

October 2017

Metropolitan Region Scheme Amendment 1291/41



Herdsman-Glendalough Precinct

Report on Submissions
Submissions
Transcript of hearings

City of Stirling

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Amendment 1291/41**

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MRS Amendment 1291/41 Report on Submissions
 Submissions
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Introduction to Metropolitan Region Scheme major amendments

The Western Australian Planning Commission (WAPC) is responsible for keeping the Metropolitan Region Scheme (MRS) under review and initiating changes where they are seen as necessary.

The MRS sets out the broad pattern of land use for the whole Perth metropolitan region. The MRS is constantly under review to best reflect regional planning and development needs.

A proposal to change land use reservations and zones in the MRS is regulated by the *Planning and Development Act 2005*. That legislation provides for public submissions to be made on proposed amendments.

For a substantial amendment, often referred to as a major amendment (made under section 41 of the Act), the WAPC considers all the submissions lodged, and publishes its recommendations in a report on submissions. This report is presented to the Minister for Planning and to the Governor for approval. Both Houses of Parliament must then scrutinise the amendment before it can take legal effect.

In the process of making a substantial amendment to the MRS, information is published as a public record under the following titles:

Amendment report

This document is available from the start of the public advertising period of the proposed amendment. It sets out the purpose and scope of the proposal, explains why the amendment is considered necessary, and informs people how they can comment through the submission process.

Environmental review report

The Environmental Protection Authority must consider the environmental impact of an amendment to the MRS before it can be advertised. Should it require formal assessment, an environmental review is undertaken and made available for information and comment at the same time as the amendment report.

Report on submissions

The planning rationale, determination of submissions and the recommendations of the WAPC for final approval of the amendment, with or without modification, is documented in this report.

Submissions

This document contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

Transcript of hearings

A person who has made a written submission may also choose to appear before a hearings committee to express their views. The hearings proceedings are recorded and transcribed, and the transcripts of all hearings are reproduced in this volume.

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Submissions

Transcript of Hearings

Report on Submissions

Metropolitan Region Scheme Amendment 1291/41

Herdsman - Glendalough Precinct

Report on Submissions

1 Introduction

At its March 2015 meeting, the Western Australian Planning Commission (WAPC), resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS) in accordance with the provisions of Section 41 of the *Planning and Development Act 2005*.

2 The proposed amendment

The amendment proposal was described in the previously published Amendment Report, and description of the proposal is repeated below.

The purpose of the amendment is to rezone approximately 139.64 hectares of the Herdsman-Glendalough commercial/industrial precinct from the Industrial zone to the Urban, Urban Deferred and Central City Area zones in the MRS. The amendment also reserves Hutton Street as Other Regional Roads (ORR), from Howe Street to Jon Sanders Drive.

The proposed amendment implements the recommendations of various strategic planning documents, and will facilitate a mixed-use precinct accommodating commercial, light industrial, retail and residential land uses (up to 25 storeys), following a local scheme amendment, structure planning and subdivision approval.

3 Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required. The EPA advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. The EPA did not provide any advice.

A copy of the notice from the EPA was included in the previously published Amendment Report.

4 Call for submissions

The amendment was advertised for public submissions from 15 December 2015 to 18 March 2016.

The amendment was made available for public inspection during ordinary business hours at:

- i) the offices of the Western Australian Planning Commission, Perth (Gordon Stephenson House);
- ii) the offices of the Cities of Perth, Fremantle, Stirling and Vincent; and
- iii) the State Reference Library, Northbridge.

During the public inspection period, notice of the amendment was published in *The West Australian* and *Sunday Times* newspapers and relevant local newspaper/s circulating in the locality of the amendment.

5 Submissions

Thirty-three submissions (includes one late submission) were received on the amendment. An alphabetic index of all the persons and organisations lodging submissions is at Schedule 1.

One submission supported the amendment, 17 submissions objected to the amendment and 15 submissions contained neutral comments, non-objections or general comments on the amendment.

The main issues raised in the submissions are discussed further in Section 7 below - "Main Issues Raised in Submissions". A summary of each submission with WAPC comments and determinations is at Schedule 2. A complete copy of all written submissions is contained in this publication.

6 Hearings

Section 46 of the *Planning and Development Act 2005* provides that each person who makes a submission is to be offered the opportunity of being heard by a Committee formed by the WAPC for that purpose. The Committee comprised:

- Ms Elizabeth Taylor, Member of the Statutory Planning Committee;
- Mayor Henry Zelones, Local Government representative; and
- Ms Judi Bell, as an independent member with planning knowledge.

All persons who made submissions were invited to present their submission to the Hearings Committee. Seven hearings were requested and these occurred on 12 September 2016.

7 Main issues raised in submissions

7.1 Urban Deferred zone

Urban Deferred zone

Submitters request that the Urban Deferred zone be replaced by the Urban zone, as follows:

- *State Planning Policy 4.3 - Poultry Farms* (SPP 4.3) has been incorrectly applied as the poultry processing plants in Howe Street, Osborne Park (Steggles) and Baden Street, Osborne Park (Inghams) are not poultry farms.
- The Urban Deferred zone would be inconsistent with WAPC and City of Stirling strategic planning documents which support the development of a mixed-use transit oriented precinct including residential, office and retail uses.

- Planning controls exist to control potential impacts via the City of Stirling's local planning framework, such as inclusion of provisions and controls in a "Special Control Area", controls in a structure plan, a local development plan and Local Planning Policy.
- The Urban Deferred zone would sterilise a substantial area of land and impact on the proposed development and vision of a mixed-use precinct for the Herdsman-Glendalough precinct.

WAPC Response

The WAPC notes that SPP 4.3 sets out matters which need to be taken into account in determining proposals for new poultry farms, expansion of existing poultry farm facilities and development in the vicinity of poultry farms.

There are two poultry processing facilities in the vicinity of the proposed amendment area, with approved uses "Warehouse", "Office", "Freezer", "Car Park" and "Live Bird Storage" (allows birds to be delivered for a short period of time). The poultry processing facilities are not classified as a "poultry farm", as they are not used for the keeping of poultry for breeding, commercial egg production or commercial meat production.

As no "poultry farming" occurs at these sites, SPP 4.3 and the associated 500 m buffer does not apply. Therefore, the Urban Deferred zone is not required and can be replaced by an Urban zone. Since the WAPC's finalisation of the amendment, SPP 4.3 has been replaced by SPP 2.5 - Rural Planning which provides policy direction on animal premises.

The City of Stirling has advised that transition areas (i.e. industrial or public open space uses) are to be located in close proximity to the above poultry processing facilities. Amendment 39 to Local Planning Scheme No. 3 (LPS 3) proposes a "Transitional Industry" zone. The City also advised of provisions which could be included in the proposed Local Development Plan, such as -

- *The introduction of an additional buffer by requiring that residential uses associated with mixed-use developments are oriented away from poultry processing facilities. This will be introduced into LPS 3 and the Herdsman-Glendalough Local Development Plan. This includes orienting houses away from poultry processing facilities and establishing landscape buffer screens between proposed housing and poultry plants.*
- *The establishment of suitable fencing to provide a physical barrier between the poultry processing facilities and the new residences. There are existing industrial buildings located between the Steggles site and the proposed "Mixed-Use" zone along Scarborough Beach Road that completely screens this facility.*
- *Staging subdivision and development to enable monitoring of the impacts of the poultry processing facilities, prior to releasing land close to these facilities. Development currently exists up to the boundary of the Steggles facility (including office buildings) and residential development surrounds the Ingham facility.*

Therefore, the identification of actual landuses, setbacks, buffers and the application of building standards will be considered in the subsequent more detailed stages of the planning and development process by the City of Stirling and WAPC, in consultation with relevant government agency requirements and will be the subject of a separate public consultation process.

Submissions upheld

8 Modifications

It is recommended that the amendment be adopted for finalisation with the replacement of the Urban Deferred zone with an Urban zone. As this modification does not alter the intent of the advertised amendment, to urbanise the site to allow for a variety of mixed-uses (i.e. residential, commercial etc.), readvertising of the amendment is not considered necessary.

9 Determinations

The responses to all submissions are detailed in this report. The submissions requesting the replacement of the Urban Deferred zone with an Urban zone are upheld. Modification to the amendment is to be undertaken as discussed above.

10 Coordination of region and local scheme amendments

Section 126(3) of the *Planning and Development Act 2005* allows for the concurrent amendment of a LPS where land is to be transferred to the Urban zone in the MRS. As the City of Stirling has progressed a separate LPS amendment, the concurrent amendment of the land is not applicable.

11 Conclusion and recommendation

This report summarises the background to major MRS Amendment 1291/41 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the amendment as shown generally on the figure for Proposal 1 in Schedule 4 (as modified), and in detail on the MRS Amendment Plan listed in Appendix 2 (as modified) should be approved and finalised.

Having regard to the above, the WAPC recommends that the Minister for Planning presents the modified amendment to Her Excellency the Governor for consideration and approval and subsequently commend the amendment to both Houses of Parliament.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1291/41

Herdsman-Glendalough Urban Precinct

Submission Number	Name
22	ABN Group
11	Aboriginal Affairs, Department of
5	Aspley, Bruce
18	Chrysalis Montessori School
2	Delbost, D
9	Education, Department of
21	Environment Regulation, Department of
30	Fisheries, Department of
24	Hawke, Leonard
23	Hawke, Leonard and Peter
25	Hawke, Peter
31	Health, Department of
26	Lavan Legal on behalf of H and A Machlin
10	Ledger, Kevin
1	Mines and Petroleum, Department of
12	Parks and Wildlife, Department of
13	Peter D Webb and Associates on behalf of affected landowners
14	Peter D Webb and Associates on behalf of Barbagallo Group
6	Pickersgill, Luke
15	Planning Solutions on behalf of Primewest Group
4	Public Transport Authority
20	Rowe Group on behalf of owners of 28 Frobisher Street, Osborne Park
3	State Development, Department of
32	Stirling, City of
8	Tourism Western Australia
28	TPG Town Planning on behalf of Kondil Nominees Pty Ltd and Kailis Consolidated Pty Ltd
16	TPG Town Planning on behalf of owners of 355 Scarborough Beach Road, Osborne Park
27	TPG Town Planning on behalf of owners of 443 Scarborough Beach Road, Osborne Park
17	Transport, Department of
29	Vincent, City of
19	Water Corporation
7	Water, Department of
Late Submission	Name
33	Nardizzi, Renato

Schedule 2

Summary of submissions and determinations

Submissions: 1, 3, 4, 7 - 9, 11, 12, 17, 21, 30, 31

Submitted by: Department of Mines & Petroleum, Department of State Development, Public Transport Authority, Department of Water, Tourism WA, department of Education, Department of Aboriginal Affairs, Department of Parks & Wildlife, Department of Transport, Department of Environment Regulation, Department of Fisheries, Department of Health

Summary of Submissions: COMMENT

The above State Government agencies raise no objections, no comment or provide general comments that relate to the subsequent more detailed stages of the planning and development process. Where applicable, the proponent has been advised of the above comments.

Planning Comment: Comments noted.

Determination:

Submissions noted

Submission: 2

Submitted by: D Delbost (affected landowner)

Summary of Submission: OBJECTION

The submission does not support the rezoning of their land for urban purposes.

Planning Comment: The WAPC supports the rezoning of the Herdsman-Glendalough area to Urban, as this will allow for the implementation of plans which will see the area transformed overtime into a vibrant, mixed use and pedestrian environment. The amendment is also in accordance with strategic planning documents such as the draft *Perth and Peel@3.5 Million / draft Central Sub-regional Planning Framework* and *Herdsman-Glendalough Concept Structure Plan*.

Determination:

Submission dismissed.

Submission: 5

Submitted by: Bruce Aspley (affected landowner)

Summary of Submission: OBJECTION

The submission (72 Walters Drive) requests that their land be zoned Urban as follows:

- The 500 m buffer boundary creates two zones over the subject land i.e. Urban and Urban Deferred zones.

- The property abuts an existing Urban area.
- The Urban Deferred zone will devalue the property.
- No odours have been noticed from the Steggles chicken processing facility, not made aware of any concerns from tenants.
- City of Stirling has indicated that even if the and were Urban, residential landuses would not be located.

Planning Comment: Refer to Part 7.1 - Urban Deferred zone of the Report on Submissions.

Determination:

Submission upheld.

Submission: 6

Submitted by: Luke Pickersgill (nearby landowner)

Summary of Submission: OBJECTION

The submission requests that the City Centre zone extend to a portion of land east of Selby Street North, so development can occur on either side of Selby Street, rather than just to one side. This would be consistent with King Edward Road (to the north) where the City Centre zone is either side of the road.

Selby Street (and King Edward Road) may not be wide enough to accommodate an Integrator B Arterial Road. However, such matters are not relevant at the MRS amendment stage.

The Department of Transport should inform the Department of Planning as to the reserve requirements for Stephenson Avenue. Currently, Stephenson Avenue (between Scarborough Beach Road and Jon Sanders Drive) is zoned City Centre and reserved as Primary Regional Roads. The City Centre zone has sufficient width to accommodate a diamond freeway interchange. It needs to be decided whether development will interface with Stephenson Avenue (as an Integrator Arterial A) or if it is going to be a Controlled Access Highway (CAH). If it's to be a CAH, then Selby Street North should become an Integrator B Arterial with City Centre zoning either side.

Planning Comment: The WAPC supports the widening of Hutton Street as a review of the Stirling City (Strategic Regional Centre) Structure Plan identified the need for deletion of Stephenson Highway Primary Regional Roads (PRR) reservation in the MRS, and recommended upgrading of the remaining Other Regional Roads (ORR) network within the City Centre area.

The Stirling Alliance coordinated a collaborative planning exercise between the City of Stirling, State Government agencies, private sector and community to identify long term transport planning solutions for the planned City Centre. Hutton Street was identified to take over the future freight route function from Stephenson Highway. This plan included extending Hutton Street to Jon Sanders Drive (from Scarborough Beach Road to the south) and widening of the existing part of Hutton Street towards Mitchell Freeway to the north.

The City Centre zoning is proposed to match the area of the Stirling City Structure Plan, as the remainder of the Stirling City Structure Plan area is already zoned City Centre under the MRS. The City Centre zone also reflects the Stirling Strategic Regional Centre.

The Herdsman-Glendalough Structure Plan area is proposed to be zoned Urban and is not within the Stirling Strategic Regional Centre. Therefore, the WAPC does not support the extension of the City Centre zone to the east of Selby Street North.

Determination:

Submission dismissed.

Submission: 10, 33 (late)

Submitted by: Kevin Ledger, Renato Nardizzi (affected landowners)

Summary of Submission: OBJECTION

The submitters object to the 500 m buffer zone which is to be zoned Urban Deferred as many property owners are disadvantaged, as their land cannot be developed to its full potential. This buffer zone will impact on the entire Herdsman-Glendalough Precinct until it is removed.

Planning Comment: Refer to Part 7.1 - Urban Deferred zone of the Report on Submissions.

Determination:

Submissions upheld.

Submission: 13, 14

Submitted by: Peter Webb & Associates (on behalf of a number of affected landowners)

Summary of Submission: OBJECTION

Peter Webb & Associates (on behalf of a number of affected landowners and the Barbagallo Group) request that the Urban Deferred zone be replaced by an Urban zone.

State Planning Policy (SPP) 4.3 has been incorrectly applied, as the (poultry processing plant is not a poultry farm and can only be applied to residential and rural-residential areas, not industrial areas.

The Guidelines for the Lifting of Urban Deferment advise *'This zone (Urban Deferred) provides a strong indication that the land is physically and occasionally suitable for urban purposes although certain requirements have to be met before the WAPC will agree to the land being transferred to the urban zone'*. The Guidelines note that before agreeing to the transfer of land from the Urban Deferred zone to the Urban zone the WAPC will require evidence on a range of matters.

The amendment makes all this not relevant, as the land has been comprehensively planned and largely developed. The introduction of mixed-use and land use intensification is at an advanced stage, given the City's Herdsman-Glendalough Structure Plan and Local Development Plan.

The Urban Deferred zone raises questions as to how the local government might consider applications for Development Approval or modification of an existing development. It appears in the Guidelines that Development Approval can be withheld on any proposal if this Urban Deferred zone remains in place. The Guidelines identify a range of issues under sub-headings. It is apparent that the local government will be required to undertake a detailed assessment of any proposal or be in contravention of the Urban Deferred zone.

The City is preparing a structure plan for the area, which is well advanced and would conflict with other developments if a structure plan was required for each one. Alternatively, owners may seek to progress an application, there are limitations which apply to that process.

The zoning of this land to Urban Deferred is inappropriate as it is justified on the basis of SPP 4.3. Poultry processing plants are not similar to poultry farms (being for the production of meat and eggs) and are generally characterised by the rearing and keeping of birds on a long term basis and as a consequence, of strong, offensive odours within close proximity. No such odours are in evidence adjacent to or within close proximity of the poultry processing plant.

The amendment advises that, while acknowledging the existence of the poultry processing plant, confirms that the recommended 500 m buffer for sensitive uses to poultry farms be applied. The WAPC provides no justification for applying in an ad-hoc manner, the recommended buffer provisions of one land use, with another which has no similar characteristics.

These objectives of the Herdsman-Glendalough Structure Plan should encourage the WAPC to replace the Urban Deferred zone with an Urban zone. Where legitimate concerns exist about the operation of the poultry processing plant, these can be addressed within relevant environmental legislation. The developer is aware that the local government can apply Development Application and Building Licence. The Herdsman Glendalough Structure Plan, the Herdsman Glendalough Local Development Plan and Amendment 39 to the City's LPS 3 introduce provisions via a Special Control Area to control any possible impacts. This can be extended to include Department of Environment Regulation licence conditions.

In relation to Submission 14, the various Barbagallo entities remain concerned about possible loss of portions of their land (particularly fronting Scarborough Beach Road), where extensive road widening is being proposed. The Barbagallo entities may seek an opportunity to discuss compensation for those losses.

Planning Comment: Refer to Part 7.1 - Urban Deferred zone of the Report on Submissions.

In relation to Submission 14, the WAPC supports the widening of Hutton Street as a review of the Stirling City (Strategic Regional Centre) Structure Plan identified the need for deletion of Stephenson Highway Primary Regional Roads (PRR) reservation in the MRS, and recommended upgrading of the remaining ORR network within the City Centre area.

The Stirling Alliance coordinated a collaborative planning exercise between the City of Stirling, State Government agencies, private sector and community to identify long term transport planning solutions for the planned City Centre. Hutton Street was identified to take over the future freight route function from Stephenson Highway. This plan included

extending Hutton Street to Jon Sanders Drive (from Scarborough Beach Road to the south) and widening of the existing part of Hutton Street towards Mitchell Freeway to the north.

The remaining section of Hutton Street (from Howe Street to Mitchell Freeway) is subject to PCA 110, which protect wider land requirements for regional road purposes in order to allow for road upgrading in the future.

Determination:

Submissions upheld.

Submission: 15

Submitted by: Planning Solutions (on behalf of Primewest Group)

Summary of Submission: OBJECTION

Planning Solutions (on behalf of Primewest Group) objects to the amendment as follows:

Improper Application of State Planning Policy

The WAPC is incorrectly applying SPP 4.3 to justify the proposed Urban Deferred zoning surrounding the existing Steggles poultry processing facility. The off-site impacts associated with poultry farms are associated with the keeping and rearing of live chickens. The existing Steggles facility does not fit the definition of a poultry farm, as it does not provide for the rearing or keeping of poultry. It is inappropriate to apply SPP 4.3 to an existing poultry processing facility which is different to a poultry farm.

The EPA reviewed the amendment and did not raise any objection to the Urban zoning of the land surrounding the Steggles facility, and stated that any concerns could be addressed through planning processes.

Orderly and Proper Planning

Poultry farming is a predominantly rural activity, and the Urban Deferred zone is commonly applied in areas transitioning from the Rural zone to the Urban zone. The poultry processing plant is located approximately 5 km from the Perth CBD, within a densely developed area accommodating a range of commercial, retail and industrial land uses. The Herdsman-Glendalough area is intended to function as a transit oriented activity centre accommodating a range of mixed use commercial, retail and residential industrial uses.

The application of the Urban Deferred zone in a developed commercial/industrial area with a range of industrial and special use zonings is not appropriate. These local zonings would likely be inconsistent with an Urban Deferred zoning, and there is no obvious local zone under LPS 3 that could be applied to ensure consistency with the Urban Deferred zone.

Other Planning Controls Available

Planning controls are available via the City's local planning framework to manage land use and development, including those properties in close proximity to the existing Steggles poultry processing facility. Such mechanisms include:

- Application of “Development” zone and inclusion of provisions and controls, inclusion of “Special Control Area” provisions;
- Inclusion of specific controls within any Structure Plan;
- Inclusion of specific controls within any Local Development Plan; and
- Formulation of a Local Planning Policy.

This submission was supported by a Hearing.

Planning Comment: Refer to Part 7.1 - Urban Deferred zone of the Report on Submissions.

Determination:

Submission upheld.

Submission: 16, 27, 28

Submitted by: The Planning Group (affected landowners)

Summary of Submission: OBJECTION

The Planning Group (on behalf of 355 & 443 Scarborough Beach Road, Osborne Park and Kondil Nominees Pty Ltd & Kailis Consolidated Pty Ltd) request the Urban Deferred zone be replaced by an Urban zone as follows:

Context

The City of Stirling has proposed the redevelopment of the Herdsman-Glendalough Precinct. This included the preparation of a Concept Structure Plan which proposed a mixed-use residential and commercial precinct with a strong employment focus based on TOD principles and WAPC policies.

In 2013, the City prepared the draft Herdsman Glendalough Structure Plan and Detailed Area Plan (DAP). The process included extensive community consultation and included inter-agency consultation. In 2014, an amendment request was progressed to request the rezoning of the site from Industrial to an Urban zoning. A LPS amendment was progressed which proposed rezoning the site to “Development”. This amendment, structure plan and DAP were advertised in early 2015, and were based on a range of strategic planning documents.

However, the WAPC has modified the MRS amendment request, to rezone parts of the site to Urban Deferred due to the potential impacts of the existing poultry processing plants. The level of Urban Deferred land was subject to the implementation of a generic 500 m buffer for sensitive land uses to poultry farms in accordance with SPP 4.3.

Rezoning Implications

The Urban Deferred zoning is the area of main focus for the redevelopment of the precinct. The redevelopment envisaged the whole precinct to be part of a Cost Contribution Scheme. The Urban Deferred zone will sterilise this land.

All affected landowners are impacted as no development approvals can be issued until the impacts of the processing plants are removed or significant testing and analysis is

undertaken to remove the buffer. It is highly unlikely the facilities will relocate in the future due to significant financial investment.

This creates significant expense to affected landowners who want the land to be Urban. This is an unnecessary burden given existing sensitive land uses. The Urban Deferment will not remove any potential impacts on sensitive land uses.

The issue should be addressed via the Structure Plan, Local Development Plan and Development Application stages where the burden of the analysis falls directly to the landowner who will have the benefit.

The rezoning to Urban Deferred zoning will sterilise all development which will impact the ability of landowners to relocate due to the significant impact on land values, have implications for any renovations and borrowing implications. Overall the Urban Deferred rezoning has significant implications to State and Local government and the landowners.

Substantiation of Objection

SPP 4.3 - Poultry Farms

Pursuant to SPP4.3 a poultry farm is defined as follows:

“Poultry farm means land and buildings used for rearing or keeping of poultry for breeding, commercial egg production or commercial meat production. Poultry includes chickens, ducks and turkeys but excludes emus and ostriches.”

The existing poultry processing plants are defined as abattoirs as per the licence issued under the *Environmental Protection Act 1986*. The sites are not considered to meet the poultry farm definition and SPP 4.3 is not applicable.

State Planning Policy 4.1 - Industrial Buffers

SPP 4.1 places a strong influence on the role of the EPA and the need for formal consultation with the EPA to occur prior to advertising an amendment. The EPA had no objection to the amendment and Urban zoning, and advised that *“there were no significant issues that could not be adequately managed through more detailed planning mechanisms.”* SPP 4.1 states that the definition of off-site buffers can be required by planning instruments such as town planning schemes, region plans and strategies, structure plans and policies.

Given the advice from the EPA and the requirements of SPP 4.1 it is considered that the City’s Local Structure Plan and subsequent Local Development Plans (and the resultant Development Applications) can deal with required buffer distances. SPP 4.1 also acknowledges that industry and infrastructure must comply with adopted environmental and planning criteria.

SPP4.1 also identifies that:

“size of the buffer area is dependent on the management practices used. The balance is normally based on a weighing up of the economic viability of incorporating management practices versus the availability and cost of securing a buffer area. Best practicable environmental management practices (BPEMPs) may be acceptable where an adequate off-site buffer area can be provided. If only a smaller buffer area is available then best environmental management practices (BEMPs) may be required.”

Given the above the implementation of an Urban Deferred zoning under the MRS is considered unnecessary.

Site Specific - Need for Buffer

Both chicken processing plants are licenced premises by the Department of Environment Regulation pursuant to the *Environmental Protection Act 1986*. The licence in relation to the Baden Street, Osborne Park site requires all odour and dust impacts to be confined on site. It also specifies that all wastewater is to be directed into holding tanks, the treated wastewater to be disposed of into the sewer and solid sludge wastes to be disposed of into an approved waste disposal facility. The impact of the facilities is considered insignificant as there are residential properties directly abutting the eastern boundary of the facility without complaints.

In relation to facility on Howe Street, Osborne Park, there are requirements for dust control, and all waste water needs to be directed to holding tanks, treated and all solid waste removed to an appropriate waste disposal facility. Also, this site has existing sensitive land uses within the generic 500 m buffer, without any complaints. Given the facilities include mitigation techniques that remove the impacts from surrounding developments and operate without complaints from residents, there is no need for a buffer.

Inconsistency with the Strategic Planning Framework

The Urban Deferred zone conflicts with a number of strategic documents endorsed by the WAPC. Directions 2031 and beyond stipulates that “*consolidated redevelopment should be encouraged around key existing and new intersections and transit nodes along Scarborough Beach Road*”. It also identifies transit nodes as areas for residential development.

The *Capital City Planning Framework* identifies Osborne Park as a significant activity centre beyond the central core that display high levels of employment, with the area identified for an employment density of between 131-300 persons per hectare. It highlights the potential of the Herdsman-Glendalough Area to develop as a TOD around the train station.

The draft *Central Metropolitan Perth Sub-Regional Strategy* outlines a housing target of 31,000 dwellings for the City, with Glendalough identified as a TOD with a housing potential of 1,700 dwellings. The Glendalough area is identified as a District Centre, which SPP 4.2 - Activity Centres for Perth and Peel identifies as centres that cater for the daily and weekly needs of residents.

The Draft *Scarborough Beach Road Activity Corridor Framework* provides a vision for Glendalough to become “*a significant new transit-oriented centre that appropriately responds to its location*”. The area is also envisaged to be characterised by a mix of uses, including residential, office-based mixed use and retail-based mixed use.

The Urban Deferred zoning sterilises the land for any type of development. The implementation of this zoning is thus considered inconsistent and not orderly and proper planning.

Submissions 16 & 28 were supported by Hearings. Submission 28 provided additional information regarding the replacement of the Urban Deferred zone with an Urban zone.

Planning Comment: Refer to Part 7.1 - Urban Deferred zone of the Report on Submissions.

Determination: Submissions upheld.

Submission: 18

Submitted by: Chrysalis Montessori School

Summary of Submission: OBJECTION

The Chrysalis Montessori School objects to the amendment as it will allow for further development of the area. The School acknowledges that the Herdsman-Glendalough Concept Structure Plan provides for more intensive transit-oriented development around Glendalough.

However, further development will result in more vehicle movements within and adjacent to the amendment area. The increased traffic is of concern to the school population and parents. For safety and access reasons there needs to be greater traffic calming measures and restrictions along Parkland Road.

The City of Stirling introduced paid parking zones to the east of the School and within the School grounds during school holidays. These measures have made an improvement to parking issues as a result of redevelopment.

The School is concerned about the City of Stirling plans to develop off-street parking on the Glendalough Open Space which abuts the school, including a large car park. The following matters have been raised:

- The Schools' playground is well utilised before School, at lunch-time and after School. The car park is immediately adjacent to the playground, and there are concerns about parking patrons observing and interacting with children.
- The area of the proposed car park would restrict the Schools' of use of an extended grassed area, which is used for physical education. The playground (Reserve No. 48269) is not adequate for sports lessons and games such as soccer, cricket etc. The School does not expect exclusive use of this area.

If the amendment is finalised, there will be an increase in the residential population and the Glendalough Open Space will become a more valued green space. The School opposes the development of a car park immediately adjacent to its playground. All development approvals within the Urban zone should provide for adequate on-site vehicle parking for workers, residents and visitors.

This submission was supported by a Hearing. The submitter was advised to continue discussions with the City of Stirling.

Planning Comment: The Herdsman-Glendalough Structure Plan aims to locate residents in close proximity to the Glendalough Station in accordance with various State planning documents. Combined with improved pedestrian, cycling and transit infrastructure, the proximity of new dwellings to existing transit infrastructure will facilitate a shift in transport mode within the area away from private motor vehicle usage.

A range of uses are permitted within the proposed Urban zone and the EPA has advised that proposed uses (and buffers) are to be in accordance with *Guidance Statement No. 3 - Separation Distances between Industrial and Sensitive Land Uses*. It is acknowledged that further detail design of the precinct and permissibility of uses will occur in future planning

stages, via structure planning and Town Planning Scheme amendments, that are subject to separate public consultation.

There are currently no parking restrictions within the Herdsman-Glendalough area. The City has recently drafted a parking policy for the Herdsman-Glendalough area which will be introduced in conjunction with the Herdsman-Glendalough Structure Plan.

The City is also currently considering the introduction of a public parking facility within the Herdsman-Glendalough area. The parking facility will not be located on the Glendalough open space site.

Determination: Submission dismissed.

Submission: 19

Submitted by: Water Corporation

Summary of Submission: COMMENT

The Water Corporation advises as follows:

Water

Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

Upgrading of the current system may be required to prevent existing customers being affected by the proposed development. When the proposed demands are provided the Water Corporation can review the proposed development.

Developers may need to fund local water reticulation upgrades to support servicing of their individual development proposals. The physical co-ordination of reticulation upgrades and the equitable sharing of these costs may be difficult. This coordination could be undertaken by developers and/or the City, or WAPC may need to consider a development contribution scheme or similar.

Some water mains do not appear to be located within a road reserve on the north-west corner of the Scarborough Beach Road / King Edward Road intersection. Pressured water mains shall not be located in private land. No development would be allowed in this area.

Wastewater

Reticulated sewerage is currently available to the subject area. All sewer main extensions, if required, should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

Existing sewerage mains are located within private land and due consideration will be required. The developer is required to fund the full cost of protecting or modifying any existing infrastructure. Easements may be option to protect sewers.

Due to the increase in development density, upgrading of the current system may be required to prevent existing customers being affected by the proposed development. The

Corporation may need to review the wastewater planning once more detailed land use and wastewater flow information is provided.

Developers may need to fund local sewerage reticulation upgrades. The physical coordination of reticulation upgrades and the equitable sharing of these costs may be difficult. The coordination could be by developers and/or the City, or WAPC may consider a development contribution scheme or similar.

Two wastewater pumping stations are located within the subject area. During maintenance, abnormal operating or weather conditions, an increased level of odour may occur which could be of nuisance to persons. Therefore compatible land uses should be developed within these buffers.

Drainage

Detailed land use and structure planning should include a requirement to undertake groundwater modelling for the Stirling City Centre and the Herdsman-Glendalough Urban Precinct to determine base flows.

Prior to development a Drainage and Water Management Plan, by the Department of Water, should be undertaken that sets regional drainage conditions. The Corporation may also need to undertake a scheme review. The Corporations drainage system would normally only take predevelopment flows. So any future development should compensate any additional flows on their own land.

Major drainage infrastructure is located within the subject area. All future developers are required to fund the cost of protecting or modifying existing Corporation drainage facilities or infrastructure.

General Comments

The Corporation owns land parcels within the amendment area for wastewater and drainage services. Any development that includes or is near this land will need approval from the Corporations Procurement and Property Branch.

The Corporation states that the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for water, sewerage and drainage headworks may also be required. The developer may be required to fund new works or the upgrading of existing works and protection of all works. Any temporary works needed are required to be fully funded by the developer. The Water Corporation may also require land being ceded free of cost for works.

Planning Comment: The above comments have been provided to the proponent as many matters relate to the subsequent more detailed stages of the planning and development process.

Determination: Submission noted.

Submission: 20

Submitted by: The Rowe Group (on behalf of affected landowners)

Summary of Submission: OBJECTION

The Rowe Group (on behalf of Lots 1 - 12 Frobisher Street, Osborne Park) object to the amendment as follows:

Justification for Submission

A 500 m buffer to sensitive land uses is based on the existing poultry processing facility, which is used for the carving, packaging and delivering of poultry in Perth metropolitan area.

SPP 4.3 sets out matters which the WAPC and local governments will take into account in determining proposals for new poultry farms, expansion of existing poultry farm facilities and development in the vicinity of poultry farms.

The Steggles factory outlet was approved by the City of Stirling with the land uses "Warehouse", "Office", "Freezer", "Car Park" and "Live Bird Storage". The "Live Bird Storage" allows live birds to be delivered for a short time before being processed and packaged. No "poultry farming" occurs at the site. The Inghams outlet was approved by the City of Stirling with the land use "Live Bird Area", with the same arrangements as above. Again, no "poultry farming" occurs at the site.

The poultry processing facilities cannot be classified as a "poultry farm" as per the definition contained within SPP 4.3. The existing poultry processing facilities are not used for any of the keeping of poultry for breeding, commercial egg production or commercial meat production.

No Urban Deferred buffer was proposed as the current land uses have no adverse impacts on the surrounding locality and do not function as a "poultry farm". It would be inconsistent with proper and orderly planning to impose an Urban Deferred buffer to the Steggles poultry facility, when it operates in a very similar manner to the Inghams facility.

SPP 4.3 is being inappropriately imposed on the poultry processing facilities given they should apply to "poultry farms" only. The provisions within SPP 4.3 relate to facilities which may cause adverse impacts visually, from odour and from dust. The existing poultry processing facilities do not cause any adverse impacts as:

- they are fully contained within large industrial buildings;
- being a fully contained operation the surrounding locality is not adversely impacted by dust or odour; and
- the poultry is not located at each facility for a long enough period of time for a large build-up of faeces to occur.

The general buffer guidelines outlined within SPP 4.3 apply to 'new poultry sheds' and not to existing poultry facilities. Despite the buffer guidelines relating to 'new poultry sheds', the buffer requirements are further unrelated to the existing poultry processing facilities as the existing facilities cannot be classified as "poultry farms".

As the Urban Deferred area is not adversely impacted by any existing "poultry farm", the land can accommodate an Urban zone, and the amendment should be modified accordingly.

The City has approved the Herdsman-Glendalough Area Local Structure Plan which proposes updated zoning for land. The submission states that the affected land is proposed to be zoned "Transitional Industry". The proposed Urban Deferred zoning will also have adverse implications on the progression of structure plan.

If the WAPC does not agree with the Urban zoning, it is requested that the existing Industrial zoning remain.

This submission was supported by a Hearing.

Planning Comment: Refer to Part 7.1 - Urban Deferred zone of the Report on Submissions.

Determination: Submission upheld.

Submission: 22

Submitted by: ABN Group

Summary of Submission: SUPPORT

The submission supports the finalisation of the amendment.

Planning Comment: Support noted.

Determination: Submission noted.

Submission: 23, 24 & 25

Submitted by: Leonard Richard & Peter Gary Hawke, Leonard Richard Hawke, Peter Gary Hawke (affected landowners)

Summary of Submission: OBJECTION

The submissions request the Urban Deferred zone be replaced by an Urban zone as follows:

- There is no smell from the chicken processing plants which would impact on the redevelopment of the site (Lot 500 Frobisher Street, Osborne Park).
- The WAPC has been working with the City of Stirling for about 5 years to facilitate the future development of the present - why hasn't this been any issues before?
- The subject land is only 4 minutes from the Perth CBD.

Planning Comment: Refer to Part 7.1 - Urban Deferred zone of the Report on Submissions.

Determination: Submissions upheld.

Submission: 26

Submitted by: Lavan Legal (on behalf of Howard & Amos Machlin)

Summary of Submission: OBJECTION

Lavan Legal (on behalf of Howard & Amos Machlin) advises that Lot 60 Hutton Street, Osborne Park is the subject of Planning Control Area (PCA) No. 110. The PCA imposes development control over part of the property for future regional road purposes.

The future road widening is co-ordinated with the widening for Hutton Street (between Howe Street and Scarborough Beach Road) proposed under this amendment. Although not the subject of the amendment, it is likely that future MRS amendments will confirm road widening requirements which will sterilise the development of the property.

There is no need or justification for the widening of Hutton Street, as the planning framework shows that other major traffic routes can accommodate future traffic.

Strategic plans such as the draft Stirling City Centre Structure Plan show future traffic demand will be met by major road extensions and upgrades, including the proposed extension of Stephenson Avenue from Scarborough Beach Road to Karrinyup Road.

Other measures include the upgrading of King Edward Road and a new King Edward Road Bridge over the Mitchell Freeway with future connection to Karrinyup Road. These new road extensions / upgrades will accommodate future traffic needs in the proximity of Hutton Street, resulting in the widening of Hutton Street being superfluous.

Road widening proposals have an adverse impact on future use and development of affected properties. More than half the property is affected by the road widening, and the whole the property will lose all functionality.

Road widening proposals impact on investment decisions and could prejudice the commercial tenant's plans, and tenure which may affect the upkeep of the property and premature termination of the lease.

The proposed Urban Deferred zone (opposite the property) places uncertainty over future planning of the area, as it imposes a 500 m buffer around existing poultry processing facilities and constraints on development. Structure planning should be undertaken (for the Urban Deferred area) to guide future planning of the locality.

The WAPC should review the requirements for the widening of Hutton Street and resolve to withdraw that proposal from the amendment.

This submission was supported by a Hearing.

Planning Comment: Refer to Part 7.1 - Urban Deferred zone of the Report on Submissions.

The WAPC notes that the subject land (Lot 60 Hutton Street, Osborne Park) is not located within the amendment area. However, part of PCA 110 (widening of Hutton Street) affects the subject land.

The WAPC supports the widening of Hutton Street as a review of the Stirling City (Strategic Regional Centre) Structure Plan identified the need for deletion of Stephenson Highway PRR reservation in the MRS, and recommended upgrading of the remaining ORR network within the City Centre area.

The Stirling Alliance coordinated a collaborative planning exercise between the City of Stirling, State Government agencies, private sector and community to identify long term transport planning solutions for the planned City Centre. Hutton Street was identified to take over the future freight route function from Stephenson Highway. This plan included extending Hutton Street to Jon Sanders Drive (from Scarborough Beach Road to the south) and widening of the existing part of Hutton Street towards Mitchell Freeway to the north.

This amendment proposes a new ORR reservation for Hutton Street, from Jon Sanders Drive to Scarborough Beach Road, and modification (with greater widening requirements) of

the existing Hutton Street ORR reservation from Scarborough Beach Road to Howe Street to the north.

The remaining section of Hutton Street (from Howe Street to Mitchell Freeway) is subject to PCA 110, which protects wider land requirements for regional road purposes in order to allow for road upgrading in the future. Essentially, the opportunity to review the widening of Hutton Street, is when detailed road design plans are prepared by the City of Stirling. The review will be undertaken in consultation with the DoP and DoT/MRWA.

In the interim, existing PCA 110 protects the affected area and allows for the future detailed design to be undertaken. It also provides compensation for any affected landowner.

Determination: Submission partly upheld.

Submission: 29

Submitted by: City of Vincent

Summary of Submission: COMMENT

The City of Vincent supports the proposed amendment, particularly given its proximity to the Glendalough train station and the potential to develop a Transit Oriented Development.

The amendment states that the Department of Transport (DoT) is undertaking a study to ensure that the existing transport infrastructure is adequate to accommodate current and future traffic and public transport demands. The City recommends that this work be completed prior to the finalisation of the amendment to ensure the wider transport network is able to accommodate any impacts.

Planning Comment: The DoT raises no objections to the finalisation of the proposed amendment or the need for any further MRS road widening. It is noted that further consideration of traffic and transport matters will be undertaken in the subsequent more detailed stages of the planning and development process in conjunction with the DoT, MRWA and the PTA.

Determination: Submission noted.

Submission: 32

Submitted by: City of Stirling

Summary of Submission: COMMENT

The City of Stirling requests that the Urban Deferred zone be replaced by the Urban zone. The City has been liaising with the Department of Planning, Department of Transport and the Public Transport Authority, on the Scarborough Beach Road Activity Corridor project.

The WAPC adopted the Scarborough Beach Road Activity Corridor Framework in 2013, which outlined an overall vision for the corridor. The Scarborough Beach Road Activity Corridor project will yield a total population of 63,745 with 33,550 dwellings, 82,040 jobs and 1,640,800 m² of commercial floor space.

The State Government and the City have invested considerable funds in the planning of the project. Given that the corridor will become Perth's largest employment area outside of the CBD, the Scarborough Beach Road Activity Corridor project is considered to be of State and national significance.

Herdsmen-Glendalough Area

The Herdsmen-Glendalough section of the Scarborough Beach Road Activity Corridor will make a significant contribution to the intensification of the Metropolitan area. The area will accommodate approximately 14,000 dwellings, a population of 26,600 people, 1,000,000 m² of commercial floor space and 50,000 jobs. The Herdsmen-Glendalough area is strategically located between Glendalough Station and the Stirling City Centre.

MRS Amendment

Following the preparation of the Structure Plan, Local Development Plan and Local Planning Scheme No. 3 (LPS 3) Amendment No. 39, the City submitted an MRS amendment request which proposed to rezone the land to Urban. However, the WAPC determined to advertise a portion of the area as Urban Deferred, to create a 500 m buffer around the Steggles poultry processing plant located at 116 Howe Street. The City opposes this component of the amendment.

Proposed Urban Deferred zone

The amendment proposes an Urban Deferred zone within approximately a 500 m radius from the Steggles poultry processing facility located at 116 Howe Street Osborne Park. The Steggles facility is located outside of the Herdsmen-Glendalough Structure Plan area. The City objects to the proposed Urban Deferred zone and requests it is removed and replaced by an Urban zone as:

Application of SPP 4.3 - Poultry Farms Policy

Clause 3 of SPP 4.3 states that it is to be applied to "all residential and rural-residential development in the vicinity of poultry farms in Western Australia". At the Steggles processing facility, birds are delivered to the site and then immediately processed for human consumption. Poultry is neither reared nor kept on this site and the Steggles processing facility is not a poultry farm. Legal advice sought from the City's solicitors has confirmed that the Steggles facility is "not a poultry farm for the purpose of SPP 4.3". As the Steggles facility is not a poultry farm, the City contends that applying SPP 4.3 is wrong in law.

Intention of SPP 4.3 - Poultry Farms Policy and Impact upon Existing Land Uses

The Policy's intent is to restrict sensitive uses from encroaching on poultry farms in rural areas. In this instance there is no rural land, and the area has been fully developed for over 50 years.

Two poultry processing facilities currently exist in the Osborne Park industrial area and sensitive uses exist in close proximity to both of them. There is a predominance of commercial uses including office and retailing in close proximity of the Steggles facility, and residential land uses in immediate proximity of the Ingham poultry processing facility which is located at 9 Baden Street Osborne Park.

It is the intent of the redevelopment of the Herdsmen-Glendalough area to see poultry processing facilities either transition out of the area over time or, as is the case with the

Steggles processing plant, for the facilities to manage any impact within their site boundaries.

Proposals for Residential Development in the Vicinity of Poultry Farms under SPP 4.3

Clause 5.4.1 states that in consideration of proposals for the zoning of land for residential purposes (closer than 500 m to any existing or approved poultry sheds) the WAPC may require an assessment to show that the operation of the poultry farm will not adversely affect the amenity of the new residents of the proposed residential area. Clause 5.4.1 states that the assessment should include the consideration of a range of criteria.

The amendment does not indicate how the above factors have been considered in applying the Urban Deferred zone. Therefore there appears to be no justification or analysis to support the imposition of the 500 m buffer or Urban Deferred zone. In regards to the criteria contained in clause 5.4.1 of SPP 4.3 the City advises as follows:

- The type of poultry farm and odours, dust, noise and other impacts associated with the activities on the site

The Steggles processing facility is a meat processing facility (i.e. not a farm). This is not a facility in which poultry is reared or kept on site. The City understands that the 500 m buffer around a poultry farm is based on the distance of complaints received from these types of establishments in rural outer metropolitan areas. Poultry farms are significantly different to poultry processing plants for the following reasons:

- Birds are kept on farms long term and are contained in open air sheds that allow odours to spread easily to surrounding land uses;
- Poultry manure is stored on farms in the open air and the odour is easily spread to surrounding land uses;
- Poultry processing plants do not keep or rear birds on site;
- Birds delivered to poultry processing plants are moved indoors immediately for processing;
- All short term storage and processing of birds is contained indoors and ventilation systems are designed not to allow the spread of odours to surrounding land uses (as conditioned by planning approvals and building licences);
- The only source of odours is during the arrival of trucks on the surrounding local road network.

The Department of Environment Regulation (DER) has informed the City that they have received 10 complaints relating to odour from the Steggles facility since 2005. Of the 10 complaints, one did not provide an address, another gave a street name only (Colray Avenue) with no house number.

The City does not consider this to be a large number of complaints given the 11 year timeframe. Stricter onsite requirements introduced through the DER licencing process could further reduce the amount of complaints received. 80% of complaints are less than 100 m from the site and most are located downwind from the prevailing south-westerly winds.

The Inghams poultry processing facility located at 9 Baden Street is surrounded by residential land uses, some of which abut the site boundary. The majority of land uses within 500 m of this site are residential and have coexisted with the facility for some time. The city therefore believes a buffer less than 500 m is warranted in this instance due to the low number of complaints received and the close proximity of all complaints.

- Odour impacts having regard to prevailing topographical and meteorological conditions, such as wind speed and direction, and reference to odour dispersal modelling unless exempted by the Commission

The prevailing wind direction in the area is from the south-west. The Herdsman Glendalough Structure Plan proposes Mixed-Use zoning predominately to the south of the Steggles site, with Howe Street being the northern boundary of the Structure Plan Area. The prevailing winds blow towards the existing Industry zoned sites to the north, and away from sites in which Mixed-Use zoning is proposed.

An analysis of the location of the complaints has shown that only one of the complaints received over the last 11 years is located in any of the proposed mixed use areas. However, one of the complaints did not provide an address and hence its location in relation the Steggles facility is unknown.

Under the proposed Herdsman-Glendalough Structure Plan, the sites of all but one of the complaints will be located within either the future 'Transitional Industry', the 'Commercial/Business' zone or the remaining Industry zone.

- The experiences of nearby residents based on the evidence of complaints (or the absence of complaints) regarding the past operation of the poultry farm including the nature source and frequency of complaints

The DER has informed the City that they have received 10 complaints relating to odour from the Steggles facility since 2005. All of these complaints were from non-residential sites and under the provisions of the City's Herdsman Glendalough Structure Plan, all but one of these sites will remain in areas where mixed use (i.e. residential) development is not permitted.

