Traffic Management', which specifically state that access is to be "primarily via Adelaide Street". Opposition to this development on the grounds that it seeks access to Stirling Crescent would be to re-interpret this clause to mean that access is to be "exclusively via Adelaide Street", which is inconsistent with the overarching planning objectives.
- Draft LPP35 itself makes no references to any private, internal roads providing access other than the **public** internal road proposed to connect Hatch Court. This supports the view that achieving private internal roads has not previously been understood as essential or necessary to the implementation of this particular clause.
- Finally, it is standard practice to read and understand structure planning objectives as being applicable to the precinct as a whole, and not necessarily to achievable on every single individual lot.

Requiring multiple adjoining landowners to provide access to Lot 9 will significantly reduce the land use efficiency of both the subject site and the neighbouring lots. This imposition on private property rights **cannot** be sustained for the following reasons:

- Planned upgrades and modifications to the regional and local road network which will be delivered over the next couple of years resulting in the redirection of **most** heavy vehicle traffic away from Stirling Crescent.
- As a result, the heavy traffic volumes will significantly **decrease** along Stirling Crescent regardless of whether the subject site achieves direct access or not. This could not have been anticipated at the time of the gazettal of Scheme Amendment No. 80.
- The fact that it is not possible for the proposed development to cause any additional long-term impact on the Stirling Crescent traffic flows, undermines any prohibition on access via Stirling Crescent.

Structure planning objective	Assessment / response	Outcome
	The proposed development has been demonstrated to be acceptable from a traffic perspective (refer Appendix 4), and capable of being accessed by "as-of-right" vehicles up to 19m. It is questionable whether the subject site can be prevented from being developed when it will be accessed by as-of-right vehicles. For these reasons, the proponent requests that the decision-maker <u>exercise their discretion</u> in varying this requirement to allow access directly via Stirling Court.	
(c) Appropriate interface with existing residential development along Stirling Crescent including setbacks, landscaping, fencing and façade treatment provisions	The development complies with all applicable development requirements, including setbacks and landscaping. The façade is not compliant—but only in the highly technical sense that some portions of the warehouse are visible from the street—otherwise the office building, which is the main built form visible from Stirling Crescent is compliant in terms of façade materials and designed to a much higher standard than surrounding industrial developments. Furthermore, generous tree planting along the street frontage will provide additional screening. In terms of amenity impacts, the development is supported by an acoustic report demonstrating that residences will not be impacted by the proposed land use activities. Further, the potential impact of headlight spill on the residential dwellings fronting the site was considered in the site design. The proposed one-way circulation allows vehicles to enter the south-eastern crossover and exit onto Stirling at the south-western crossover. These access arrangements prevent vehicles exiting the site directly fronting Lot 8 (refer Figure 12) which has limited screening between the existing residential dwelling and the proposed crossover on the subject site. By comparison, the significant setback of the residential dwelling on Lot 26 (refer Figure 13) facing the egress crossover provides a total separation distance of 50m which combined with the presence of screening vegetation mitigates any impact from vehicle headlines.  Figure 12 – View of Lot 26 fronting ingress crossover with smaller setback and very limited screening vegetation. There will be no headlight spill onto this property.  Figure 13 – View of Lot 26 facing egress crossover showing residential setback distance and presence of screening vegetation	Satisfied

Structure planning objective	Assessment / response	Outcome
(d) The identification and protection of environmentally significant areas within the land through the provision of appropriate buffers	No environmentally significant areas have been identified within the subject site from a desktop review or a site inspection by an environmental consultant (refer section 6.1.4 and Appendix 8). We reiterate that the pond situated in the southern corner of the subject site is artificial, and not naturally occurring. There is no requirement to protect this artificial pond.	Satisfied
(e) The identified bushfire risk in accordance with State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas.	All SPP3.7 requirements have been addressed and met (refer sections 4.2.3 and 6.1.5 and Appendix 7).	Satisfied

The assessment above demonstrates that all relevant planning objectives have either been satisfied, or simply do not apply to the subject site demonstrating the development to be non-prejudicial to the development of the surrounding area.

6.1.7 Draft Local Planning Policy 35 – Hatch Court Light Industrial Precinct

Notwithstanding our position that a detailed assessment against the provisions of Draft LPP35 is not required—we provide the following comments in relation to the policy provisions.