Measures to Reduce the Impact of Poultry Farms under SPP 4.3

Clause 5.4.2 of SPP 4.3 states that the applicant for development should demonstrate measures by which any adverse impacts associated with the poultry farm can be addressed. Such measures could include:

- The identification of buffer zones which can be used for compatible purposes such as industry or public open space

If a buffer is necessary, then the City contends that a 220 m buffer could be implemented through Amendment No.39 to LPS 3, and the Herdsman Glendalough Local Development Plan which both form part of a local planning framework. The City has proposed a 'Transitional Industry' zone, to the south of the site within the City's Local Planning Scheme No. 3 where mixed use (residential) developments will not be permitted. This zone extends approximately 115 m south of the Steggles site.

The City will also impose an additional regulation, within the City's Local Planning Scheme No. 3, to require that all residential uses on lots up to 220 m from the site will have to orientate away from the Steggles Processing Plant.

The City contends that the 220 m buffer would be more appropriate for the following reasons:

- The Steggles facility is not a poultry farm by definition of SPP 4.3;
- Birds are not kept or reared on the site;
- The facility does not store birds in open air facilities;

- Manure is not stored or kept on site in the open air;
- Birds are processed indoors with planning conditions requiring all ventilation systems to eliminate the impact of odour on surrounding properties;
- That there have been only a small number of complaints, 10 over an 11 year period;
- The majority of complaints are from landowners less than a 100 m from the site;
- The majority of complaints are from land owners to the north and east of the Steggles site. These sites are located in the direction of the prevailing wind and are in areas which under the provisions of the Herdsman Glendalough Structure Plan, would remain zoned such that mixed use development is not permitted.
- The majority of the properties where complaints have been received will remain in the Industry zone or will be located in the new 'Transitional Industry' zone or 'Commercial/Business zone (only one property in which a complaint was received from will be located in the Mixed-Use zone;
- This will allow for the redevelopment of the area in accordance with the planning framework developed by the City while providing protection for sensitive uses.
 - Orienting the houses away from the poultry farm and establishing landscape buffer screens between proposed housing and poultry farms

The City is proposing to introduce an additional buffer by requiring that residential uses associated with mixed use developments are oriented away from the poultry processing facility when located within 220 m of the site. This will be introduced into LPS 3 and the Herdsman Glendalough Local Development Plan.

- Establishing suitable fencing to provide a physical barrier between the poultry farm and residences

There are existing industrial buildings located between the Steggles site and the proposed Mixed-Use zone along Scarborough Beach Road that completely screen the Steggles facility.

- Staging subdivision and development to enable monitoring of the impacts of the poultry farm prior to releasing land closer to the poultry farm operations for development.

Development currently exists up to the boundary of the Steggles facility and this includes sensitive uses such as office buildings.

Office of Environmental Protection Authority

The OEPA provided comment to the WAPC which indicates that *“the proposed MRS amendment will not raise any significant environmental issues that cannot be adequately managed through detailed planning processes”*. On this basis, the OEPA has no objection to the WAPC initiating the proposed amendment.

The OEPA has informed the City that this response was provided in relation to the City's original MRS amendment request which indicated an Urban zoning for the majority of the Herdsman-Glendalough area, including the 500 m radius surrounding the Steggles facility.

Therefore, the City questions the Urban Deferred zoning given the OEPA did not raise any environmental issues that cannot be adequately managed through alternative processes. The City agrees with the OEPA and in particular asserts that concerns about the Steggles processing facility, including that of odour, can be managed through alternative planning processes including the Herdsman Glendalough Structure Plan, Local

Development Plan or Amendment No. 39 to LPS 3 and licence conditions on the premises issued by the DER.

Appropriateness of Urban Deferred Zoning

The City has been advised that the EPA's Guidance Statement No.3 - Separation Distances Between Industrial and Sensitive Landuses, are likely to be prohibited if the proposed 500 m Urban Deferred buffer is put in place:

"Land uses considered to be potentially sensitive to emissions from industry and infrastructure include residential developments, hospitals hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings. Some commercial institutional and industrial land uses which require high levels of amenity or are sensitive to particular emissions may also be considered "sensitive land uses". Examples include some retail outlets, offices and training centres, and some types of storage and manufacturing facilities".

An Urban Deferred zone will not prohibit any sensitive uses within the proposed buffer area. The MRS does not contain a land use table that prohibits any uses. Only LPS 3 contains a land use table that lists permitted and non-permitted uses for this area. Currently the proposed buffer area is zoned "Industry" under the LPS 3 and the majority of the sensitive uses listed above are permitted uses. The City considers that:

- The area should be zoned Urban instead of Urban Deferred;
- The transitional industry zone be included in the LPS 3 prohibits residential land uses, within 115 m of the Steggles site; and
- An additional clause to be included in LPS 3 to require that residential uses are not oriented towards the Steggles site.

Environmental Legislation

The Steggles Processing Plant is licenced under the *Environmental Protection Act 1986* by the DER. The licence contains the following condition:

"Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence where the emission amounts to:

- pollution;
- unreasonable emission;
- discharge of waste in circumstances likely to cause pollution; or
- being contrary to any written law"

The DER has the power to enforce penalties of up to \$125,000 for contravention of licence conditions. These conditions have been used to impose odour control on the site. It is believed that the conditions of the licence could be strengthened further to specifically mitigate any odour issues from the plant. The following condition imposed on the Ingham Processing Plant could also be included on the Steggles Processing Plant *"The licensee shall ensure that odour emitted from the premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the premises".*

Planning Conditions

A planning approval for the Steggles site was issued by the City of Stirling in 2000 which requires the approval holder to: *"Submit details of pollution control measures which will*

prevent the emission of exhaust air from the premises". This condition is intended to prevent unreasonable emission of exhaust air, and therefore odour, from the premises.

City of Vincent Scheme Review

The City of Vincent adopted Town Planning Scheme No. 2 (TPS 2) in 2014 and subsequently forwarded the document to the WAPC. TPS 2 proposes rezoning a number of properties on Scarborough Beach Road, Jugan Street and Brady Street from R-AC2 to "District Centre". Each of these properties is within a 500 m catchment of the Inghams poultry processing facility at 9 Baden Street Osborne Park. The City of Vincent has informed the City that the WAPC has not indicated any intention to restrict sensitive land uses within a 500 m area of the Inghams facility.

It would be an inconsistent approach if the WAPC were to approve this rezoning element of the TPS 2, without any restriction on sensitive landuses within 500 m of the Ingham facility, whilst proceeding with an Urban Deferred zone surrounding the Steggles processing facility.

Directions 2031 and beyond

Directions 2031 and beyond identifies the area around Glendalough train Station as a District Centre. This District Centre cannot be realised with the imposition of a 500 m Urban Deferred buffer around the Steggles facility to prohibit sensitive uses such as residential, office and retail. If a consistent approach was taken and an Urban Deferred zone was introduced surrounding the Ingham facility, the District Centre indicted in *Directions 2031 and beyond* would be further jeopardised.

Central Metropolitan Perth Sub Regional Strategy

This document identifies the land around the Glendalough Station (approx. 800 m) as a major growth area with up to an additional 1,700 dwellings (5th highest growth area in the Central Sub Region). Again, this could not occur with the introduction of an Urban Deferred zone which would ultimately continue the underutilisation of Glendalough Station, and bring the viability of the entire project into question. The document also states that the Osborne Park industrial area should be transitioned away from the 800 m catchment of the Glendalough train Station to allow for residential areas.

Draft Perth and Peel@3.5 Million

The draft Perth and Peel@3.5 Million identifies an activity corridor between Stirling and Glendalough Activity Centres to accommodate high density residential development. In addition it also identifies land around the Glendalough Train Station as an Activity Centre. The Urban Deferred zone will prohibit sensitive uses such as residential, office and retail from locating in these locations and as a result significantly undermines the City of Stirling's consolidation plan that has been worked on for the last decade.

Scarborough Beach Road Activity Corridor Framework

The WAPC adopted the Scarborough Beach Road Activity Corridor Framework in 2013 and it identifies land around the Glendalough Station as a major area for transit oriented development accommodating up to 8,000 residents, 70,000 m² of shop retail floor space, and 250,000 m² - 300,000 m² of office floor space. The imposition of an Urban Deferred zoning in this location would limit future employment opportunities and prohibit residents from locating around Glendalough Station.

Development Control Policy 1.6 - Planning to Support Transit Oriented Development

This policy supports the following policy measures:

- Supporting higher residential densities in and around neighbourhood centres, high frequency public transport nodes and interchanges.
- Clustering retail, employment, recreational and other activities which attract large numbers of people in activity centres around major public transport nodes so as to reduce the need to travel, encourage non-car modes and create attractive, high amenity mixed-use urban centres.
- Providing access for all to employment, health, education, shops, leisure and community facilities by locating new development so as to be accessible by foot, bicycle or public transport rather than having to depend on access by car.

It also states that the policy will be applied by the WAPC when considering MRS amendments. The imposition of an Urban Deferred zone in this location is contrary to these policy measures which aim to provide increased densities and commercial activity around major transit nodes such as Glendalough Station.

Herdsman-Glendalough Structure Plan and Local Development Plan

The City of Stirling prepared a structure plan for the Herdsman-Glendalough area and Local Development Plan dealing with land use, design and transport issues. These documents were prepared in consultation with the community where concepts such as land use intensification, mixed use development, improved public transport and activation of the area were all largely supported. The Herdsman-Glendalough Structure Plan and Local Development Plan were advertised and no submissions were received in relation to either of the poultry processing facilities in the area.

Local Planning Scheme No.3 Amendment No.39: Herdsman-Glendalough area

On 2013, Council resolved to initiate Amendment No.39 to LPS3 to rezone the Herdsman-Glendalough area to "Development" zone, allowing for the application of the provisions of the Herdsman Glendalough Structure Plan and Local Development Plan. No submissions were received in relation to either of the poultry processing facilities.

Herdsman Glendalough Combined District/Local Water Management Strategy

The Herdsman Glendalough Combined District/Local Water Management Strategy and was approved by the Department of Water on 18 December 2015.

Progression Beyond the Herdsman Glendalough Concept Structure Plan

The work carried out towards the adoption of a formal statutory planning framework for the area has progressed significantly from the Herdsman-Glendalough Concept Structure Plan which was adopted by Council in 2011.

Progress of Local Planning Scheme No.3 Amendment 39 – Herdsman-Glendalough area

The City notes that Amendment No.39 to LPS 3 has been formally advertised for public comment.

The submission was supported by a Hearing, where additional information was lodged.

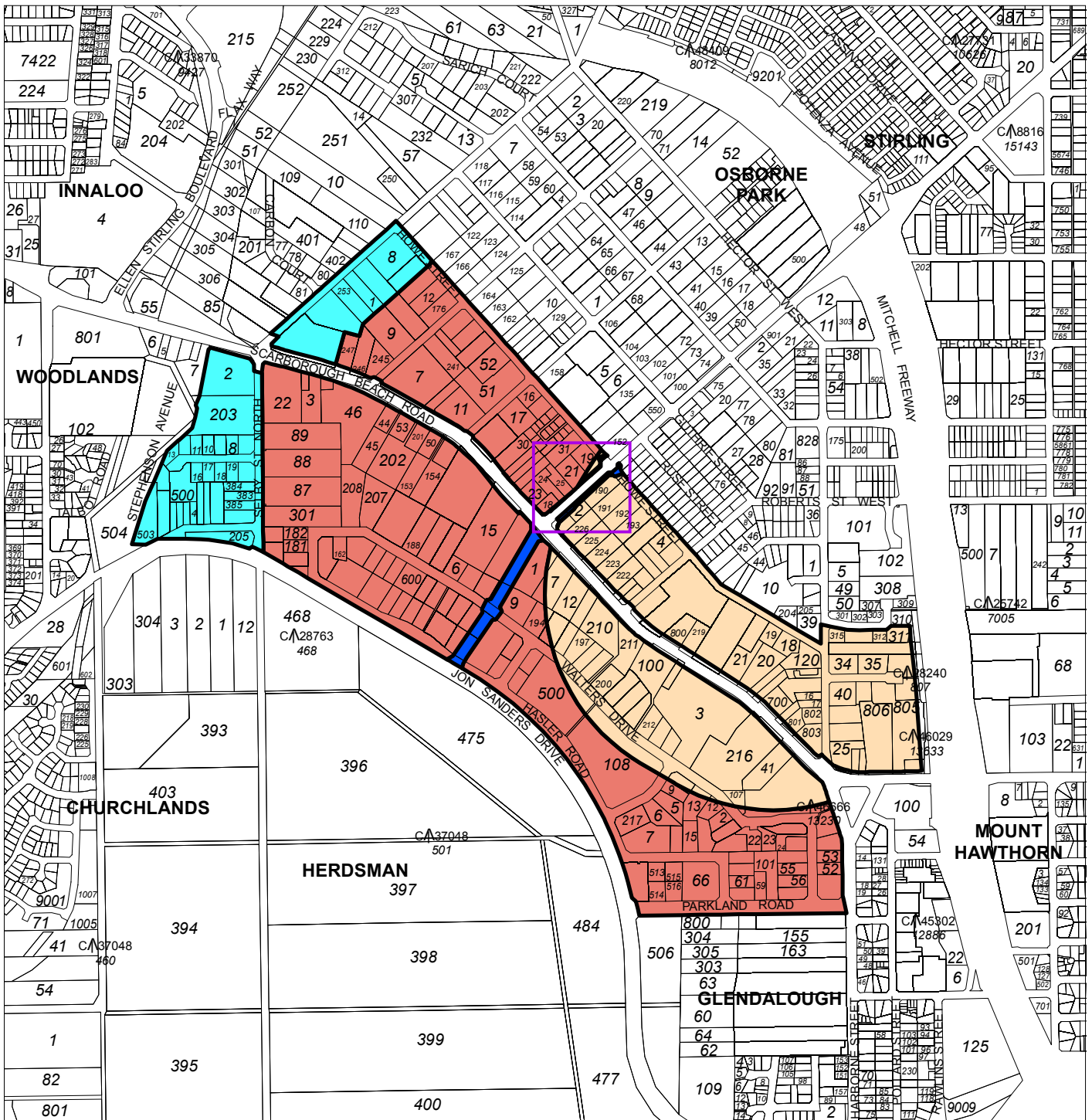
Planning Comment:

Comments noted. Refer to Part 7.1 - Urban Deferred zone of the Report on Submissions.

Determination: Submission upheld.

Schedule 3

The amendment figure - Proposal 1
as advertised







**Herdsman-Glendalough Precinct
proposed major amendment
as advertised**

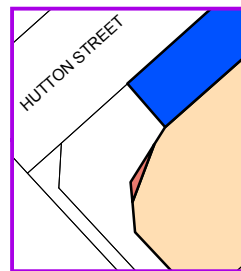
31 March 2015

Proposal 1

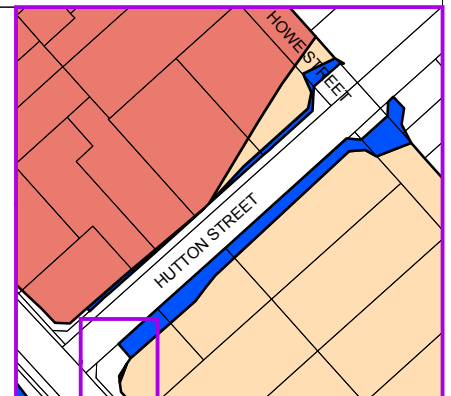
Proposed Amendment:

-  Central city area zone
-  Other regional roads reservation
-  Urban zone
-  Urban deferred zone

Oracle reference no: 2827
File number: 809/02/20/0010P
Version number: 2



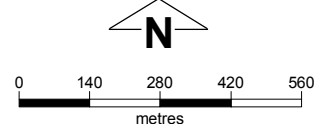
Enlargements not to scale



Department of
Planning

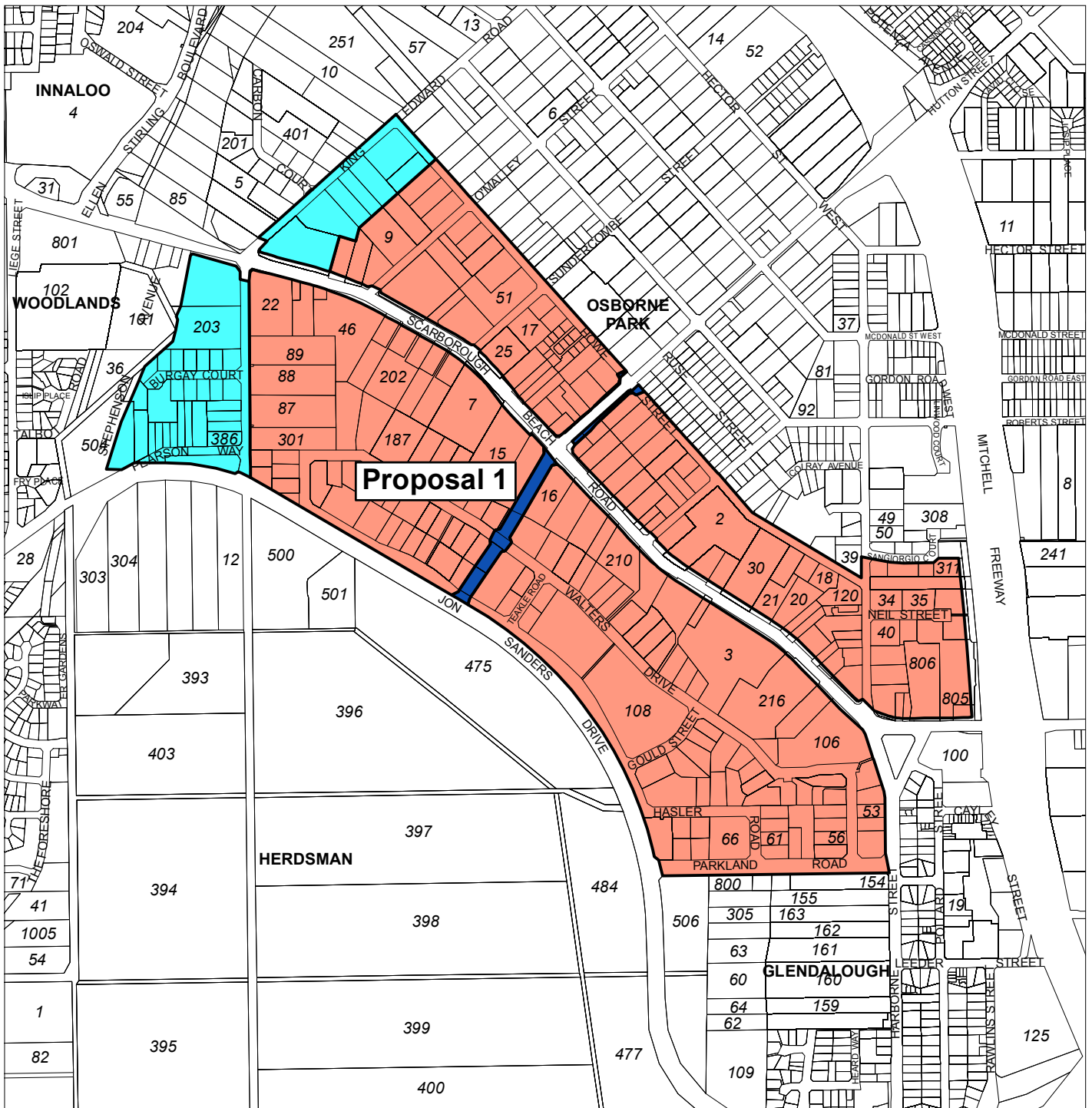


Western
Australian
Planning
Commission



Schedule 4

The amendment figure - Proposal 1
as modified



**Herdsman-Glendalough Precinct
proposed major amendment
as modified**

25 October 2016

Proposal 1

Proposed Amendment:

- Central city area zone
- Other regional roads reservation
- Urban zone

Existing Region Scheme:

Oracle reference no: 2827
File number: 809/02/20/0010P
Version number: 3

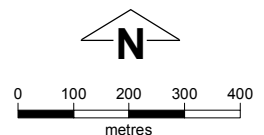


Department of Planning



Western Australian Planning Commission

Date: 28/10/2016
Produced by GeoSpatial Research and Modelling, Department of Planning, Perth WA
Base information supplied by Western Australian Land Information Authority LI 782-2015-1



Appendix 1

List of detail plans as advertised

Herdsman-Glendalough Precinct - MRS

Proposed Major Amendment

Amendment 1291/41

as advertised

3.2619

Detail Plan

Proposal 1	1.6213	-	Osborne Park	central city area, urban, urban deferred, other regional road
Proposal 1	1.6214	-	Osborne Park	urban deferred
Proposal 1	1.6230	-	Osborne Park/ Glendalough	urban, urban deferred, other regional roads
Proposal 1	1.6331	-	Osborne Park/ Glendalough	urban, urban deferred

Appendix 2

List of detail plans as modified

Herdsman-Glendalough Precinct

Proposed Major Amendment

Amendment 1291/41

as modified

3.2619/1

Detail Plan

Proposal 1	1.6213	-	Osborne Park	central city area, urban, other regional road
Proposal 1	1.6214	-	Osborne Park	urban
Proposal 1	1.6230	-	Osborne Park/ Glendalough	urban, other regional roads
Proposal 1	1.6331	-	Osborne Park/ Glendalough	urban

Submissions



Your ref: 809-2-20-10 Pt 1 (RLS/0536/1)
Our ref: A0159/201501
Enquiries: Colin Strickland - Ph 9222 3139 Fax 9222 3638
Email: colin.strickland@dmp.wa.gov.au

Ms Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Locked bag 2506
PERTH WA 6000



Dear Ms Blenkinsop

**METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1291/41
HERDSMAN GLENDALOUGH PRECINCT**

Thank you for your letter dated 11 December 2015 inviting comment on the above Metropolitan Region Scheme Major Amendment in the Herdsman-Glendalough area of the City of Stirling. This amendment proposes the rezoning of a 139.6 ha parcel of land from 'Industrial' to 'Urban', 'Urban Deferred' and 'Central City' zones.

The Geological Survey of Western Australia (GSWA) has assessed this proposal on behalf of the Department of Mines and Petroleum (DMP) with respect to access to mineral and petroleum resources, geothermal energy and basic raw materials. The GSWA has no concerns with major amendment 1291/41.

Yours sincerely

for Rick Rogerson
Executive Director
GEOLOGICAL SURVEY OF WESTERN AUSTRALIA

22 December 2015

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

A 7253/43
DEPARTMENT OF PLANNING
- 4 JAN 2016
FILE RLS/OSSE

Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 2

Name MR D DELBOST (PLEASE PRINT CLEARLY)

Address 56 ANDROSSAN LOOP KINGSLEY Postcode 6026

Contact phone number 0438 909 778 Email address d.delbost@bigpond.com

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

I do not wish my property's zoning to become
"URBAN"



turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)


OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
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- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature  Date 22/12/15

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.



Your ref: 809-2-20-10 Pt 1
Our ref: S0089/200916
Enquiries: Nathan Brown - Ph 92223401
Email: nathan.brown@dsd.wa.gov.au

Ms Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attn: Anthony Muscara

Dear Ms Blenkinsop

METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1291/41

I refer to your letter dated 11 December 2015 inviting the Department to comment on the proposed Metropolitan Region Scheme Amendment 1291/41 to rezone approximately 139.64 hectares of land from the Industrial zone to the Urban, Urban Deferred and Central City Area zones in the MRS and reserve Hutton Street as Other Regional Roads, from Howe Street to Jon Sanders Drive, in the Herdsman Glendalough Precinct.

The Department has reviewed the proposal and has no comment to make at this time.

Please contact Nathan Brown, Senior Project Officer on 9222 3401 should you have any enquiries.

Yours sincerely

Marzia Zamir
A/Director
STRATEGIC INDUSTRIAL LANDS

5 January 2016



Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

A 7334830
DEPARTMENT OF PLANNING
22 JAN 2016
FILE RIS/0556

Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 4

Name Shelley Brindal
Address PTC 116 West Parade East Perth Postcode 6008
Contact phone number 9326 2510 Email address shelley.brindal@ptg.wa.gov.au
Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

PTA supports the proposal and has no further comment to make.

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

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To be signed by person(s) making the submission

Shelley Brindal
Corridor & Heritage
Coordinator

Signature

Date

19/1/16

Public Transport Authority

Note: Submissions **MUST** be received by the advertised closing date, being close of business (5pm) on **18 MARCH 2016**. Late submissions will **NOT** be considered.

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

A 7387037
DEPARTMENT OF PLANNING
08 FEB 2016
FILE RLS/OSSG

Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 5

Name: Bruce Aspley

Address: 34 Thornbill Way Churchlands WA 6018

Contact phone number: 0413937030

Email address: b.aspley@gmail.com

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

Dear Sir/Madam

We have a property at 72 Walters Drive, corner of Gould street, Osborne Park. It is proposed that zoning of this land is to be changed to part "Urban deferred" and part "Urban" (see attached sketch).

We request that the boundary be changed to include all of our property in the "Urban" zoning for the following reasons:

1. The current 500m boundary cuts our block into two zonings being both Urban and Urban deferred.
2. Our property backs onto a considerable area of Urban zoning and the rest of the city block is Urban.
3. We believe "Urban deferred" zoning is likely to devalue our property.
4. During the period we have had this property we have never noticed odour from the Steggle's chicken processing facility and have never been made aware of any concerns from our tenants.
5. City of Stirling has indicated even with urban zoning our property cannot be residential.

We are concerned about the changes intended and would appreciate if serious consideration is given to our concerns.

Hoping for a satisfactory outcome.

Regards


Bruce Aspley

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

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Please choose one of the following:



No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR



Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:



Myself – My telephone number (business hours):

or



A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:



Public (members from the general public may attend your presentation)

OR



Private (only the people nominated by you or the hearings committee will be permitted to attend)

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To be signed by person(s) making the submission

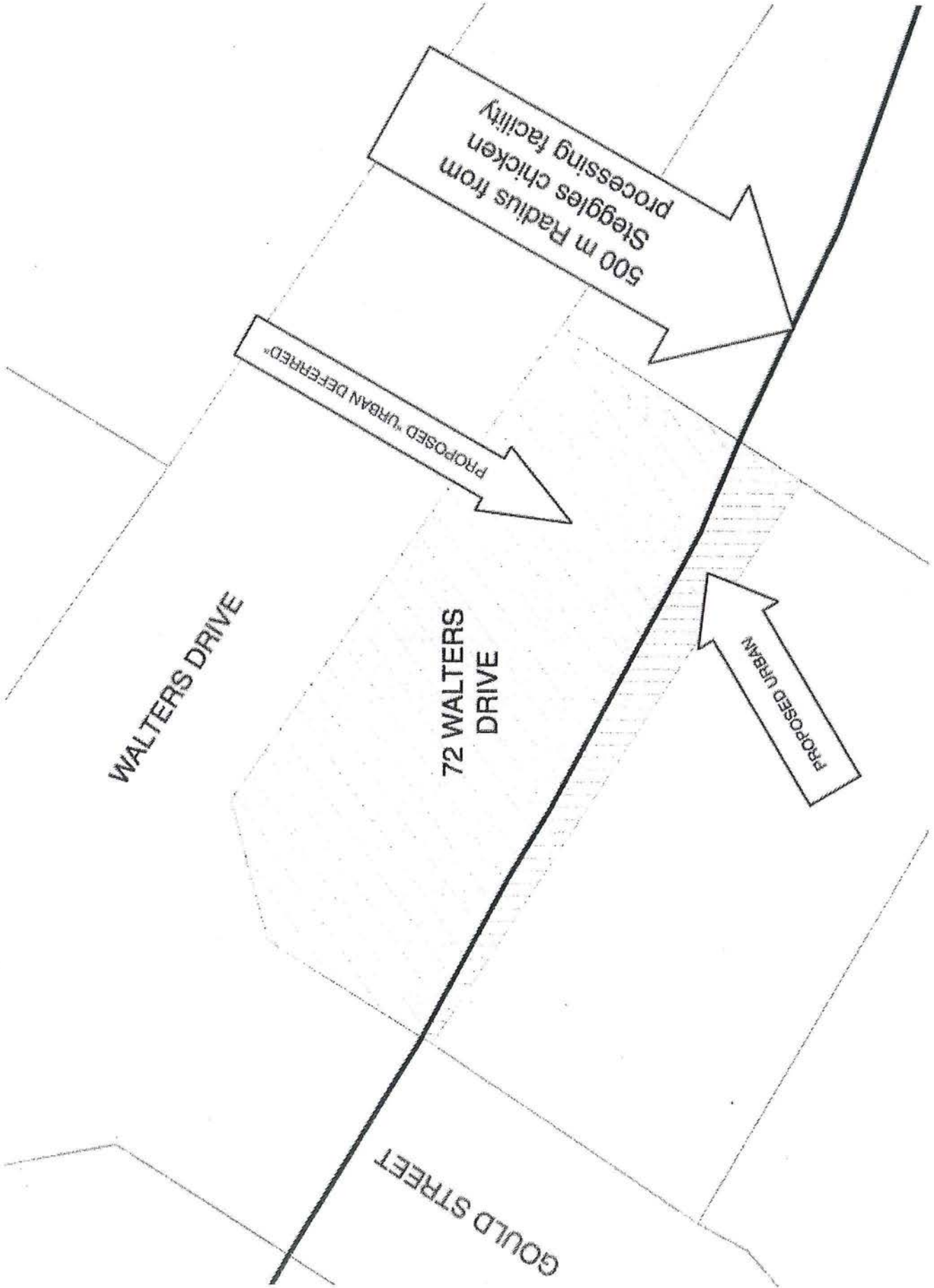
Signature



Date

2nd FEB 2016

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.



WALTERS DRIVE

72 WALTERS DRIVE

GOULD STREET

PROPOSED "URBAN DEFERRED"

PROPOSED URBAN

500 m Radius from Stegles chicken processing facility

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

A 7394248
DEPARTMENT OF PLANNING
09 FEB 2016
FILE RIS/0556

Submission
Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 6

Name Luke Pickersgill

(PLEASE PRINT CLEARLY)
Address 10 CALDER WAY BATEMAN WA Postcode 6150
Contact phone number 0409 688 823 Email address lukepickersgill@gmail.com

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

Please see attached.

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

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or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

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To be signed by person(s) making the submission

Signature  Date 16/01/2016

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.

Submission

Metropolitan Region Scheme Amendment 1291/41

My submission concerns the City Centre zoning south of Scarborough Beach Road.

I believe that City Centre Zoning should apply to a portion of land east of Selby Street North so that City Centre style development can occur on either side of Selby Street, rather than just to one side. This would be consistent with the situation of King Edward Road where City Centre zoning is either side of the road. I also am not convinced that Selby Street (and King Edward Road also) have wide enough road reserves to accommodate and Integrator B Arterial Road. I understand this is not really relevant to an MRS Amendment and is more applicable at the Local Government Structure Planning stage, but I think it is important to note.

Concerning Stephenson Avenue, I feel it is imperative that Department of Transport inform Department of Planning as to the reserve requirements. At present, the Stephenson Avenue between Scarb' Beach Road and Jon Sanders Drive is zoned a mixture of City Centre and Primary Regional Road. The CC zone has sufficient width to accommodate a diamond freeway interchange. If the development is going to work properly, then it needs to be decided whether or not development will interface with Stephenson Avenue as an Integrator Arterial A or if it is going to be a Controlled Access Highway (CAH), as these obviously have very different urban form implications. If Stephenson Avenue is going to be a CAH then it is even more important that Selby Street North become an Integrator B Arterial with City Centre Zoning either side.

This MRS amendment is the time that all of these issues need to be sorted, otherwise we will end up with sub-standard development that does not appropriately interface with the street.

A handwritten signature in blue ink, appearing to read 'delePily', with a long horizontal flourish extending to the right.



Government of **Western Australia**
Department of **Water**

Submission 7

Your ref: 809-2-20-10

File ref: RF39-07

PA ref: 5938

Enquiries: Bree Lyons

Tel: 6250 8035

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Anthony Muscara

Dear Sir/madam,

Re: Metropolitan Region Scheme Major Amendment 1291/41 – Herdsman Glendalough Precinct

Thank you for the above referral, dated 11 December 2015. The Department of Water (DoW) has assessed the referral and has the following advice to provide:

The DoW has assessed the associated Combined District and Local Water Management Strategy prepared by GHD for City of Stirling, dated September 2015, and is satisfied the proposal can proceed to the next planning stage.

If you wish to discuss the matter further, please contact Bree Lyons on 6250 8035 or email briony.lyons@water.wa.gov.au.

Yours sincerely,

Carlie Slodecki
Senior Natural Resource Management Officer
Land Use Planning
Swan Avon Region

11 February 2016

DEPARTMENT OF PLANNING	
11 FEB 2016	
FILE	



Government of **Western Australia**
Department of **Water**

Addition to Submission 7

looking after all our water needs

Your ref: 809-2-20-10

File ref: RF39-07

PA ref: 5938

Enquiries: Bree Lyons

Tel: 6250 8035

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Anthony Muscara

Dear Sir/madam,

**Re: Metropolitan Region Scheme Major Amendment 1291/41 – Herdsman
Glendalough Precinct**

Thank you for the above referral, dated 11 December 2015. The Department of Water (DoW) has assessed the referral and has the following advice to provide:

The DoW has assessed the associated Combined District and Local Water Management Strategy prepared GHD for City of Stirling, dated September 2015, and is satisfied the proposal can proceed to the next planning stage

If you wish to discuss the matter further, please contact Bree Lyons on 6250 8035 or email briony.lyons@water.wa.gov.au.

Yours sincerely,

Bree Lyons
A/ Senior Natural Resource Management Officer
Land Use Planning
Swan Avon Region

10 March 2016

DEPARTMENT OF PLANNING	
10 MAR 2016	
FILE	

From: Stephanie Frere <Stephanie.Frere@westernaustralia.com>
Sent: Tuesday, 16 February 2016 2:09 PM
To: mrs
Cc: Campbell Fletcher
Subject: Metropolitan Region Scheme Major Amendment 1291/41 – Herdsman Glendalough Precinct

Attn: Anthony Muscara

Re: Metropolitan Region Scheme Major Amendment 1291/41 – Herdsman Glendalough Precinct

Good afternoon,

Thank you for referring the above to Tourism WA for comment.

Tourism WA has no comments on this proposed amendment.

Kind regards,

Stephanie Frere
Policy and Research Officer



Level 9, 2 Mill Street PERTH WA 6000

GPO Box X2261 PERTH WA 6847

Tel: 08 9262 1824

[Tourism WA Corporate](#)

[Visit westernaustralia.com](http://www.westernaustralia.com)

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DEPARTMENT OF PLANNING	
16 FEB 2016	
FILE	



Submission 9

Ms Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000



Dear Ms Blenkinsop

Metropolitan Region Scheme Major Amendment 1291/41 Herdsman Glendalough Precinct

Thank you for your letter dated 11 December 2015 regarding the Metropolitan Region Scheme Major Amendment for the Herdsman Glendalough Precinct.

The Department of Education has reviewed the document and wishes to make the following comments;

- As structure planning progresses information regarding the anticipated dwelling yields, types of dwelling and the number of bedrooms would assist the Department in assessing its future educational needs.
- Dwelling yield information is required to ascertain potential student numbers to assess the impact on local primary schools.
- The Herdsman Glendalough Precinct is located adjacent to the proposed Stirling City Centre Structure Plan. Should both proposals proceed there may be significant impact on the education facilities in the vicinity to which the Department will need to respond.

The Department has no objection to the MRS Amendment.

Yours sincerely

STEPHEN MULDOON
SENIOR CONSULTANT
STRATEGIC ASSET PLANNING

12 February 2016

A7460812

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
25 FEB 2016
FILE RUSTO556

Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 10

Name Kevin Ledger

(PLEASE PRINT CLEARLY)

Address c/o Po Box 1118, Osborne Park Postcode 6916

Contact phone number 0413756996 Email address kevin@integritybuilders.com.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

As the landowner of 67 Howe St, Osborne Park I object to the 500m buffer zone that is proposed to be imposed around the existing poultry plant. By re-zoning this 500m buffer zone to "urban deferred" myself and many other property owners are being dis-advantaged as our sites can not be developed to their full potential. I believe this buffer zone will end up impacting the entire Herdsmen Glendalough Precinct and that we will not see this precinct being developed to its full potential until the "urban deferred" zone is removed.

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

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No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

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To be signed by person(s) making the submission

Signature  Date 19/02/16

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.



ENQUIRIES : Ryan Crawford- Ph 6551 8091
OUR REF: 2015/0959-01
YOUR REF: 809-2-20-10 Pt 1 (RLS/D536/1)



Ms Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Dear Ms Blenkinsop

**METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1291/41 HERDSMAN
GLENDALOUGH PRECINCT**

Thank you for your letter dated 11 December 2015 providing the opportunity to comment on the above proposal.

The Department of Aboriginal Affairs (DAA) has reviewed the relevant information and can confirm that portions of the area subject of the proposal are within the boundaries of a number of known Aboriginal heritage places which may be impacted, including one Registered Aboriginal site. It is therefore suggested that Model Subdivision Condition Ha-1 be applied to any approval granted.

It is recommended that the developer is made aware of the Aboriginal Heritage Due Diligence Guidelines (the Guidelines) which can assist developers with planning and considering Aboriginal heritage during proposed works. A copy of the Guidelines can be found on the DAA website at: <http://www.daa.wa.gov.au/heritage/land-use/>.

Please contact Mr Ryan Crawford, Senior Advice and Approvals Officer, Heritage, on (08) 6551 8091, or email Ryan.Crawford@daa.wa.gov.au should you require further information.

Yours sincerely

Tiffany Vale
CHIEF HERITAGE OFFICER

29 February 2016

Radley, Steven

From: Prideaux, Catherine <Catherine.Prideaux@DPaW.wa.gov.au>
Sent: Friday, 4 March 2016 2:16 PM
To: mrs
Subject: MRS Major Amendment 1291/41 Herdsman Glendalough Precinct

For the attention of Anthony Muscara

Please be advised that the Department of Parks and Wildlife has no comments to make on the above major amendment. Your reference: 809-2-20-10 Pt 1.

Kind regards
Catherine

Catherine Prideaux | Planning Officer | Regional Parks Unit | Swan Region

Department of Parks and Wildlife
Cnr Australia II Drive and Hackett Drive, Crawley
PO Box 104, Bentley Delivery Centre, WA 6983 | P 08 9442 0351 | F 08 9386 6399

Our environment, our future | www.dpaw.wa.gov.au



Prescribed burning has begun.
Find out if smoke may affect you.

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BUSHFIRE
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www.dpaw.wa.gov.au/todaysburns

DEPARTMENT OF PLANNING
- 4 MAR 2016
FILE

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
08 MAR 2016
RUS/0556
FILE

Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 13

Name PETER WEBB.
(PLEASE PRINT CLEARLY)
Address PETER WEBB & ASSOC.
PO BOX 920 SUBIACO Postcode 6904.
Contact phone number (08) 9388 7111 Email address peter@webbplan.com.au.

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

PLEASE REFER TO ATTACHED CORRESPONDENCE
FOR THE DETAIL OF OUR SUBMISSION,
WHICH IN SUMMARY, OBJECTS TO THE
PROPOSED MRS AMENDMENT 1291/41
(HERDSMAN GLENDALOUGH PRECINCT).

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

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OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

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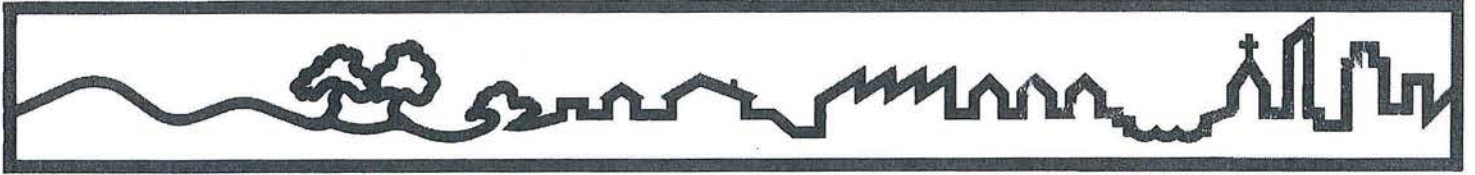
To be signed by person(s) making the submission

Signature

Date

2/03/2016

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.



CONSULTANTS IN TOWN PLANNING AND URBAN DESIGN

2 March 2016

Our Ref: C2181-01.docx

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001



Dear Sir

**Re: Submission Objecting to MRS Amendment No. 1291/41
Herdsman-Glendalough Precinct**

This is to advise that we act for a number of parties who are prejudicially affected by proposed MRS Amendment 1291-41 and in particular, that part of the Amendment which proposes to rezone a portion of the Herdsman-Glendalough Precinct from 'Industrial' to 'Urban Deferred'.

We note with some interest that the Commission justifies the rezoning of the land to 'Urban Deferred' by Application of State Planning Policy No. 4.3-Poultry Farms Policy.

It is quite evident that SPP 4.3 has been incorrectly applied, as the (Steggles) **poultry processing** plant is not a poultry farm as defined under the policy.

In addition, it is evident that the policy can only be applied to residential and rural-residential areas, **not** industrial areas.

In the first instance, we seek to express our deep concern over the proposed rezoning (pursuant to the Metropolitan Region Scheme (MRS)) to 'Urban Deferred' and in that regard, we refer in particular to the Guidelines contained within the WAPC Development Control Policies.

Those Guidelines advise *inter alia* that, 'This zone ('Urban Deferred') provides a strong indication that the land is physically and occasionally suitable for urban purposes although certain requirements have to be met before the Western Australian Planning Commission (WAPC) will agree to the land being transferred to the urban zone.'

Those Guidelines also note that, 'Before agreeing to the transfer of land from the urban deferred zone to urban zone the WAPC will require evidence that:

- The land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services;
- Planning is sufficiently advanced to depict and acceptable overall design to guide future development;

- *The proposed urban development represents a logical progression of development;*
- *Regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and*
- *Any constraints to urban development can be satisfactorily addressed.'*

Clearly in the circumstances of the land so affected in MRS Amendment 1291/41 makes all of this a nonsense as this land has already not only been comprehensively planned, but also largely developed with the approval of both the WAPC and the local government (City of Stirling).

Further, the planning for the introduction of mixed use and land use intensification is now at an advanced stage as is evidenced through the City's Herdsman Glendalough Structure Plan and Local Development Plan. These documents are progressions from the Scarborough Beach Road Activity Corridor Framework (published by the WAPC in 2013) which identified Herdsman Glendalough as a key development node.

Being designated (zoned) 'Urban Deferred' raises a whole series of questions as to how the local government might consider any application for Development Approval of any new development or any modification of an existing development on land within this proposed 'Urban Deferred' zone.

It certainly appears implicit in the Guidelines that Development Approval can be reasonably withheld on any (otherwise, legitimate) proposal if this 'Urban Deferred' zone remains in place.

We note with some further deep concern therefore that, *'Provisions within a Local Planning Scheme for land zoned urban deferred under a regional planning scheme should reflect the limitations of the urban deferred zone'*.

The Guidelines further confirm that, *'Land zoned Urban Deferred under a Regional Planning Scheme should generally be zoned rural, or where appropriate provisions restrict development until urban deferment is lifted under the regional planning scheme, urban development in the (relevant) district planning scheme.'*

We further note (5 Information Requirements), *'Applicants should submit a Detailed Structure Plan indicating the future development and servicing of the land prior to seeking the lifting of urban deferment.'*

The Guidelines then proceed to identify a range of issues under sub-headings including:

- 5.1 Justification
- 5.2 Land and Ownership
- 5.3 Natural Environment
- 5.4 Services
- 5.5 Employment
- 5.6 Public Uses
- 5.7 Consultation

Therefore in all of the circumstances of this proposed urban deferred zone it is apparent that the local government will be required to undertake a comprehensive, detailed assessment of any (relatively simply) proposal or risk being in contravention of the requirements of the 'Urban Deferred' zone under the MRS.

We remind the Commission again, that the City is currently preparing a structure plan for the area, which is well advanced and **would conflict with other developments if a structure plan was required for each one.**

Alternatively, owners may seek to progress such an Application on the relatively restricted non-conforming use provisions of the Scheme, however all parties are very aware of the limitations which apply to that process.

Clearly therefore, in all of the circumstances of this proposal, the zoning of this (comprehensively planned and largely developed) land to 'Urban Deferred' under MRS Amendment 1291/41 is **entirely inappropriate.**

In proposing this highly inappropriate 'Urban Deferred' zone within this Amendment, it is relevant to consider the Commission's justification for doing so.

Interestingly, under '4. Discussion', the Amendment justifies this zone almost solely on the basis of State Planning Policy No. 4.3 - Poultry Farms Policy. (This is suggested as the shape of the southern edge of the proposed 'Urban Deferred' zone prescribes a 500m buffer from a poultry **processing plant** which is situated to the north of Howe Street, Osborne Park.)

The Scheme Amendment document proceeds to suggest that SPP NO. 4.3, '*... provides guidance when considering the rezoning of land in the vicinity of poultry farms.*

Significantly, the poultry processing plant bears no similarity to the Planning characteristics of poultry farms. Poultry farms (being for the production of meat and eggs) are generally characterised by the rearing and keeping of birds on a long term basis and as a consequence, of strong, offensive odours within close proximity. No such odours are in evidence adjacent to or within close proximity of the (Steggles) poultry processing plant. The Amendment report advises (interestingly) that, while acknowledging the existence of the poultry processing plant, confirms that this '*recommended 500m buffer for sensitive uses to poultry farms*' is to be applied.

Of deep concern to our clients is the fact that the Commission provides **no justification** for applying in an adhoc manner, the recommended buffer provisions of one land use, with another which has no similar characteristics.

The application of such an ad hoc buffer in these circumstances, is to be appalled.

If it is in the Commission's interest to enable a more comprehensive range of land uses, then this land should proceed straight to 'Urban' under the MRS and not 'Urban Deferred'.

We note that the Herdsman Glendalough Structure Plan, '*... recognises the importance of employment and identifies the ongoing replacement of traditional industrial land uses to a mixture of office, commercial, showroom and retail uses.*' We further note that, '*The Structure Plan provides for more intensive Transit Oriented Development around Glendalough, additional jobs through intensive business uses supported by light rail along Scarborough Beach Road and additional residential opportunities throughout mixed use precincts.*'

Our clients applaud these objectives and would vigorously encourage the Commission to abandon any consideration of the 'Urban Deferred' zone and suggest that area currently so proposed, should also all be included within the proposed 'Urban' zone.

Finally, it is evident that where legitimate concerns exist about the operation of the poultry processing plant, that these can be addressed within relevant environmental legislation if this is required.

In addition, our clients are aware that the local government can apply Development Application and Building Licence conditions if required.

Submission Objecting to MRS Amendment No. 1291/41
Herdsman-Glendalough Precinct

Our Ref: C2181-01.docx
Page 4

Further, the Herdsman Glendalough Structure Plan, the Herdsman Glendalough Local Development Plan and LPS 3, Amendment 39 can introduce provisions via a special control area if required to control any possible impacts. This can be extended to include possible Department of Environmental Regulations licence conditions, too.

We attach herewith, the Commission's Section 41 Amendment (Substantial) Form 41 which summarises the points made in this submission.

Should Departmental staff have any queries about any part of this submission, I look forward to responding to those at your convenience.

Yours sincerely,



PETER WEBB

Principal

cc:

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
08 MAR 2016
FILE RUS/0556

Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 14

Name PETER WEBB
Address PETER WEBB & ASSOC. (PLEASE PRINT CLEARLY)
PO BOX 920 SUBIACO Postcode 6904
Contact phone number (08)93887111 Email address peter@webbplan.com.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

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FOR THE DETAIL OF OUR SUBMISSION,
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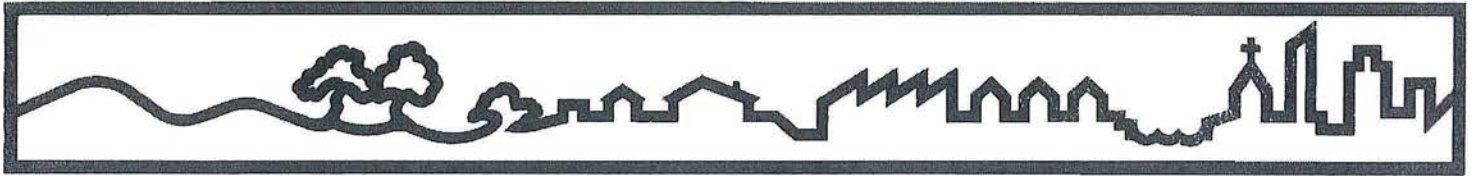
To be signed by person(s) making the submission

Signature

Date

2/03/2016

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CONSULTANTS IN TOWN PLANNING AND URBAN DESIGN

2 March 2016

Our Ref: C2182-01.docx

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001



Dear Sir

**Re: Submission Objecting to MRS Amendment No. 1291/41
Herdsman-Glendalough Precinct**

This is to advise that we act for a number of parties generally associated with the Barbagallo Group, including Driftwood Nominees Pty Ltd, Cident Pty Ltd, Tempt Media Pty Ltd, Rocom Pty Ltd, together with Messrs Alf, Troy and Vincenzo Barbagallo and which parties are prejudicially affected by proposed MRS Amendment 1291-41 and in particular, that part of the Amendment which proposes to rezone a portion of the Herdsman-Glendalough Precinct from 'Industrial' to 'Urban Deferred'.

We note with some interest that the Commission justifies the rezoning of the land to 'Urban Deferred' by Application of State Planning Policy No. 4.3-Poultry Farms Policy.

It is quite evident that SPP 4.3 has been incorrectly applied, as the (Steggles) **poultry processing** plant is not a poultry farm as defined under the policy.

In addition, it is evident that the policy can only be applied to residential and rural-residential areas, **not** industrial areas.

In the first instance, we seek to express our deep concern over the proposed rezoning (pursuant to the Metropolitan Region Scheme (MRS)) to 'Urban Deferred' and in that regard, we refer in particular to the Guidelines contained within the WAPC Development Control Policies.

Those Guidelines advise *inter alia* that, 'This zone ('Urban Deferred') provides a strong indication that the land is physically and occasionally suitable for urban purposes although certain requirements have to be met before the Western Australian Planning Commission (WAPC) will agree to the land being transferred to the urban zone.'

Those Guidelines also note that, 'Before agreeing to the transfer of land from the urban deferred zone to urban zone the WAPC will require evidence that:

- The land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services;
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- *The proposed urban development represents a logical progression of development;*
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Clearly in the circumstances of the land so affected in MRS Amendment 1291/41 makes all of this a nonsense as this land has already not only been comprehensively planned, but also largely developed with the approval of both the WAPC and the local government (City of Stirling).

Further, the planning for the introduction of mixed use and land use intensification is now at an advanced stage as is evidenced through the City's Herdsman Glendalough Structure Plan and Local Development Plan. These documents are progressions from the Scarborough Beach Road Activity Corridor Framework (published by the WAPC in 2013) which identified Herdsman Glendalough as a key development node.

Being designated (zoned) 'Urban Deferred' raises a whole series of questions as to how the local government might consider any application for Development Approval of any new development or any modification of an existing development on land within this proposed 'Urban Deferred' zone.

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Therefore in all of the circumstances of this proposed urban deferred zone it is apparent that the local government will be required to undertake a comprehensive, detailed assessment of any (relatively simply) proposal or risk being in contravention of the requirements of the 'Urban Deferred' zone under the MRS.

We remind the Commission again, that the City is currently preparing a structure plan for the area, which is well advanced and would conflict with other developments if a structure plan was required for each one.

Alternatively, owners may seek to progress such an Application on the relatively restricted non-conforming use provisions of the Scheme, however all parties are very aware of the limitations which apply to that process.

Clearly therefore, in all of the circumstances of this proposal, the zoning of this (comprehensively planned and largely developed) land to 'Urban Deferred' under MRS Amendment 1291/41 is **entirely inappropriate**.

In proposing this highly inappropriate 'Urban Deferred' zone within this Amendment, it is relevant to consider the Commission's justification for doing so.

Interestingly, under '4. Discussion', the Amendment justifies this zone almost solely on the basis of State Planning Policy No. 4.3 - Poultry Farms Policy. (This is suggested as the shape of the southern edge of the proposed 'Urban Deferred' zone prescribes a 500m buffer from a poultry processing plant which is situated to the north of Howe Street, Osborne Park.)

The Scheme Amendment document proceeds to suggest that SPP N0. 4.3, '*... provides guidance when considering the rezoning of land in the vicinity of poultry farms.*'

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Of deep concern to our clients is the fact that the Commission provides **no justification** for applying in an adhoc manner, the recommended buffer provisions of one land use, with another which has no similar characteristics.

The application of such an ad hoc buffer in these circumstances, is to be appalled.

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We note that the Herdsman Glendalough Structure Plan, '*... recognises the importance of employment and identifies the ongoing replacement of traditional industrial land uses to a mixture of office, commercial, showroom and retail uses.*' We further note that, '*The Structure Plan provides for more intensive Transit Oriented Development around Glendalough, additional jobs through intensive business uses supported by light rail along Scarborough Beach Road and additional residential opportunities throughout mixed use precincts.*'

Our clients applaud these objectives and would vigorously encourage the Commission to abandon any consideration of the 'Urban Deferred' zone and suggest that area currently so proposed, should also all be included within the proposed 'Urban' zone.

Finally, it is evident that where legitimate concerns exist about the operation of the poultry processing plant, that these can be addressed within relevant environmental legislation if this is required.

In addition, our clients are aware that the local government can apply Development Application and Building Licence conditions if required.

Submission Objecting to MRS Amendment No. 1291/41
Herdsman-Glendalough Precinct

Our Ref: C2182-01.docx
Page 4

Further, the Herdsman Glendalough Structure Plan, the Herdsman Glendalough Local Development Plan and LPS 3, Amendment 39 can introduce provisions via a special control area if required to control any possible impacts. This can be extended to include possible Department of Environmental Regulations licence conditions, too.

We attach herewith, the Commission's Section 41 Amendment (Substantial) Form 41 which summarises the points made in this submission.

In addition to all of the above, the various Barbagallo entities remain concerned about possible losses of portions of their land (particularly fronting Scarborough Beach Road) where extensive road widening is being proposed and for which the Barbagallo entities may seek an opportunity to discuss compensation for those losses.

Should Departmental staff have any queries about any part of this submission, I look forward to responding to those at your convenience.

Yours sincerely,



PETER WEBB
Principal

cc:

Hearing of submissions

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OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson: Ben Doyle

Contact telephone number (business hours): 9227 7970

Postal address: PO Box 8701 Perth BC WA 6849

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

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To be signed by person(s) making the submission

Signature  Date 4/3/2016

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PSA Ref: 4542

29 February 2016

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001



Dear Sir,

**SUBMISSION ON METROPOLITAN REGION SCHEME AMENDMENT 1291/41 --
HERDSMAN-GLENDALOUGH PRECINCT**

Planning Solutions acts on behalf of Primewest Group, the registered proprietor of Lots 3 and 41 (381 and 359) Scarborough Beach Road, Osborne Park (**subject site**).

Planning Solutions has prepared the following submission in response to proposed Metropolitan Region Scheme (**MRS**) Amendment 1291/41 – Herdsman-Glendalough Precinct (**Amendment**), recently advertised by the Western Australian Planning Commission (**WAPC**). Our submission specifically relates to the proposal to rezone various lots within the Herdsman-Glendalough area (including the subject site) from 'Industrial' to 'Urban Deferred'.

Planning Solutions and Primewest Group object to the proposed MRS Urban Deferred zoning on the following grounds:

1. Improper application of State Planning Policy

The WAPC is incorrectly applying *State Planning Policy 4.3 – Poultry Farms Policy (SPP4.3)* to justify the proposed Urban Deferred zoning of land surrounding the existing Steggles poultry processing facility at 116 Howe Street, Osborne Park. SPP4.3 applies to "all farm development and all residential and rural-residential development in the vicinity of poultry farms in Western Australia.". SPP4.3 defines 'poultry farm' as:

4.1 Poultry farm means land and buildings used for rearing or keeping of poultry for breeding, commercial egg production or commercial meat production.

The off-site impacts associated with poultry farms are associated with the keeping and rearing of live chickens, and SPP4.3 is aimed at managing these impacts via the planning process. The existing Steggles facility does not fit the definition of a poultry farm, as it does not provide for the rearing or keeping of poultry. Rather, we understand the facility is used for the slaughter of chickens and the processing of poultry products, with no birds kept on site for longer than absolutely necessary. It is inappropriate to apply SPP4.3 to an existing poultry processing facility which operates differently to a poultry farm, has different off-site impacts and different on-site management measures.

We also understand that when the Environmental Protection Authority (**EPA**) reviewed the City of Stirling's (**City**) initial MRS Amendment request, it did not raise any objection to the Urban zoning of the land surrounding the Steggles facility, and stated that any concerns could be addressed through planning processes.

2. Orderly and proper planning

Poultry farming is a predominantly rural activity, and the MRS Urban Deferred zone is most commonly applied in areas transitioning from the MRS Rural zone to the MRS Urban zone. It is an important and appropriate zoning tool when applied in the right circumstances, and is typically used to halt urban expansion where specific impediments need to be resolved prior to accommodating urban development. When used correctly, the Urban Deferred zoning facilitates the ongoing use of land for rural activities on large landholdings, and prevents further rezoning and land fragmentation until relevant planning issues have been addressed.

The poultry processing plant is located approximately 5 kilometres from the Perth CBD, within a densely developed area accommodating a range of commercial, retail and industrial land uses. The application of the MRS Urban Deferred zone in this context is inconsistent with the principles of orderly and proper planning, and constitutes a retrograde step for the planning of this strategically located inner metropolitan area. Recent strategic planning has identified Scarborough Beach Road as an important regional activity corridor linking the Stirling City Centre and Glendalough Station. The Herdsman-Glendalough area is intended to function as a transit oriented activity centre accommodating a range of mixed use commercial, retail and residential industrial uses.

The application of the Urban Deferred zone to the Herdsman-Glendalough area is inappropriate given its existing status as a highly developed commercial/industrial area with a range of underlying industrial and special use zonings under the City's Local Planning Scheme No.3 (**LPS3**). These local zonings would likely be inconsistent with an MRS Urban Deferred zoning, and there is no obvious local zone under LPS3 that could be logically applied to ensure consistency with the Urban Deferred zone. These issues have not been addressed in the published Scheme Amendment documentation, and as such, the Urban Deferred zoning proposal is contrary to the principles of orderly and proper planning.

3. Other planning controls available

Sufficient planning controls are available via the City's emerging local planning framework to appropriately manage land use and development in the Herdsman-Glendalough area, including those properties in close proximity to the existing Steggles poultry processing facility. The range of mechanisms include, but are not limited to:

- Application of LPS3 Development zone to the land;
- Identification of land within a Development (Structure Plan) area under LPS3;
- Inclusion of LPS3 Development (Structure Plan) Area provisions and controls;
- Inclusion of LPS3 Special Control Area provisions;
- Inclusion of specific controls within any endorsed/approved Structure Plan for the area;
- Inclusion of specific controls within any endorsed/approved Local Development Plan for the area; and
- Formulation of a local planning policy.

On behalf of our client, we request the Western Australian Planning Commission removes the proposed Urban Deferred zone from MRS Amendment 1291/41 and instead apply an MRS Urban zone to the land. This approach is aligned with the strategic vision for the locality, and can be supported by appropriate local land use/development controls consistent with the principle of orderly and proper planning. ,

Should you have any queries or require any clarification in regard to the above matter, please do not hesitate to contact the writer.

Yours faithfully



SCOTT VINCENT
SENIOR PLANNER

160229 4542 MRS submission

Hearing of submissions

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I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson: David Caddy

Contact telephone number (business hours): (08) 9289 8300

Postal address: PO Box 7375 Cloisters Square WA 6850

I would prefer my hearing to be conducted in:

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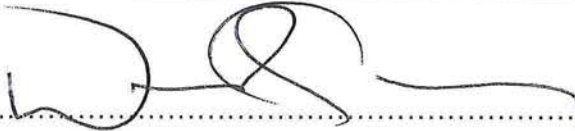
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To be signed by person(s) making the submission

Signature  Date 08.03.2016

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PERTH
SYDNEY

Our Ref: 716-335

8 March 2016

The Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001



Dear Ms Blenkinsop

SUBMISSION ON METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1291/41 HERDSMAN GLENDALOUGH PRECINCT – 355 SCARBOROUGH BEACH ROAD, OSBORNE PARK

TPG Town Planning, Urban Design and Heritage (TPG) is pleased to provide the following submission to the Western Australian Planning Commission (WAPC) with respect to the currently advertised MRS Amendment 1291/41 - Herdsman Glendalough Precinct (the Amendment), on behalf of the owners of No. 355 Scarborough Beach Road, Osborne Park (the subject site).

We are generally supportive of the purpose of the Amendment to facilitate a mixed-use precinct. However, we would like to request the WAPC's consideration of a number of matters within the Amendment documentation that are of concern in terms of delivering a viable and well-planned precinct that meets the objectives and visions of the relevant planning framework. The following issues are of particular concern:

- Inconsistencies with Directions 2031 and Beyond and the Central Metropolitan Perth Sub-Regional Strategy, State Planning Policy 4.2 (SPP4.2), Capital City Framework, draft Scarborough Beach Road Activity Corridor Framework, and DC Policy 1.6 Planning Support Transit Use and Transit Orientated Development (TOD);
- The 'Urban Deferred' zoning is contrary to the vision and objectives for the City of Stirling (the City) and the WAPC for the area;
- The use of a buffer that is inconsistent with the Environmental Protection Authority's advice on the Amendment which supports the use of other planning mechanisms to address the issue;
- The incorrect application of State Planning Policy 4.3 in justifying the 'Urban Deferred' zoning;
- The use of the generic 500 metre environmental buffer, which is not substantiated in this instance where the operations are more than adequately regulated by licence controls and management practices; and
- The significant restrictive nature of the 'Urban Deferred' zone on investment and any development in the area.

Context

The City has for many years proposed to facilitate the redevelopment of the Herdsman Glendalough Precinct (the precinct). This included the preparation of a Concept Structure Plan back in 2010, which clearly proposed to redevelop the precinct into a mixed-use residential and commercial precinct with a strong employment focus based on sound TOD Principles and WAPC policies. In 2011 the Concept Structure Plan was formally advertised, which presumably also included the WAPC.

Subsequently, in 2013 the City prepared the draft Herdsman Glendalough Structure Plan and Detailed Area Plan. The process included extensive community consultation and included inter-agency consultation. As a result in 2014, an MRS Amendment request was progressed requesting a rezoning from the current 'Industrial' zoning to an 'Urban' zoning. A Local Planning Scheme amendment was progressed in 2014,

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The Planning Group WA Pty Ltd
ABN 36 097 273 222

which zoned the precinct as a 'Development' zone. This amendment and the Structure plan and Detailed area plan were formally advertised in early 2015, and were based soundly on documents including, Directions 2031 and Beyond, Capital City Framework, Central Metropolitan Perth Sub-Regional Strategy, SPP4.2, Draft Scarborough Beach Road Activity Corridor Framework, and DC Policy 1.6 Planning to Support Transit Use and TOD. All of these documents concentrated on the need to increase the density of employment and development in the precinct, which clearly highlights the WAPC's support for redevelopment of the precinct.

Though these documents identified support for redevelopment of the area, it is understood that the WAPC modified the City's Amendment request. This resulted in numerous lots to be rezoned to 'Urban Deferred' rather than 'Urban' due to the potential impacts of the existing poultry processing plants located at 9 Baden Street, Osborne Park (Ingham's) and 116 Howe Street, Osborne Park (Steggles). The level of 'Urban Deferred' land was subject to the implementation of a generic 500 metre buffer for sensitive land uses (in this case residential uses), to poultry farms in accordance with the guidelines outlined under State Planning Policy 4.3 – Poultry Farms (SPP4.3).

Rezoning implications

From the relevant planning documents it is evident that the land subject to the 'Urban Deferred' zoning is the main focus of the vision for the redevelopment of the precinct. In addition, the redeveloped as envisaged for the area will require the whole precinct to be part of a Cost Contribution Scheme to make the redevelopment feasible. None of this will be able to occur due to the sterilisation of the identified land.

All affected landowners are significantly impacted in that no development approvals can be issued on any land within the 'Urban Deferred' zone until the impacts of the processing plants are removed either through relocation or significant testing and analysis is undertaken to demonstrate that the facilities have no adverse impact on the surroundings. It is highly unlikely that the facilities will relocate in the near future due to significant financial investment. Therefore the lifting of deferment will be through technical studies.

This creates a situation of inequity where a landowner wanting the deferment to be lifted is required to undertake a process at significant expense to benefit land beyond that what they own. Further, the likelihood of other landowners contributing to the process is slim particular if there is no intention for development in the foreseeable future.

This is considered an unnecessary burden given that the land subject to this zoning is already functioning successfully as sensitive land uses. In addition, the implementation of the zoning won't change the existence of sensitive land uses within the buffer area of the processing plant. As such the deferment won't have the desired affect of removing any potential impacts on sensitive land uses.

Given the above it is considered far more desirable for the issue to be addressed via the Structure Plan, Local Development Plan and Development Application stages where there is no liability that rests with the WAPC and the burden of the analysis falls directly to the landowner who will have the benefit.

The rezoning to 'Urban Deferred' zoning will sterilise all development whether it is for non-sensitive uses or for sensitive uses, until the lifting of the deferment takes place. This will impact the ability of landowners to relocate due to the significant impact on land values, but also will have implications for any renovations that may require borrowing with the property as security. The inability to renovate will have a significant implication on the amenity of the area with numerous buildings reaching the end of their life and would require renovations to allow for economic viability.

Overall the rezoning to 'Urban Deferred' has significant implications to both the State and Local government and the landowners alike, with the envisaged redevelopment of the precinct and any development by individual landowners made impossible.

Substantiation of Objection

In addition to the significant implications of the 'Urban Deferred' zone, the propose zoning is strongly objected to and is considered unnecessary and inappropriate as outlined below.

State Planning Policy 4.3 – Poultry Farms

Pursuant to SPP4.3 a poultry farm is defined as follows:

"Poultry farm means land and buildings used for rearing or keeping of poultry for breeding, commercial egg production or commercial meat production. Poultry includes chickens, ducks and turkeys but excludes emus and ostriches."

The existing poultry processing plants are defined as abattoirs as per the licence issued under the Environmental Protection Act. As such, the sites are not considered to meet the poultry farm definition and SPP 4.3 is not applicable to the site. The use of SPP 4.3 to specify the 'Urban Deferred' zone is therefore considered fundamentally incorrect. Though buffers should not be an issue, if they were to be applied, the correct State Planning Policy would be SPP 4.1 - Industrial Buffers (SPP4.1)

State Planning Policy 4.1 – Industrial Buffers

SPP4.1 aims to protect high investment and employment industries including any impacts associated with the existing poultry operations and ultimately determine an appropriate buffer distance based on site specific characteristics. The buffer distances are then determined by either the Environmental Protection Authority (EPA) Policy – Guidance for the Assessment of Environmental Factors (which advocates a generic 500m buffer be placed around meat processing plants) or appropriate site specific technical studies to demonstrate that there are no off site amenity impacts associated with the use.

It is important to note that SPP 4.1 places a strong influence on the role of the EPA and the need for formal consultation with the EPA to occur prior to advertising the Amendment. In this instance the EPA advised that it has no objection to the Amendment and 'Urban' zoning and advised that *"there were no significant issues that could not be adequately managed through more detailed planning mechanisms."*

Refer to Appendix A – A copy of the Letter of EPA advice

Clause 4.1 of the SPP 4.1 is consistent with the EPA's advice, as it states that the definition of off-site buffers can be required by planning instruments such as town planning schemes, region plans and strategies, structure plans and policies. Given the advice from the EPA and the requirements of SPP4.1 it is considered that the City's Local Structure Plan and subsequent Local Development Plans and the resultant Development Applications can effectively deal with the required buffer distances.

SPP4.1 also acknowledges that industry and infrastructure must also comply with adopted environmental and planning criteria through a combination of:

- *"appropriate management practices which should not unreasonably inhibit industry capacity or infrastructure usage; and*
- *off-site buffer areas."*

SPP4.1 also identifies that;

the "size of the buffer area is dependent on the management practices used. The balance is normally based on a weighing up of the economic viability of incorporating management practices versus the availability and cost of securing a buffer area. Best practicable environmental management practices (BPEMPs) may be acceptable where an adequate off-site buffer area can be provided. If only a smaller buffer area is available then best environmental management practices (BEMPs) may be required."

Given the above the implementation of an 'Urban Deferred' zoning under the MRS is considered unnecessary.

Site Specific – Need for Buffer

Both the Ingham and Steggles factories are licenced premises by the Department of Environmental Regulation pursuant to the Environmental Protection Act. Copies of each licence can be seen in Appendix B.

Refer to Appendix B – Licenced Premises

The licence in relation to the Ingham factory at 9 Baden Street Osborne Park requires all odour and dust impacts to be confined on site. It also specifies that all wastewater is to be directed into holding tanks and for the treated wastewater to be disposed of into the sewer with the solid sludge wastes to be disposed of into an approved waste disposal facility. The impact of the facilities is considered insignificant as there are residential properties directly abutting the eastern boundary of the facility without any complaints.

With the Steggles facility at 116 Howe Street Osborne Park, there are also requirements for dust control and again all waste water needs to be directed to holding tanks, treated and all solid waste removed to an appropriate waste disposal facility. There are no open ponds from which odour can be generated. This site also has existing sensitive land uses within the generic 500m buffer, without any complaints.

Given that the facilities are employing mitigation techniques that remove the impacts to the surrounding developments and operating without complaints from residents the requirement for any buffer is highly questionable.

Inconsistency with the Strategic Planning Framework

The 'Urban Deferred' zoning is in direct conflict with a number of strategic documents already endorsed by the WAPC, all of which encourages the growth and development of the area into a mixed use precinct.

Directions 2031 and Beyond stipulates that "*consolidated redevelopment should be encouraged around key existing and new intersections and transit nodes along Scarborough Beach Road.*" It also identifies transit nodes as areas for residential development.

The Capital City Planning Framework builds on the objectives set out in Directions 20131 and Beyond. It identifies Osborne Park as one of a number of significant activity centres beyond the central core that display high levels of employment, with the area identified for an employment density of between 131-300 persons per hectare. It highlights the potential of the Herdsman Glendalough Area to develop as a TOD around the train station.

The Central Metropolitan Perth Sub-Regional Strategy identifies strategic priorities to deliver the outcomes identified under Directions 2031 and Beyond. The Strategy outlines a housing target of 31,000 dwellings for the City, with Glendalough identified as a TOD with a housing potential of 1,700 dwellings. The Glendalough area is also identified as a District Centre, which State Planning Policy 4.2 identifies as centres that caters for the daily and weekly needs of residents. Such centres are identified for catering for the needs of residents with retail uses such as;

- Discount department stores;
- Supermarkets;
- Convenience goods;
- Small scale comparison shopping;
- Personal services; and
- Some specialty

Furthermore from the WAPC's Draft Scarborough Beach Road Activity Corridor Framework it is evident that the WAPC's vision for the precinct is for Glendalough to become "*a significant new transit-oriented centre that appropriately responds to its location.*" The area is also envisaged to be characterised by a mix of uses, including residential, office-based mixed use and retail-based mixed use. This vision is unattainable due to the 'Urban Deferred' zoning sterilising any development in the area and particular in the area key to the workings of a TOD.

All of the above aspirations and intentions are directly contradicted by the 'Urban Deferred' zoning that sterilises the land for any type of development. The implementation of this zoning is thus considered inconsistent and not orderly and proper planning.

Conclusion

The 'Urban Deferred' zoning is considered an unnecessary burden, as it will be an impediment to the redevelopment of the precinct, without actually removing the sensitive uses already existing. It is therefore considered that the 'MRS Urban Deferred' zoning is inappropriate and should be amended to an 'Urban' zone for the following reasons:

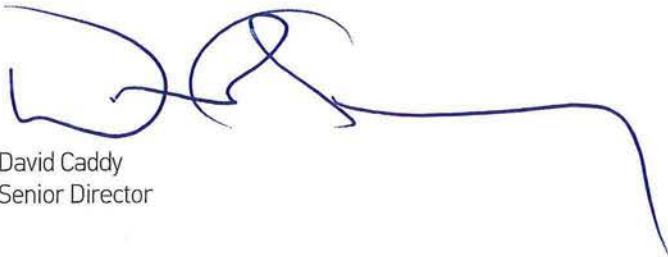
- Inconsistencies with Directions 2031 and Beyond and the Central Metropolitan Perth Sub-Regional Strategy, State Planning Policy 4.2, Capital City Framework, draft Scarborough Beach Road Activity Corridor Framework, and DC Policy 1.6 Planning Support Transit Use and Transit Orientated Development (TOD);
- The 'Urban Deferred' zoning is contrary to the vision and objectives for the City of Stirling and the WAPC for the area;
- The use of a buffer that is inconsistent with the Environmental Protection Authority's advice on the Amendment which supports the use of other planning mechanisms to address the issue;
- The incorrect application of State Planning Policy 4.3 in justifying the 'Urban Deferred' zoning;
- The use of generic 500 metre environmental buffer, which is not substantiated in this instance where the operations are adequately regulated by licence controls and management practices; and
- The significant restrictive nature of the 'Urban Deferred' zone on investment and any development in the area

It is therefore respectfully requested that the proposed 'Urban Deferred' zoning is not progressed and an amended plan be developed to include the area in the originally intended 'Urban' zone. Further, due to the impact of the proposed Amendment it is respectfully requested that TPG on behalf of our client will be granted a Hearing to articulate our concerns with the proposed Amendment.

Should you have any queries or require clarification on any of the matters presented herein please do not hesitate to contact the under signed on (08) 9289 8300.

Yours sincerely

TPG Town Planning, Urban Design and Heritage

A handwritten signature in blue ink, appearing to read 'DC', with a long horizontal line extending to the right and ending in a small hook.

David Caddy
Senior Director

APPENDIX A

A copy of the Letter of EPA advice



Government of Western Australia
Office of the Environmental Protection Authority
Strategic Policy and Planning Division

Mr Tim Hillyard
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Your Ref: 809-2-20-10 (RLS/0447/1)
Our Ref: AC04-2014-0073
Enquires: Gary Williams, 6145 0821
Email: gary.williams@epa.wa.gov.au



Dear Mr Hillyard

**PROPOSED MRS AMENDMENT - HERDSMAN GLEN DALOUGH URBAN
PRECINCT**

Thank you for your correspondence, dated 9 April 2014, seeking comment from the Office of Environmental Protection Authority (OEPA) concerning the proposed Metropolitan Region Scheme (MRS) amendment to rezone areas currently zoned 'Industrial' to 'Urban' or 'City Centre', to facilitate the implementation of the Concept Structure Plan for Herdsman Glendalough.

The information provided with your letter indicates that the proposed MRS amendment will not raise any significant environmental issues that cannot be adequately managed through detailed planning processes. On this basis, the OEPA has no objection to the Western Australian Planning Commission (WAPC) initiating the proposed amendment.

Please note, all MRS amendments require referral to the Environmental Protection Authority in accordance with section 38 of the *Planning and Development Act 2005* for a decision on whether or not the amendment requires assessment.

If you have any questions about the content of this letter, you should contact the Assessment Officer for this referral, Gary Williams, on 6467 0821.

Yours sincerely

Darren Foster
DIRECTOR

2 May 2014

The Atrium Level 8, 168 St Georges Terrace, Perth, Western Australia 6000.
Postal Address: Locked Bag 10, East Perth, Western Australia 6892.

Telephone: (08) 6145 0800
Facsimile: (08) 6145 0845
Website: www.epa.wa.gov.au

APPENDIX B

Licensed Premises



Government of Western Australia
Department of Environment Regulation

Your ref L7475/2000/9
Our ref DEC1481
Enquiries Peter Johns
Phone 9333 7522
Fax 9333 7550
Email peter.johns@der.wa.gov.au

Mr Ben Baron
Operations Manager
Bartter Enterprises Pty Ltd
116 Howe Street
OSBORNE PARK WA 6017

Dear Mr Baron

ENVIRONMENTAL PROTECTION ACT 1986: LICENCE GRANTED

Premises: Bartter Enterprises Pty Ltd
Premises Location: Lot 10 on Diagram 55851 and Lots 204 & 205 on Plan 2809,
OSBORNE PARK WA 6017
Licence Number: L7475/2000/9

A licence under the *Environmental Protection Act 1986* (the Act) has been granted for the above premises. The Department of Environment Regulation will advertise the issuing of this licence in the public notices section of *The West Australian* newspaper.

The licence includes attached conditions. Under section 58(1) of the Act, it is an offence to contravene a condition of a licence. This offence carries a penalty of up to \$125,000 and a daily penalty of up to \$25,000.

In accordance with section 102(1)(c) of the Act, you have 21 days to appeal the conditions of the licence. Under section 102(3)(a) of the Act, any other person may also appeal the conditions of the licence. To lodge an appeal contact the Office of the Appeals Convenor on 6467 5190 or by email at admin@appealsconvenor.wa.gov.au.

Where a licence is issued for more than one year it requires payment of an annual fee and will cease to have effect if the fee is unpaid. It is the occupier's responsibility to lodge a fee application and pay the annual fee in sufficient time to avoid incurring a late payment fee and for processing to be completed before the licence anniversary date.

If you have any queries regarding the above information, please contact Mr Peter Johns on 9333 7510.

Yours sincerely

Ed Schuller
Officer delegated under section 20
of the *Environmental Protection Act 1986*

Thursday, 9 January 2014

The Atrium, 168 St Georges Terrace, Perth WA 6000
Phone (08) 6467 5000 Fax (08) 6467 5562
Postal Address: Locked Bag 33, Cloisters Square, Perth WA 6850
www.der.wa.gov.au

WESTERN AUSTRALIA

DEPARTMENT OF ENVIRONMENT REGULATION

Environmental Protection Act 1986

LICENCE

LICENCE NUMBER: L7475/2000/9

FILE NUMBER: DEC1481

NAME AND ADDRESS OF OCCUPIER:

Bartter Enterprises Pty Ltd
116 Howe Street
OSBORNE PARK WA 6017
ACN: 000 451 374

NAME AND LOCATION OF PREMISES:

Bartter Enterprises Pty Ltd
Lot 10 on Diagram 55851 and Lots 204 and 205 on Plan 2809
OSBORNE PARK WA 6017

Environmental Protection Regulations 1987

CLASSIFICATION(S) OF PREMISES:

Category 15 – Abattoir

COMMENCEMENT DATE OF LICENCE: Wednesday, 15 January 2014

EXPIRY DATE OF LICENCE: Monday, 14 January 2019

CONDITIONS OF LICENCE:

As described and attached:

DEFINITION(S)

GENERAL CONDITION(S) (2)

AIR POLLUTION CONTROL CONDITION(S) (1)

WATER POLLUTION CONTROL CONDITION(S) (2)

SOLID WASTE CONTROL CONDITION(S) (1)

ATTACHMENT(S) (2)



Officer delegated under Section 20
of the *Environmental Protection Act 1986*

Date of Issue: Thursday, 9 January 2014

WESTERN AUSTRALIA

DEPARTMENT OF ENVIRONMENTAL REGULATION

Environmental Protection Act 1986

LICENCE NUMBER: L7475/2000/9

FILE NUMBER: DEC1481

CONDITIONS OF LICENCE

DEFINITIONS

"Director" means Director, Environmental Regulation Division of the Department of Environment Regulation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*;

"Director" and "Department of Environment Regulation" for the purpose of correspondence means:

Regional Leader, Industry Regulation, Swan Region
Locked Bag 33
CLOISTERS SQUARE WA 6850
Telephone: (08) 9333 7510
Facsimile: (08) 9333 7550;

"mg/L" means milligrams per litre;

"NATA" means the National Association of Testing Authorities;

"OU" means odour unit;

"premises" means Bartter Enterprises Pty Ltd located at 116 Howe Street, on Lot 10 on Diagram 55851 and Lots 204 & 205 on Plan 2809, Osborne Park as shown in Attachment 1.

GENERAL CONDITIONS

- G1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:
- (a) pollution;
 - (b) unreasonable emission;
 - (c) discharge of waste in circumstances likely to cause pollution; or
 - (d) being contrary to any written law.

MONITORING AND REPORTING

- G2(a) The licensee shall by, **1 February each year**, provide an Annual Monitoring Report containing data collected over the previous calendar year (**1 January to 31 December**). The report shall contain:
- (i) monitoring data or other collected data required by any condition of this licence; and
 - (ii) the number and type of complaints received including complainants name, address, nature of complaint (where appropriate cross referenced with prevailing wind directions) and action taken; and
 - (iii) any changes to site boundaries, on-site operations, stormwater drainage, wastewater handling and management and on-site or off-site impacts.
- G2(b) The licensee shall maintain a monthly record of animal numbers slaughtered at the premises. The licensee shall provide a copy of this record to the Director in the Annual Report in a tabular format.

WESTERN AUSTRALIA

DEPARTMENT OF ENVIRONMENTAL REGULATION

Environmental Protection Act 1986

LICENCE NUMBER: L7475/2000/9

FILE NUMBER: DEC1481

ANNUAL AUDIT COMPLIANCE MONITORING

- G2(c) The licensee shall by **1 February in each year** provide to the Director an Annual Audit Compliance Report in the form of Attachment 2 to this licence, signed and certified in the manner required by section C of the form, indicating the extent to which the licensee has complied with the conditions of this licence, and any previous licence issued under Part V of the Act for the Premises, during the period beginning **1 January the previous year and ending on 31 December** in that year.

AIR POLLUTION CONTROL CONDITIONS

DUST - GENERAL REQUIREMENT

- A1 The licensee shall take measures to control the generation of visible dust from all animal holding facilities, open areas, animal handling and transport activities.

WATER POLLUTION CONTROL CONDITIONS

STORMWATER MANAGEMENT

- W1(a) The licensee shall maintain drainage facilities at the premises to ensure that uncontaminated stormwater is not contaminated by any process or activity within the premises.

- W1(b) The licensee shall direct all uncontaminated stormwater to dedicated stormwater collection devices or drains.

PROCESS WATER

- W2(a) The licensee shall direct all contaminated or potentially contaminated wastewater produced from the activities of the abattoir and holding facilities to the wastewater treatment system.

- W2(b) The licensee shall direct treated wastewater from the wastewater treatment system to the Water Corporation's sewer in accordance with the requirements of the Water Corporation.

SOLID WASTE POLLUTION CONTROL CONDITION

- S1(a) The licensee shall dispose of any sludge wastes generated from the wastewater treatment system at the premises in accordance with the "*Western Australian Guidelines for Direct Land Application of Biosolids and Biosolids products, February 2002*".

- S1(b) The licensee shall ensure that any solid wastes generated at the premises are collected in impervious holding facilities for recycling or export off-site to approved facilities.



Attachment 1

L7475 Bartter Enterprises





Attachment 2

**SECTION A
LICENCE DETAILS**

Licence Number:	Licence File Number:
Company Name: Trading as:	ABN:
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of licence complied with within the reporting period? (please tick the appropriate box)

Yes Please proceed to Section C

No Please proceed to Section B

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____



Attachment 2

SECTION B

DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each licence condition that was not complied with.

a) Licence condition not complied with?	
b) Date(s) when the non compliance occurred, if applicable?	
c) Was this non compliance reported to DEC?	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DER verbally Date _____ <input type="checkbox"/> Reported to DER in writing Date _____	<input type="checkbox"/> No
d) Has DEC taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____



Attachment 2

SECTION C

SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report may only be signed by a person(s) with legal authority to sign it. The ways in which the Annual Audit Compliance Report must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this Annual Audit Compliance Report is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is		The Annual Audit Compliance Report must be signed and certified:
an individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual licence holder, or by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the Corporations Act 2001; or by two directors of the licensee; or by a director and a company secretary of the licensee, or if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer of the licensee; or by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: _____

SIGNATURE: _____

NAME:
(printed) _____

NAME:
(printed) _____

POSITION: _____

POSITION: _____

DATE: ____/____/____

DATE: ____/____/____

SEAL (if signing under seal)



Government of **Western Australia**
Department of **Environment and Conservation**

Your ref: 7477/2001/8
Our ref: DEC5406
Enquiries: Bhabesh Das
Phone: 9333 7521
Fax: 9333 7550
Email: bhabesh.das@dec.wa.gov.au

The Manager
Inghams Enterprises Pty Ltd
203 Northumberland Street
LIVERPOOL NSW 2170

Dear Sir/Madam

Environmental Protection Act 1986 – Amendment to licence
Licence: L7477/2001/8
Premises: Lot 68 on Diagram 98482, 9 Baden Street
OSBORNE PARK WA 6017

Further to my letter dated 14 January 2011, please find enclosed your amended *Environmental Protection Act 1986* licence.

If you have any questions or objections relating to the licence, please do not hesitate to contact the enquiries officer above on 9333 7521 for clarification or discussion of any grievances you have.

If you are concerned about, or object to any aspect of the amendment you may lodge an appeal with the Minister for the Environment within 21 days from the date on which this licence is received. The Office of the Appeals Convenor can be contacted on 6467 5190 to find out the procedure and fee.

Members of the public may also appeal the amendments. The Appeals Registrar at the Office of the Appeals Convenor can be contacted after the closing date of appeals to check whether any appeals were received.

Yours sincerely,

Peter Vassel
Manager, Works Approval & Emissions Licensing Section

17 January 2011

enc:

copy to: Local Government Authority: City of Stirling

DIRECTOR GENERAL AND ENVIRONMENTAL SERVICES DIVISIONS: The Atrium, 168 St Georges Terrace, Perth, Western Australia 6000
Phone: (08) 6467 5000 Fax: (08) 6467 5562 TTY: 1880 555 630

PARKS AND CONSERVATION SERVICES DIVISIONS: Executive: Corner of Australia II Drive and Hackett Drive, Crawley, Western Australia 6009
Phone: (08) 9442 0300 Fax: (08) 9386 1578 Operations: 17 Dick Perry Avenue, Technology Park, Kensington, Western Australia 6151
Phone: (08) 9219 8000 Fax: (08) 9334 0498 TTY: 9334 0546

POSTAL ADDRESS FOR ALL DIVISIONS: Locked Bag 104, Bentley Delivery Centre, Western Australia 6983

www.dec.wa.gov.au
wa.gov.au



LICENCE FOR PRESCRIBED PREMISES

Environmental Protection Act 1986

LICENCE NUMBER: L7477/2001/8

FILE NUMBER: DEC5406

LICENSEE AND OCCUPIER OF PREMISES

Inghams Enterprises Pty Ltd
203 Northumberland Street
LIVERPOOL NSW 2170

ACN: 008 447 345

NAME AND LOCATION OF PREMISES

Inghams Enterprises Pty Ltd
Lot 68 on Diagram 98482, 9 Baden Street
OSBORNE PARK WA 6017

PRESCRIBED PREMISES CATEGORY

Schedule 1 of the *Environmental Protection Regulations 1987*

CATEGORY	DESCRIPTION	CAPACITY
15	Abattoir: premises on which animals are slaughtered	Not more than 50,000 tonnes per year.

CONDITIONS OF LICENCE

Subject to the conditions of licence set out in the attached pages.

Officer delegated under Section 20
of the *Environmental Protection Act 1986*

ISSUE DATE: Thursday, 23 December 2010
COMMENCEMENT DATE: Saturday, 22 January 2011
AMENDMENT DATE: Monday, 17 January 2011
EXPIRY DATE: Thursday, 21 January 2016

CONDITIONS OF LICENCE

Environmental Protection Act 1986

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406

DEFINITIONS

"Director" means Director, Environmental Regulation Division of the Department of Environment and Conservation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*;

"Director" or "Department of Environment and Conservation" for the purpose of correspondence means-

Team Leader, Industry Regulation
Department of Environment and Conservation
Swan Region, Booragoon Office
Locked Bag 104
Bentley Delivery Centre WA 6983

Telephone: 9333 7510
Facsimile: 9333 7550; and

"premises" means poultry abattoir and holding facilities located at Lot 68 on Diagram 98482, 9 Baden Street, Osborne Park as depicted in **Attachment 1**.

GENERAL CONDITIONS

COMPLAINTS RECORDING

1. The licensee shall accurately record all complaints received concerning the environmental impact arising from activities at the premises and submit a complete copy of these records with the Annual Monitoring Report required by condition 2(a). The record must be in a form of a bound volume with numbered pages and must record the following:
 - (i) the date and time of the complaint;
 - (ii) location from which the problem arose (if known);
 - (iii) a general description/nature of the complaint;
 - (iv) any on-site activities (if any) that may have led to the complaint;
 - (v) wind direction, wind speed and temperature at the time of the complaint;
 - (vi) likely source of the reported problem; and
 - (vii) action taken in response to the complaint.

ANNUAL MONITORING REPORT

- 2(a) The licensee shall submit to the Director, by **1 February** each year, an Annual Monitoring Report containing all records required by any condition of this licence obtained during the period beginning **1 January** the previous year and ending on **31 December** in that year.
- 2(b) The licensee shall maintain a monthly record of animal numbers slaughtered at the premises. The licensee shall provide a copy of this record in a tabular format, to the Director in the Annual Monitoring Report required by condition 2(a).

ANNUAL AUDIT COMPLIANCE REPORT

3. The licensee shall by **1 February** each year, provide to the Director an Annual Audit Compliance Report in the form in **Attachment 2** to this licence, signed and certified in the manner required by Section C of the form, indicating the extent to which the Licensee has complied with the conditions of this licence, and any previous licence issued under Part V of the Act for the premises, during the period beginning **1 January** the previous year and ending on **31 December** in that year.

CONDITIONS OF LICENCE

Environmental Protection Act 1986

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406

DISCHARGE TO AIR

DUST - GENERAL REQUIREMENT

4. The licensee shall take measures to control generation of visible dust to ensure that visible dust is not discharged beyond the premises boundary.

ODOUR CONTROL CONDITIONS

5. The licensee shall ensure that odour emitted from the premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the premises.

DISCHARGE TO WATER

STORMWATER MANAGEMENT

- 6(a) The licensee shall maintain drainage facilities at the premises to ensure that stormwater is not contaminated by any process or activity within the premises.
- 6(b) The licensee shall direct all stormwater to dedicated stormwater collection devices or drains.

PROCESS WATER

- 7(a) The licensee shall direct all contaminated or potentially contaminated wastewater produced from the activities of the abattoir and holding facilities to the wastewater treatment system.
- 7(b) The licensee shall direct treated wastewater from the wastewater treatment system to Water Corporation's sewer.
- 7(c) The licensee shall take all reasonable and practical actions to cease any emissions of unreasonable odours as a result of a malfunction of the wastewater treatment system
- 7(d) The licensee shall ensure that the Director is notified within 24 hours of any malfunction of the wastewater treatment system.
- 7(e) The licensee shall ensure that the notification required by condition 7(d) includes the following information;
- (i) the time of system malfunction;
 - (ii) a general description/nature of the malfunction;
 - (iii) the reason for the malfunction;
 - (iv) any on-site activities that may have led to the malfunction;
 - (v) action taken in response to the malfunction; and
 - (vi) time/expected time that the malfunction has been/will be rectified.

DISCHARGE TO LAND

SOLID WASTE

- 8(a) The licensee shall dispose of all sludge wastes generated from the wastewater treatment system at an approved waste disposal facility.
- 8(b) The licensee shall ensure that any solid wastes generated at the premises are collected in impervious holding facilities for recycling or for export off-site to an approved waste disposal facility.

ATTACHMENT 1: PLAN OF PREMISES

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406



ATTACHMENT 2: ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406

SECTION A

LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name:	ABN:
Trading as:	
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of licence complied with within the reporting period? (please tick the appropriate box)

Yes Please proceed to Section C

No Please proceed to Section B

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____

ATTACHMENT 2: ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406

SECTION B - DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each licence condition that was not complied with.

a) Licence condition not complied with?	
b) Date(s) when the non compliance occurred, if applicable?	
c) Was this non compliance reported to DEC?	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DEC verbally Date _____ <input type="checkbox"/> Reported to DEC in writing Date _____	<input type="checkbox"/> No
d) Has DEC taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____

ATTACHMENT 2: ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406

SECTION C - SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report may only be signed by a person(s) with legal authority to sign it. The ways in which the Annual Audit Compliance Report must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this Annual Audit Compliance Report is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is	The Annual Audit Compliance Report must be signed and certified:
an individual	<input type="checkbox"/> by the individual licence holder, or <input type="checkbox"/> by a person approved in writing by the Chief Executive Officer of the Department of Environment and Conservation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> by the principal executive officer of the licensee; or <input type="checkbox"/> by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment and Conservation.
A corporation	<input type="checkbox"/> by affixing the common seal of the licensee in accordance with the Corporations Act 2001; or <input type="checkbox"/> by two directors of the licensee; or <input type="checkbox"/> by a director and a company secretary of the licensee, or <input type="checkbox"/> if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or <input type="checkbox"/> by the principal executive officer of the licensee; or <input type="checkbox"/> by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment and Conservation.
A public authority (other than a local government)	<input type="checkbox"/> by the principal executive officer of the licensee; or <input type="checkbox"/> by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment and Conservation.
a local government	<input type="checkbox"/> by the chief executive officer of the licensee; or <input type="checkbox"/> by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: _____

SIGNATURE: _____

NAME: (printed) _____

NAME: (printed) _____

POSITION: _____

POSITION: _____

DATE: ____ / ____ / ____

DATE: ____ / ____ / ____

SEAL (if signing under seal)

Radley, Steven

Submission 17

From: Rahman, Nabil
Sent: Thursday, 10 March 2016 3:33 PM
To: Muscara, Anthony
Subject: MRS Major Amendment 1291/41 Herdsman Glendalough Precinct - DoT Response

Your ref: 809-2-20-10 Pt1
Our ref: DT/10/02173

Hi Anthony,

I refer to your letter dated 15 December 2015 regarding the above proposal.

Further to our meeting held on 8/03/2016 and your email dated 9/03/16, it is noted that

- The road reservation width for Hutton Street needs to be consistent with the review undertaken by Department of Planning.
- Department of Planning is undertaking a review of the Scarborough Beach Road reservations which is currently reserved as a Planning Control Area (PCA) No. 104 (Plan No: 1.7244).
- A future MRS amendment will be undertaken for Scarborough Beach Road to include the portion of Lot 1 into the amendment.