Table 7 – Comments in relation to the provisions of draft LPP35

Clause	Comment	
5.1.1. The delineation and staged connection of new roads that connect the precinct to Adelaide Street to alleviate the use of Stirling Crescent by heavy vehicle and to minimize the increase of light vehicle volumes on Stirling Crescent.	Firstly, Table 4 of LPS 3 states that “<i>future vehicular access to be <u>primarily</u> via Adelaide Street</i>”. The use of the term ‘primarily’ is relevant as it is not absolute. The draft LPP proposes an initial road connection across Lot 1499 and 13. If this were to be implemented it would result in all Hatch Court Lots (12 in total) being provided with a road that gives access primarily via Adelaide Street. Given the subject site does not have frontage to Hatch Court, under this arrangement the site would access Adelaide Street via Stirling Crescent. Only lot with sole frontage to Stirling Crescent The effect of the above is that the subject site is the only lot to have sole access to Stirling Crescent. It would be difficult to argue that traffic from one lot onto Stirling Crescent would result in a traffic issue, particularly given volumes along Stirling Crescent will significantly reduce once Adelaide Street connects to Abernethy Road and access to Great Eastern Highway Bypass is closed.	Not Applicable

Clause	Comment	
5.1.2. The investigation, delineation and ongoing management of areas identified as Resource Enhancement Wetlands (REW's) and any necessary buffers associated in the context of proposed Light Industrial Development in consultation with the Department for Biodiversity, Conservation and Attractions (DBCA), Department of Water and Environmental Regulation (DWER) and the City of Kalamunda.	The site is not subject to any REW's or buffers.	Not Applicable
5.1.3. The upgrade and potential widening of Hatch Court road reserve to accommodate heavy vehicles seeking access and egress from land parcels within the precinct.	The site does not have frontage to Hatch Court, nor will it require access to Hatch Court as the gazetted road network of Stirling Crescent connects to Adelaide Street.	Not Applicable
5.1.4. Managing the interface between the precinct and Stirling Crescent, and particularly to the residential areas to the east of Stirling Crescent.	All relevant interface considerations have been addressed elsewhere in this report, and clearly do not require a local structure plan.	Satisfactorily addressed
5.1.5. The facilitation of utility infrastructure upgrades and connections as required to support light industrial development.	The facilitation of utilities is not a requirement under Table 4 of LPS3 and is not applicable. In any event, the subject site is currently developed and serviced. Upgrades will be discussed with the relevant service providers at development application stage. This will include the provision of any land fill to achieve the necessary ground water clearances for on site effluent disposal.	Not Applicable
5.1.6. The integrated management of stormwater, inclusive of investigation of the potential realignment of the surface water drainage from its existing flow path, and the management of this in the context of the identified REW's, through the preparation of appropriate studies and management plans in consultation with the DWER, DBCA and the City of Kalamunda.	Detailed geotechnical investigations in support of a stormwater management plan have been provided, demonstrating that the site is capable of on-site stormwater retention.	Satisfactorily addressed
5.1.7. The staging and shared cost arrangements for infrastructure upgrades to facilitate industrial development.	There is no Developer Contribution Plan identified or required by Table 4 of LPS3 and is not applicable. In any event, the subject site is capable of being developed without the need for infrastructure upgrades.	Not Applicable

In light of the comments above, the provisions of draft LPP35 is demonstrated to be either unnecessary or duplicating requirements already set-out elsewhere within the planning framework, and the proposed development warrants approval accordingly.

6.2 Other policies/guidelines

6.2.1 Government Sewerage Policy

A detailed assessment against the Government Sewerage Policy has been provided within the Site and Soil Evaluation (SEE) provided in support of this development. The SSE demonstrates that the proposed wastewater treatment system is capable of meeting the requirements of the policy.

6.3 Matters to be considered

Clause 67(2) of the Deemed Provisions sets out the matters for which due regard is to be given when considering a development application. The following matter is identified as having not previously been addressed in this assessment:

- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

Existing mature trees around the periphery of the site have been investigated as part of the design process for potential protection and retention. Tree retention is not possible for the following reasons:

- Geotechnical investigations identified that a layer of clay has been deposited across the site prior to the tree planting and will need to be removed to facilitate on-site stormwater retention.
- The stormwater management plan confirms that the site filling and retaining will be necessary to achieve clearance of stormwater retention above the groundwater levels.
- Overlaying the development plans on the feature survey demonstrates that the trees are predominantly located in the centre of proposed access routes and parking areas.

The combination of removing soil and raising the site levels vastly complicates any process of tree retention. Further, there is no scope for minor adjustments to the site layout to accommodate any existing trees as it necessitates a wholesale redesign.

For this reason, we consider the preferable outcome to be the planting of new trees in the locations proposed on the concept landscaping plan. These trees will have the opportunity to prosper and ultimately provide a similar function over the next few years.

7 CONCLUSION

This application seeks approval for the development of two warehouses on the subject site, including associated office buildings, access, landscaping and car parking. Approval of the proposal is warranted for the following reasons:

- The development is appropriately located within an area zoned for light industrial development and capable of approval within the zone 'as-of-right'.
- The proposed development will not by nature of its operations and location, detrimentally impact upon the locality.
- The development is designed to an exceptionally high standard and will present attractively to the surrounding residential developments.
- The development appropriately responds to all relevant aspects of the planning framework with any variations to the framework appropriately justified. It has been demonstrated to be satisfactory from a bushfire and traffic perspective with access and circulation arrangements providing for a high level of functionality, convenience and safety.

Having regard to the above, the proposal clearly demonstrates the suitability of the industrial development on the subject site.

We therefore respectfully request the application for development approval be considered on its merits and favourably determined.