The Department of Transport (DoT) has no objection to the proposed amendment.

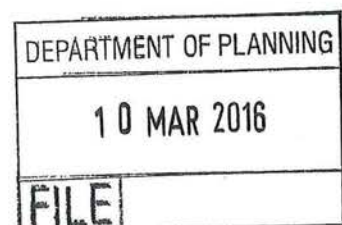
Thank you for the opportunity to comment on the above application.

Regards,

Nabil Rahman
Transport Engineering Officer | Integrated Transport Planning | Department of Transport
Level 8, 140 William Street, Perth WA 6000
Tel: (08) 6551 6675 Fax: (08) 6551 6942
Email: Nabil.Rahman@transport.wa.gov.au | Web: www.transport.wa.gov.au



Clear Direction • Fresh Thinking • Excellent Service • Great People



Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours): 94446025

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature Paul Doherty Date 11/3/16

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.



SUBMISSION FROM CHRYSALIS MONTESSORI SCHOOL, GLENDALOUGH regarding Metropolitan Region Scheme Amendment 1291/41: Herdsman- Glendalough Precinct

The Chrysalis Montessori School is located just outside the southern boundary of the Proposed Amendment area and adjacent to Parkland Road.

Background of Chrysalis

Chrysalis Montessori School is a not-for-profit, community run, primary/pre-primary school that was established at the current Parkland Road site in 1991, by a group of parents who mortgaged their homes to purchase the land and develop the initial premises. The school has a common boundary with the Glendalough Open Space which is managed by the Department of Parks and Wildlife.

For more than twenty years the school has been involved in tree planting, water monitoring and wildlife studies in the Glendalough Open Space. From the school's inception a small section of the Open Space was leased, on a long-term basis, to the school for use as our playground. In 2005, Reserve 48269 was created for school playground purposes and for the life of the school and so replacing the lease arrangement. Chrysalis currently has 100 families with 150 children enrolled at the school as well as catering for 60 children in our playgroup and 60 students in our registered After School Service that operates at the school.

Implications of the Proposed Amendment

If the Amendment is adopted then the Urban component will allow for substantial further development of the area. The school acknowledges that the Herdsman -Glendalough Concept Structure Plan, which has been approved by the City of Stirling, provides for more intensive transit oriented development around Glendalough.

A direct consequence of further development as envisaged in the Structure Plan is that there will be considerably more vehicle movements both within the proposed Amendment Zones but also in the adjacent road network. This increased traffic is of concern to the school population and their parents. It will be important for safety and access reasons for there to be greater traffic calming measures and restrictions along Parkland Road.

In 2015 the City of Stirling introduced paid parking zones immediately to the east of the school as well as paid parking in the school's car park during school holiday periods. These measures have made a significant improvement to the parking issues that were confronting the school as a result of the construction of office complexes between Hasler and Parkland Roads in 2010. In recent years the school has been in regular dialogue with the City of Stirling as well as with the Member for Churchlands regarding the future car parking needs for the area.

CHRYSALIS MONTESSORI SCHOOL

3-5 Parkland Road Glendalough

Western Australia 6016

Telephone: (08) 9444 6025 Facsimile: (08) 9444 9985

Email: admin@chrysalis.wa.edu.au



However, a primary concern of the school is that the City of Stirling has plans to develop substantial off-street parking on the Glendalough Open Space that immediately abuts the school, including a large car park in the area shown in the attached diagram.

There are two issues from the school's point of view:

1. The school playground is extremely well utilised before school, at lunch-time and after school. The car park would be immediately adjacent to our playground, and there are concerns about parking patrons observing and interacting with our children.
2. The area where the planned car park would be situated would deny the school of use of an extended grassed area, which we now use several times a week for physical education. Our playground Reserve No 48269, referred to above, is not adequate for sports lessons and games such as soccer, cricket, netball, T ball, and running. The school does not expect exclusive use of this whole area. Indeed the Glendalough Open Space is also currently used by personal fitness groups and office workers.

If the proposed Amendment is supported there will be a substantial increase in the residential population and the Glendalough Open Space will become an even more valued green space.

The School wishes to highlight the fact that it is totally opposed to the development of a car park on land immediately adjacent to our playground.

In our view all future approvals for development within the Proposed Urban Zone should provide for adequate on-site vehicle parking areas for workers, residents and visitors.

Yours sincerely

A handwritten signature in black ink that reads "Paul Doherty". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Paul Doherty
Principal

10th March 2016

CHRYSALIS MONTESSORI SCHOOL
3-5 Parkland Road Glendalough
Western Australia 6016
Telephone: (08) 9444 6025 Facsimile: (08) 9444 9985
Email: admin@chrysalis.wa.edu.au

Western Australian Planning Commission

Herdsman – Glendalough Precinct

Amendment Report – City of Stirling

Attachment for Chrysalis Montessori School submission



Your Ref: 809-2-20-10 Pt 1 (RLS/0536/1)
 Our Ref: JT1 2010 11461 V01 - MRS333247
 Enquiries: Kevin Purcher
 Direct Tel: 9420 2385
 Fax: 9420 3193



15 March 2016

Submission 19

Secretary
 Western Australian Planning Commission
 LOCKED BAG 2506
 PERTH WA 6001

DEPARTMENT OF PLANNING	
15 MAR 2016	
FILE	

Attention of: Anthony Muscara

**Re: Metropolitan Region Scheme Major Amendment 1291/41 –
 Herdsman Glendalough Precinct**

Thank you for your letter dated 11 December 2015. The Water Corporation offers the following comments in regard to this proposal.

Water

Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

Due to the possible increase in development density, upgrading of the current system may be required to prevent existing customers being affected by the proposed development.

When the proposed demands are provided the Water Corporation can have another review of the proposed development.

Developers may need to fund local water reticulation upgrades to support servicing of their individual development proposals. The Corporation is not funded to upgrade water reticulation pipes <300mm in diameter. The physical co-ordination of reticulation upgrades and the equitable sharing of these costs may be difficult. This coordination could be left to developers to negotiate among themselves, or the City or WAPC may consider the need for a more comprehensive approach such as a development contribution scheme or similar over the area to collect money and to coordinate any upgrade works into the future.

Some water mains do not appear to be located within a road reserve on the north west corner of the Scarborough Beach Road and King Edward Road intersection. Pressured water mains shall not be located in private land and should be located in and protected by reserves (ie road reserves). No development would be allowed in this area. The developer is required to fund the full cost of protecting, relocating or modifying any of the existing infrastructure which may be affected by the above proposal.

Wastewater

Reticulated sewerage is currently available to the subject area. All sewer main extensions, if required for the development site, should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

It should be noted that existing sewerage mains are located within private land in the subject area. Due consideration will be required when developing near these sewers. The developer is required to fund the full cost of protecting or modifying any of the existing infrastructure which may be affected by any proposed development in the future. Easements may be option used to protect the sewers.

Due to the possible increase in development density upgrading of the current system may be required to prevent existing customers being affected by the proposed development.

The Corporation may need to review the wastewater planning once more detailed land use and wastewater flow information is provided.

Developers may need to fund local sewerage reticulation upgrades to support servicing of their individual development proposals. The Corporation is not funded to upgrade sewerage reticulation pipes <300mm in diameter. The physical co-ordination of reticulation upgrades and the equitable sharing of these costs may be difficult. This coordination could be left to developers to negotiate among themselves, or the City or WAPC may consider the need for a more comprehensive approach such as a development contribution scheme or similar over the area to collect money and to coordinate any upgrade works into the future.

Two wastewater pumping stations are located within the subject area. Under normal operating conditions there will be minimal odour emanating from the pumping station, however, during maintenance and abnormal operating or weather conditions, an increased level of odour may occur that will be of nuisance to persons within the odour buffer area. The enclosed plans show the location of the pump stations and the odour buffers (large pink circle) around the pump stations. Only compatible land use should be developed within these buffers.

Drainage

The subject area falls within the Herdsman Drainage Catchment.

Further detailed land use and structure planning for the Osborne Park urban precinct should include a requirement for the City to undertake groundwater modelling for the Stirling City Centre and the Osborne Park - Glendalough Urban Precinct to determine base flows.

Before any development can take place there should be a completed and approved Drainage and Water Management Plan, by the Department of Water for this area, that sets regional drainage conditions for the subject and surrounding area. The Water Corporation may also need to undertake a scheme review.

The current Water Corporations drainage system would normally only take predevelopment flows. So any future development should compensate any additional flows on their own land.

Please note that major drainage infrastructure is located within the subject area. All future developers are required to fund the full cost of protecting or modifying any of the existing Water Corporation drainage facilities or infrastructure which may be affected by the development.

General Comments

Please note the Water Corporation owns land parcels within the subject area that are required so that the Water Corporation can provide wastewater and drainage services. Any development that involves or is near Water Corporation land will need approval from the Water Corporations Procurement and Property Branch.

The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works. Any temporary works needed are required to be fully funded by the developer. The Water Corporation may also require land being ceded free of cost for works.

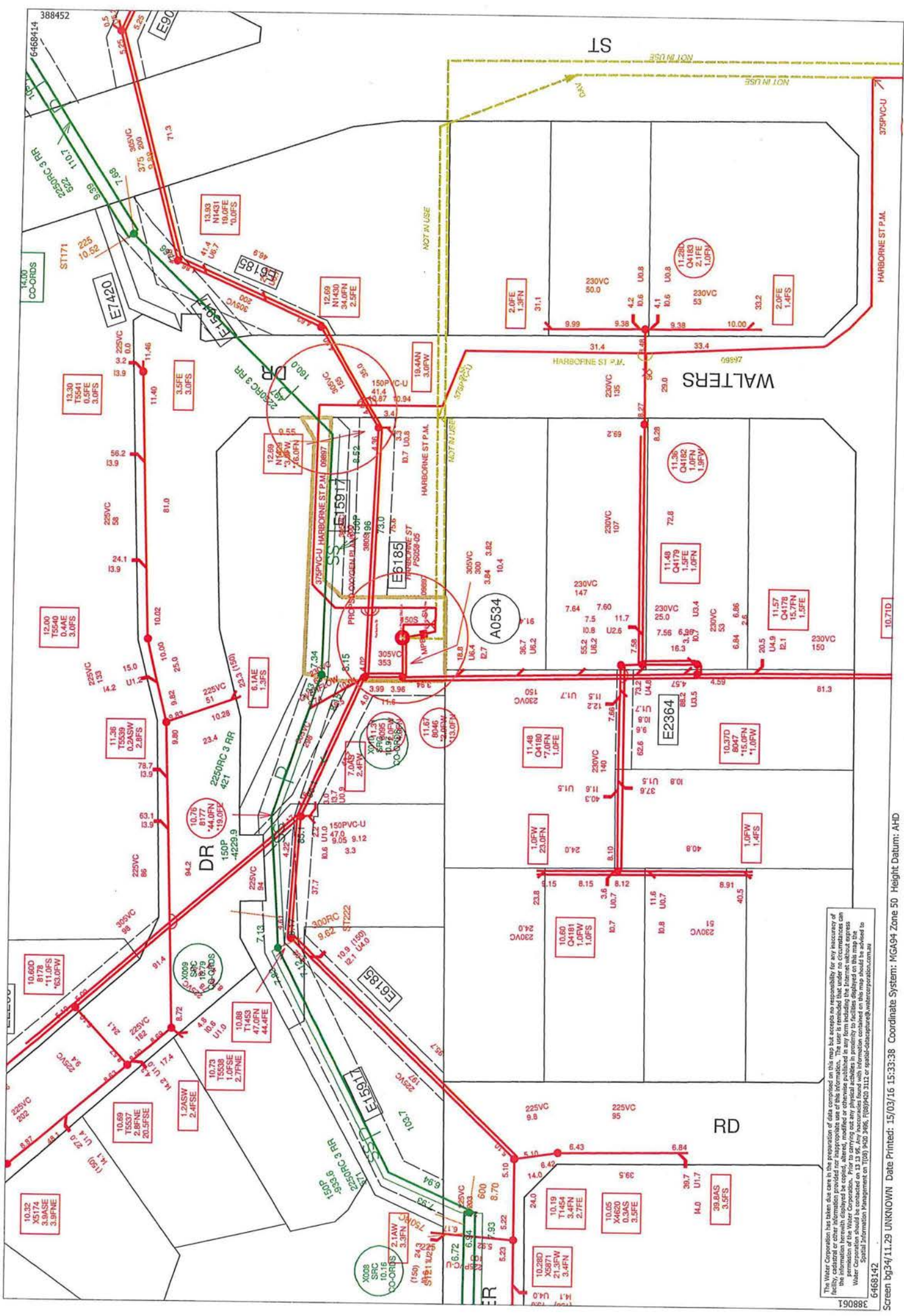
The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, the Water Corporation should be contacted to confirm if the information is still valid.

Please provide the above comments to the land owner, developer and/or their representative.

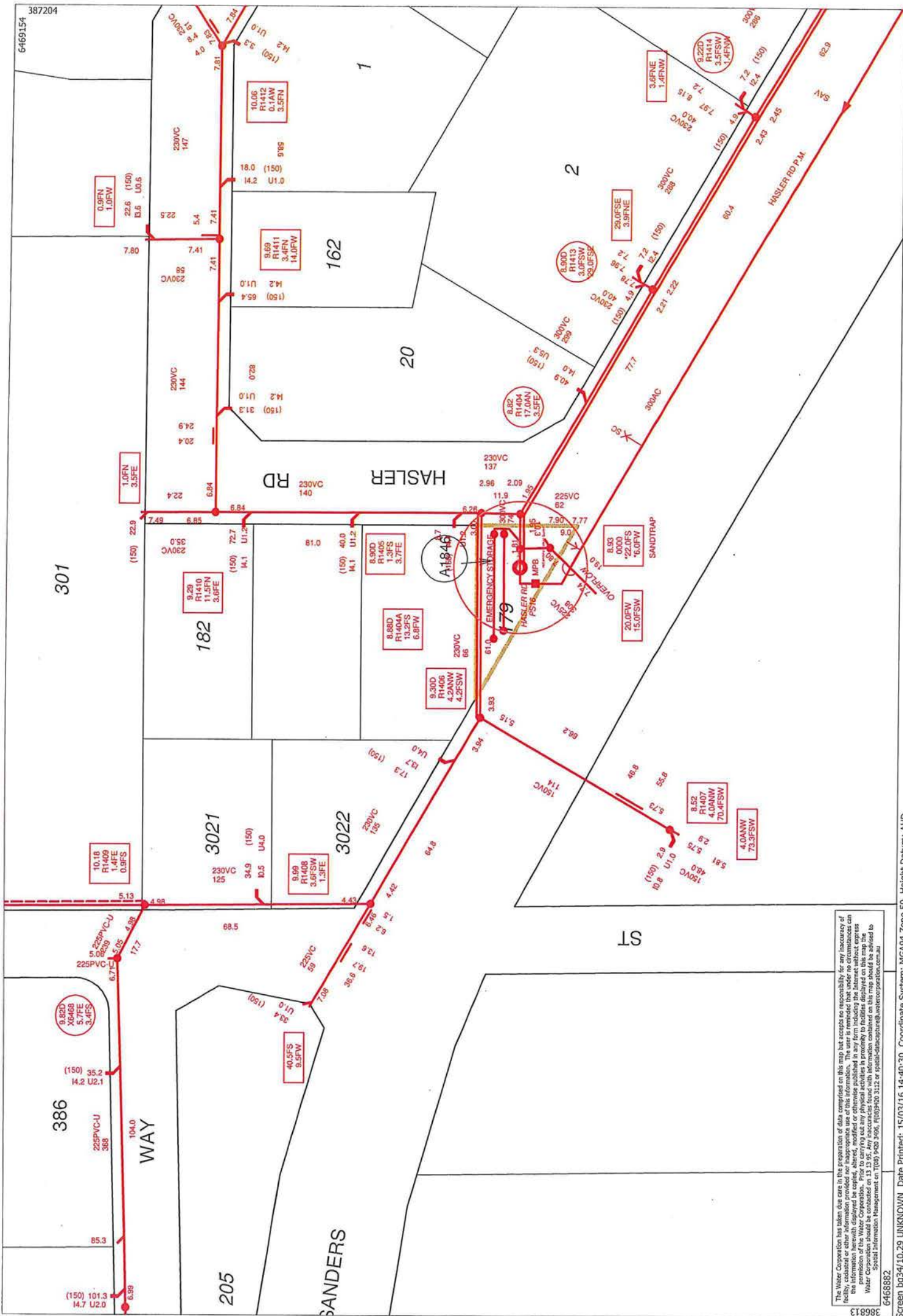
Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.



Kevin Purcher
Senior Development Planner
Development Services



The Water Corporation has taken due care in the preparation of data compiled on this map but accepts no responsibility for any inaccuracy of facility, central or other information provided nor inappropriate use of this information. The user is reminded that under no circumstances should this map be used as a substitute for a field survey. Any information found on this map is for informational purposes only and is not intended to be used for any other purpose. The Water Corporation should be contacted on 13 95. Any inaccuracies found with this map should be reported to the Spatial Information Management on (08) 940 3466, F0819420 3112 or spatial-information@watercorporation.com.au



The Water Corporation has taken due care in the preparation of data computerized on this map, but, excepts its responsibility for any inaccuracy of facility, cadastral or other information provided for its use. The user assumes all responsibility for any inaccuracy of the information herewith displayed or otherwise published in any form including the Internet without express permission of the Water Corporation. Prior to carrying out any physical activities in proximity to facilities displayed on this map the Water Corporation's website www.watercorp.nsw.gov.au should be consulted. The map should be referred to Spatial Information Management on (08) 902 3086, (08)902 3112 or spatial@watercorp.nsw.gov.au

6468882

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41



Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 20

Name

..... PAUL CUNNINGHAM..... (CROWE GROUP).....
(PLEASE PRINT CLEARLY)

Address 3/369 NEWCASTLE ST., NORTH BRIDGE..... Postcode 6003.....

Contact phone number 9221 1991..... Email address paul.cunningham@rowegroup.com.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

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...SEE ATTACHED SUBMISSION.....
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Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours): ...9221 1991.....

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature  Date ...10/3/16.....

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.

Job Ref: 8511
8 March 2016

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001



ROWEGROUP

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au

Dear Sir/Madam

**Submission on Proposed MRS Amendment 1291/41
Strata Lots 1-12 (No. 28) Frobisher Street, Osborne Park**

Rowe Group acts on behalf of the land owners ('Client') of Strata Lots 1-12 (No. 28) Frobisher Street, Osborne Park (herein referred to as the 'subject site').

We have been requested by our Client to prepare and lodge a submission on the Metropolitan Scheme Region Amendment 1291/41 ('Amendment 1291/41') to the Herdsman-Glendalough Precinct which was prepared by the City of Stirling ('City') and has since been amended by the Western Australian Planning Commission ('WAPC'). The amendments proposed by the WAPC have been to include an area of land within the "Urban Deferred" zone of the Metropolitan Region Scheme ('MRS') rather than the "Urban" zone.

Our Client does not support the proposal to rezone the subject site from "Industrial" to "Urban Deferred" under the provisions of the MRS. Our Client requests that the WAPC modify the details within Amendment 1291/41 so that all land proposed to be zoned "Urban Deferred" is zoned "Urban" as this was the original proposal requested by the City.

We provide the following information in support of this request.

Justification for Submission

As previously noted, our Client does not support the proposal within Amendment 1291/41 to rezone the subject site from "Industrial" to "Urban Deferred". Our Client requests that the WAPC modify the details proposed within Amendment 1291/41 so that all land proposed to be zoned "Urban Deferred" is zoned "Urban" under the provisions of the MRS.

As illustrated within Figure 1 of Amendment 1291/41 a 500m buffer has been proposed to sensitive land uses based on the nearby existing poultry processing facility located just beyond the boundary of the Amendment 1291/41 area. The existing poultry processing facility is used for the carving, packaging and delivering of poultry within the Perth metropolitan area.

We understand that the WAPC is proposing an area of MRS "Urban Deferred" zoned land within the Amendment 1291/41 area due to its concern over an existing poultry processing facility within the Amendment 1291/41 area. The "Urban Deferred" zoned land is intended to provide a buffer area to the poultry processing facility.

In September 2003 the WAPC released the amended Statement of Planning Policy No. 4.3 – Poultry Farms Policy ('SPP4.3'). SPP4.3 sets out matters which the WAPC and local governments will take into account in determining proposals for new poultry farms, expansion of existing poultry farm facilities and development in the vicinity of poultry farms.

SPP4.3 states the following with respect to the definition of a poultry farm:

- *Poultry farm means land and buildings used for rearing or keeping of poultry for breeding, commercial egg production or commercial meat production.*
- *Poultry includes chickens, ducks and turkeys but excludes emus and ostriches.*

The existing poultry processing facility that is located within the Amendment 1291/41 area is the Steggles Factory Outlet located at Lot 10 (No. 112) Howe Street, Osborne Park.

The Steggles Factory Outlet was approved by the City of Stirling with the land uses "Warehouse", "Office", "Freezer", "Car Par" and "Live Bird Storage". The "Live Bird Storage" aspect of the existing Steggles Factory Outlet is to enable live birds to be delivered from a "poultry farm" (located elsewhere) and stored for a short time before being processed and packaged. No "poultry farming" occurs at the site.

Another poultry processing facility is located on the eastern side of the Freeway, being the Inghams Enterprise Pty Ltd located at Lot 68 (No. 9) Baden Street, Osborne Park. The Inghams Enterprise was approved by the City of Stirling with the land use "Live Bird Area". Again the Inghams Enterprise is used for the delivery of birds from a "poultry farm" (located elsewhere) and stored for a short time before being processed and packaged. Again, no "poultry farming" occurs at the site.

As a result of the poultry processing facilities, and as previously noted, the WAPC has proposed that a portion of the Amendment 1291/41 area be zoned "Urban Deferred" rather than "Urban". The poultry processing facilities cannot be classified as a "poultry farm" as per the definition contained within SPP4.3. The existing poultry processing facilities are not used for any of the following:

- the keeping of poultry for breeding;
- commercial egg production; or

- commercial meat production.

Based on the above, and the “poultry farm” definition provided within SPP4.3, the processing facilities cannot be classified as a “poultry farm”.

Furthermore, we note that although the WAPC is proposing an “Urban Deferred” zoned buffer to “Urban” zoned land, the land immediately surrounding the Ingham Enterprise at Lot 68 Baden Street is zoned “Urban” under the MRS. It is our understanding that no “Urban Deferred” buffer has been provided as the current land use poses no adverse impacts to the surrounding locality as it does not function as a “poultry farm” as defined within SPP4.3. Therefore it would be inconsistent with proper and orderly planning to impose an “Urban Deferred” buffer to the Steggles poultry facility when it operates in a very similar manner to the Inghams facility.

We also believe the specifics of SPP4.3 are being inappropriately imposed on the poultry processing facilities given the clear intention is for its application (including buffers) to be applied to “poultry farms” only. The provisions within SPP4.3 relate to facilities which may cause adverse impacts visually, from odour and from dust. The existing poultry processing facilities do not cause any adverse impacts based on the following reasons:

- they are fully contained within large industrial buildings;
- being a fully contained operation the surrounding locality is not adversely impacted by dust or odour; and
- the poultry is not located at each facility for a long enough period of time for a large build up of faeces to occur.

Furthermore, we note that the general buffer guidelines outlined within SPP4.3 apply to ‘new poultry sheds’ and not to existing poultry facilities. Despite the buffer guidelines relating to ‘new poultry sheds’, the buffer requirements are further unrelated to the existing poultry processing facilities as the existing facilities cannot be classified as “poultry farms”.

As the land within the proposed “Urban Deferred” area is not adversely impacted by any existing “poultry farm”, the land is suitably located to accommodate an “Urban” zoning under the MRS and therefore it is requested that the WAPC modify Amendment 1291/41 accordingly.

We also note that the City has recently prepared and approved the Herdsman Glendalough Area Local Structure Plan (‘HGLSP’) which proposes updated zoning for land captured within the Structure Plan area. As part of the proposed HGLSP our Client’s land is proposed to be zoned “Transitional Industry”. The proposed “Urban Deferred” zoning of our Client’s land as part of Amendment 1291/41 is not only inappropriate, for the reasons outlined above, but will have adverse implications on the progression of HGLSP. The “Urban” zoning requested under the MRS as part of this submission will facilitate the implementation of the approved HGLSP.

Should it be that the WAPC does not agree with the "Urban" zoning requested within this submission, we then request that our Client's property retains the existing "Industrial" zoning to allow the subject site to operate "as is" without the uncertainty imposed under a potential "Urban Deferred" rezoning. That is, the site should either be rezoned to "Urban", given our justification (above), or retain its existing "Industrial" zoning rather than impose uncertainties (from a land use planning prospective) by rezoning to "Urban Deferred".

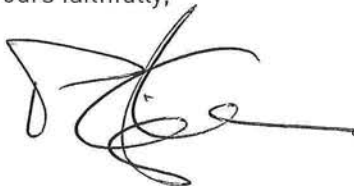
Conclusion

Having regard to the above and the details proposed within Amendment 1291/41, it is considered that the existing nearby poultry processing facility cannot be classified as a "poultry farm" and therefore the provisions outlined within SPP4.3 are not relevant to Amendment 1291/41. Accordingly, it is requested that the WAPC does not propose to include an area of "Urban Deferred" as part of Amendment 1291/41.

We appreciated the opportunity to comment on Amendment 1291/41 which relates to the Herdsman-Glendalough Precinct, and trust that this submission will be given due regard.

Should you require any additional you require any further information or clarification in relation to this matter, please contact Paul Cunningham on 9221 1991.

Yours faithfully,



Paul Cunningham

Rowe Group



Government of Western Australia
Department of Environment Regulation

Your ref: 809-2-20-10 Pt 1 (RLS/0536/1)
Our ref: CEO3366/15
Enquiries: Teresa Gepp
Phone: 6467 5383
Email: advice.coordinator@der.wa.gov.au

Submission 21

Ms Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Via email: mrs@planning.wa.gov.au

Attention: Mr Anthony Muscara

Dear Ms Blenkinsop

METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1291/41 – HERDSMAN GLENDALOUGH PRECINCT

I refer to your letter dated 11 December 2015 inviting comment from the Department of Environment Regulation (DER) on the above proposed Metropolitan Region Scheme (MRS) amendment for the Herdsman Glendalough precinct (the precinct).

I understand that the purpose of the amendment is to rezone approximately 139.64 hectares from the Industrial zone to the Urban, Urban Deferred and Central City Area zones in the MRS.

Comment in reference to DER's regulatory responsibilities under the *Environmental Protection Act 1986* and the *Contaminated Sites Act 2003* is attached. Where required, DER will provide input at subsequent stages of planning.

Should your staff have any further queries, please contact DER's Planning and Advice Coordinator, Ms Teresa Gepp, on 6467 5383 or by email at advice.coordinator@der.wa.gov.au.

Yours sincerely


Jason Banks
DIRECTOR GENERAL

16 March 2016

Att.

DEPARTMENT OF PLANNING	
17 MAR 2016	
FILE	

Department of Environment Regulation

Advice requested by	Description	DER Reference number
Western Australian Planning Commission	MRS Amendment 1291/41 – Herdsman Glendalough Precinct	GEO3366/15

Advice under Part V of the *Environmental Protection Act 1986*

The Department of Environment Regulation (DER) regulates a number of prescribed premises, as per Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations), either in or adjacent to the amendment area. Prescribed premises also occur at distances where appropriate separation between premises and sensitive land uses requires consideration.

The poultry processing facilities referred to in the amendment report are prescribed premises Category 15 - abattoir under the EP Regulations. Based on complaints history, the land proposed for rezoning to Urban Deferred, and adjacent to Howe Street, experiences odour. Future sensitive land uses in the area demarcated for Urban Deferred may consequently experience amenity impacts.

The introduction or increase of sensitive receptors in proximity to prescribed premises may require a higher level of regulatory control than currently exists.

The proposed amendment will facilitate a future mixed-use precinct which includes commercial, light industrial, retail and residential land uses. Noting the transitional nature of the precinct, avoiding conflict between light industrial and residential land uses during the transitional phase will require consideration during future local scheme amendment, structure planning and subsequent subdivision processes.

Advice under the *Contaminated Sites Act 2003* (CS Act)

Numerous cadastral lots classified under the CS Act are located within, or in close proximity to, the precinct. The contamination issues associated with these sites are localised and can be appropriately managed under the provisions of the CS Act. DER advice will be required at subsequent stages of planning in accordance with the requirements of section 58(6) of the CS Act.

Acid sulfate soil risk mapping shows that the southern portion of the precinct occurs within an area identified as having a high to moderate risk of acid sulfate soils occurring within three metres of the natural soil surface. This can be addressed at subsequent stages of planning by application of the acid sulfate soils condition and advice as per the Model Subdivision Conditions Schedule (Department of Planning and Western Australian Planning Commission 2015).

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 22

Name DAMIEN GIUDICI
(PLEASE PRINT CLEARLY)
Address 131 HASLER ROAD OSBORNE PARK Postcode 6017
Contact phone number 92004005 Email address damien.g@abngrp.com.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

..... Refer to Letter Attached

turn over to complete your submission

DEPARTMENT OF PLANNING	
18 MAR 2016	
FILE	

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

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Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

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Private (only the people nominated by you or the hearings committee will be permitted to attend)

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To be signed by person(s) making the submission

Signature Date 18/3/2016

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.



18 March 2016

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir,

**METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1291/41 – HERDSMAN GLENDALOUGH
PRECINCT**

I refer to the above call for public submissions. We act on behalf of various owners in the Amendment area being, 129, 131, 136 and 138 Hasler Road and 14 Walters Drive. The owners are subsidiary companies of the ABN Group.

We are supportive of the amendment and wish to be kept informed of the progress of this amendment.

Should you have any queries please do not hesitate to contact the undersigned.

Regards,

A handwritten signature in blue ink, appearing to read 'D. Giudici', with a long horizontal line extending to the right.

Damien Giudici
Development Manager
damieng@abngroup.com.au
0430 436 094

A7556483

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41



Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsman-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 23

Name Leonard Richard HAWKE and Peter Garry HAWKE
(PLEASE PRINT CLEARLY)
Address 21 FROBISHER ST OSBORNE PARK Postcode 6017
Contact phone number 92422111 Email address SALIES @ HAWKE.COM.AU

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

HAWKE Bros Being OCCUPIERS of 21 Frobisher et
OSBORNE PARK For 45 years
would like our Block Zoned Urban
So as we can Build a 20 or so Story
Building suitable for a Large Hotel
or Medical Centre or Commercial
offices and PentHouses ABOVE.
with is urgently needed in Osborne Park
Glendalough vicinity.
Hoping this submission meets with your
APPROVAL

turn over to complete your submission

Hearing of submissions

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Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

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To be signed by person(s) making the submission

Signature

Date

14 3 16

Note: Submissions **MUST** be received by the advertised closing date, being close of business (5pm) on **18 MARCH 2016**. Late submissions will **NOT** be considered.

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING

19 MAR 2016

A7556477

Submission

Metropolitan Region Scheme Amendment 1291/11

FILE RLS/0556

Hardman-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 24

Name Leonard RICHARD Hawke
(PLEASE PRINT CLEARLY)
Address 61 Kensington AVE DIANELEA Postcode 6059
Contact phone number 0408942932 Email address Sales@Hawke.com.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose after this bound)

I have been the owner/occupier of 21 Frobisher St Osborne Park 6017 for 45 years. For what we can build on our block we would defiantly want it classified urban, state planning policy No 4-3 poultry farming policy. *should be waived*

The planning commission is using the excuse that a chicken processing factory is within 500 meters of our block.

It should not matter as there is no odour or smell fumes from the chicken processing factory and any winds are normally coming from the southwest which is away from our factory or property.

The planning commission has been working in conjunction with the City of Stirling for about 5 years in the development of Osborne Park and Glendalough, so why is it that only now they bring up the argument of a process factory which should not hamper any decision to make my block to urban.

Hearing of submissions

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Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

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To be signed by person(s) making the submission

Signature



Date 14 '3 - 2016

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A7356489

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsman-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 25

Name PETER GARY HAWKE
(PLEASE PRINT CLEARLY)
Address 301 WEST COAST DRIVE TRIGG WA Postcode 6029
Contact phone number 94478450 Email address SALES@HAWKE.COM.AU

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

In 1972 I purchased the property as Industrial in an area for future development and for furthering growth in my business of manufacturing. At the time the Government and Shire were promoting it as a City Growth Area. We moved into Osborne Park Glendalough area planning height rises in later years as Perth's population grew and Osborne Park is only 4min. North of Perth.

No Government or Shire has ever notified until now about a 500mtr Buffer Zone around a Chicken processing plant. If this was the case it should never have been allowed in an already established area.

Since purchasing my property 45yrs ago at 21 Frobisher St Osborne Park, I have had no problems since the chicken processing plant moved in, no smells or odours associated with chicken processing plants or have had any complaints.

There is no reason my property in Osborne Park should not be zoned Urban.

DEPARTMENT OF PLANNING
18 MAR 2016
FILE PLS/0556

Hearing of submissions

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I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

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To be signed by person(s) making the submission

Signature  Date 15-3-2016

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No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson: Brian McMurdo

Contact telephone number (business hours): 92886893

Postal address: 1 William Street Perth 6000

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

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To be signed by person(s) making the submission

Signature [Signature] Date 18 March 2016

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.

Our ref: CHW:BRM:1151956
Contact: Brian McMurdo
Direct Line: (08) 9288 6893
Email: brian.mcmurdo@lavanlegal.com.au
Partner: Craig Wallace
Direct Line: (08) 9288 6828
Email: craig.wallace@lavanlegal.com.au



18 March 2016

The Secretary
Western Australian Planning Commission
140 William Street
PERTH WA 6000

Dear Sir or Madam

**Submission on Metropolitan Region Scheme Major Amendment 1291/41 –
Herdsman Glendalough Precinct**

I act on behalf of the owners of Lot 60 (No 100) Hutton Street Osborne Park (Howard and Amos Machlin) and am instructed to make these submissions on their behalf.

Background

- 1 My clients' property (the **Property**) is situated at the corner of Hutton and Howe Streets which directly abuts the proposed MRS Amendment 1291/41 area. The property is leased by a commercial tenant who has a secured lease over the Property.
- 2 The Property is also the subject of Planning Control Area No 110 (**PCA 110**) which imposes development control over more than half of the Property for purposes of future regional road purposes (widening of Hutton Street). The Property otherwise is presently zoned Industry under the MRS and the City of Stirling Local Planning Scheme No 3.
- 3 The road widening of the Property under PCA 110 appears intended to be co-ordinated with the road widening proposal for that section of Hutton Street between Howe Street and Scarborough Beach Road under MRS Amendment 1291/41.
- 4 The area to the north west of this section of Hutton Street is proposed to be rezoned Urban under MRS Amendment 1291/41. However, the area to the south east of Hutton Street (directly opposite the Property) is proposed to be zoned 'Urban Deferred'. The 'Urban Deferred' area is within 500m buffer area near poultry processing plants, where restrictions on development for 'sensitive' uses (eg residential development) are applied.

- 5 Although the Property is not included in MRS Amendment 1291/41, it is likely that future MRS amendments will confirm the road widening requirements of PCA 110 which will sterilise the Property for any future development.

Submissions

- 6 There is no demonstrable need or justification for the widening of Hutton Street, as the planning framework shows that other major traffic routes can accommodate the likely levels of future traffic in the area.
- 7 The available plans, such as the draft Stirling City Centre Structure Plan (December 2014), show that future traffic demand will be met major road extensions and upgrades including the proposed extension of Stephenson Avenue from Scarborough Beach Road to Karrinyup Road (42 m width).
- 8 Other major proposed traffic elements will include the upgrading of King Edward Street and a new King Edward Road Bridge over the Mitchell freeway with future connection to Karrinyup Road (see Figure 23 - Long Term Transport Plan - draft Stirling City Centre Structure Plan).
- 9 These new proposed road extensions and upgrades will accommodate future traffic needs in the proximity of Hutton Street, and the proposed widening of Hutton Street will prove to be superfluous.
- 10 The effect of road widening proposals such as that for Hutton Street (including the Property) have an unarguably adverse impact on the future use and development of the affected properties. More than half of the Property is affected by the road widening proposals and the whole of the Property will lose all functionality if the proposals for road widening are accepted.
- 11 The road widening proposals will have an impact on investment decisions for the Property and could prejudice the commercial tenant's plans and tenure which may affect the upkeep of the Property and premature termination of the lease.
- 12 The proposal for an Urban Deferred zoning for the area opposite the Property places considerable uncertainty over future planning for the area, given that the deferred status effectively imposes a 500m buffer around existing poultry processing facilities that will place significant constraints on development proposals in the area. The proposals for rezoning should incorporate forward structure planning to give guidance as to the future planning for the area.
- 13 The WAPC should accordingly review the requirements for the proposed widening of Hutton Street as the need for such widening has not been demonstrated or justified, and resolve to withdraw that proposal from the MRS Amendment.

I look forward to hearing from you in respect of this Submission. Please note that my clients have requested the opportunity for their lawyers Lavan legal and themselves to attend and be heard at a public hearing of submissions.

Regards



Brian McMurdo
Special Counsel

Encl – Form 41 Submission

Hearing of submissions

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To be signed by person(s) making the submission

Signature  Date 18 March 2016

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.

Our Ref: 716-435

18 March 2016

The Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001



Dear Ms Blenkinsop

SUBMISSION ON METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1291/41 HERDSMAN GLENDALOUGH PRECINCT – 443 SCARBOROUGH BEACH ROAD, OSBORNE PARK

TPG Town Planning, Urban Design and Heritage (TPG) is pleased to provide the following submission to the Western Australian Planning Commission (WAPC) with respect to the currently advertised MRS Amendment 1291/41 - Herdsman Glendalough Precinct (the Amendment), on behalf of the owners of No. 443 Scarborough Beach Road, Osborne Park (the subject site).

We are generally supportive of the purpose of the Amendment to facilitate a mixed-use precinct and the proposed rezoning of the subject site to 'Urban' under the MRS. However, we would like to request the WAPC's consideration of a number of matters within the Amendment documentation that are of concern in terms of delivering a viable and well-planned precinct that meets the objectives and visions of the relevant planning framework. The following issues are of particular concern:

- Inconsistencies with Directions 2031 and Beyond and the Central Metropolitan Perth Sub-Regional Strategy, State Planning Policy 4.2 (SPP4.2), Capital City Framework, draft Scarborough Beach Road Activity Corridor Framework, and DC Policy 1.6 Planning Support Transit Use and Transit Orientated Development (TOD);
- The 'Urban Deferred' zoning is contrary to the vision and objectives for the City of Stirling (the City) and the WAPC for the area;
- The use of a buffer that is inconsistent with the Environmental Protection Authority's advice on the Amendment which supports the use of other planning mechanisms to address the issue;
- The incorrect application of State Planning Policy 4.3 in justifying the 'Urban Deferred' zoning;
- The use of the generic 500 metre environmental buffer, which is not substantiated in this instance where the operations are more than adequately regulated by licence controls and management practices; and
- The significant restrictive nature of the 'Urban Deferred' zone on investment and any development in the area.

Context

The City has for many years proposed to facilitate the redevelopment of the Herdsman Glendalough Precinct (the precinct). This included the preparation of a Concept Structure Plan back in 2010, which clearly proposed to redevelop the precinct into a mixed-use residential and commercial precinct with a strong employment focus based on sound TOD Principles and WAPC policies. In 2011 the Concept Structure Plan was formally advertised, which presumably also included the WAPC.

Subsequently, in 2013 the City prepared the draft Herdsman Glendalough Structure Plan and Detailed Area Plan. The process included extensive community consultation and included inter-agency consultation. As a result in 2014, an MRS Amendment request was progressed requesting a rezoning from the current 'Industrial' zoning to an 'Urban' zoning. A Local Planning Scheme amendment was progressed in 2014,

PERTH OFFICE

Level 7, 182 St Georges Tce
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Perth Western Australia 6850

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Facsimile +61 8 9321 4786
www.tpgwa.com.au

The Planning Group WA Pty Ltd
ABN 36 097 273 222

which zoned the precinct as a 'Development' zone. This amendment and the Structure plan and Detailed area plan were formally advertised in early 2015, and were based soundly on documents including, Directions 2031 and Beyond, Capital City Framework, Central Metropolitan Perth Sub-Regional Strategy, SPP4.2, Draft Scarborough Beach Road Activity Corridor Framework, and DC Policy 1.6 Planning to Support Transit Use and TOD. All of these documents concentrated on the need to increase the density of employment and development in the precinct, which clearly highlights the WAPC's support for redevelopment of the precinct.

Though these documents identified support for redevelopment of the area, it is understood that the WAPC modified the City's Amendment request. This resulted in numerous lots to be rezoned to 'Urban Deferred' rather than 'Urban' due to the potential impacts of the existing poultry processing plants located at 9 Baden Street, Osborne Park (Ingham's) and 116 Howe Street, Osborne Park (Steggles). The level of 'Urban Deferred' land was subject to the implementation of a generic 500 metre buffer for sensitive land uses (in this case residential uses), to poultry farms in accordance with the guidelines outlined under State Planning Policy 4.3 – Poultry Farms (SPP4.3).

Rezoning implications

From the relevant planning documents it is evident that the land subject to the 'Urban Deferred' zoning is the main focus of the vision for the redevelopment of the precinct. In addition, to facilitate redevelopment in line with the vision for the area and in a manner that is both equitable and feasible, it is necessary for the whole precinct to be part of a Cost Contribution Scheme.

The provision of a development contribution scheme has been previously identified in past planning for the precinct as a means to deliver key infrastructure for the precinct and facilitate the desired level of land use intensity and development. The rezoning of portions of the precinct to 'Urban Deferred' will result in the whole transformation project becoming unviable as it will impact on funding mechanisms for the infrastructure required and the ability to deliver development in line with the vision for the precinct.

The identification of land within the 'Urban Deferred' zone will mean that affected landowners will not be able to obtain development approvals until the impacts of the processing plants are removed either through relocation or significant testing and analysis is undertaken to demonstrate that the facilities have no adverse impact on the surroundings. It is highly unlikely that the facilities will relocate in the near future due to significant financial investment. Therefore the lifting of deferment will be through technical studies.

This is considered an unnecessary burden given that the land subject to this zoning is already functioning successfully as sensitive land uses. In addition, the implementation of the zoning won't change the existence of sensitive land uses within the buffer area of the processing plant. As such the deferment won't have the desired affect of removing any potential impacts on sensitive land uses.

Given the above, it is considered far more desirable for the issue to be addressed via the Structure Plan, Local Development Plan and Development Application stages where there is no liability that rests with the WAPC and the burden of the analysis falls directly to the landowner who will have the benefit.

The rezoning to 'Urban Deferred' zoning will sterilise all development whether it is for non-sensitive uses or for sensitive uses, until the lifting of the deferment takes place.

Overall the rezoning to 'Urban Deferred' has significant implications to both the State and Local government and the landowners alike, with the envisaged redevelopment of the whole precinct and any development by individual landowners made impossible.

Substantiation of Objection

In addition to the significant implications of the 'Urban Deferred' zone, the propose zoning is strongly objected to and is considered unnecessary and inappropriate as outlined below.

State Planning Policy 4.3 – Poultry Farms

Pursuant to SPP4.3 a poultry farm is defined as follows:

"Poultry farm means land and buildings used for rearing or keeping of poultry for breeding, commercial egg production or commercial meat production. Poultry includes chickens, ducks and turkeys but excludes emus and ostriches."

The existing poultry processing plants are defined as abattoirs as per the licence issued under the Environmental Protection Act. As such, the sites are not considered to meet the poultry farm definition and SPP 4.3 is not applicable to the site. The use of SPP 4.3 to specify the 'Urban Deferred' zone is therefore considered fundamentally incorrect. Though buffers should not be an issue, if they were to be applied, the correct State Planning Policy would be SPP 4.1 - Industrial Buffers (SPP4.1)

State Planning Policy 4.1 – Industrial Buffers

SPP4.1 aims to protect high investment and employment industries including any impacts associated with the existing poultry operations and ultimately determine an appropriate buffer distance based on site specific characteristics. The buffer distances are then determined by either the Environmental Protection Authority (EPA) Policy - Guidance for the Assessment of Environmental Factors (which advocates a generic 500m buffer be placed around meat processing plants) or appropriate site specific technical studies to demonstrate that there are no off site amenity impacts associated with the use.

It is important to note that SPP 4.1 places a strong influence on the role of the EPA and the need for formal consultation with the EPA to occur prior to advertising the Amendment. In this instance the EPA advised that it has no objection to the Amendment and 'Urban' zoning and advised that *"there were no significant issues that could not be adequately managed through more detailed planning mechanisms."*

Refer to Appendix A – A copy of the Letter of EPA advice

Clause 4.1 of the SPP 4.1 is consistent with the EPA's advice, as it states that the definition of off-site buffers can be required by planning instruments such as town planning schemes, region plans and strategies, structure plans and policies. Given the advice from the EPA and the requirements of SPP4.1 it is considered that the City's Local Structure Plan and subsequent Local Development Plans and the resultant Development Applications can effectively deal with the required buffer distances.

SPP4.1 also acknowledges that industry and infrastructure must also comply with adopted environmental and planning criteria through a combination of:

- *"appropriate management practices which should not unreasonably inhibit industry capacity or infrastructure usage; and*
- *off-site buffer areas."*

SPP4.1 also identifies that;

the "size of the buffer area is dependent on the management practices used. The balance is normally based on a weighing up of the economic viability of incorporating management practices versus the availability and cost of securing a buffer area. Best practicable environmental management practices (BPEMPs) may be acceptable where an adequate off-site buffer area can be provided. If only a smaller buffer area is available then best environmental management practices (BEMPs) may be required."

Given the above the implementation of an 'Urban Deferred' zoning under the MRS is considered unnecessary.

Site Specific – Need for Buffer

Both the Ingham and Steggles factories are licenced premises by the Department of Environmental Regulation pursuant to the Environmental Protection Act. It is TPG's understanding that these licences require all odour and dust impacts to be confined on site with wastewater to be managed in a sensitive manner in order to mitigate any impacts on surrounding development. It has also been identified that Ingham operate while directly abutting residential properties on its eastern boundary, without any complaints being registered. Steggles is noted as operating with existing sensitive land uses within the generic 500m buffer, without any complaints.

Given that the facilities are employing mitigation techniques that remove the impacts to the surrounding developments and operating without complaints from residents the requirement for any buffer is highly questionable.

Inconsistency with the Strategic Planning Framework

The 'Urban Deferred' zoning is in direct conflict with a number of strategic documents already endorsed by the WAPC, all of which encourages the growth and development of the area into a mixed use precinct.

Directions 2031 and Beyond stipulates that "*consolidated redevelopment should be encouraged around key existing and new intersections and transit nodes along Scarborough Beach Road.*" It also identifies transit nodes as areas for residential development.

The Capital City Planning Framework builds on the objectives set out in Directions 2031 and Beyond. It identifies Osborne Park as one of a number of significant activity centres beyond the central core that display high levels of employment, with the area identified for an employment density of between 131-300 persons per hectare. It highlights the potential of the Herdsman Glendalough Area to develop as a TOD around the train station.

The Central Metropolitan Perth Sub-Regional Strategy identifies strategic priorities to deliver the outcomes identified under Directions 2031 and Beyond. The Strategy outlines a housing target of 31,000 dwellings for the City, with Glendalough identified as a TOD with a housing potential of 1,700 dwellings. The Glendalough area is also identified as a District Centre, which State Planning Policy 4.2 identifies as centres that caters for the daily and weekly needs of residents. Such centres are identified for catering for the needs of residents with retail uses such as;

- Discount department stores;
- Supermarkets;
- Convenience goods;
- Small scale comparison shopping;
- Personal services; and
- Some specialty

Furthermore from the WAPC's Draft Scarborough Beach Road Activity Corridor Framework it is evident that the WAPC's vision for the precinct is for Glendalough to become "*a significant new transit-oriented centre that appropriately responds to its location.*" The area is also envisaged to be characterised by a mix of uses, including residential, office-based mixed use and retail-based mixed use. This vision is unattainable due to the 'Urban Deferred' zoning sterilising any development in the area and particular in the area key to the workings of a TOD.

All of the above aspirations and intentions are directly contradicted by the 'Urban Deferred' zoning that sterilises the land for any type of development, and ultimately achieving the vision for the whole precinct. The implementation of this zoning is thus considered inconsistent and not orderly and proper planning.

Conclusion

We are generally supportive of the purpose of the Amendment to facilitate a mixed-use precinct and the proposed rezoning of the subject site to 'Urban' under the MRS, however the proposed 'Urban Deferred' zoning over portions of the Herdsman-Glendalough Precinct is considered an unnecessary burden that will subsequently impact on the ability for the whole precinct to be redeveloped in a manner consistent with the vision for the area.

The 'MRS Urban Deferred' zoning is inappropriate and should be amended to an 'Urban' zone as originally intended for the following reasons:

- Inconsistencies with Directions 2031 and Beyond and the Central Metropolitan Perth Sub-Regional Strategy, State Planning Policy 4.2, Capital City Framework, draft Scarborough Beach Road Activity Corridor Framework, and DC Policy 1.6 Planning Support Transit Use and Transit Orientated Development (TOD);
- The 'Urban Deferred' zoning is contrary to the vision and objectives for the City of Stirling and the WAPC for the area;

Western Australian Planning Commission

SUBMISSION ON METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1291/41 HERDSMAN GLENDALOUGH PRECINCT – 443`
SCARBOROUGH BEACH ROAD, OSBORNE PARK

- The use of a buffer that is inconsistent with the Environmental Protection Authority's advice on the Amendment which supports the use of other planning mechanisms to address the issue;
- The incorrect application of State Planning Policy 4.3 in justifying the 'Urban Deferred' zoning;
- The use of generic 500 metre environmental buffer, which is not substantiated in this instance where the operations are adequately regulated by licence controls and management practices; and
- The significant restrictive nature of the 'Urban Deferred' zone on investment and any development in the area.

We look forward to the favourable consideration of our comments. Should you have any queries or require clarification on any of the matters presented herein please do not hesitate to contact the under signed on (08) 9289 8300.

Yours sincerely

TPG Town Planning, Urban Design and Heritage

A handwritten signature in blue ink, appearing to read 'Tony Paduano', is written over a printed name and title.

Tony Paduano
Managing Director

APPENDIX A

A copy of the Letter of EPA advice



Government of Western Australia
Office of the Environmental Protection Authority
Strategic Policy and Planning Division

Mr Tim Hillyard
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Your Ref: 800-2-20-10 (RIS/0447/1)
Our Ref: AC04-2014-0073
Enquires: Gary Williams, 6145 0821
Email: gary.williams@epa.wa.gov.au



Dear Mr Hillyard

**PROPOSED MRS AMENDMENT - HERDSMAN GLENDALOUGH URBAN
PRECINCT**

Thank you for your correspondence, dated 9 April 2014, seeking comment from the Office of Environmental Protection Authority (OEPA) concerning the proposed Metropolitan Region Scheme (MRS) amendment to rezone areas currently zoned 'Industrial' to 'Urban' or 'City Centre', to facilitate the implementation of the Concept Structure Plan for Herdsman Glendalough.

The information provided with your letter indicates that the proposed MRS amendment will not raise any significant environmental issues that cannot be adequately managed through detailed planning processes. On this basis, the OEPA has no objection to the Western Australian Planning Commission (WAPC) initiating the proposed amendment.

Please note, all MRS amendments require referral to the Environmental Protection Authority in accordance with section 38 of the *Planning and Development Act 2005* for a decision on whether or not the amendment requires assessment.

If you have any questions about the content of this letter, you should contact the Assessment Officer for this referral, Gary Williams, on 6467 0821.

Yours sincerely

Darren Foster
DIRECTOR

2 May 2014

The Atrium Level 8, 168 St Georges Terrace, Perth, Western Australia 6000.
Postal Address: Locked Bag 10, East Perth, Western Australia 6892.

Telephone: (08) 6145 0800.
Facsimile: (08) 6145 0845.
Website: www.epa.wa.gov.au

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours): 9289 8300

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature  Date .. 18.3.16

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.

Our Ref: 713-277



18 March 2016

The Secretary
Western Australian Planning Commission
140 William Street
PERTH WA 6000

Dear Ms Blenkinsop

SUBMISSION ON METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1291/41 HERDSMAN GLENDALOUGH PRECINCT – 'KAILIS SITE' 342-344 SCARBOROUGH BEACH ROAD, OSBORNE PARK

TPG Town Planning, Urban Design & Heritage (TPG) on behalf of the Kondil Nominees Pty Ltd & Kailis Consolidated Pty Ltd wish to object to the Urban Deferred zoning proposed by the Western Australian Planning Commission's Metropolitan Region Scheme Major Amendment 1291/41 Herdsman Glendalough Precinct (the amendment). In summary the concerns are that the Urban Deferred zoning is:

- Inconsistent with WAPC Policy Directions 2031, Capital City Framework, Central Metropolitan Perth Sub-Regional Strategy, Draft Scarborough Beach Road Activity Corridor Framework, and DC Policy 1.6 Planning Support Transit Use and Transit Orientated Development;
- Contrary to the City of Stirling's and the WAPC's vision and objective for the area;
- A significant barrier to any investment and significant risk to any development occurring in the Herdsman Glendalough Precinct or Scarborough Beach Road Corridor in the foreseeable future;
- Inconsistent with the Office of Environmental Protection's advice on the Amendment which supports the use of other planning mechanisms to address the issue;
- Based on the wrong WAPC Policy to justify the Urban Deferred zoning as it is not a Poultry Farm and the correct Policy SPP 4.1 specifically allows for the issue to be dealt with via either a Structure Plan, Local Development Plan and/or Development Application;
- Based on a generic 500m buffer that is not substantiated in this instance as there are Licence Controls and management practices in place to limit off site impacts; and
- A waste of significant time and resources being engaged in a process which has been going for some five years with no indication that the project will be sterilised, but more concerning is that it effectively sterilises the land for any development occurring on the site regardless of use and is a significant barrier to finance being able to be obtained against the value of any affected property.

This proposed Urban Deferred zoning is of significant concern and has extensive ramifications on not only all existing landowners within the buffer, but the future development of the entire precinct and must be abandoned by the Commission in favour of the Urban zoning.

Background

TPG has been working with the owners of Lots 805 and Lot 806 Scarborough Beach Road ('the site') and their project team for some time regarding the possible future redevelopment of this significant landowning, being only one of a few sites in Perth of over three hectares in single ownership directly abutting an inner city suburban train station and transport hub. The owners have gone to considerable expense to be involved in

all workshops, review the proposed Local Scheme Amendment, review and comment on the proposed Structure Plan and the detailed Detailed Area Plan (soon become the Local Development Plan) and have even gone to the extent of engaging Hassell Architects to determine the highest and best use for the site. Its concept for how the development could respond to the planning framework and this vision is appended to this submission.

Refer to Hassell Vision for the site Attachment 1 – Development Summary.

The City of Stirling has for many years proposed to facilitate the redevelopment of the Precinct, including preparation of a Concept Structure Plan back in 2010 which clearly proposed to redevelop the precinct into a mixed use residential and commercial precinct with a strong employment focus based upon sound Transit Orientated Development Principles and WAPC Policies. This Concept Structure Plan was formally advertised in 2011 presumably including to the WAPC. In 2013 the City of Stirling then began the preparation of the Herdsman Glendalough Structure Plan and Detailed Area Plan that included undertaking extensive community consultation and workshops with local landowners being involved. In 2014 a MRS Amendment request was forwarded to the WAPC requesting the MRS be amended from 'Industrial' to 'Urban'. In the same year the City also initiated an Amendment to its Scheme to place the entire area within the Development Zone, which was formally advertised along with the advertising of the Structure Plan and Detailed Area Plan between January and March 2015. All of these documents were clearly based on WAPC policy documents such as Directions 2031, Capital City Framework, Central Metropolitan Perth Sub-Regional Strategy, Draft Scarborough Beach Road Activity Corridor Framework, and DC Policy 1.6 Planning Support Transit Use and Transit Orientated Development which all highlight the Commission's support for the redevelopment of the Precinct.

All of these documents and processes focussed on the need to increase the density of employment and development in the precinct and have sent a clear message to landowners on the State and Local government's intention to foster the development of the precinct. Landowners in the area then had to become involved in the process and many landowners, including our client, spent considerable time and resources becoming involved in the process to ensure that the framework resulted in the optimal outcome for the land holding. It is therefore considered entirely inappropriate for the WAPC to send this clear message to the owners and community that this change was supported and allow for the City to progress this process only to turn around to completely halt all development in the precinct with a proposed 'Urban Deferred' zoning under the MRS.

We understand the WAPC modified the Amendment request prepared by the City to rezone a number of lots from 'Industrial' to 'Urban Deferred' rather than 'Urban' due to the existing poultry processing plants located at 9 Baden Street, Osborne Park (Ingham's) and 116 Howe Street, Osborne Park (Steggles) and the potential amenity impacts associated with these plants. A generic 500 metre buffer for sensitive uses from poultry farms was therefore in accordance with the guidelines provided by the WAPC's State Planning Policy 4.3 – Poultry Farms (SPP4.3).

This submission outlines the anomalies with this position, and seeks the WAPC to amend this position and support the 'Urban' zoning as requested by the City.

Ramifications of an Urban Deferred Zoning

The ramifications of an Urban Deferred zoning under the MRS are quite significant, not just for the directly impacted landowners within 500 metres of the processing plants, but for the redevelopment and implementation of the vision for the entire precinct.

The vision for the redevelopment of the Precinct simply cannot be achieved without the implementation of a Cost Contribution Scheme and the subject site is seen as being the critical catalyst to implement the vision given its strategic location at the Train Station and its size. Taking out this much land from the Contribution Scheme affects the ability to gather enough funds to the point where it is understood that none of the initiatives can be realised. It also means that the WAPC's visions and policies for the intensification of development around the train station cannot be achieved either as the lynch pin where the most intensive development can be delivered in closest proximity to the transport hub is sterilised.

The direct and immediate impact on all affected landowners is also that no development approvals can be issued on any land within the Urban Deferred zone until either the processing plants are relocated or significant testing and analysis is undertaken to demonstrate that there are no adverse off site impacts caused as a result of the plants. As I am sure that the Commission is aware, the level of investment in these plants is such that relocation is unlikely to occur in the immediate foreseeable future. Therefore the WAPC is likely to be placed under pressure to lift the Urban Deferred zoning without the plants having been relocated, but the WAPC is unlikely to take on the potential liability risk without such plants either being relocated or the level of technical data being provided to be of such substance that the Urban Deferred zoning can be lifted in its entirety. It is presumed that such technical data and analysis is unlikely to be funded by the City or any government agency, and therefore the burden to undertake the technical analysis will fall to private landowners. This in turn creates the issue of equity as why would one landowner undertake the analysis to benefit land it does not own, and in turn why would another landowner contribute to a study if they have no intention of developing in the short to medium term. It is therefore considered far more desirable for the WAPC and for landowners for the issue to be addressed via the Structure Plan, Local Development Plan and Development Application stages where there is no liability that rests with the Commission and the burden of the analysis can be site specific and fall directly to those who will have the benefit.

Without this approach an Urban Deferred zoning therefore means that no development whether for non-sensitive uses (such as commercial or industrial uses) or for sensitive uses can occur on the affected land until the Urban Deferred zoning is lifted. This in turn has significant ramifications on the ability for landowners to transition, as it means that the banks are unlikely to allow the property to be used as security for the borrowing of funds to undertake any development or even upgrade any existing infrastructure on the premises. This is of particular concern to the subject site where some of the infrastructure is reaching the end of its economic life and is in need of either redevelopment or interim expenditure to extend its life.

Justification for No Urban Deferred Zoning

It is considered that the imposition of the Urban Deferred zoning is inappropriate and unnecessary for the following reasons:

State Planning Policy 4.3 Poultry Farms

The imposition of a buffer pursuant to State Planning Policy 4.3 is fundamentally incorrect in that these existing facilities cannot be considered under the definition of a poultry farm, which is defined by SPP4.3 as follows:

'Poultry farm means land and buildings used for rearing or keeping of poultry for breeding, commercial egg production or commercial meat production. Poultry includes chickens, ducks and turkeys but excludes emus and ostriches.'

Whilst it is acknowledged in the WAPC amendment report that the facilities are not poultry farms as it states, *'the nearby facilities are poultry processing plants'* these facilities are in fact abattoirs as per the licence issued under the Environmental Protection Act, SPP 4.3 is still being used incorrectly. If the buffers were an issue, the correct Policy would be State Planning Policy 4.1 Industrial Buffers

State Planning Policy 4.1 - Industrial Buffers

State Planning Policy 4.1 – *Industrial Buffers* (SPP4.1) specifically aims to protect high investment and employment industries (including any impacts associated with the existing poultry operations) and ultimately determine an appropriate buffer distance based on the nature of the industrial activity. The buffer distances are then determined by either the EPA Policy – Guidance for the Assessment of Environmental Factors (which advocates a generic 500m buffer be placed around meat processing plants without on-site effluent treatment ponds) or appropriate site specific technical studies to demonstrate that there are no off site amenity impacts associated with the use.

Of importance to note is that whilst the Local Government and the WAPC are to have regard for the SPP and the need for buffers to be applied, the Policy places a strong influence on the role of the Environmental

Protection Authority (EPA) and the need for formal consultation with the EPA to occur prior to advertising any Amendment to or new Town Planning Scheme. In this instance, the EPA advised that it has no objection to the Amendment and 'Urban' zoning and advised that *'there were no significant issues that could not be adequately managed through more detailed planning mechanisms'*.

A copy of this letter can be seen in Attachment 2 – OEPA Letter.

This advice is clearly consistent with Clause 4.1 of the Policy which specifically states that the definition of off-site buffers can be required by planning instruments such as "town planning schemes, region plans and strategies, structure plans and policies". Based on the advice of the EPA and the requirements of 4.1, it is maintained that the City's Local Structure Plan, subsequent Local Development Plan(s) and ultimately the Development Application(s) can adequately deal with the required buffer distances without an Urban Deferred zoning being required under the MRS.

It is also important to note that SPP 4.1 specifically acknowledges that industry and infrastructure must also comply with adopted environmental and planning criteria through a combination of:

- *appropriate management practices which should not unreasonably inhibit industry capacity or infrastructure usage;*
- *off-site buffer area; and*
- *The size of the buffer area is dependent on the management practices used. The balance is normally based on a weighing up of the economic viability of incorporating management practices versus the availability and cost of securing a buffer area. Best practicable environmental management practices (BPEMPs) may be acceptable where an adequate off-site buffer area cannot be provided. If only a smaller buffer area is available then best environmental management practices (BEMPs) may be required.*

Based on this Policy it is believed that there is clear scope for the Commission to determine the most appropriate planning instrument for the matter to be addressed and that there is no impediment for the Commission to determine that in this instance this instrument does not need to be an Urban Deferred zone under the MRS.

Consistency with the Strategic Planning Framework and Vision

The decision to propose an Urban Deferred zoning is in direct conflict with a number of strategic documents already endorsed by the WAPC. For instance, Directions 2031 identifies the increased pressure for the area to transform towards higher order uses and notes the following:

'Consolidated redevelopment should be encouraged around key existing and new intersections and transit nodes on Scarborough Beach Road. There is scope for inclusion of residential development in high amenity areas, adjacent to transit nodes.'

The Capital City Planning Framework expands upon the set of vision statements and objectives of Directions 2031, recognising the need for Osborne Park to have an employment density of between 131-300 persons per hectare (which is equivalent to the density of West Perth and Subiaco) and therefore requires a far more intensive use than the typical bulky goods and light industrial uses which proliferate through the Precinct. The Framework also recognises the need for the Herdsman Glendalough Area to transform with greater use and investment in public infrastructure and greater residential densities particularly around the Glendalough Train Station.

More specific to the subject site, the Central Metropolitan Perth Sub-Regional Strategy specifically identifies Glendalough Train Station Area as a major growth area for a Transit Orientated Development with the potential for 1700 dwellings in the portion of the Precinct directly abutting the Train Station, including the subject site. The Urban Deferred zoning and sterilising the land is therefore in direct conflict with this WAPC position.

Again, the Draft Scarborough Beach Road Activity Corridor Framework prepared by the WAPC is another document which clearly outlines the Commission's vision for the Precinct and specifically highlights Glendalough to become the transit orientated centre which provides for medium and higher density residential, office and food and beverage opportunities. With the key landholdings being sterilised by the proposed Urban Deferred zoning this vision simply cannot be achieved.

The Need for an Off-Site Buffer?

Both the Ingham and Steggles factories are licenced premises by the Department of Environmental Regulation pursuant to the Environmental Protection Act and copies of each Licence can be seen in Attachment 3.

Refer to Attachment 3 – Licenced Premises

Of particular note is the Licence in relation to the Ingham Factory at 9 Baden Street Osborne Park which specifically requires all odour and dust impacts to be confined to the site, requires all waste water to be directed into holding tanks and for the treated wastewater to be disposed of into sewer with the solid sludge wastes to be disposed of into an approved waste disposal facility. In this regard it is noted that there are residential properties directly abutting the eastern boundary of the facility and it is therefore highly questionable why any buffer should be applied to this facility at all. It is also noted that management practices also involve the transfer of animals from trucks to the processing facility occurs within a shed where amenity impacts are further contained to within the premises.

With regard to the Steggles facility at 116 Howe Street Osborne Park, it is again noted that there are requirements for dust control and again all waste water needs to be directed to holding tanks, treated and all solid waste removed to an appropriate waste disposal facility in sealed containers. There are no open ponds from which odour can be clearly generated and again there are existing sensitive land uses within the buffer. Whilst the Licence conditions are less onerous due to the distance between the facility and residential uses, there is clearly a difference between a standard meat processing facility and the facility in question. It is again clearly evident that there is highly probable that a reduced buffer could be applied and the appropriate vehicle for this to be required is at the more site specific Local Development Plan and Development Application stage.

This position is also supported by Emerge Associates who have advised that both facilities have made a significant investment in existing infrastructure and implemented a range of operational and infrastructure upgrades to date so as to further minimise onsite odour production and any associated offsite impacts on the surrounding land uses. Emerge Associates have recommend that any issues relating to the management of the impacts of odour on sensitive land uses can be addressed through future stages of the planning process in lieu of the implementation of an "Urban Deferred" zoning. It has also advised that suitable land use separation distances between the poultry processing facilities and sensitive land uses can be determined through the undertaking of a site-specific, field-based, odour monitoring assessment to support the structure planning process as outlined by EPA Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses and DER Draft Guidance Statement Separation Distances.

Refer to Attachment 4 – Emerge Associates Submission

Conclusion

The 'Urban Deferred' zoning will preclude any development in the buffer area from occurring and is an unnecessary impediment to the redevelopment of the precinct when there are more practical planning tools available to achieve the outcome of protecting the industry and allowing appropriate redevelopment to occur.

It is therefore believed that the proposed 'Urban Deferred' zoning under the Metropolitan Region Scheme is inappropriate and should be amended to an 'Urban' zone as it:

- Is not the most desirable planning tool for the matter to be addressed as a Structure Plan, Local Development Plan and Development Application can appropriately address the matter on a site specific basis;
- Does not fairly place the burden on addressing the issue to those that have the direct benefit of the development potential;
- Unreasonably burdens the WAPC with the possible liability concerns in the event the Urban Deferred zoning is lifted and an amenity concern arises;
- Is inconsistent with WAPC Policy Directions 2031, Capital City Framework, Central Metropolitan Perth Sub-Regional Strategy, Draft Scarborough Beach Road Activity Corridor Framework, and DC Policy 1.6 Planning Support Transit Use and Transit Orientated Development;
- Is contrary to the City of Stirling's and the WAPC's vision and objective for the area;
- Is a significant barrier to any investment and significant risk to any development occurring in the Herdsman Glendalough Precinct or Scarborough Beach Road Corridor in the foreseeable future;
- Is inconsistent with the Office of Environmental Protection's advice on the Amendment which supports the use of other planning mechanisms to address the issue;
- Is based on the wrong WAPC Policy to justify the Urban Deferred zoning as it is not a Poultry Farm and the correct Policy SPP 4.1 specifically allows for the issue to be dealt with via either a Structure Plan, Local Development Plan and/or Development Application;
- Is based on a generic 500m buffer that not substantiated in this instance as there are Licence Controls and management practices in place to limit off site impacts; and
- Is a waste of significant time and resources being engaged in a process which has been going for some five years with no indication that the project will be sterilised, but more concerning is that it effectively sterilizes the land any development occurring on the site regardless of use and is a significant barrier to finance being able to be obtained against the value of any affected property.

It is therefore respectfully requested that the area outlined on Plan 3.2619 as being excluded from the Industrial zone and included in the 'Urban Deferred' zone is not progressed and is be amended to be included within the area that is proposed to be rezoned to 'Urban' as per the original Amendment request.

Based on the severity of the implications of the proposed Amendment it is respectfully requested that we be granted a Hearing to directly voice our concerns with the Amendment.

Should you require any additional information or have any queries, please do not hesitate to contact the undersigned on 9289 8300.

Yours sincerely

TPG TOWN PLANNING, URBAN DESIGN AND HERITAGE



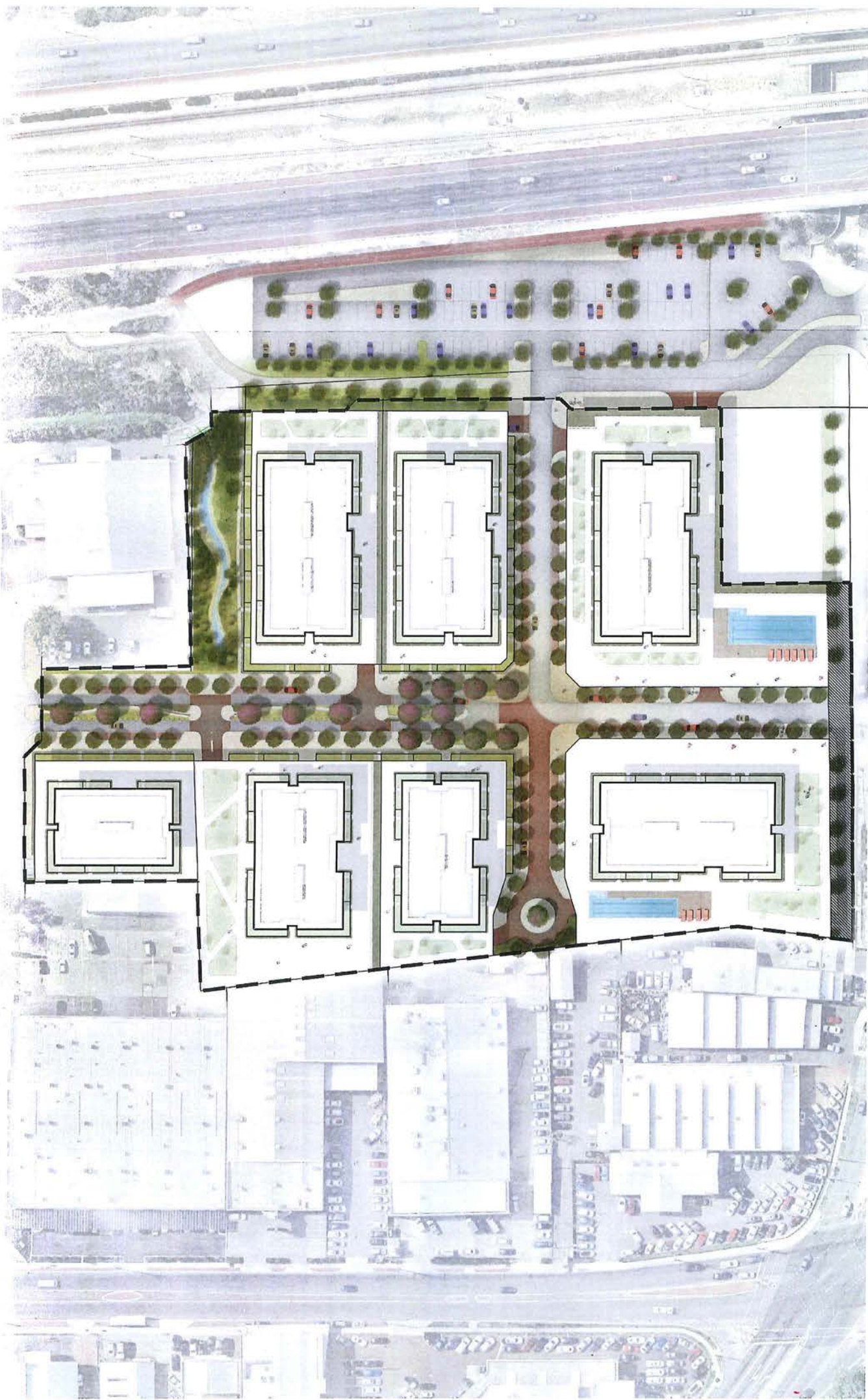
David Read
Director

Attachment 1 – Development Summary

KAILIS SITE, OSBORNE PARK

YIELD DIAGRAMS

HASSELL



Project Name
KALIS SITE MASTER PLAN

Client
KALIS GROUP

Scale
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1:1000@A3

Date
13.11.2015

Revision
01 MATT ROGERS



Drawing
SCENARIO 3
PAGE 1 OF 2

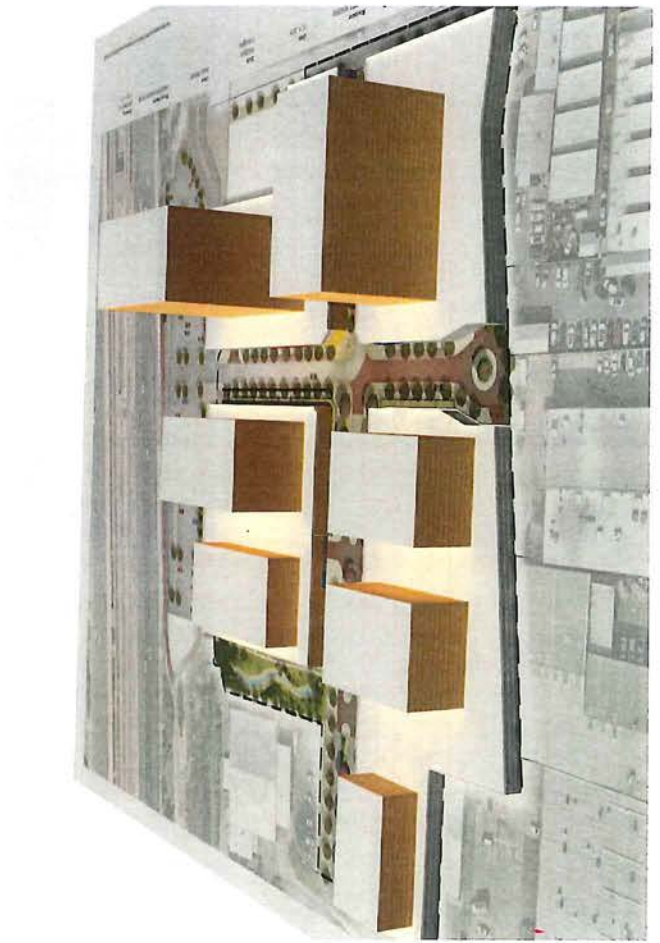
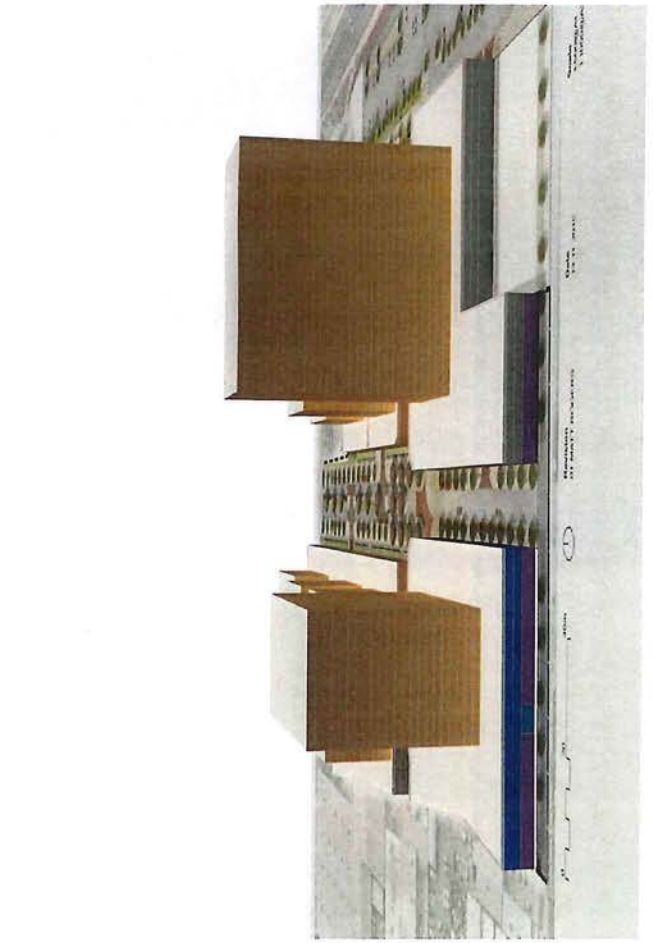
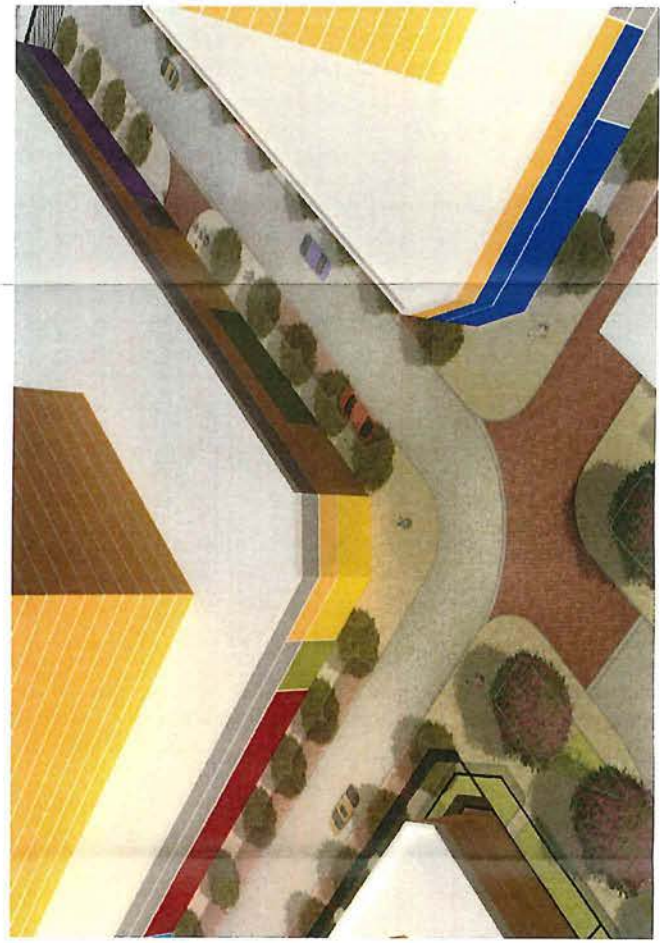
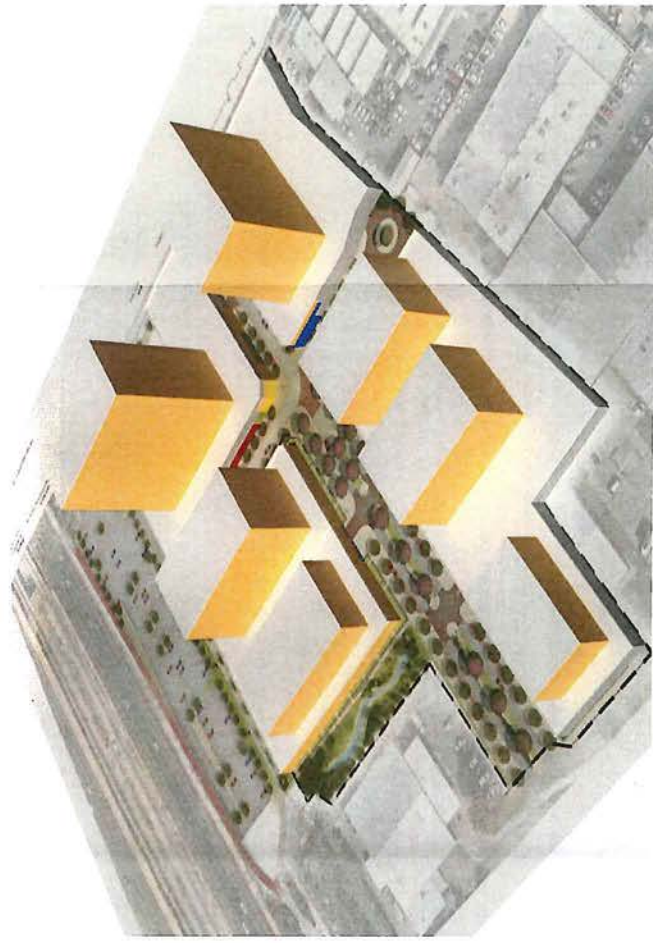


Residential Yield Table

Type	Dwellings	Required bays
1 Bed (10% 0 Bays)	111	0
1 Bed (40% 1 Bays)	445	445
2 Bed (40% 1 Bays)	446	446
3 Bed (10% 2 Bays)	111	222
Visitor Bays (0.25)		282
Total	1,113	1,395

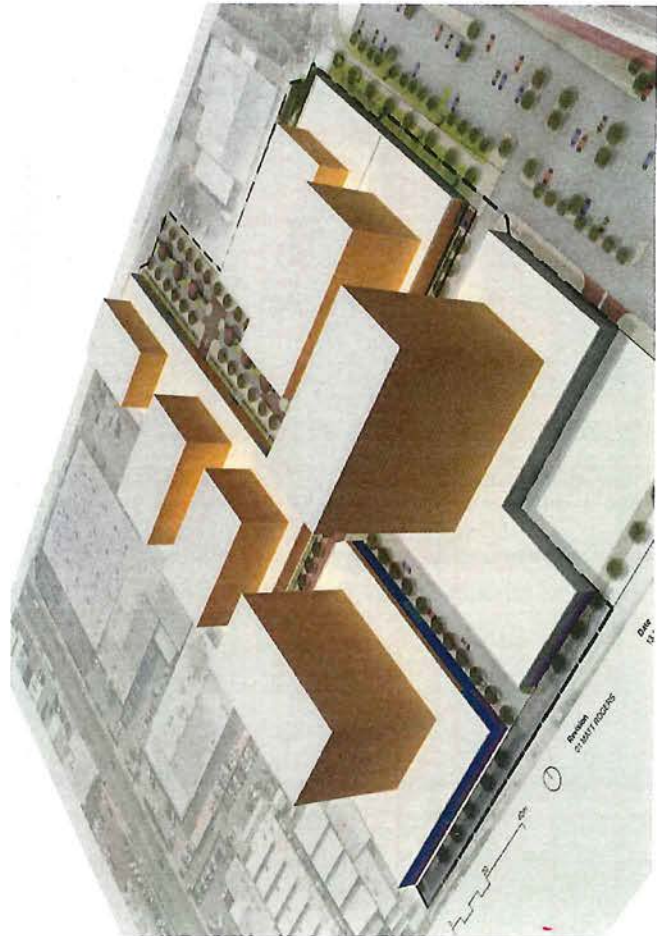
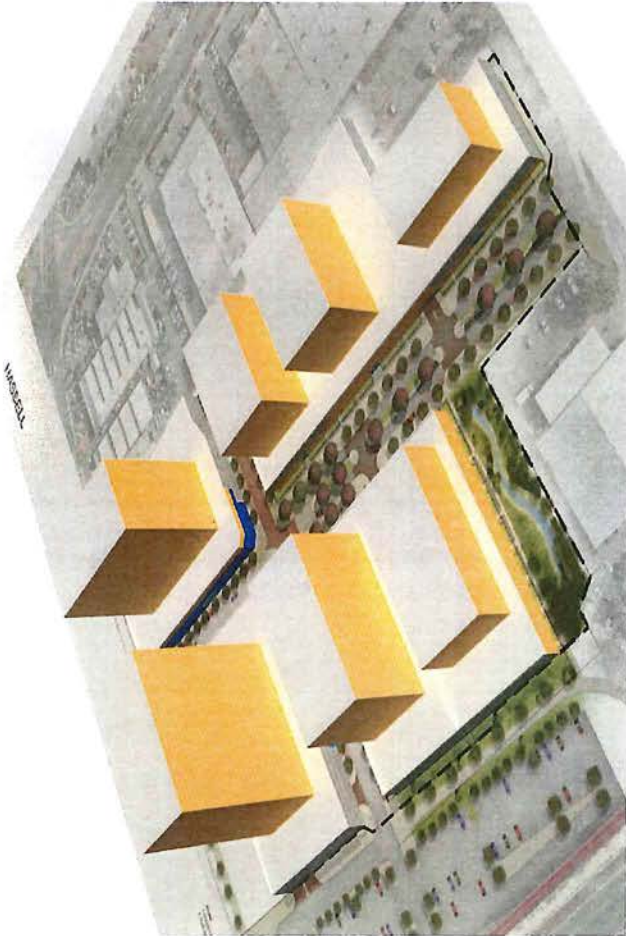
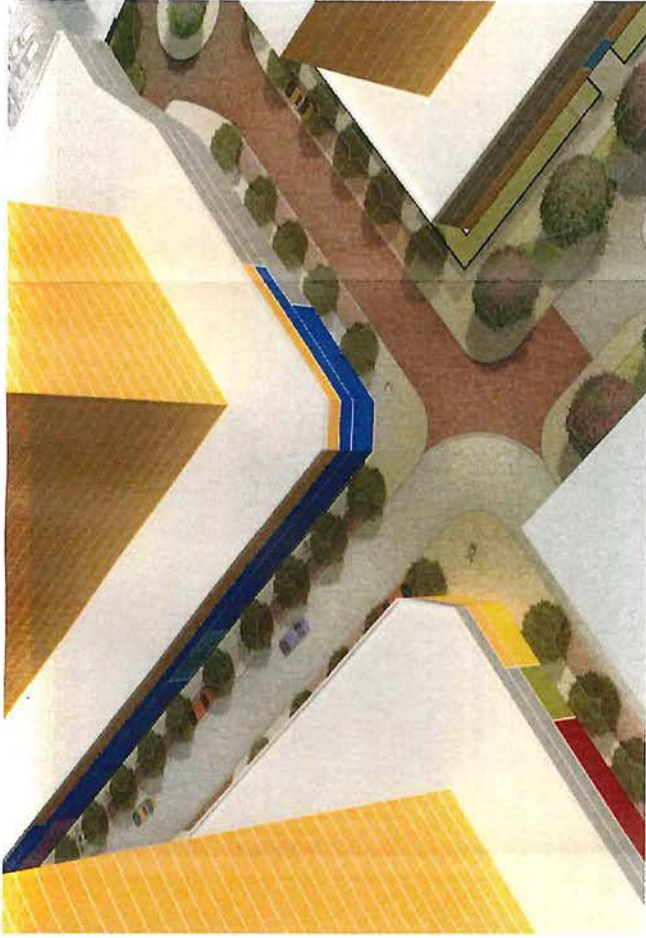
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 Date: 13.11.2015
 Revision: 01 MATT ROGERS
 Client: KALIS GROUP
 Project Name: KALIS SITE MASTER PLAN
 Drawing: SCENARIO 3
 PAGE 2 OF 2

- LEGEND**
- RESIDENTIAL
 - OFFICE/COMMERCIAL
 - SHOWROOM
 - SHOP
 - ARCADE
 - SUPERMARKET
 - LOBBY
 - CAR PARKING



Revision 01 MATT ROGERS
 Date 18.11.2015
 Client KALLS GROUP
 Project Name KALLS SITE MASTER PLAN
 Drawing LAND USE PERSPECTIVES

- LEGEND
- RESIDENTIAL
 - OFFICE/COMMERCIAL
 - SHOWROOM
 - SHOP
 - ARCADE
 - SUPERMARKET
 - LOBBY
 - CAR PARKING



Revision
01 MATT ROGERS

Date
18.11.2015

Client
KALLIS GROUP

Project Name
KALLIS SITE MASTER PLAN

Drawing
LAND USE
PERSPECTIVES



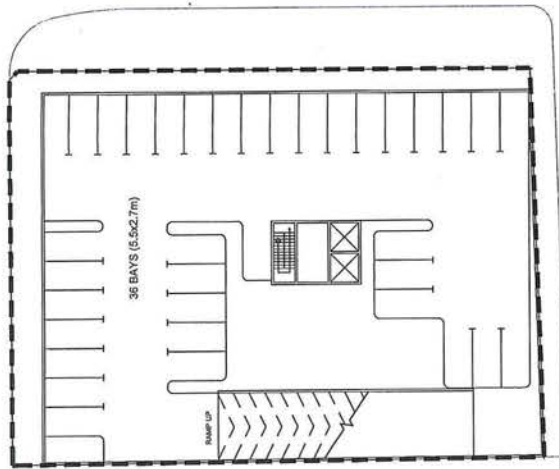
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PERSPECTIVE DIAGRAM

Project Name
KALIS SITE MASTER PLAN

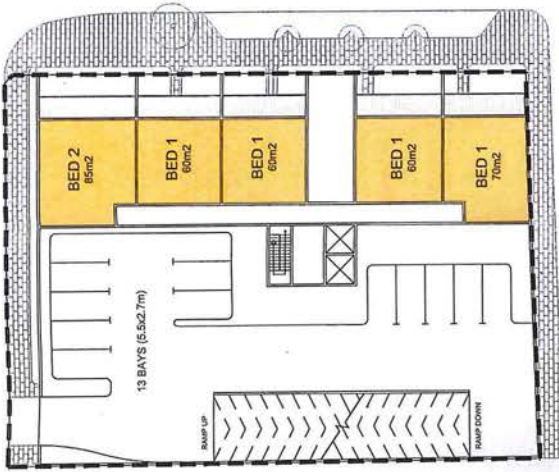
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KALIS GROUP

Date
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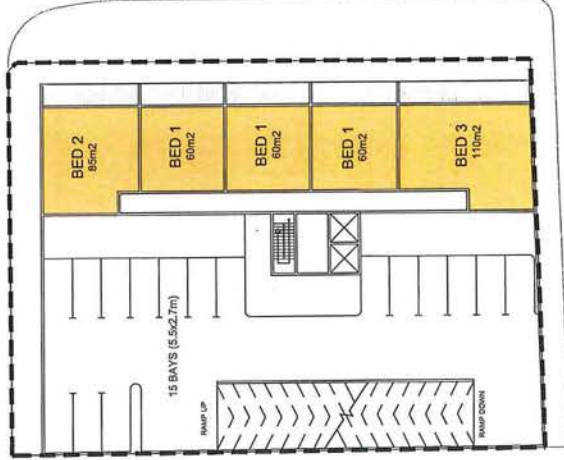
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01 MATT ROGERS



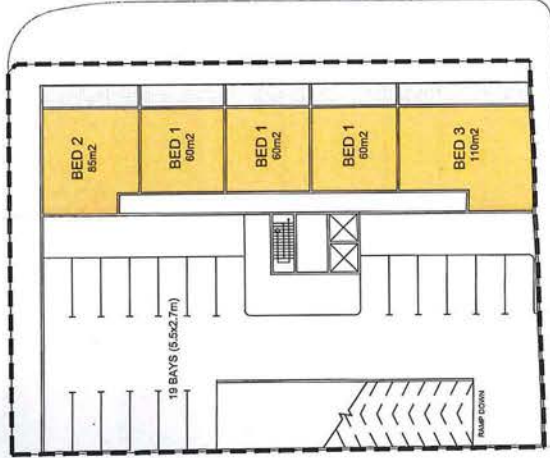
LOT 1 - BASEMENT



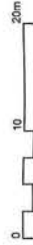
GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



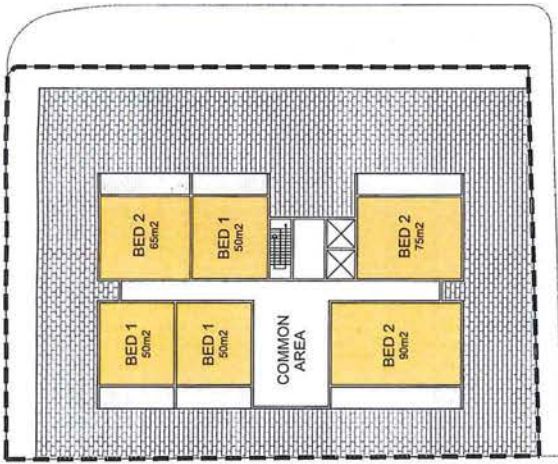
Revision
01 MATT ROGERS
02 MATT ROGERS

Date
13.11.2015
23.11.2015

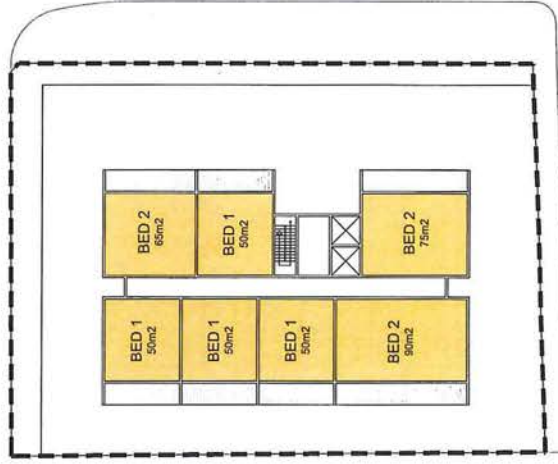
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Client
KALUS GROUP

Project Name
KALUS SITE MASTER PLAN
Drawing
LOT 1 LEVEL PLANS
PAGE 1 OF 2



PODIUM FLOORPLATE



TYPICAL FLOORPLATE

Car parking

Level	Number of Bays
Basement	36
Ground	13
1	15
2	19
Total	83

Apartments (10 Storey)

Type	Dwellings	Required bays
1 Bed (10% 0 Bays)	6	0
1 Bed (40% 1 Bays)	25	25
2 Bed (40% 1 Bays)	26	26
3 Bed (10% 2 Bays)	6	12
Visitor Bays (0.25)		16
Total	63	79



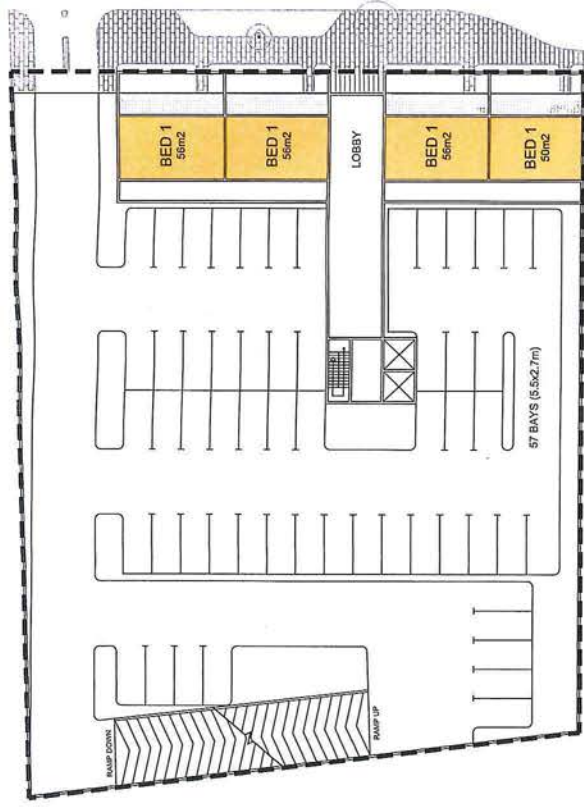
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Date
13.11.2015
23.11.2015

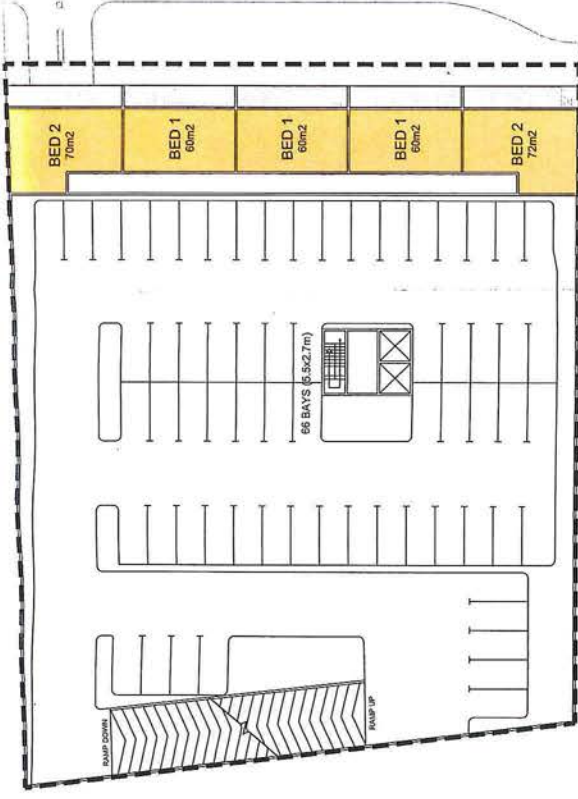
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Client
KALIS GROUP

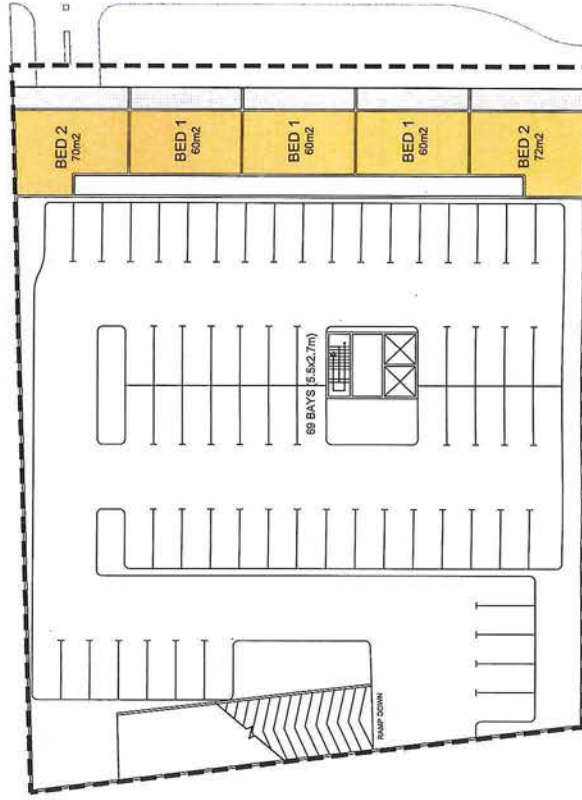
Project Name
KALIS SITE MASTER PLAN
Drawing
LOT 1 LEVEL PLANS
PAGE 2 OF 2



GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



Revision
01 MATT ROGERS

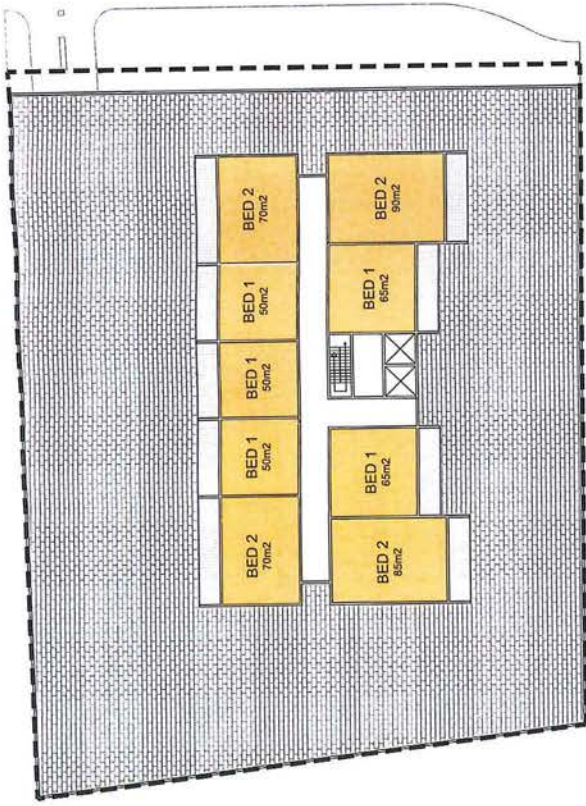
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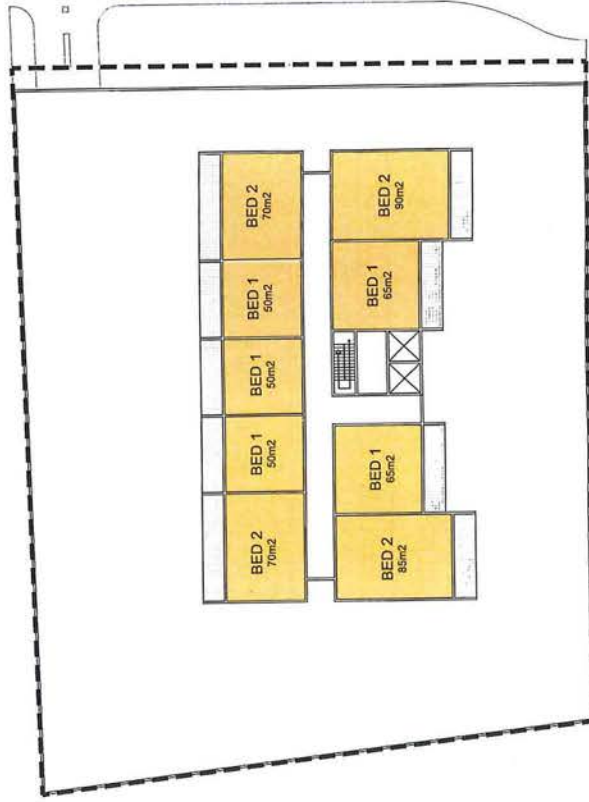
Client
KALIS GROUP

Project Name
KALIS SITE MASTER PLAN

Drawing
LOT 2 LEVEL PLANS
PAGE 1 OF 2



PODIUM FLOORPLATE



TYPICAL FLOORPLATE



Car parking

Level	Number of Bays
Ground	57
1	66
2	69
Total	192

Apartments (14 Storey)

Type	Dwellings	Required bays
1 Bed (10% 0 Bays)	11	0
1 Bed (40% 1 Bays)	45	45
2 Bed (40% 1 Bays)	45	45
3 Bed (10% 2 Bays)	11	22
Visitor Bays (0.25)		28
Total	112	140

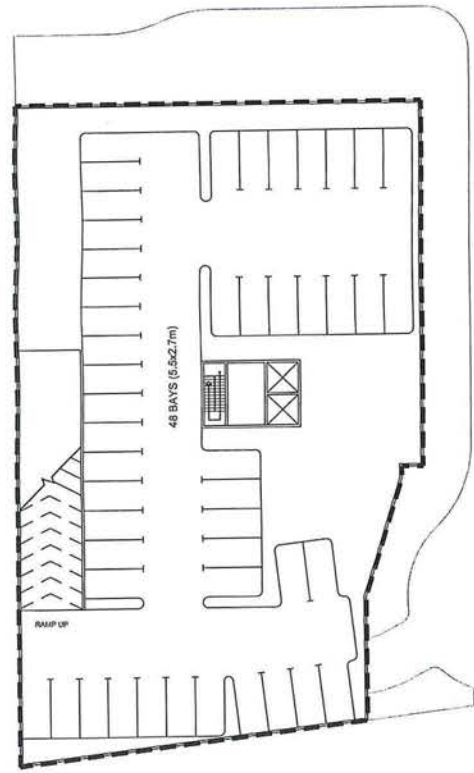
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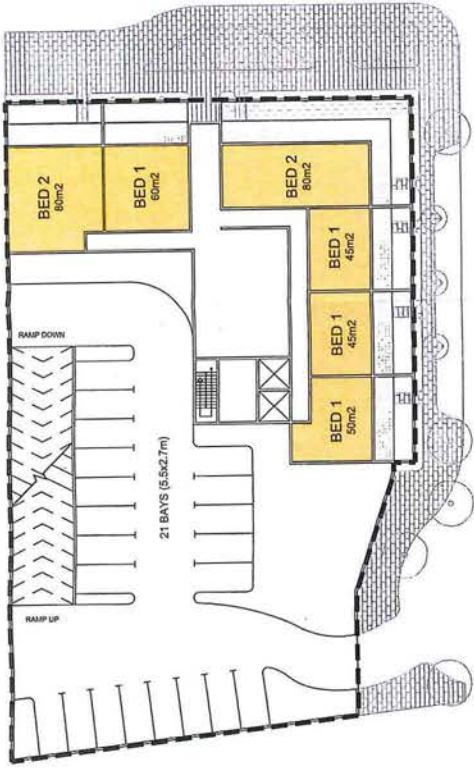
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KALUS GROUP

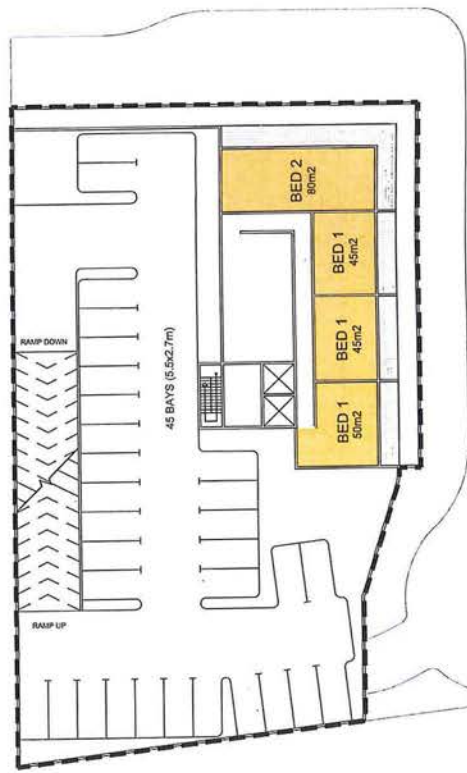
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KALUS SITE MASTER PLAN
Drawing
LOT 2 LEVEL PLANS
PAGE 2 OF 2



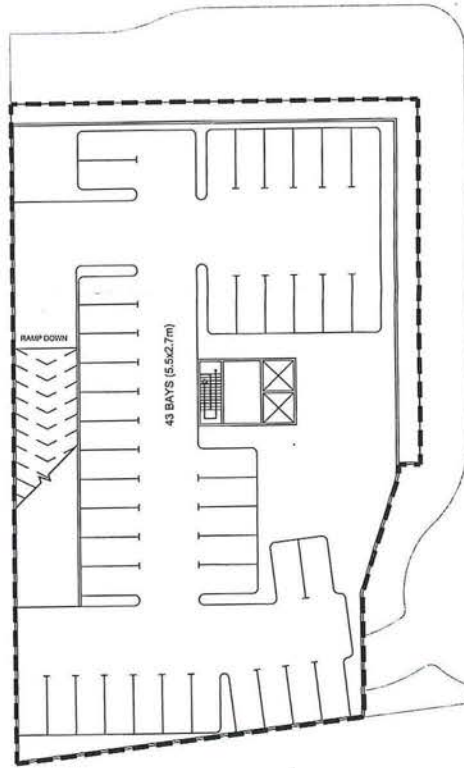
BASEMENT



GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



Revision
01 MATT ROGERS
02 MATT ROGERS

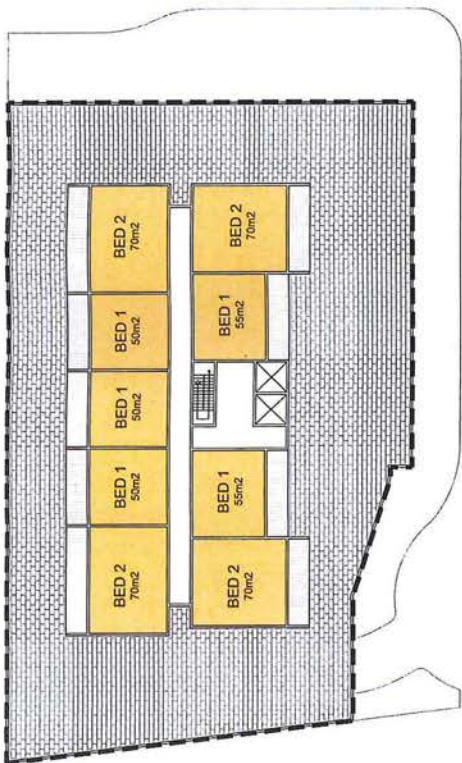
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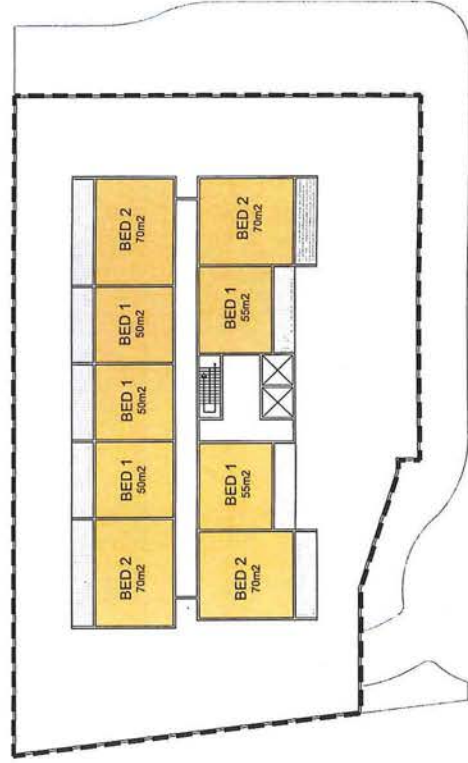
Client
KALLIS GROUP

Project Name
KALLIS SITE MASTER PLAN

Drawing
LOT 3 LEVEL PLANS
PAGE 1 OF 2



PODIUM FLOORPLATE



TYPICAL FLOORPLATE

Car parking

Level	Number of Bays
Basement	48
Ground	21
1	31
2	45
Total	145

Apartments (14 Storey)

Type	Dwellings	Required bays
1 Bed (10% 0 Bays)	10	0
1 Bed (40% 1 Bays)	44	44
2 Bed (40% 1 Bays)	45	45
3 Bed (10% 2 Bays)	10	20
Visitor Bays (0.25)		28
Total	109	137



Revision
01 MATT ROGERS
02 MATT ROGERS

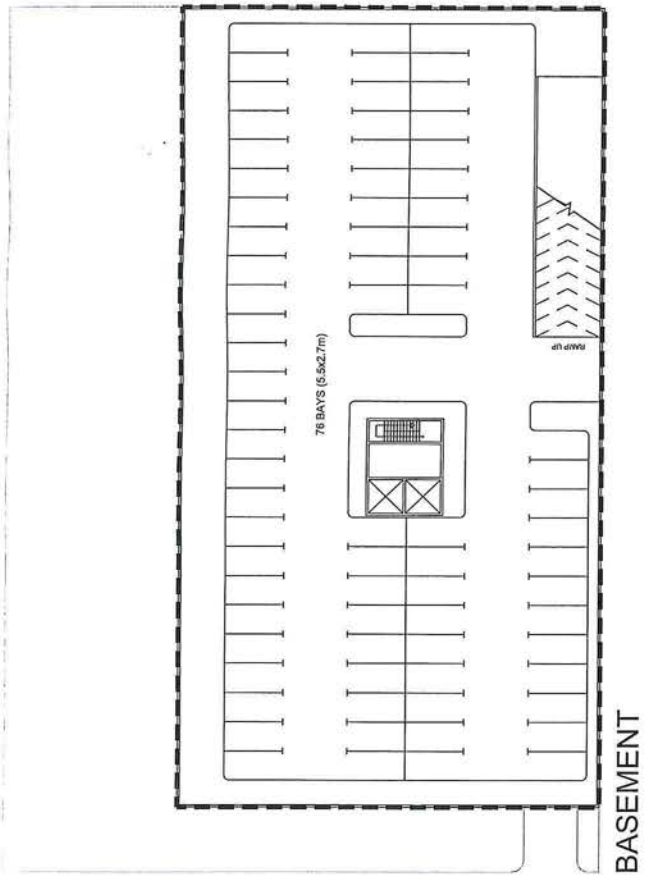
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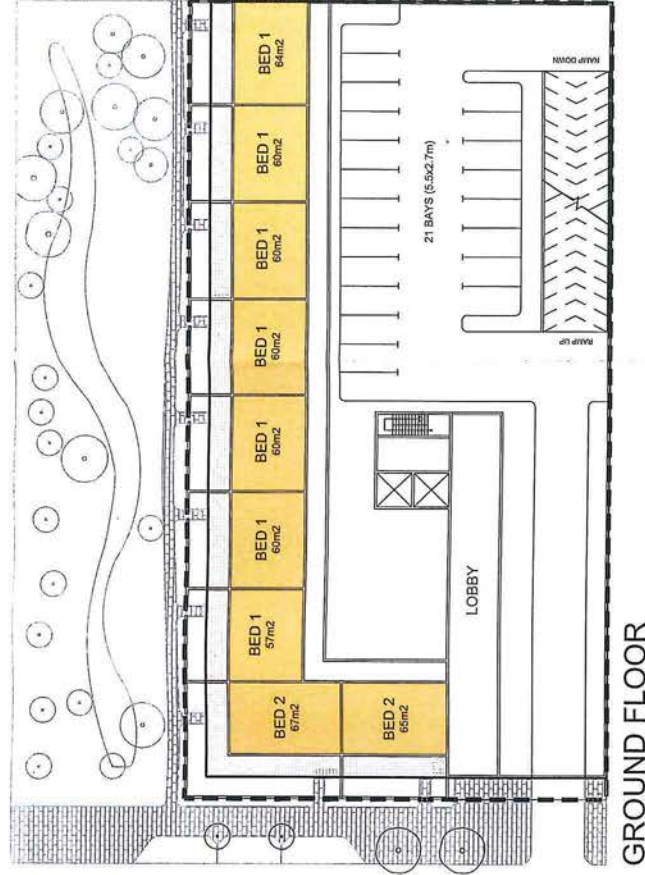
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KALIS GROUP

Project Name
KALIS SITE MASTER PLAN

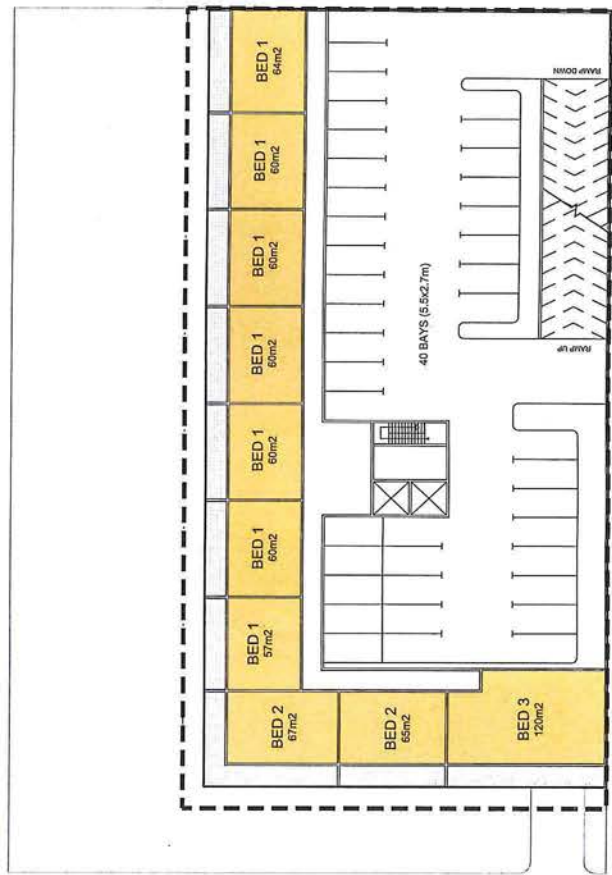
Drawing
LOT 3 LEVEL PLANS
PAGE 2 OF 2



BASEMENT



GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



Revision
01 MATT ROGERS

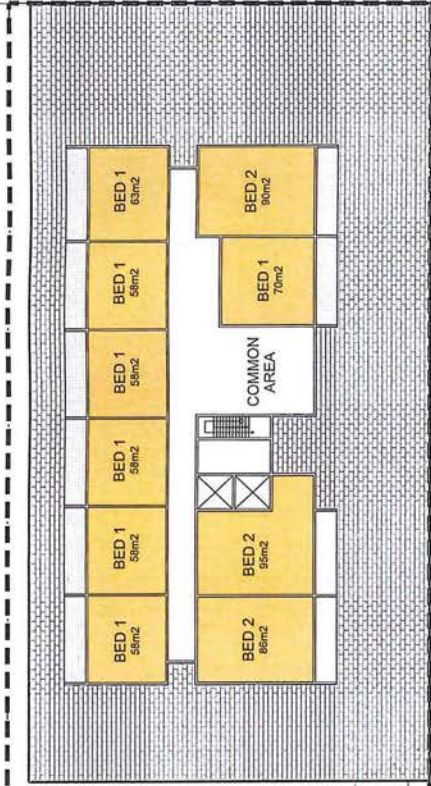
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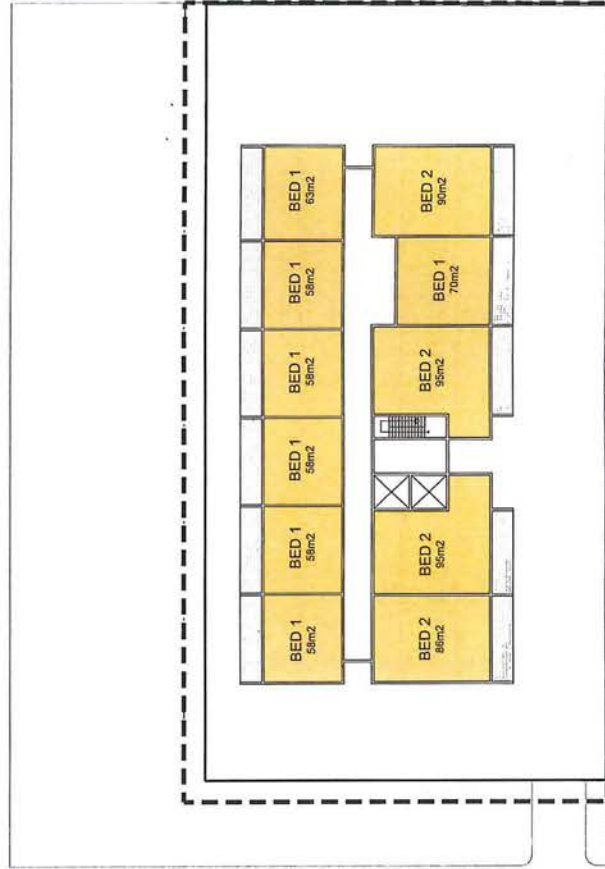
Client
KALLIS GROUP

Project Name
KALLIS SITE MASTER PLAN

Drawing
LOT 4 LEVEL PLANS
PAGE 1 OF 2



PODIUM FLOORPLATE



TYPICAL FLOORPLATE

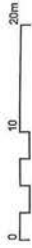
Car parking

Level	Number of Bays
Basement	76
Ground	21
1	40
2	43
Total	180

Apartments (10 Storey)

Type	Dwellings	Required bays
1 Bed (10% 0 Bays)	10	0
1 Bed (40% 1 Bays)	42	42
2 Bed (40% 1 Bays)	43	43
3 Bed (10% 2 Bays)	10	20
Visitor Bays (0.25)		27
Total	105	132

1



Revision
01 MATT ROGERS

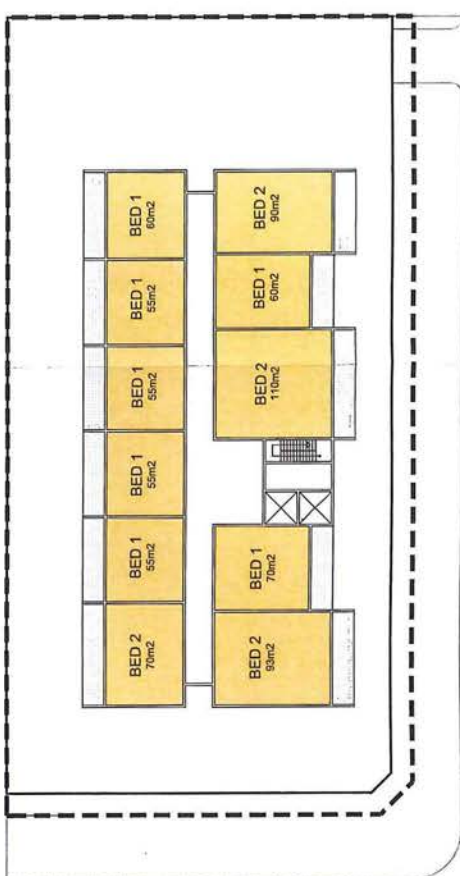
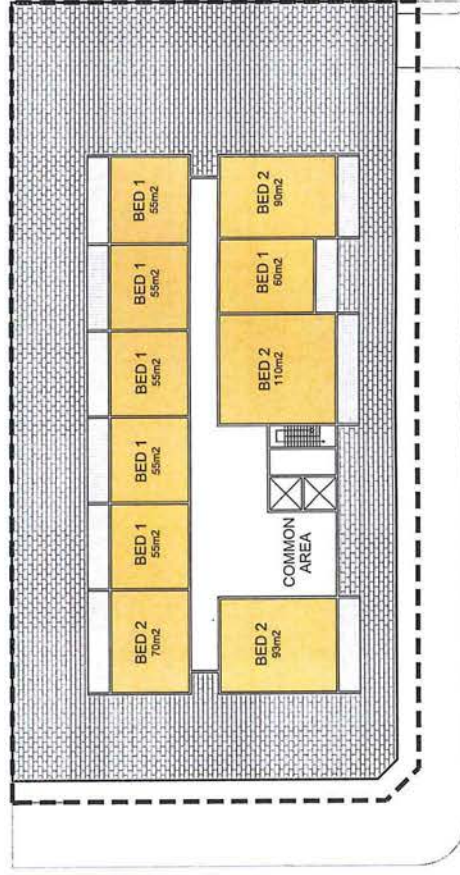
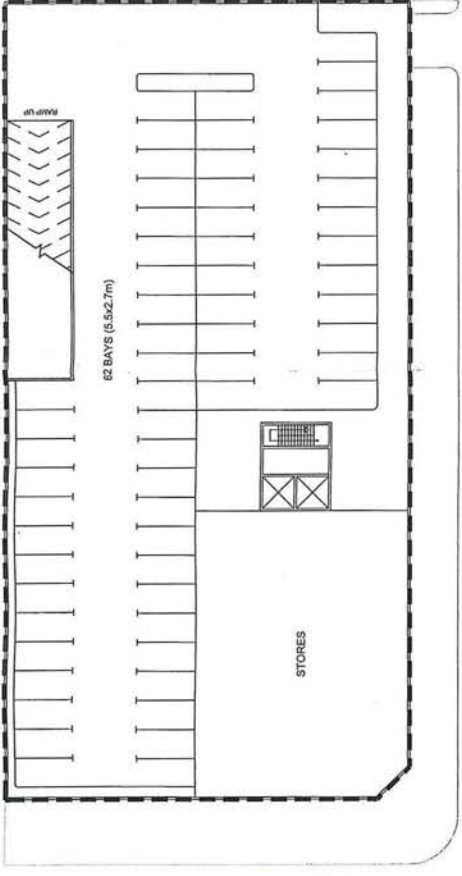
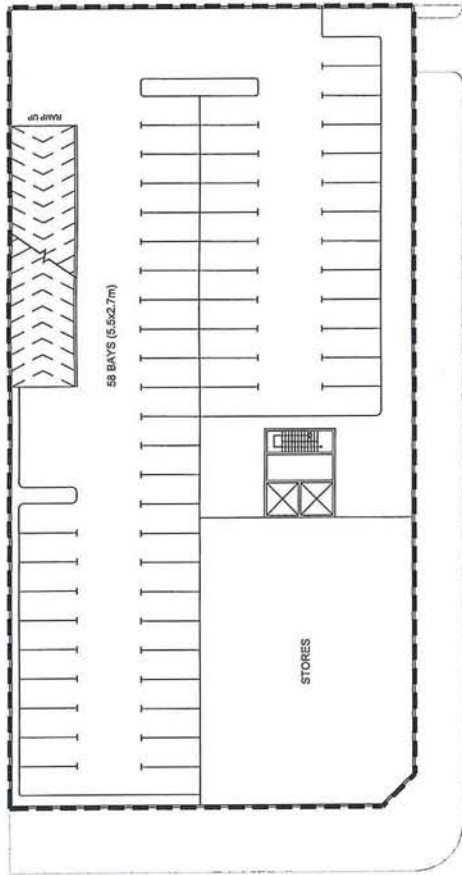
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13.11.2015

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Client
KALIS GROUP

Project Name
KALIS SITE MASTER PLAN

Drawing
LOT 4 LEVEL PLANS
PAGE 2 OF 2



Revision
01 MATT ROGERS
02 MATT ROGERS

Date
13.11.2015
23.11.2015

Scale
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Client
KALUS GROUP

Project Name
KALUS SITE MASTER PLAN

Drawing
LOT 5 LEVEL PLANS
PAGE 1 OF 2

Car parking

Level	Number of Bays
Basement	70
Ground	22
1	24
2	24
3	59
4	62
Total	237

Apartments (18 Storey)

Type	Dwellings	Required bays
1 Bed (10% 0 Bays)	19	0
1 Bed (40% 1 Bays)	73	73
2 Bed (40% 1 Bays)	74	74
3 Bed (10% 2 Bays)	19	38
Visitor Bays (0.25)		47
Total	185	232



Revision
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02 MATT ROGERS

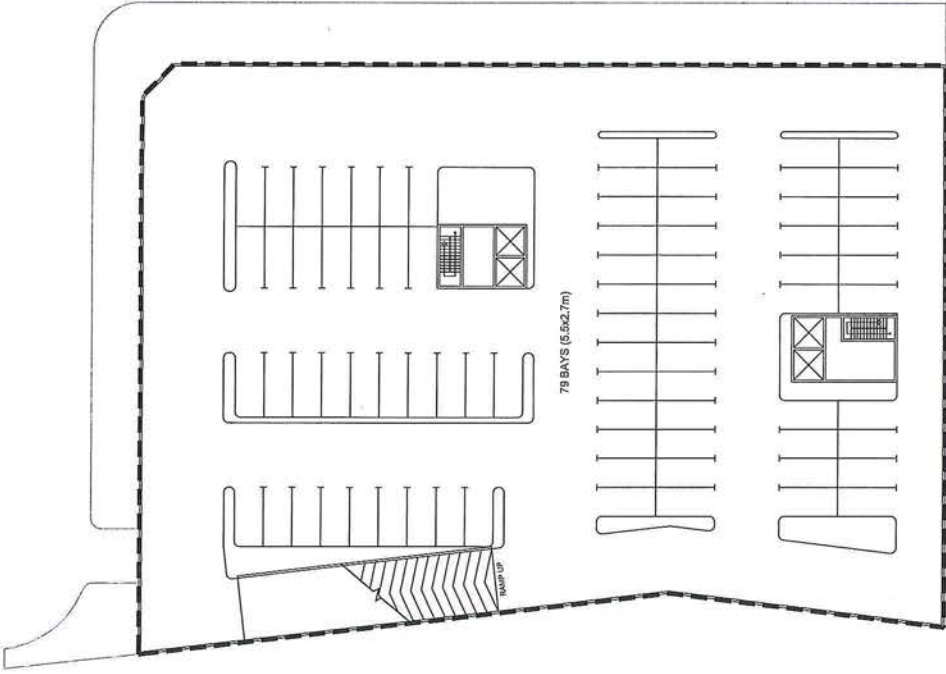
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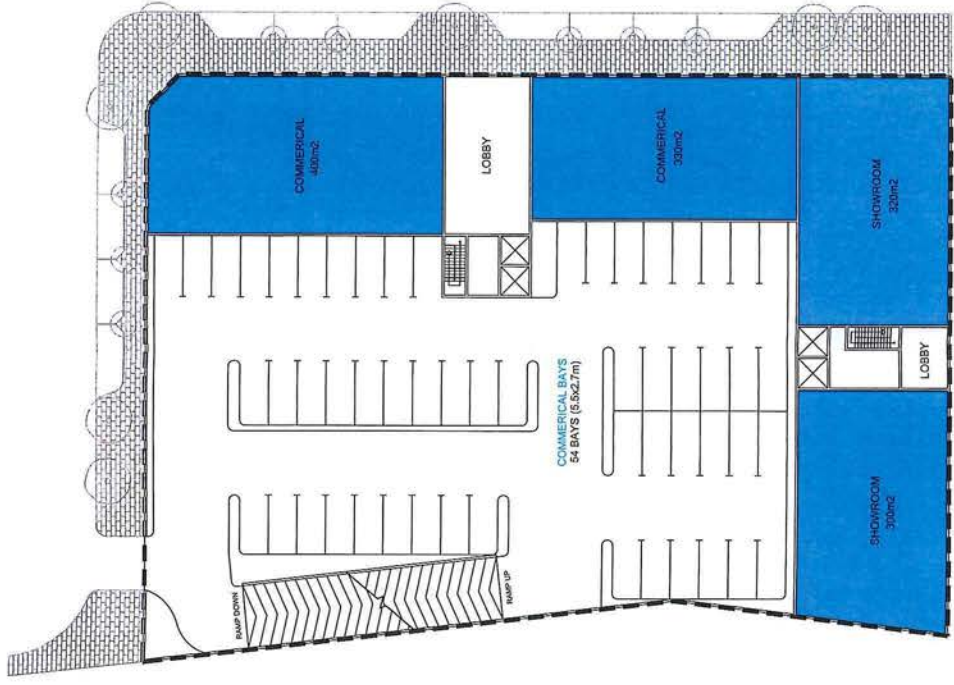
Client
KALIS GROUP

Project Name
KALIS SITE MASTER PLAN

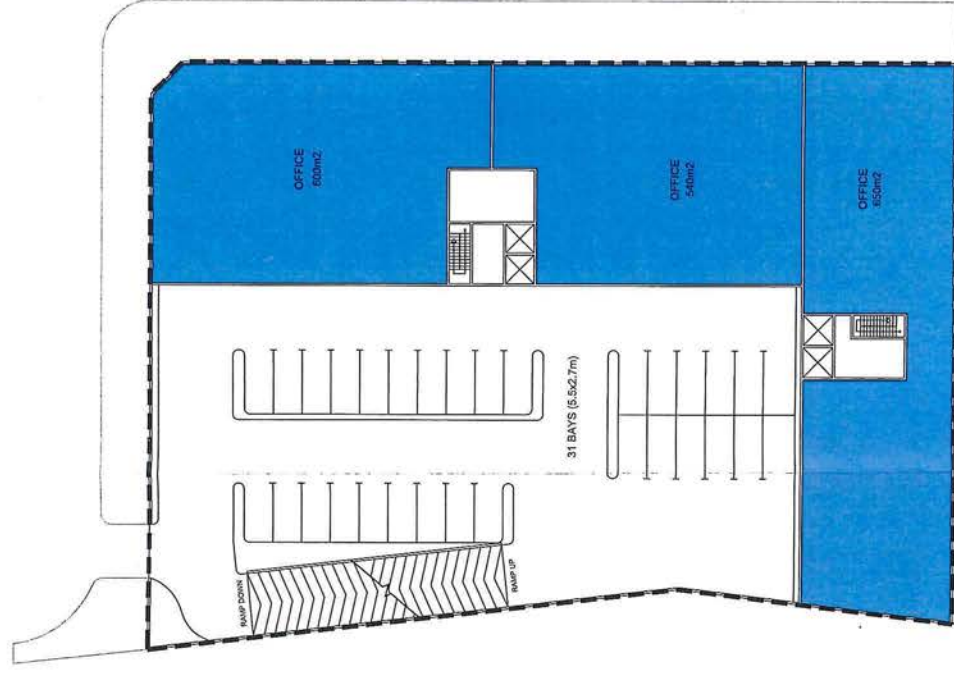
Drawing
LOT 5 LEVEL PLANS
PAGE 1 OF 2



BASEMENT



GROUND FLOOR



FIRST FLOOR



Revision
01 MATT ROGERS
02 MATT ROGERS

Date
13.11.2015
23.11.2015

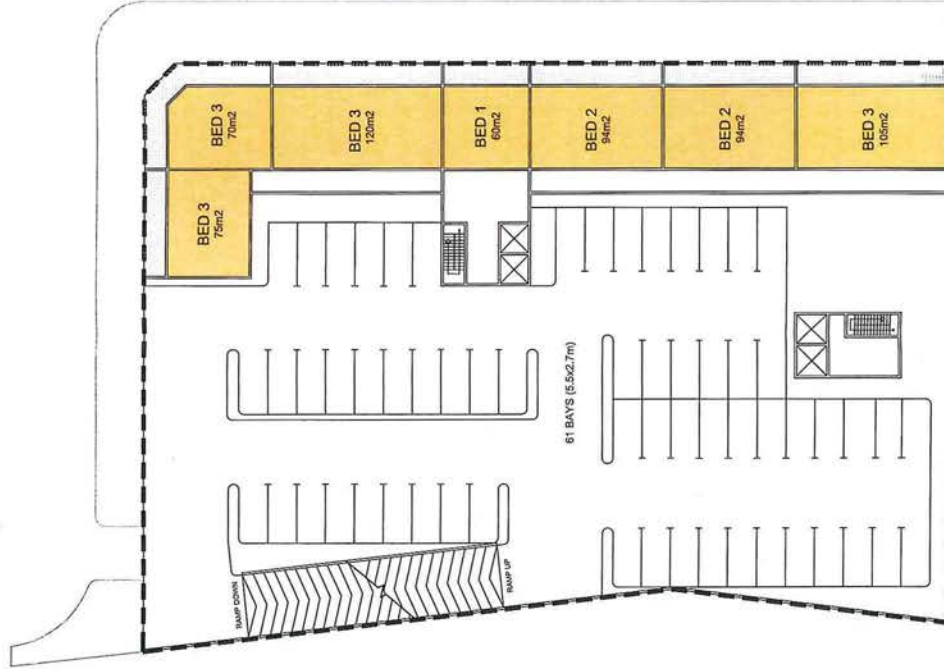
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KALIS GROUP

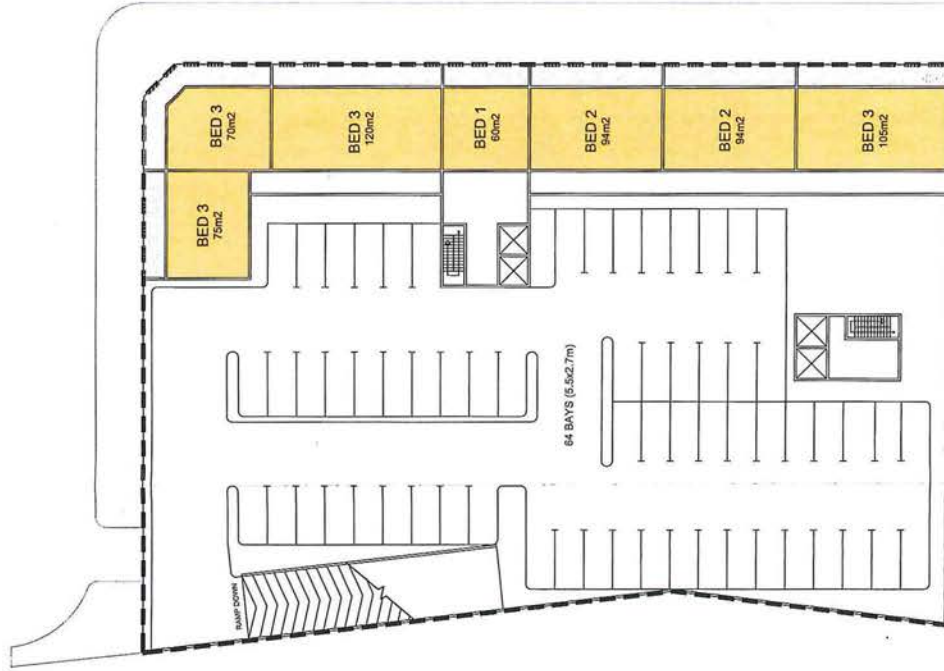
Project Name
KALIS SITE MASTER PLAN
Drawing
LOT 6 LEVEL PLANS
PAGE 1 OF 3



SECOND FLOOR



THIRD FLOOR



FOURTH FLOOR



Revision
01 MATT ROGERS
02 MATT ROGERS

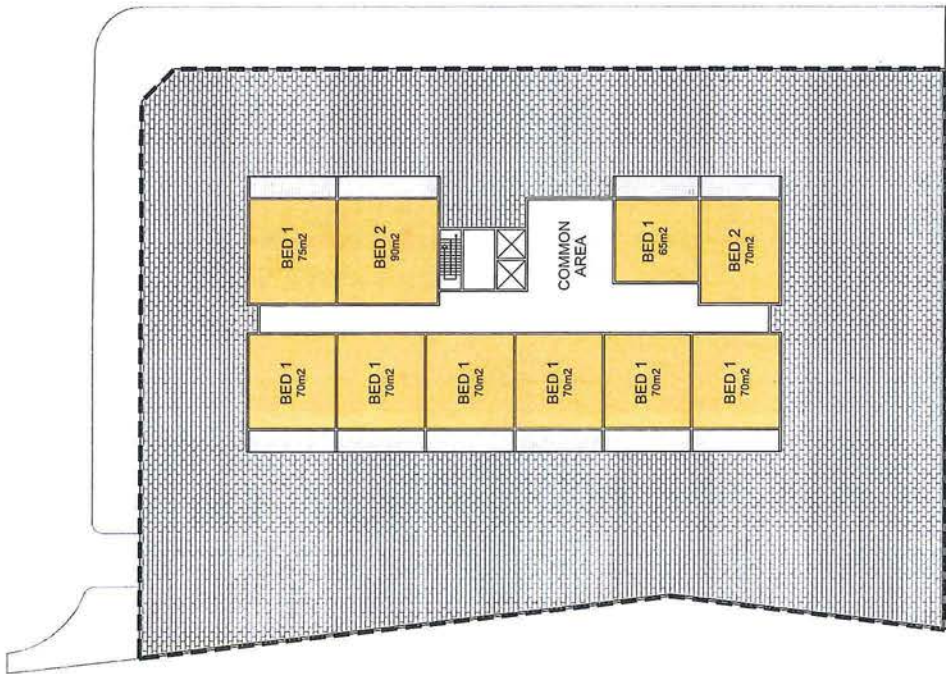
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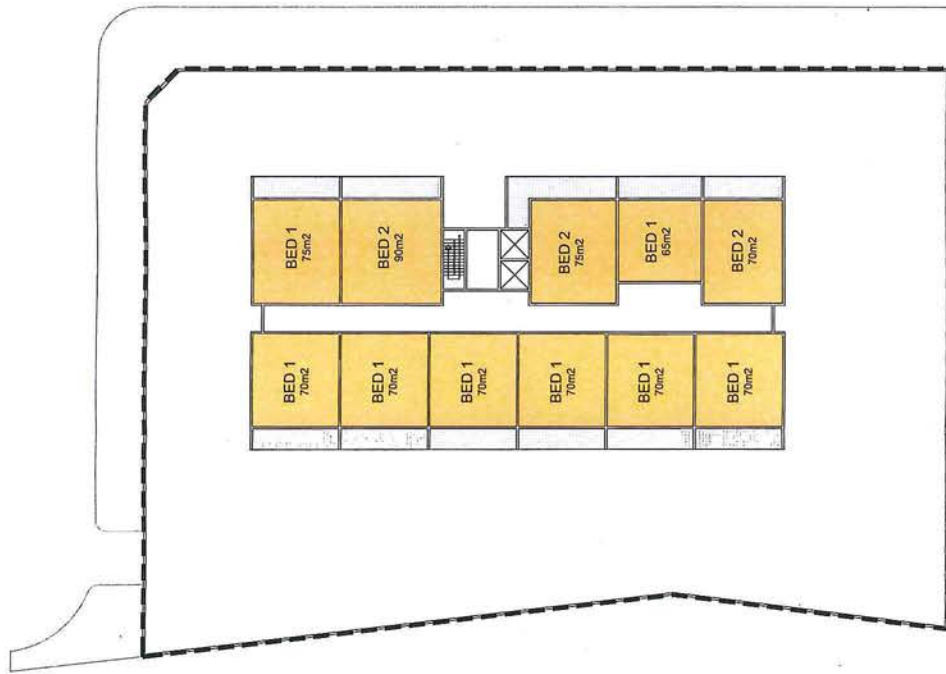
Client
KALLS GROUP

Project Name
KALLS SITE MASTER PLAN

Drawing
LOT 6 LEVEL PLANS
PAGE 2 OF 3



PODIUM FLOORPLATE



TYPICAL FLOORPLATE

Car parking

Level	Number of Bays
Basement	79
Ground (Commercial)	54
1	31
2	51
3	61
4	64
Total	340

Apartments (25 Storey)

Type	Dwellings	Required bays
1 Bed (10% 0 Bays)	23	0
1 Bed (40% 1 Bays)	100	100
2 Bed (40% 1 Bays)	100	100
3 Bed (10% 2 Bays)	23	46
Visitor Bays (0.25)		62
Total	246	308



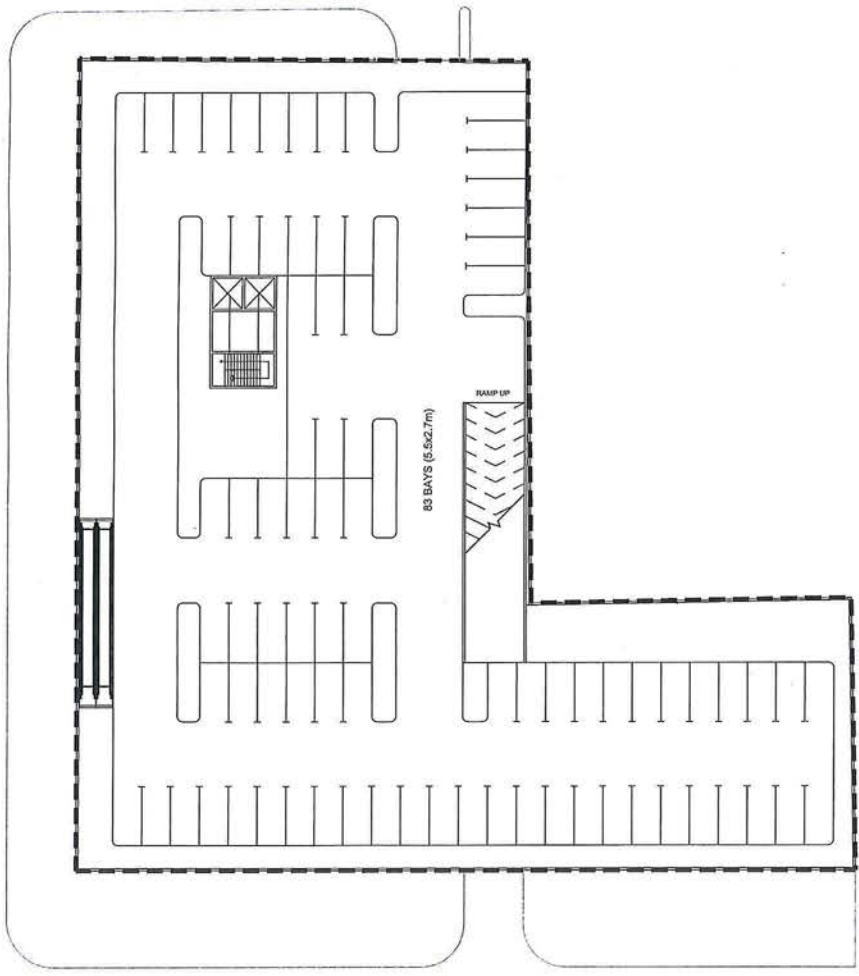
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23.11.2015

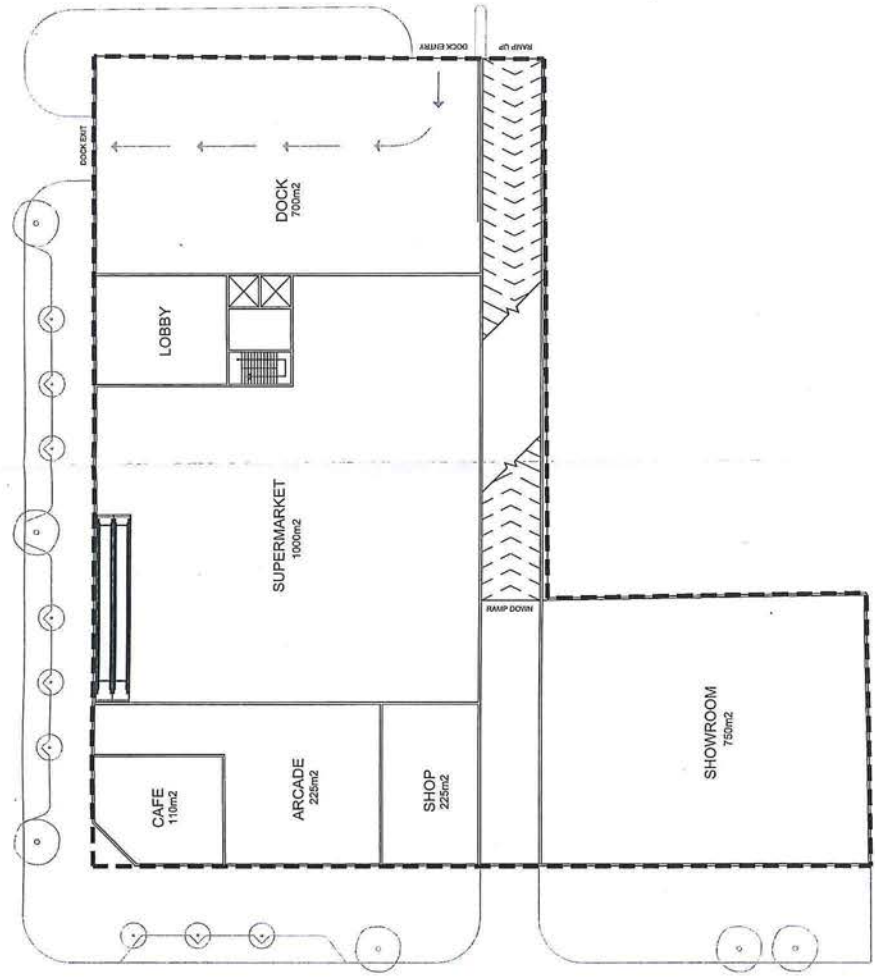
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KALIS GROUP

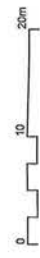
Project Name
KALIS SITE MASTER PLAN
Drawing
LOT 8 LEVEL PLANS
PAGE 3 OF 3



BASEMENT



GROUND FLOOR



Revision
01 MATT ROGERS

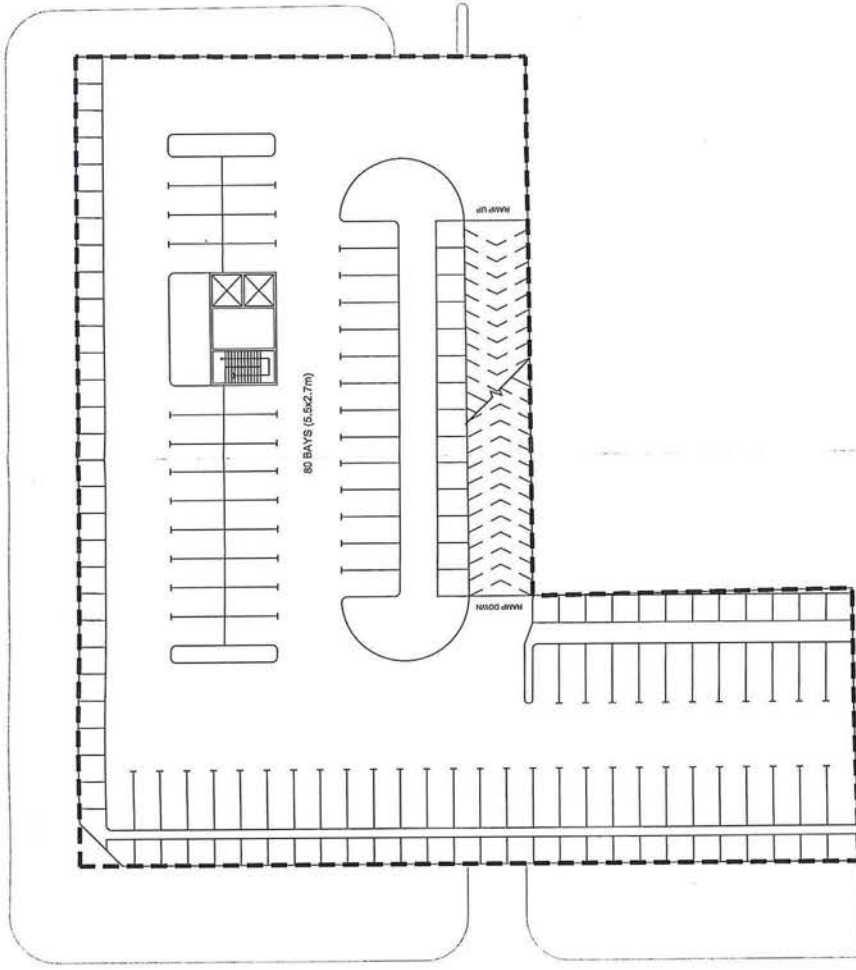
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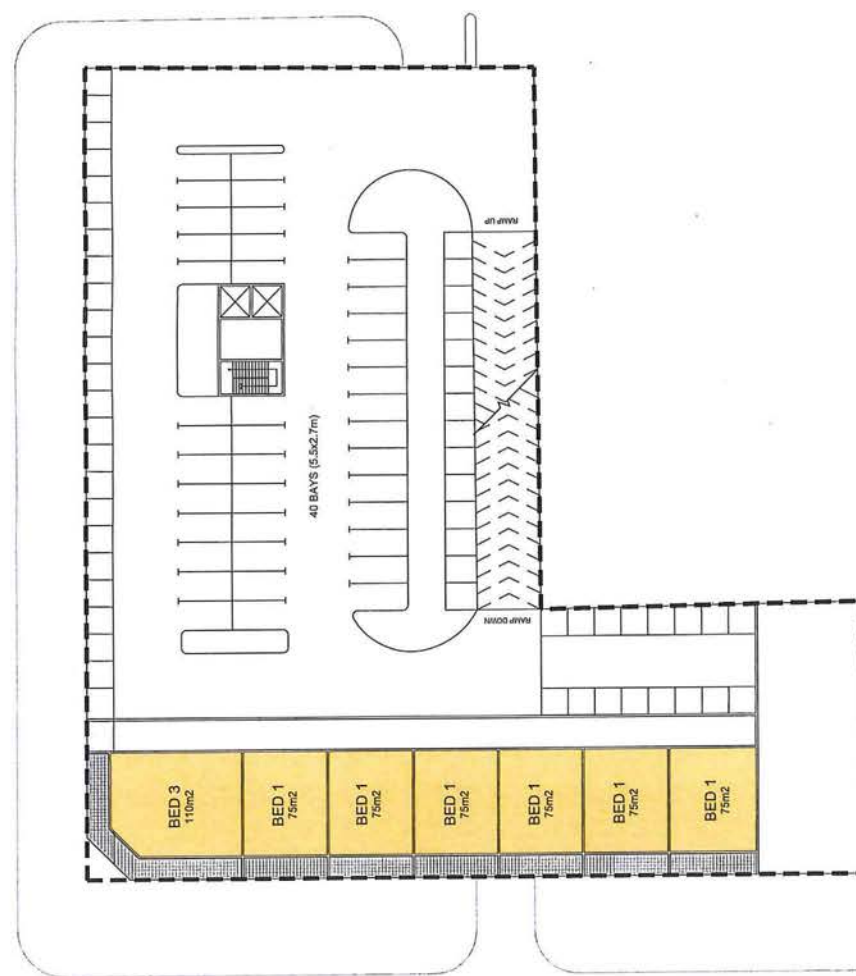
Client
KALLIS GROUP

Project Name
KALLIS SITE MASTER PLAN

Drawing
LOT 7 LEVEL PLANS
PAGE 1 OF 4



SECOND FLOOR



FIRST FLOOR



Revision
01 MATT ROGERS

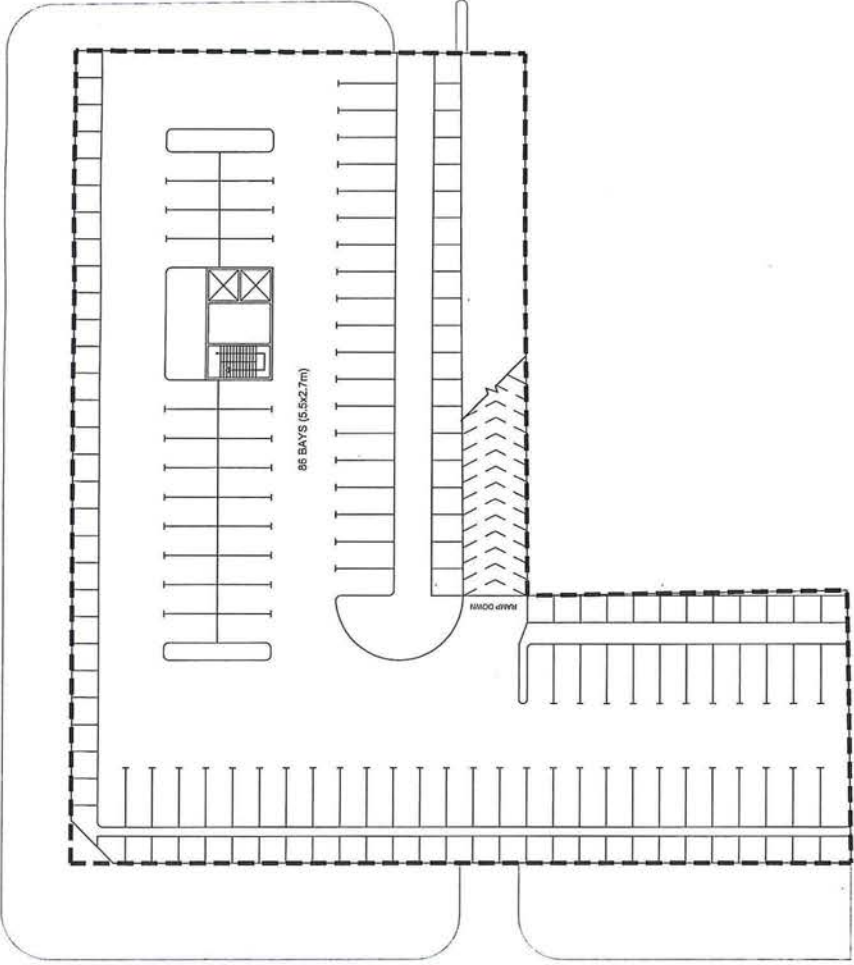
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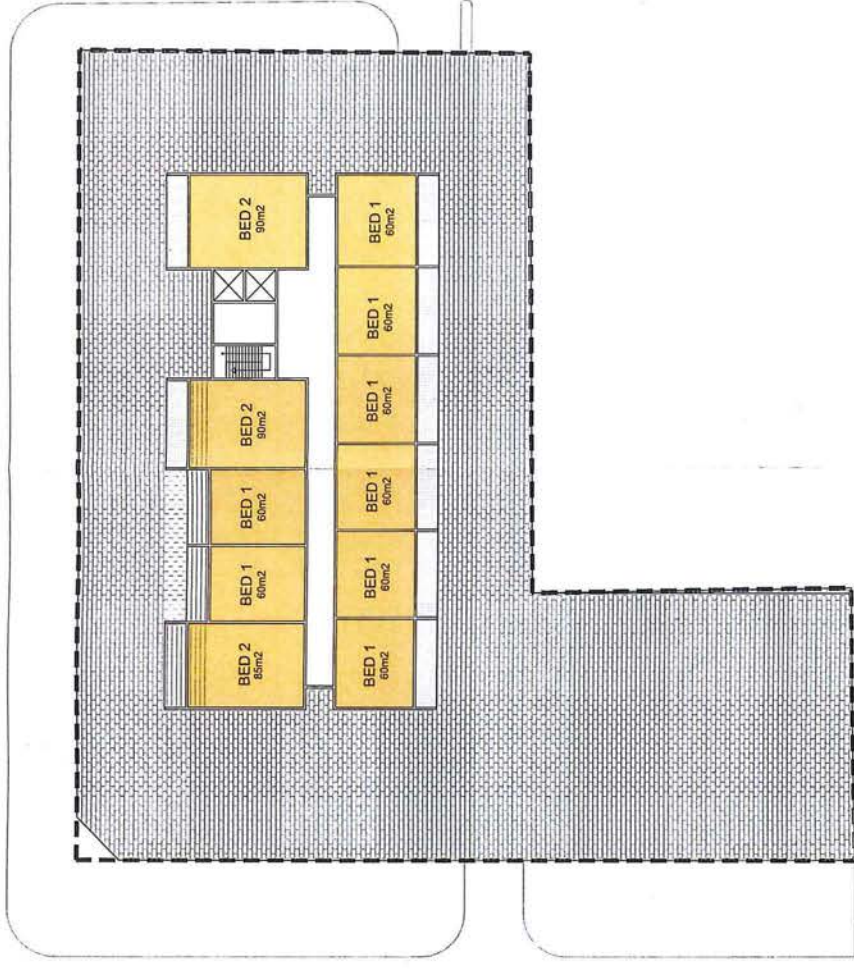
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KALLIS GROUP

Project Name
KALLIS SITE MASTER PLAN

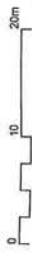
Drawing
LOT 7 LEVEL PLANS
PAGE 2 OF 4



FIFTH FLOOR



PODIUM FLOORPLATE



Revision
01 MATT ROGERS

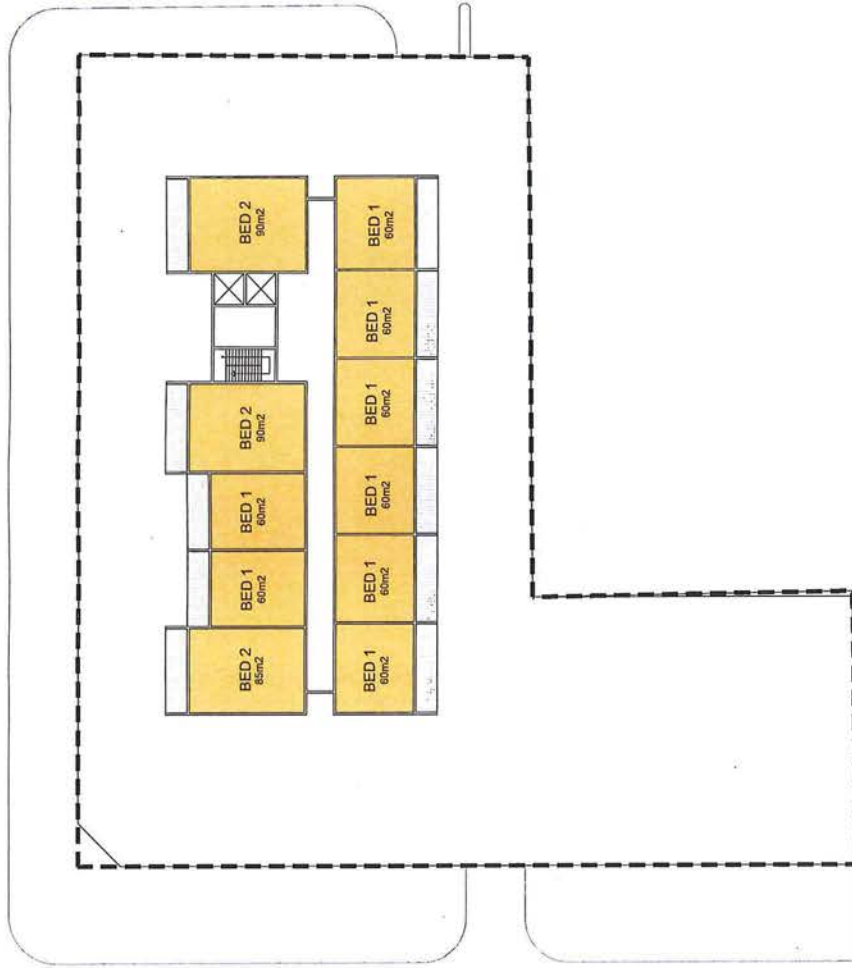
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13.11.2015

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Client
KALLIS GROUP

Project Name
KALLIS SITE MASTER PLAN

Drawing
LOT 7 LEVEL PLANS
PAGE 3 OF 4



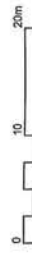
TYPICAL FLOORPLATE

Car parking

Level	Number of Bays
Basement	83
Ground	0
1	40
2	80
3	80
4	80
5	86
Total	449

Apartments (32 Storey)

Type	Dwellings	Required bays
1 Bed (10% 0 Bays)	30	0
1 Bed (40% 1 Bays)	116	116
2 Bed (40% 1 Bays)	117	117
3 Bed (10% 2 Bays)	30	60
Visitor Bays (0.25)	0	74
Total	293	367



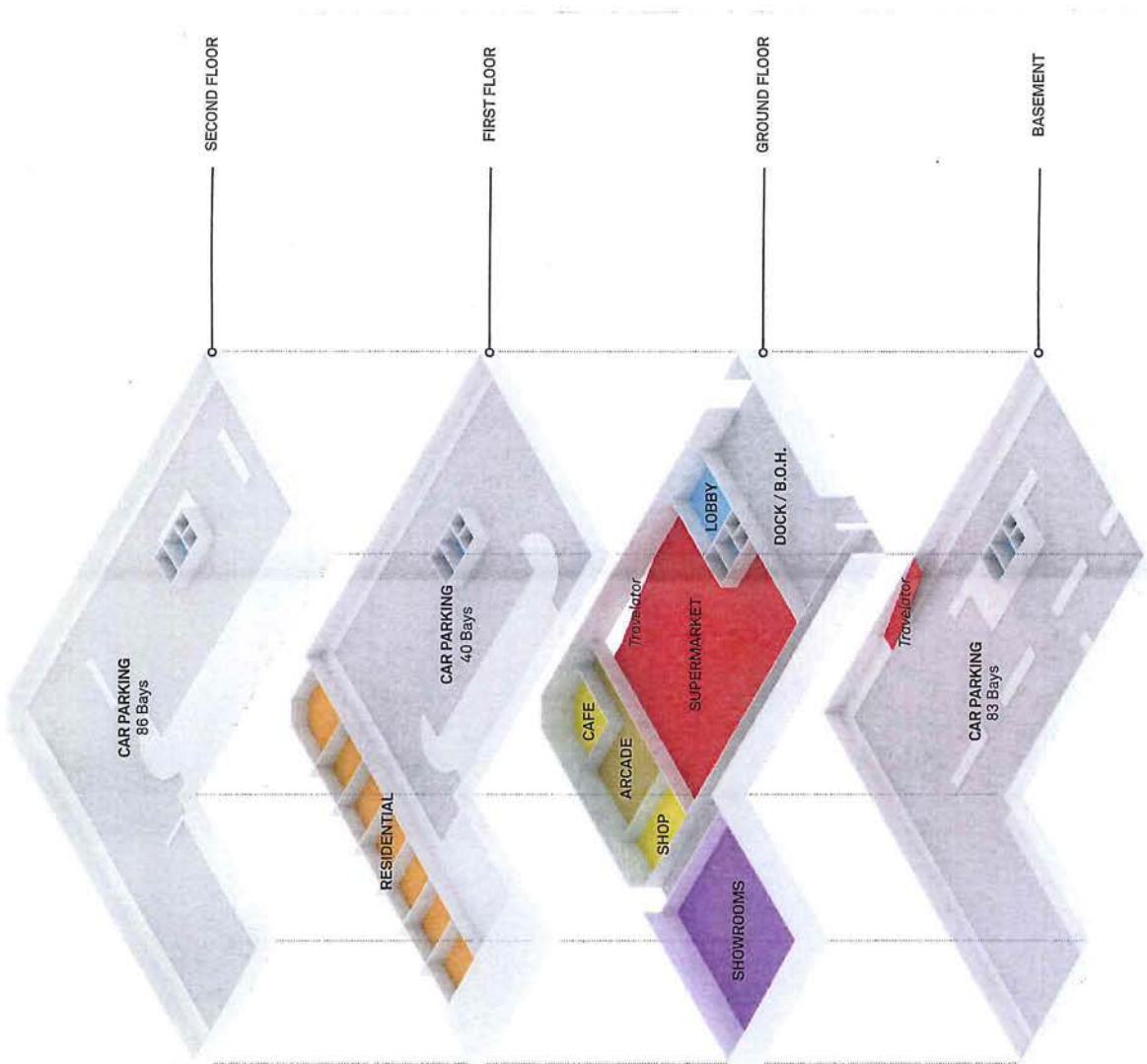
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13.11.2015

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Client
KALIS GROUP

Project Name
KALIS SITE MASTER PLAN
Drawing
LOT 7 LEVEL PLANS
PAGE 4 OF 4



Revision
01 MATT ROGERS

Date
1.11.2015

Client
KALLIS GROUP

Project Name
KALLIS SITE MASTER PLAN
Drawing
LOT 7 AXONOMETRIC
LAND USES

Attachment 2 – OEPA Letter



Government of Western Australia
Office of the Environmental Protection Authority
Strategic Policy and Planning Division

Mr Tim Hillyard
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Your Ref: 808-2-20-10 (RLS/0447/1)
Our Ref: AC04-2014-0073
Enquires: Gary Williams, 6145 0821
Email: gary.williams@epa.wa.gov.au



Dear Mr Hillyard

**PROPOSED MRS AMENDMENT - HERDSMAN GLENDALOUGH URBAN
PRECINCT**

Thank you for your correspondence, dated 9 April 2014, seeking comment from the Office of Environmental Protection Authority (OEPA) concerning the proposed Metropolitan Region Scheme (MRS) amendment to rezone areas currently zoned 'Industrial' to 'Urban' or 'City Centre', to facilitate the implementation of the Concept Structure Plan for Herdsman Glendalough.

The information provided with your letter indicates that the proposed MRS amendment will not raise any significant environmental issues that cannot be adequately managed through detailed planning processes. On this basis, the OEPA has no objection to the Western Australian Planning Commission (WAPC) initiating the proposed amendment.

Please note, all MRS amendments require referral to the Environmental Protection Authority in accordance with section 38 of the *Planning and Development Act 2005* for a decision on whether or not the amendment requires assessment.

If you have any questions about the content of this letter, you should contact the Assessment Officer for this referral, Gary Williams, on 6467 0821.

Yours sincerely

Darren Foster
DIRECTOR

2 May 2014

Attachment 3 – Licenced Premises



Government of Western Australia
Department of Environment Regulation

Your ref L7475/2000/9
Our ref DEC1481
Enquiries Peter Johns
Phone 9333 7522
Fax 9333 7550
Email peter.johns@der.wa.gov.au

Mr Ben Baron
Operations Manager
Bartter Enterprises Pty Ltd
116 Howe Street
OSBORNE PARK WA 6017

Dear Mr Baron

ENVIRONMENTAL PROTECTION ACT 1986: LICENCE GRANTED

Premises: Bartter Enterprises Pty Ltd
Premises Location: Lot 10 on Diagram 55851 and Lots 204 & 205 on Plan 2809,
OSBORNE PARK WA 6017
Licence Number: L7475/2000/9

A licence under the *Environmental Protection Act 1986* (the Act) has been granted for the above premises. The Department of Environment Regulation will advertise the issuing of this licence in the public notices section of *The West Australian* newspaper.

The licence includes attached conditions. Under section 58(1) of the Act, it is an offence to contravene a condition of a licence. This offence carries a penalty of up to \$125,000 and a daily penalty of up to \$25,000.

In accordance with section 102(1)(c) of the Act, you have 21 days to appeal the conditions of the licence. Under section 102(3)(a) of the Act, any other person may also appeal the conditions of the licence. To lodge an appeal contact the Office of the Appeals Convenor on 6467 5190 or by email at admin@appealsconvenor.wa.gov.au.

Where a licence is issued for more than one year it requires payment of an annual fee and will cease to have effect if the fee is unpaid. It is the occupier's responsibility to lodge a fee application and pay the annual fee in sufficient time to avoid incurring a late payment fee and for processing to be completed before the licence anniversary date.

If you have any queries regarding the above information, please contact Mr Peter Johns on 9333 7510.

Yours sincerely

Ed Schuller
Officer delegated under section 20
of the *Environmental Protection Act 1986*

Thursday, 9 January 2014

WESTERN AUSTRALIA

DEPARTMENT OF ENVIRONMENT REGULATION

Environmental Protection Act 1986

LICENCE

LICENCE NUMBER: L7475/2000/9

FILE NUMBER: DEC1481

NAME AND ADDRESS OF OCCUPIER:

Bartter Enterprises Pty Ltd
116 Howe Street
OSBORNE PARK WA 6017
ACN: 000 451 374

NAME AND LOCATION OF PREMISES:

Bartter Enterprises Pty Ltd
Lot 10 on Diagram 55851 and Lots 204 and 205 on Plan 2809
OSBORNE PARK WA 6017

Environmental Protection Regulations 1987

CLASSIFICATION(S) OF PREMISES:

Category 15 – Abattoir

COMMENCEMENT DATE OF LICENCE: Wednesday, 15 January 2014

EXPIRY DATE OF LICENCE: Monday, 14 January 2019

CONDITIONS OF LICENCE:

As described and attached:

DEFINITION(S)

GENERAL CONDITION(S) (2)

AIR POLLUTION CONTROL CONDITION(S) (1)

WATER POLLUTION CONTROL CONDITION(S) (2)

SOLID WASTE CONTROL CONDITION(S) (1)

ATTACHMENT(S) (2)



.....
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

Date of Issue: Thursday, 9 January 2014

WESTERN AUSTRALIA

DEPARTMENT OF ENVIRONMENTAL REGULATION

Environmental Protection Act 1986

LICENCE NUMBER: L7475/2000/9

FILE NUMBER: DEC1481

CONDITIONS OF LICENCE

DEFINITIONS

"Director" means Director, Environmental Regulation Division of the Department of Environment Regulation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*;

"Director" and "Department of Environment Regulation" for the purpose of correspondence means:

Regional Leader, Industry Regulation, Swan Region
Locked Bag 33
CLOISTERS SQUARE WA 6850
Telephone: (08) 9333 7510
Facsimile: (08) 9333 7550;

"mg/L" means milligrams per litre;

"NATA" means the National Association of Testing Authorities;

"OU" means odour unit;

"premises" means Bartter Enterprises Pty Ltd located at 116 Howe Street, on Lot 10 on Diagram 55851 and Lots 204 & 205 on Plan 2809, Osborne Park as shown in Attachment 1.

GENERAL CONDITIONS

- G1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:
- (a) pollution;
 - (b) unreasonable emission;
 - (c) discharge of waste in circumstances likely to cause pollution; or
 - (d) being contrary to any written law.

MONITORING AND REPORTING

- G2(a) The licensee shall by, **1 February each year**, provide an Annual Monitoring Report containing data collected over the previous calendar year (**1 January to 31 December**). The report shall contain:
- (i) monitoring data or other collected data required by any condition of this licence; and
 - (ii) the number and type of complaints received including complainants name, address, nature of complaint (where appropriate cross referenced with prevailing wind directions) and action taken; and
 - (iii) any changes to site boundaries, on-site operations, stormwater drainage, wastewater handling and management and on-site or off-site impacts.
- G2(b) The licensee shall maintain a monthly record of animal numbers slaughtered at the premises. The licensee shall provide a copy of this record to the Director in the Annual Report in a tabular format.

WESTERN AUSTRALIA

DEPARTMENT OF ENVIRONMENTAL REGULATION

Environmental Protection Act 1986

LICENCE NUMBER: L7475/2000/9

FILE NUMBER: DEC1481

ANNUAL AUDIT COMPLIANCE MONITORING

- G2(c) The licensee shall by **1 February in each year** provide to the Director an Annual Audit Compliance Report in the form of Attachment 2 to this licence, signed and certified in the manner required by section C of the form, indicating the extent to which the licensee has complied with the conditions of this licence, and any previous licence issued under Part V of the Act for the Premises, during the period beginning **1 January the previous year and ending on 31 December** in that year.

AIR POLLUTION CONTROL CONDITIONS

DUST - GENERAL REQUIREMENT

- A1 The licensee shall take measures to control the generation of visible dust from all animal holding facilities, open areas, animal handling and transport activities.

WATER POLLUTION CONTROL CONDITIONS

STORMWATER MANAGEMENT

- W1(a) The licensee shall maintain drainage facilities at the premises to ensure that uncontaminated stormwater is not contaminated by any process or activity within the premises.
- W1(b) The licensee shall direct all uncontaminated stormwater to dedicated stormwater collection devices or drains.

PROCESS WATER

- W2(a) The licensee shall direct all contaminated or potentially contaminated wastewater produced from the activities of the abattoir and holding facilities to the wastewater treatment system.
- W2(b) The licensee shall direct treated wastewater from the wastewater treatment system to the Water Corporation's sewer in accordance with the requirements of the Water Corporation.

SOLID WASTE POLLUTION CONTROL CONDITION

- S1(a) The licensee shall dispose of any sludge wastes generated from the wastewater treatment system at the premises in accordance with the *"Western Australian Guidelines for Direct Land Application of Biosolids and Biosolids products, February 2002"*.
- S1(b) The licensee shall ensure that any solid wastes generated at the premises are collected in impervious holding facilities for recycling or export off-site to approved facilities.



Attachment 1

L7475 Bartter Enterprises





Attachment 2

**SECTION A
LICENCE DETAILS**

Licence Number:	Licence File Number:
Company Name: Trading as:	ABN:
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of licence complied with within the reporting period? (please tick the appropriate box)

Yes Please proceed to Section C

No Please proceed to Section B

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____



Attachment 2

SECTION B

DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each licence condition that was not complied with.

a) Licence condition not complied with?	
b) Date(s) when the non compliance occurred, if applicable?	
c) Was this non compliance reported to DEC?	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DER verbally Date _____ <input type="checkbox"/> Reported to DER in writing Date _____	<input type="checkbox"/> No
d) Has DEC taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____



Attachment 2

**SECTION C
SIGNATURE AND CERTIFICATION**

This Annual Audit Compliance Report may only be signed by a person(s) with legal authority to sign it. The ways in which the Annual Audit Compliance Report must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this Annual Audit Compliance Report is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is		The Annual Audit Compliance Report must be signed and certified:
an individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual licence holder, or by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the Corporations Act 2001; or by two directors of the licensee; or by a director and a company secretary of the licensee, or if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer of the licensee; or by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: _____

SIGNATURE: _____

NAME:
(printed) _____

NAME:
(printed) _____

POSITION: _____

POSITION: _____

DATE: ____ / ____ / ____

DATE: ____ / ____ / ____

SEAL (if signing under seal)



Government of **Western Australia**
Department of **Environment and Conservation**

Your ref: 7477/2001/8.
Our ref: DEC5406
Enquiries: Bhabesh Das
Phone: 9333 7521
Fax: 9333 7550
Email: bhabesh.das@dec.wa.gov.au

The Manager
Inghams Enterprises Pty Ltd
203 Northumberland Street
LIVERPOOL NSW 2170

Dear Sir/Madam

Environmental Protection Act 1986 – Amendment to licence
Licence: L7477/2001/8
Premises: Lot 68 on Diagram 98482, 9 Baden Street
OSBORNE PARK WA 6017

Further to my letter dated 14 January 2011, please find enclosed your amended *Environmental Protection Act 1986* licence.

If you have any questions or objections relating to the licence, please do not hesitate to contact the enquiries officer above on 9333 7521 for clarification or discussion of any grievances you have.

If you are concerned about, or object to any aspect of the amendment you may lodge an appeal with the Minister for the Environment within 21 days from the date on which this licence is received. The Office of the Appeals Convenor can be contacted on 6467 5190 to find out the procedure and fee.

Members of the public may also appeal the amendments. The Appeals Registrar at the Office of the Appeals Convenor can be contacted after the closing date of appeals to check whether any appeals were received.

Yours sincerely,

Peter Vasel
Manager, Works Approval & Emissions Licensing Section

17 January 2011

enc:
copy to: Local Government Authority: City of Stirling

DIRECTOR GENERAL AND ENVIRONMENTAL SERVICES DIVISIONS: The Atrium, 168 St Georges Terrace, Perth, Western Australia 6000
Phone: (08) 6467 5000 Fax: (08) 6467 5562 TTY: 1880 555 630

PARKS AND CONSERVATION SERVICES DIVISIONS: Executive: Corner of Australia II Drive and Hackett Drive, Crawley, Western Australia 6009
Phone: (08) 9442 0300 Fax: (08) 9386 1578 Operations: 17 Dick Perry Avenue, Technology Park, Kensington, Western Australia 6151
Phone: (08) 9219 8000 Fax: (08) 9334 0498 TTY: 9334 0546

POSTAL ADDRESS FOR ALL DIVISIONS: Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
www.dec.wa.gov.au
wa.gov.au



LICENCE FOR PRESCRIBED PREMISES *Environmental Protection Act 1986*

LICENCE NUMBER: L7477/2001/8

FILE NUMBER: DEC5406

LICENSEE AND OCCUPIER OF PREMISES

Inghams Enterprises Pty Ltd
203 Northumberland Street
LIVERPOOL NSW 2170

ACN: 008 447 345

NAME AND LOCATION OF PREMISES

Inghams Enterprises Pty Ltd
Lot 68 on Diagram 98482, 9 Baden Street
OSBORNE PARK WA 6017

PRESCRIBED PREMISES CATEGORY

Schedule 1 of the *Environmental Protection Regulations 1987*

CATEGORY	DESCRIPTION	CAPACITY
15	Abattoir: premises on which animals are slaughtered	Not more than 50,000 tonnes per year.

CONDITIONS OF LICENCE

Subject to the conditions of licence set out in the attached pages.

Officer delegated under Section 20
of the *Environmental Protection Act 1986*

ISSUE DATE: Thursday, 23 December 2010
COMMENCEMENT DATE: Saturday, 22 January 2011
AMENDMENT DATE: Monday, 17 January 2011
EXPIRY DATE: Thursday, 21 January 2016

CONDITIONS OF LICENCE

Environmental Protection Act 1986

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406

DEFINITIONS

"Director" means Director, Environmental Regulation Division of the Department of Environment and Conservation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*;

"Director" or "Department of Environment and Conservation" for the purpose of correspondence means-

Team Leader, Industry Regulation
Department of Environment and Conservation
Swan Region, Booragoon Office
Locked Bag 104
Bentley Delivery Centre WA 6983

Telephone: 9333 7510
Facsimile: 9333 7550; and

"premises" means poultry abattoir and holding facilities located at Lot 68 on Diagram 98482, 9 Baden Street, Osborne Park as depicted in **Attachment 1**.

GENERAL CONDITIONS

COMPLAINTS RECORDING

1. The licensee shall accurately record all complaints received concerning the environmental impact arising from activities at the premises and submit a complete copy of these records with the Annual Monitoring Report required by condition 2(a). The record must be in a form of a bound volume with numbered pages and must record the following:
 - (i) the date and time of the complaint;
 - (ii) location from which the problem arose (if known);
 - (iii) a general description/nature of the complaint;
 - (iv) any on-site activities (if any) that may have led to the complaint;
 - (v) wind direction, wind speed and temperature at the time of the complaint;
 - (vi) likely source of the reported problem; and
 - (vii) action taken in response to the complaint.

ANNUAL MONITORING REPORT

- 2(a) The licensee shall submit to the Director, by **1 February** each year, an Annual Monitoring Report containing all records required by any condition of this licence obtained during the period beginning **1 January** the previous year and ending on **31 December** in that year.
- 2(b) The licensee shall maintain a monthly record of animal numbers slaughtered at the premises. The licensee shall provide a copy of this record in a tabular format, to the Director in the Annual Monitoring Report required by condition 2(a).

ANNUAL AUDIT COMPLIANCE REPORT

3. The licensee shall by **1 February** each year, provide to the Director an Annual Audit Compliance Report in the form in **Attachment 2** to this licence, signed and certified in the manner required by Section C of the form, indicating the extent to which the Licensee has complied with the conditions of this licence, and any previous licence issued under Part V of the Act for the premises, during the period beginning **1 January** the previous year and ending on **31 December** in that year.

ISSUE DATE: Thursday, 23 December 2010
DATE OF AMENDMENT: Monday, 17 January 2011

Page 2 of 7

CONDITIONS OF LICENCE

Environmental Protection Act 1986

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406

DISCHARGE TO AIR

DUST - GENERAL REQUIREMENT

4. The licensee shall take measures to control generation of visible dust to ensure that visible dust is not discharged beyond the premises boundary.

ODOUR CONTROL CONDITIONS

5. The licensee shall ensure that odour emitted from the premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the premises.

DISCHARGE TO WATER

STORMWATER MANAGEMENT

- 6(a) The licensee shall maintain drainage facilities at the premises to ensure that stormwater is not contaminated by any process or activity within the premises.
- 6(b) The licensee shall direct all stormwater to dedicated stormwater collection devices or drains.

PROCESS WATER

- 7(a) The licensee shall direct all contaminated or potentially contaminated wastewater produced from the activities of the abattoir and holding facilities to the wastewater treatment system.
- 7(b) The licensee shall direct treated wastewater from the wastewater treatment system to Water Corporation's sewer.
- 7(c) The licensee shall take all reasonable and practical actions to cease any emissions of unreasonable odours as a result of a malfunction of the wastewater treatment system.
- 7(d) The licensee shall ensure that the Director is notified within 24 hours of any malfunction of the wastewater treatment system.
- 7(e) The licensee shall ensure that the notification required by condition 7(d) includes the following information;
- (i) the time of system malfunction;
 - (ii) a general description/nature of the malfunction;
 - (iii) the reason for the malfunction;
 - (iv) any on-site activities that may have led to the malfunction;
 - (v) action taken in response to the malfunction; and
 - (vi) time/expected time that the malfunction has been/will be rectified.

DISCHARGE TO LAND

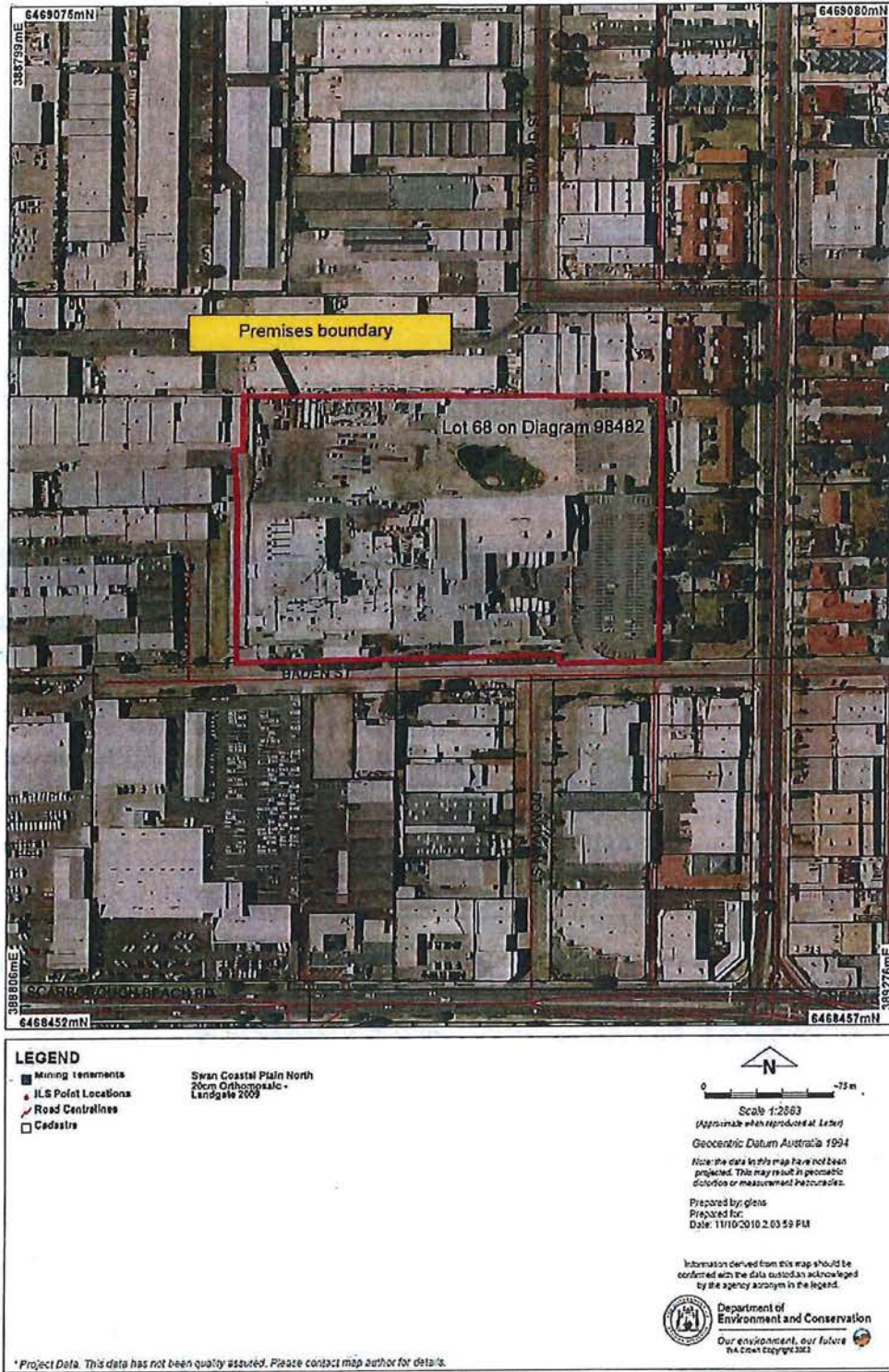
SOLID WASTE

- 8(a) The licensee shall dispose of all sludge wastes generated from the wastewater treatment system at an approved waste disposal facility.
- 8(b) The licensee shall ensure that any solid wastes generated at the premises are collected in impervious holding facilities for recycling or for export off-site to an approved waste disposal facility.

ATTACHMENT 1: PLAN OF PREMISES

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406



ISSUE DATE:
DATE OF AMENDMENT

Thursday, 23 December 2010
Monday, 17 January 2011

Page 4 of 7

ATTACHMENT 2: ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406

SECTION A

LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name:	ABN:
Trading as:	
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of licence complied with within the reporting period? (please tick the appropriate box)

Yes Please proceed to Section C

No Please proceed to Section B

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____

ATTACHMENT 2: ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406

SECTION B - DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each licence condition that was not complied with.

a) Licence condition not complied with?	
b) Date(s) when the non compliance occurred, if applicable?	
c) Was this non compliance reported to DEC?	
<input type="checkbox"/> Yes	<input type="checkbox"/> Reported to DEC verbally Date _____
<input type="checkbox"/> Reported to DEC in writing Date _____	<input type="checkbox"/> No
d) Has DEC taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____

ATTACHMENT 2: ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER L7477/2001/8

FILE NUMBER: DEC5406

SECTION C - SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report may only be signed by a person(s) with legal authority to sign it. The ways in which the Annual Audit Compliance Report must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this Annual Audit Compliance Report is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is	The Annual Audit Compliance Report must be signed and certified:
an individual	<input type="checkbox"/> by the individual licence holder, or <input type="checkbox"/> by a person approved in writing by the Chief Executive Officer of the Department of Environment and Conservation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> by the principal executive officer of the licensee; or <input type="checkbox"/> by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment and Conservation.
A corporation	<input type="checkbox"/> by affixing the common seal of the licensee in accordance with the Corporations Act 2001; or <input type="checkbox"/> by two directors of the licensee; or <input type="checkbox"/> by a director and a company secretary of the licensee, or <input type="checkbox"/> if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or <input type="checkbox"/> by the principal executive officer of the licensee; or <input type="checkbox"/> by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment and Conservation.
A public authority (other than a local government)	<input type="checkbox"/> by the principal executive officer of the licensee; or <input type="checkbox"/> by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment and Conservation.
a local government	<input type="checkbox"/> by the chief executive officer of the licensee; or <input type="checkbox"/> by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: _____

SIGNATURE: _____

NAME: (printed) _____

NAME: (printed) _____

POSITION: _____

POSITION: _____

DATE: ____/____/____

DATE: ____/____/____

SEAL (if signing under seal)

ISSUE DATE:
DATE OF AMENDMENT

Thursday, 23 December 2010
Monday, 17 January 2011

Page 7 of 7

Western Australian Planning Commission

SUBMISSION ON METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1291/41 HERDSMAN GLENDALOUGH PRECINCT – 'KAILIS SITE' 342-344 SCARBOROUGH BEACH ROAD, OSBORNE PARK

Attachment 4 - Emerge Associates Submission

Document Reference: EP16-012(01)--001A ADB

Emerge contact: Jason Hick

17 March 2016

Attention: The Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

C/- Kailis Consolidated Pty Ltd, Kondil Nominees Pty Ltd and
TPG Town Planning, Urban Design and Heritage

Delivered by email to: David.Read@tpgwa.com.au

Dear Ms Blenkinsop

SUBMISSION ON METROPOLITAN REGION SCHEME AMENDMENT 1291/41 HERDSMAN GLENDALOUGH PRECINCT – PROPOSED URBAN DEFERRED ZONING

Emerge Environmental Services Pty Ltd (trading as Emmerge Associates) on behalf of Kailis Consolidated Pty Ltd and Kondil Nominees Pty Ltd have prepared this letter to support a submission prepared by TPG Town Planning, Urban Design and Heritage which objects to the proposed Metropolitan Region Scheme amendment 1291/41 Herdsman Glendalough Precinct (herein referred to as 'the amendment') as initiated by the Western Australian Planning Commission. This objection relates specifically to the portion of the amendment area proposed to be rezoned from "Industrial" to "Urban Deferred". This letter discusses the environmental considerations relevant to the amendment and refers to the established environmental policy framework.

Background

Emerge Associates were engaged to provide environmental consultancy services by TPG Town Planning, Urban Design and Heritage (TPG) on behalf of Kailis Consolidated Pty Ltd and Kondil Nominees Pty Ltd. These services related to the potential future redevelopment of two landholdings within the City of Stirling, specifically Lot 805 on Plan 39980 and Lot 806 on Plan 39980 (342 and 344 Scarborough Beach Road respectively, collectively referred to as 'the site'), both of which are owned in freehold by Kailis Consolidated Pty Ltd and Kondil Nominees Pty Ltd (herein referred to as 'the landowners'). The site is located within the Herdsman Glendalough Precinct, which is currently used for a range of commercial and industrial land uses and is directly impacted upon by the amendment.

The City of Stirling have historically been progressing planning for the redevelopment of the Herdsman Glendalough Precinct for a mix of residential and commercial land uses to support an employment focused transit orientated development surrounding the adjacent Glendalough train station. A Concept Structure Plan (which incorporates the site) demonstrating how such a redevelopment could be implemented was prepared and formally advertised by the City of Stirling in



PERTH
Suite 4, 26 Railway Road
Subiaco, Perth
Western Australia 6008

P +61 8 9380 4988

F +61 8 9380 9636

www.emergeassociates.com.au

Blue Tang (WA) Pty Ltd as trustee for The Reef Unit Trust ABN 44656153170 and Emmerge Environmental Services Pty Ltd ABN 57144772510 trading as Emmerge Associates

2012. The City then began the preparation of the Herdsman Glendalough Structure Plan (herein referred to as 'the structure plan') and Detailed Area Plan in 2013, which involved a range of community consultation exercises with affected landholders and the general public. An amendment to the City of Stirling Local Planning Scheme No. 3 to rezone the structure plan area to the "Development" zone was then progressed. In 2014, the City of Stirling requested that the WAPC initiate an MRS amendment to rezone the structure plan area from "Industrial" to "Urban", in order to allow for the implementation of the structure plan.

In December 2015, The WAPC initiated MRS Amendment 1291/41 Herdsman Glendalough Precinct. The amendment proposes to rezone the structure plan area to a mix of "City Centre Area", "Other Regional Roads", "Urban" and "Urban Deferred" zones and reserves. The Amendment Report (WAPC 2015) details that the proposal to rezone the eastern portion of the amendment area "Urban Deferred" is due to the nearby operation of two established poultry processing facilities. The extent of the proposed "Urban Deferred" zone is delineated by the combination of 500 m buffers from each poultry processing facility.

The site is located within 500 m of both poultry processing facilities, and as such falls within the amendment area proposed to be rezoned "Urban Deferred". On this basis, the landowners have engaged Emerge Associates to undertake desktop environmental investigations of both facilities, in order to determine:

- The existing poultry processing operations at each facility, including an assessment of the existing and proposed production capacity and infrastructure.
- The extent to which either facility is responsible for offsite odour emissions and the potential impacts on nearby sensitive land uses, including review of any available complaints information.
- Any information regarding potential separation distances between the facilities and sensitive land uses, whether this be generic policy guidance or site-specific arising from previous planning decisions or technical odour impact assessments.

A range of information sources were utilised to inform these desktop investigations, including:

- A review of historic and current operating licenses of each facility, granted by the Department of Environment Regulation (DER) under Part V of the *Environmental Protection Act 1986*.
- Telephone discussions with the Licensing and Approvals branch at the DER and the City Planning branch at the City of Stirling.
- A review of historic and current high-resolution aerial photography of each facility.
- A review of publically available online information regarding each facility.

The findings of the desktop investigation have been summarised below.

Existing poultry processing facilities

Barter Enterprises (Steggles)

Steggles operate a poultry processing facility located on 112 & 122 Howe Street and 37 Frobisher Street, Osborne Park (Lots 204 & 205 on Plan 2809 and Lot 10 on Diagram 55851 respectively), located approximately 220 m north-west of the site. The facility operates under DER license number

L7475/2000/9 and is classified as an abattoir (Category 15 prescribed premise under the *Environmental Protection Regulations 1987*), defined as a premises on which animals are slaughtered. The current licence was granted by DER in January 2014 and expires in January 2019.

The day to day operations of the facility involve the receipt and temporary holding (indoors) of live chickens at the facility for a maximum of 10 hours, with deliveries provided by truck and occurring between the hours of 11 pm and 5.30 am, with an average of 18 deliveries per day. The stock is then slaughtered and eviscerated, with food-grade poultry products then packaged onsite for distribution.

The facility produces wastewater and solid waste products, the management requirements of which are stipulated in the DER license. Wastewater is required to be directed to the onsite wastewater treatment system, with treated wastewater discharged to sewer. The wastewater treatment process at the facility does not involve the use of open treatment ponds, which are commonly identified as a significant source of odour. Solid wastes generated at the facility are required to be collected in impervious holding containers, for export offsite to approved facilities. The DER license stipulates that measures should be taken to control the generation of visible dust from all animal holding areas, open areas, animal handling and transport activities. There are no specific license requirements regarding the management of offsite odour emissions.

It is our understanding that the facility has only received approximately 10 public odour complaints since 2005, the majority of which are from land uses to the north-east of the facility.

Inghams Enterprises (Inghams)

Inghams operate a poultry processing facility located on 9 Baden Street, Osborne Park (Lot 68 on Diagram 98482), located approximately 295 m east of the site. The facility operates under DER license number L7477/2001/9 and is also classified as an abattoir under the *Environmental Protection Regulations 1987*. The current licence was granted by DER in January 2016 and expires in January 2021, which stipulates that onsite production should not exceed 50,000 tonnes annually.

The Inghams facility operates in a similar fashion to the Steggles facility, with birds temporarily held onsite (indoors) prior to slaughter and evisceration, and wastewater treated onsite (not utilising open treatment ponds) and solid waste exported offsite for disposal.

The facility is located adjacent to residential lots, with sensitive land uses occurring within 60 m of the facility. The DER license outlines that the facility has a history of public odour complaints given the proximity of residential dwellings abutting the site, however in the majority of recent complaints the facility was not confirmed by the DER to be the source of the nuisance odour. It is our understanding that whilst a number of complaints have been received over the lifetime of the facility the rate of complaints has reduced since the implementation of a range of odour control measures to date, including:

- Infrastructure improvements such as installation of enclosed (indoor) bird receipt area and automated live bird handling system, improvements to building floor walls and ceilings, in addition to upgrades to the air extraction system.
- Operational improvements such as agitation of balance tank contents to avoid anaerobic conditions, the use of negative pressure and deodoriser sprays to the live bird holding area, only holding birds for a short period of time prior to slaughter, ceasing onsite parking of live bird trucks, forklifts and equipment, the use of misting deodoriser in stacks prior to discharge to air, compressed and sealed storage of solid waste in industrial bins prior to removal by

licensed waste operators daily, regular offsite disposal of contents in offal bins, and the implementation of a daily weather monitoring program to measure wind direction, wind speed and temperature at 8 am, 12 pm and 4 pm at an onsite weather monitoring station to help in validation or investigation of any complaints.

Inghams have previously engaged an odour consultant to undertake an odour audit and a dispersion modelling assessment of the facility. *Inghams Enterprises Pty Limited Odour Audit and Dispersion Modelling Assessment, Final Report, February 2008* was subsequently prepared by The Odour Unit, which considered the key odour sources at the facility to include the wastewater treatment building, effluent holding tanks, bird receival area, scaling operations, offal hopper and the blood tank. The investigations determined that odour emissions from the premises were likely to impact on the surrounding area within an **average** radius of 325 m, however the extent of the modelled odour plume varied dependent on the direction from the facility, given the impact of prevailing wind conditions on the dispersion of airborne odours.

The DER license stipulates one improvement condition for the facility, which requires Inghams to produce and submit an Odour Management Plan to the DER, prior to July 2016, which should detail onsite odour sources and the emission risk of each source, an odour emission monitoring strategy including parameters, corrective actions to be implemented as required, procedure to evaluate effectiveness of corrective actions and the identification of improvement measures (if necessary) to minimise odour emissions from the premises, including an implementation proposal.

Summary of poultry processing facilities

Both facilities have been operating in the area for a number of decades and there is no information to suggest that operations will cease in the near future. The operations of both facilities have the potential to generate offsite odour emissions which could be considered offensive by nearby sensitive land uses. Notwithstanding this, the extent to which these operations could produce such emissions is significantly reduced given the absence of open treatment ponds for operational wastewater, which are typically associated with heightened odour production given their anaerobic function. Furthermore, it is our understanding that significant investment has been made by both operators to improve infrastructure and the operational procedures of each facility, in order to ensure offsite odour emissions are minimised wherever possible. Further measures to reduce offsite odour impacts are also being implemented through the environmental regulatory process, specifically the imposition of improvement measures through DER operating licences.

Whilst it is acknowledged that both facilities undertake operations with the potential to produce nuisance odours and further improvement measures are unlikely to completely alleviate this risk, the extent to which these odours may impact upon nearby sensitive land uses is likely to be dependent on the direction of the receptor relative to the odour source given the influence of prevailing weather conditions on odour dispersion. Some site-specific odour dispersion modelling has been undertaken to date on behalf of Inghams (The Odour Unit 2008), however additional investigations could be undertaken to gain a detailed understanding of the where potential offsite odour impacts are likely to be experienced surrounding both facilities.

The management of offsite odour impacts from the two facilities when applied to the proposed amendment should be considered in the existing environmental and planning framework, specifically policies and guidance relating to the separation of industrial and sensitive land uses, discussed further below.

Land use separation policy framework

SPP 4.3 Poultry Farms Policy

As discussed in the TPG submission, the Amendment Report (WAPC 2015) states that the imposition of the 500 m buffer and associated "Urban Deferred" zoning from the poultry processing facilities has been applied through the provisions of *Statement of Planning Policy 4.3 Poultry Farms Policy* (SPP 4.3). This application of SPP 4.3 is incorrect in this instance, as the two poultry processing facilities do not meet the definition of a "poultry farm" as set out in SPP 4.3, which defines a poultry farm as "*land and buildings used for rearing or keeping of poultry for breeding, commercial egg production or commercial meat production.*"

Poultry farms are typically characterised by large rural or agricultural operations which are open to the surrounding ambient air, within which large numbers of birds are kept and reared for extended periods. The high concentration of birds within poultry farms produces large volumes of organic waste within rearing sheds, which is typically left to accumulate and decompose onsite and is the primary source of offensive odours.

The two poultry processing facilities relevant to the amendment cannot be considered to represent poultry farms given;

- The nature of the two processing facilities are fundamentally different to poultry farms. Birds are only received and temporarily held at both processing facilities for a short period of time prior to slaughter and are not kept for any extended period, nor are they reared onsite. Furthermore, all organic waste generated is frequently collected for disposal offsite and is not left to decompose onsite.
- The infrastructure of the two processing facilities is fundamentally different to poultry farms. Both processing facilities utilise enclosed (indoor) bird receipt and temporary storage areas, which are kept under negative-air pressure conditions, as opposed to the use of open-air sheds at poultry farms which do not utilise such controls to minimise odour emissions.

In consideration of the above and in support of the position outlined in the TPG submission, SPP 4.3 is not considered applicable to the amendment and any required buffer considerations should be applied through *Statement of Planning Policy 4.1 State Industrial Buffer Policy* (SPP 4.1).

SPP 4.1 State Industrial Buffer Policy

As discussed in the TPG submission, SPP 4.1 outlines the role of the EPA in the consideration of buffers pursuant to SPP 4.1 when making a determination on whether a scheme requires formal assessment under Section 48A of the *Environmental Protection Act 1986*.

The WAPC sought preliminary comment from the Office of the EPA (OEPA) prior to the initiation of the amendment, which at that stage did not propose any portion of the amendment area to be rezoned "Urban Deferred" and instead proposed these areas to be included in the "Urban" zone. The preliminary advice provided by the OEPA to the WAPC in May 2014 stated that, based on the information provided to them by the WAPC, the proposed MRS amendment would not raise any significant environmental issues which could not be adequately managed through detailed planning processes, and on that basis did not raise any objections to the proposal.

The amendment was subsequently initiated by the WAPC (which then included the currently proposed "Urban Deferred" zoning) and the scheme was referred to the EPA in accordance with Section 38 of

the *Planning and Development Act 2005* to determine whether formal assessment of the scheme under Section 48A of the *Environmental Protection Act 1986* was required. In May 2015, the EPA advised the WAPC that the scheme should not be assessed and did not provide any advice.

EPA Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses and DER Draft Guidance Statement Separation Distances

EPA Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses (EPA Guidance Statement No. 3) (EPA 2005) provides advice regarding the recommended generic separation distances between sensitive and industrial land uses. Being generic, these recommended distances do not take into account any site-specific considerations, which may be considered by relevant authorities to further refine generic separation distances and potentially result in reduced or increased separation distances.

EPA Guidance Statement No. 3 recommends a generic separation distance between 500-1000 m, dependent on size, between abattoirs and sensitive land uses. A revised draft version of this policy was recently released in September 2015 and recommends a generic separation distance of 500 m for abattoirs without wastewater treatment ponds and 1000 m for abattoirs with onsite wastewater treatment ponds.

Draft Guidance Statement Separation Distances (DER 2015) provides guidance on the recommended distances to separate prescribed premises (as identified under the *Environmental Protection Regulations 1987*) and their emissions from sensitive land uses. The guidance statement recommends a generic separation distance of 500 m for sensitive land uses from abattoirs without wastewater treatment ponds.

In consideration of the available environmental policy and guidance framework, a recommended generic separation distance of 500 m is applicable to the existing poultry processing facilities. EPA Guidance Statement No. 3 emphasises that these recommended separation distances are generic in nature, and do not take into account site-specific factors such as the scale of the operation, plant processes and emission controls, storage of raw material and waste, local wind patterns and topography (EPA 2005). EPA Guidance Statement No. 3 outlines that the most effective mechanism to determine an appropriate site-specific separation distance would be the undertaking of a sound site-specific technical analysis, which considers all of the above factors. Given the broader planning context, the undertaking of site-specific technical investigations is considered the most appropriate mechanism to determine a suitable land use separation distance for the two facilities, as opposed to the application of a generic recommended separation distance.

Management of potential odour emissions

Emerge Associates support the alternative proposal outlined in the TPG submission to include the portion of the amendment area currently identified for the "Urban Deferred" zone in the "Urban" zone, with the management of offsite odour impacts from the poultry processing facilities managed through structure planning and subsequent stages of the statutory planning process.

It is considered likely that the intensity of intrusive odours emitted from both facilities would vary dependent on the direction relative to the odour source, with prevailing south-westerly (winter) and easterly (summer) winds being a significant factor in odour dispersal. As such, a non-uniform land use separation distance may be suitable for the amendment area (as opposed to a uniform generic 500 m

separation distance), however onsite site-specific technical investigations would be required to confirm this and to delineate a suitable land use separation distance.

We recommend that undertaking a site-specific technical odour impact assessment is the most appropriate mechanism to determine a suitable site-specific separation distance between industrial and sensitive land uses, as outlined in EPA Guidance Statement No. 3. These investigations would rely on a sound methodology, and EPA Guidance Statement No. 3 recommends that this should generally include consideration of the nature and level of the possible emissions from the industry, the site context, predicted impacts, acceptable criteria, and proposed management (EPA 2005).

It is our understanding that odour dispersion modelling is generally not supported as a reliable technical methodology to inform the delineation of a suitable separation distance from an odour source, and as such the undertaking of site-specific field-based odour intensity monitoring is likely to be required.

This typically involves a panel of qualified field technicians observing odours at a number of pre-determined locations around a known odour source, with observations made frequently over an annual period. Such methodologies are based on German Standard VDI 3940 and allow for the determination of the odour impact range downwind from an odour producing facility. This provides a robust understanding of actual off-site odour impacts from a known odour source and can therefore be used to delineate a suitable land use separation distance between the odour source and sensitive land uses.

The DER are currently preparing draft guidelines on the assessment of air quality with regard to odour, which would be considered during the preparation of a suitable methodology of any future technical investigations. Any such methodology would be communicated with relevant assessing and decision making authorities to ensure its suitability.

The undertaking of any technical odour investigations does not require the establishment of an "Urban Deferred" zone and can be undertaken as part of the structure planning process, which amongst other benefits, will allow for the implementation of a non-uniform land use separation distance, should this be determined to be appropriate. Furthermore, the proposed "Urban Deferred" zone incorporates a large number of landholdings, which would raise significant complexities regarding the coordination and cost-sharing arrangements of any site-specific technical odour investigations undertaken, essentially removing any possibility of this course of action being undertaken.

Summary and closing

Desktop environmental investigations undertaken by Emerge Associates have identified two operational poultry processing facilities as occurring in proximity to the amendment area, and it is our understanding that an "Urban Deferred" zone is proposed for areas within 500 m of these facilities. Whilst it is acknowledged that both facilities have a record of historic public complaints relating to odour, the operations of both facilities are regulated under licenses issued pursuant to Part V of the *Environmental Protection Act 1986* and both facilities have implemented a range of operational and infrastructure upgrades to date in order to minimise onsite odour production and any associated offsite impacts. On this basis, Emerge Associates recommend that the entirety of the amendment area be included in the "Urban" zone and that any issues relating to the management of the impacts of odour on sensitive land uses can be suitably addressed through future stages of the planning process, as opposed to the implementation of an "Urban Deferred" zoning. Specifically, suitable land use

separation distances between the poultry processing facilities and sensitive land uses can be determined through the undertaking of a site-specific, field-based, odour monitoring assessment to support the structure planning process.

Yours sincerely
Emerge Associates

A handwritten signature in blue ink, appearing to read 'J. Hick', with a stylized flourish at the end.

Jason Hick
DIRECTOR, PRINCIPAL ENVIRONMENTAL CONSULTANT

cc: None

Encl: None

Enquiries to: Stephen Schreck (9273 6556)
Policy & Place

Our Ref: SC1684 / D16/21991



CITY OF VINCENT

18 March 2016

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir/Madam,

**PROPOSED METROPOLITAN REGION SCHEME (MRS) AMENDMENT 1291/41 –
HERDSMAN-GLENDALOUGH PRECINCT**

Thank you for allowing the City of Vincent to make a submission on the abovementioned MRS Amendment.

Administration is generally supportive of the proposal to rezone land within the Herdsman-Glendalough precinct to Urban, Urban Deferred and Central City Area, particularly given its proximity to the Glendalough train station and the potential for the site to develop as a Transit Oriented Development.

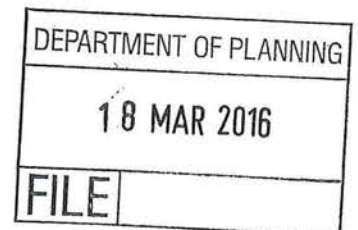
The Amendment documentation states that the Department of Transport is undertaking a study to ensure that the existing transport infrastructure is adequate to accommodate current and future traffic and public transport demands. Administration recommends that this work be completed prior to the finalisation of this MRS Amendment to ensure that the wider transport network is able to accommodate any impacts.

The City wishes to be informed and consulted on any future rezoning in the Herdsman-Glendalough area and any future reservation of Scarborough Beach Road.

Should you have any enquiries, please do not hesitate to contact Stephen Schreck, Strategic Planning Officer on 9273 6556.

Yours sincerely

Joshua O'Keefe
MANAGER POLICY AND PLACE





Your Ref: 809-2-20-10 Pt 1 (RLS/0536/1)
Our Ref: 9297/15 R359953
Enquiries: Environmental Impact Assessment Officer (08) 9482 7227



Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6000

Metropolitan Region Scheme proposed Amendment 1298/41 Herdsman Glendalough Precinct

Thank you for your letter of 15 December 2015 requesting comment on the proposed amendment to the Metropolitan Region Scheme.

Officers of the Department of Fisheries (the Department) have reviewed the Metropolitan Region Scheme for Herdsman Glendalough Precinct and have no specific comment to make regarding the proposed rezoning.

The Department expects that any future development as a result of these changes will be assessed by the Environmental Protection Authority, if required.

Please contact Carli Telfer on 9482 7227 should you have any queries.

Yours sincerely

Jo Kennedy
Acting General Manager, Aquatic Environment

16 March 2016



Your Ref: 809-2-20-10 Pt 1 (RLS/0536/1)
Our Ref: F-AA-19110/03 D-AA-289882
Enquiries: Vic Andrich 9388 4978

Tim Hillyard
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Attention: Anthony Muscara



Dear Mr Hillyard

PROPOSED MRS AMENDMENT – HERDSMAN GLENDALOUGH PRECINCT

Thank you for your letter dated 11 December 2015 requesting comment from the Department of Health (DOH) on the above proposal.

The DOH has no objection to the amendment provided any developments are required to connect to scheme water and reticulated sewerage as required by the *Government Sewerage Policy - Perth Metropolitan Region*.

Should you have queries or require further information please contact Vic Andrich on 9388 4978 or vic.andrich@health.wa.gov.au

Yours sincerely



Jim Dodds
DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

16 March 2016

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Submission 32

Name Daniel Heymans
(PLEASE PRINT CLEARLY)
Address 25 Cedric Street Stirling Postcode 6021
Contact phone number 9205 8188 Email address daniel.heymans@stirling.wa.gov.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

City of Stirling requesting a hearing as ~~attached~~
attached.

turn over to complete your submission

DEPARTMENT OF PLANNING	
- 5 APR 2016	
FILE	

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours): 9205 ~~8988~~ 8988

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

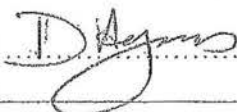
Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature



Date

4/4/2016

Note: Submissions **MUST** be received by the advertised closing date, being close of business (5pm) on **18 MARCH 2016**. Late submissions will **NOT** be considered.



ADMINISTRATION CENTRE
25 Cedric St, Stirling WA 6021
TELEPHONE (08) 9205 8555
FACSIMILE (08) 9345 8822
www.stirling.wa.gov.au

Enquiries: Blake Dickson

20 April 2016

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001



Dear Sir/Madam

**RE: METROPOLITAN REGION SCHEME AMENDMENT 1291/41: HERDSMAN
GLENDALOUGH PRECINCT**

The City of Stirling is writing to make a submission in response to the public advertising of Metropolitan Region Scheme (MRS) Amendment 1291/41. Since 2008, the City jointly funded and collaborated with the Department of Planning, Department of Transport and the Public Transport Authority, on the Scarborough Beach Road Activity Corridor project.

The City has four (4) project areas that make up its portion of the corridor. These are:

- Herdsman Glendalough;
- Stirling City Centre;
- Scarborough Beach Road West and
- Scarborough Beach (delivered by Metropolitan Redevelopment Authority).

The Western Australian Planning Commission adopted the Scarborough Beach Road Activity Corridor Framework in 2013, which outlined an overall vision for the corridor. The Scarborough Beach Road Activity Corridor project will yield a total population of 63,745 with 33,550 dwellings, 82,040 jobs and 1,640,800m² of commercial floor space.

Together, the State Government and the City have invested over \$10 million in the planning of the project. Given that the corridor will become Perth's largest employment area outside of the CBD, the Scarborough Beach Road Activity Corridor project is considered to be not only of State, but also of national significance.

1. Herdsman Glendalough Area

The Herdsman Glendalough section of the Scarborough Beach Road Activity Corridor will make a significant contribution to the intensification of the Metropolitan Area. The area will accommodate approximately 14,000 dwellings, a population of 26,600 people, 1,000,000m² of commercial floor space and 50,000 jobs. The Herdsman Glendalough Area is strategically located between Glendalough Station and the Stirling City Centre. This presents opportunities for future development to take advantage of the currently underutilised Glendalough Station, the amenity of Herdsman Lake, and proximity to Scarborough Beach.

2. Metropolitan Region Scheme Amendment

Following the preparation of the Structure Plan, Local Development Plan and Local Planning Scheme No.3 (LPS3) Amendment No. 39, the City submitted an MRS Amendment Request to the Western Australian Planning Commission on 3 April 2014.

This MRS Amendment request proposed to rezone the 'Industrial' zoned land to 'Urban'. However, the Western Australian Planning Commission has determined to advertise an amended document that has changed a portion of the proposed 'Urban' zone to an 'Urban Deferred' zone to create a 500m buffer around the Steggles poultry processing plant located at 116 Howe Street.

The City opposes this change and asserts that it is not necessary. The City provides the following comments in support of its position.

3. Proposed 'Urban Deferred' Zone

The amendment proposes an 'Urban Deferred' zone within approximately a 500m radius from the Steggles poultry processing facility located at 116 Howe Street Osborne Park. The Steggles facility itself is located outside of the Herdsman Glendalough Structure Plan area.

The City objects to the proposed 'Urban Deferred' zone and requests it is removed from MRS Amendment 1291/41 and replaced with an 'Urban' zone on the following grounds:

3.1 Application of State Planning Policy 4.3 - Poultry Farms Policy

MRS Amendment 1291/41 cites State Planning Policy 4.3: Poultry Farms Policy to justify the application of a 500m buffer and by extension, an 'Urban Deferred' zone surrounding the Steggles facility.

Clause 3 of State Planning Policy 4.3 states that it is to be applied to "all residential and rural-residential development in the vicinity of poultry farms in Western Australia". At the Steggles processing facility, birds are delivered to the site and then immediately processed for human consumption. Poultry is neither reared nor kept on this site and as such, the Steggles processing facility by the definition of State Planning Policy 4.3 is in fact not a poultry farm. Legal advice sought from the City's solicitors has confirmed that the Steggles facility is "*not a poultry farm for the purpose of State Planning Policy 4.3*"

As the Steggles facility is not by definition a poultry farm, the City contends that applying State Planning Policy 4.3 is wrong in law.

3.2 Intention of State Planning Policy 4.3 - Poultry Farms Policy and Impact upon Existing Land Uses

The Policy's intent is to restrict sensitive uses from encroaching on poultry farms in rural areas. In this instance there is no rural land, and the area has been fully developed for over 50 years.

Two (2) poultry processing facilities currently exist in the Osborne Park industrial area and sensitive uses exist in close proximity to both of them. Figure 1 identifies the existing sensitive land uses within the proposed 500m "Urban Deferred" zone. There is a predominance of commercial uses including office and retailing in close proximity of the Steggles facility, and residential land uses in immediate proximity of the Ingham poultry processing facility which is located at 9 Baden Street Osborne Park.

It is the intent of the redevelopment of the Herdsman Glendalough area to see poultry processing facilities either transition out of the area over time or, as is the case with the Steggles processing plant, for the facilities to manage any impact within their site boundaries.

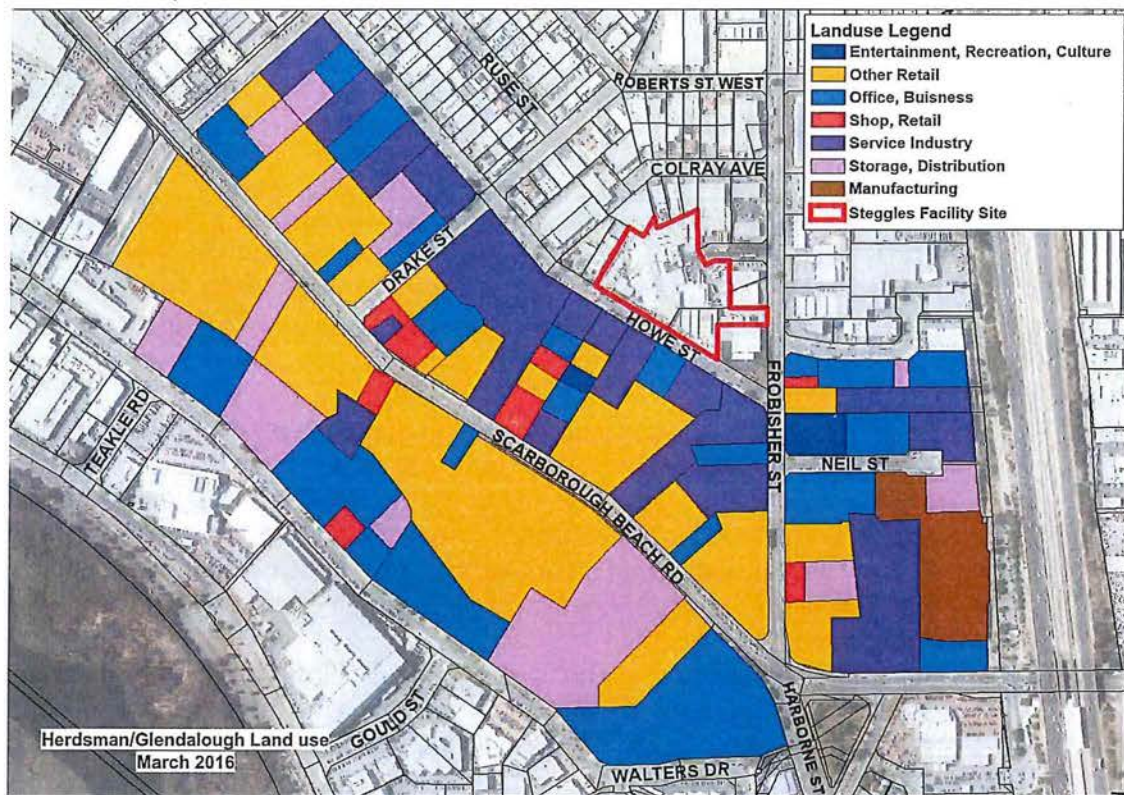


Figure 1: Existing Landuses within the Proposed Urban Deferred Zone

3.3 Proposals for Residential Development in the Vicinity of Poultry Farms under State Planning Policy 4.3

Notwithstanding the City's position that State Planning Policy 4.3 should not apply, Clause 5.4.1 states that in consideration of proposals for the zoning of land for residential purposes (closer than 500 metres to any existing or approved poultry sheds) the Western Australian Planning Commission may require an assessment to show that the operation of the poultry farm will not adversely affect the amenity of the new residents of the proposed residential area. Clause 5.4.1 states that the assessment should include the consideration of the following:

- *The type of poultry farm and odours, dust, noise and other impacts associated with the activities on the site;*
- *Odour impacts having regard to prevailing topographical and meteorological conditions, such as wind speed and direction, and reference to odour dispersal modelling unless exempted by the Commission;*
- *The experiences of nearby residents based on the evidence of complaints (or the absence of complaints) regarding the past operation of the poultry farm including the nature source and frequency of complaints;*
- *Access arrangements including the position of access points for trucks servicing the poultry sheds and the frequency and times of use;*
- *Any other relevant information.*

The MRS Amendment 1291/41 documentation does not indicate how the above factors have been considered in applying the 'Urban Deferred' zone to the Herdsman Glendalough Precinct. Therefore there appears to be no justification or analysis to support the imposition of the 500m buffer/urban deferred zoning. In regards to the criteria contained in clause 5.4.1 of State Planning Policy 4.3 the City of Stirling makes the following points:

- *The type of poultry farm and odours, dust, noise and other impacts associated with the activities on the site;*

The Steggles processing facility is a meat processing facility (i.e. not a farm). This is not a facility in which poultry is reared or kept on site. The City understands that the 500m buffer around a poultry farm is based on the distance of complaints received from these types of establishments in rural outer metropolitan areas. Poultry farms are significantly different to poultry processing plants for the following reasons:

- Birds are kept on farms long term and are contained in open air sheds that allow odours to spread easily to surrounding land uses;
- Poultry manure is stored on farms in the open air and the odour is easily spread to surrounding land uses;
- Poultry processing plants do not keep or rear birds on site;
- Birds delivered to poultry processing plants are moved indoors immediately for processing;
- All short term storage and processing of birds is contained indoors and ventilation systems are designed not to allow the spread of odours to surrounding land uses (as conditioned by planning approvals and building licences);
- The only source of odours is during the arrival of trucks on the surrounding local road network;

The Department of Environmental Regulation has informed the City that they have received 10 complaints relating to odour from the Steggles facility since 2005. Of the 10 complaints one (1) did not provide an address, another gave a street name only (Colray Ave.) with no house number.

The City does not consider this to be a large number of complaints given the 11 year timeframe. Stricter onsite requirements introduced through the Department of Environmental Regulation licencing process could further reduce the amount of complaints received. The location of these complaints is mapped on Figure 2 below. 80% of complaints are less than 100m from the site and most are located downwind from the prevailing south westerly wind.

The Inghams poultry processing facility located at 9 Baden Street Osborne Park is surrounded by residential land uses, some of which abut the site boundary. The majority of land uses within 500m of this site are residential and have coexisted with the facility for some time.

The city therefore believes a buffer less than 500m is warranted in this instance due to the low number of complaints received and the close proximity of all complaints.

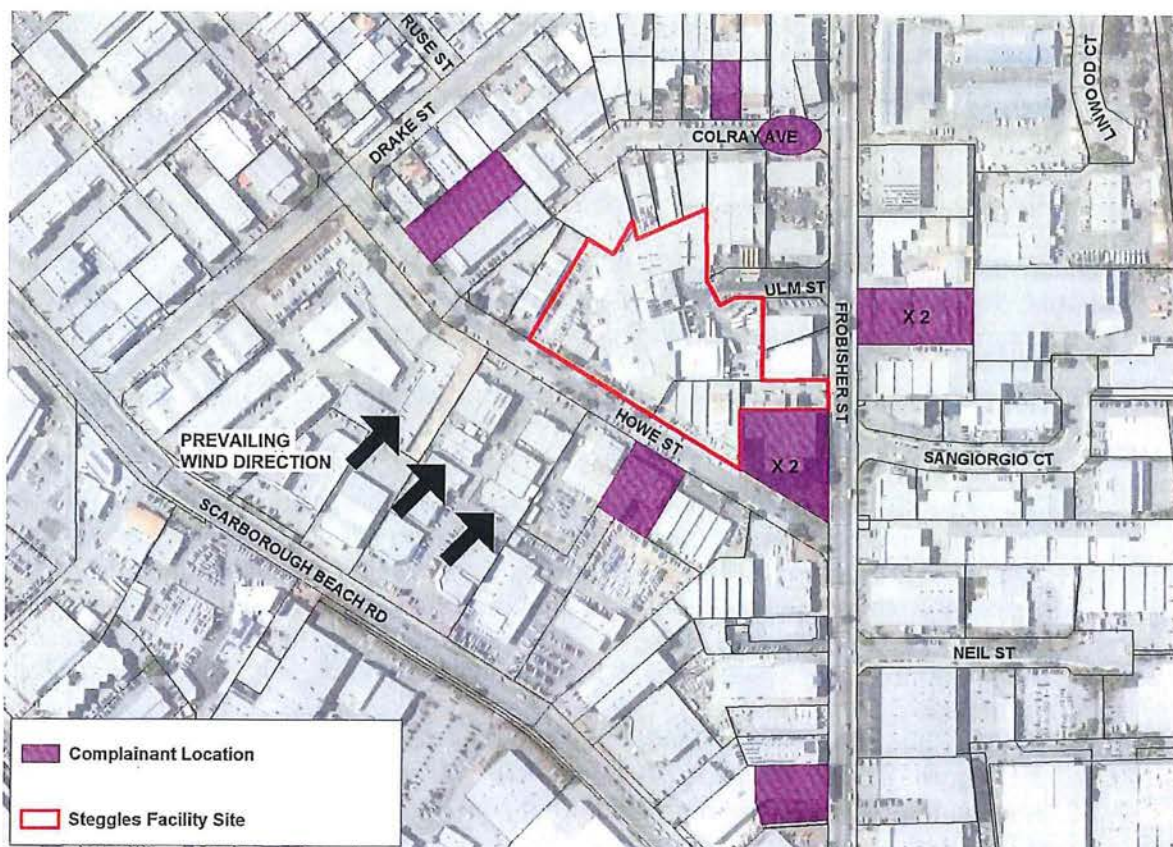


Figure 2: Location of Complaints in Relation to the Steggle's Facility 2005 – 2016. One complaint did not provide an address, One complaint provided a street name only (Colray Ave.) without a house number.

- *Odour impacts having regard to prevailing topographical and meteorological conditions, such as wind speed and direction, and reference to odour dispersal modelling unless exempted by the Commission;*

The prevailing wind direction in the area is from a south westerly direction. The Herdsman Glendalough Structure Plan proposes 'Mixed Use' zoning predominately to the south of the Steggle's site, with Howe Street in fact being the northern boundary of the Structure Plan Area. The prevailing winds blow towards the existing 'Industry' zoned sites to the north, and away from sites in which 'Mixed Use' zoning is proposed.

An analysis of the location of the complaints has shown that only one of the complaints received over the last 11 years is located in any of the proposed mixed use areas. However one of the complaints did not provide an address and hence its location in relation the Steggle's facility is unknown

Under the proposed Herdsman Glendalough Structure Plan, the sites of all but one of the complaints will be located within either the future 'Transitional Industry', the 'Commercial/Business' zone or the remaining 'Industry' zone.

- *The experiences of nearby residents based on the evidence of complaints (or the absence of complaints) regarding the past operation of the poultry farm including the nature source and frequency of complaints;*

As stated above the Department of Environmental Regulation has informed the City that they have received 10 complaints relating to odour from the Steggle's

facility since 2005. All of these complaints were from non-residential sites and under the provisions of the City's Herdsman Glendalough Structure Plan, all but one of these sites will remain in areas where mixed use (i.e. residential) development is not permitted.

3.4 Measures to Reduce the Impact of Poultry Farms under State Planning Policy 4.3

Clause 5.4.2 of State Planning Policy 4.3 states that the applicant for development should demonstrate measures by which any adverse impacts associated with the poultry farm can be addressed. Such measures could include:

- *The identification of buffer zones which can be used for compatible purposes such as industry or public open space;*

The Urban Deferred Zone has been proposed by the Western Australian Planning Commission to act as a 500m buffer between the Steggles facility and sensitive uses. If the Western Australian Planning Commission considers that a buffer is necessary, then the city contends that a 220m buffer could be implemented through Local Planning Scheme 3 Amendment No.39, and the Herdsman Glendalough Local Development Plan which both form part of a local planning Framework.

The City has proposed a 'Transitional Industry' zone, to the south of the site within the City's Local Planning Scheme No. 3 where mixed use (residential) developments will not be permitted. This zone extends approximately 115m south of the Steggles site.

The City will also impose an additional regulation, within the City's Local Planning Scheme No. 3, to require that all residential uses on lots up to 220m from the site will have to orientate away from the Steggles Processing Plant.

The City contends that the 220m buffer would be more appropriate for the following reasons:

- The Steggles facility is not a poultry farm by definition of State Planning Policy 4.3;
- Birds are not kept or reared on the site;
- The facility does not store birds in open air facilities;
- Manure is not stored or kept on site in the open air;
- Birds are processed indoors with planning conditions requiring all ventilation systems to eliminate the impact of odour on surrounding properties;
- that there have been only a small number of complaints, 10 over an 11 year period;
- The majority of complaints are from landowners less than a 100m from the site;
- The majority of complaints are from land owners to the north and east of the Steggles site. These sites are located in the direction of the prevailing wind and are in areas which under the provisions of the Herdsman Glendalough Structure Plan, would remain zoned such that mixed use development is not permitted.
- The majority of the properties where complaints have been received will remain in the 'Industry' zone or will be located in the new 'Transitional Industry' zone or 'Commercial/Business zone (only one property in which a complaint was received from will be located in the 'Mixed Use' zone;

- This will allow for the redevelopment of the area in accordance with the planning framework developed by the City while providing protection for sensitive uses.
- *Orienting the houses away from the poultry farm and establishing landscape buffer screens between proposed housing and poultry farms;*

The City is proposing to introduce an additional buffer by requiring that residential uses associated with mixed use developments are oriented away from the poultry processing facility when located within 220m of the site. This will be introduced into Local Planning Scheme No.3 and the Herdsman Glendalough Local Development Plan is outlined in Figure 3.

- *Establishing suitable fencing to provide a physical barrier between the poultry farm and residences; and*

As stated above, there are existing industrial buildings located between the Steggles site and the proposed 'Mixed Use' zone along Scarborough Beach Road that completely screen the Steggles facility.

- *Staging subdivision and development to enable monitoring of the impacts of the poultry farm prior to releasing land closer to the poultry farm operations for development.*

Development currently exists up to the boundary of the Steggles facility and this includes sensitive uses such as office buildings.

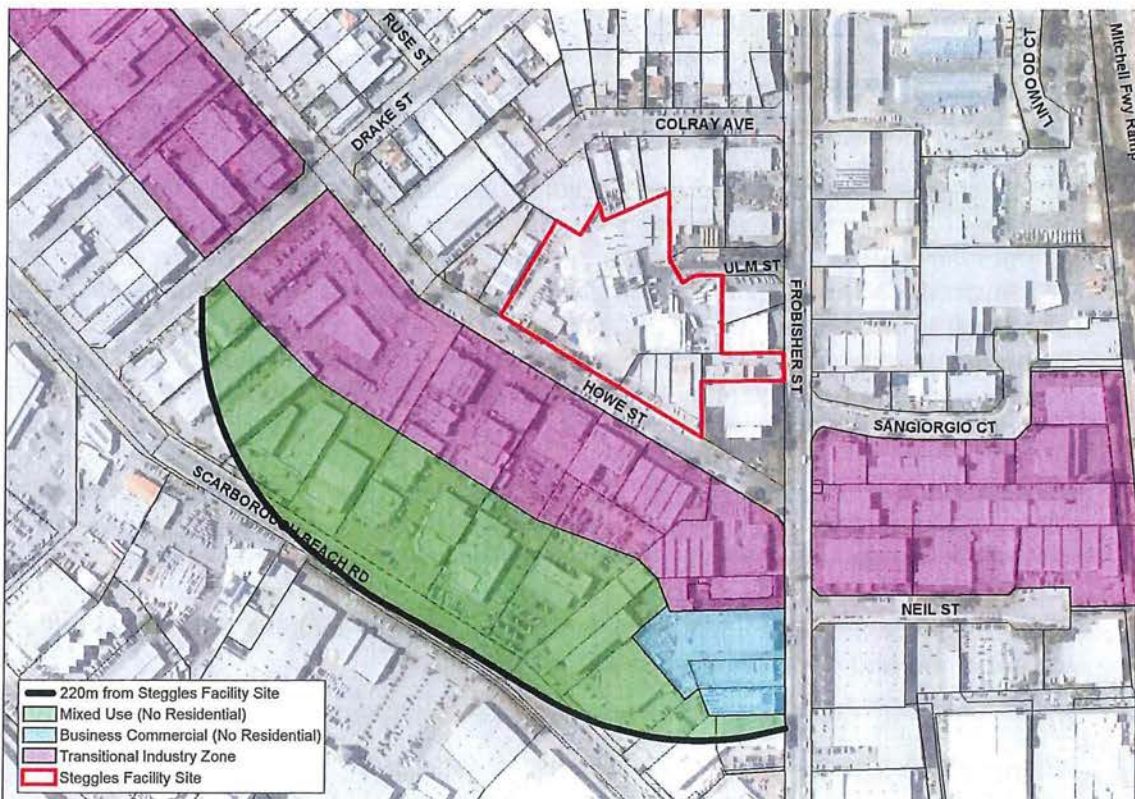


Figure 3: Proposed Buffers from the Steggles Processing Facility

3.5 Office of the Environmental Protection Authority Comment

On 2 May 2014, the Office of the Environmental Protection Authority provided comment to the Western Australian Planning Commission in regards to the City's MRS amendment request for the Herdsman Glendalough Area. An excerpt from this comment states as follows:

The information provided with your letter indicates that the proposed MRS amendment will not raise any significant environmental issues that cannot be adequately managed through detailed planning processes. On this basis, the OEPA has no objection to the WAPC initiating the proposed amendment.

The Office of the Environmental Protection Authority has informed the City that this response was provided in relation to the City's original MRS amendment request which indicated an 'Urban' zoning for the majority of the Herdsman Glendalough Area, including the 500m radius surrounding the Steggles facility.

As such, the City questions why the 'Urban Deferred' zoning has been proposed as part of the advertised document given that the Office of the Environmental Protection Authority has stated that the original amendment proposal did not raise any environmental issues that cannot be adequately managed through alternative processes. The City agrees with the Office of the Environmental Protection Authority and in particular asserts that concerns about the Steggles processing facility, including that of odour, can be managed through alternative planning processes including the Herdsman Glendalough Structure Plan, Local Development Plan or Local Planning Scheme No.3 Amendment No. 39 and licence conditions on the premises issued by the Department of Environmental Regulation.

3.6 Appropriateness of Urban Deferred Zoning

The Department of Planning have advised the City that the following uses, from the Environmental Protection Authority's Guidance Statement No.3, are likely to be prohibited if the proposed 500m 'Urban Deferred' buffer is put in place:

"Land uses considered to be potentially sensitive to emissions from industry and infrastructure include residential developments, hospitals hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings. Some commercial institutional and industrial land uses which require high levels of amenity or are sensitive to particular emissions may also be considered "sensitive land uses". Examples include some retail outlets, offices and training centres, and some types of storage and manufacturing facilities."

However the use of a Metropolitan Region Scheme 'Urban Deferred' zone as a 500m buffer will not actually prohibit any sensitive uses within the proposed buffer area. The Metropolitan Region Scheme does not contain a land use table that prohibits any uses.

Only the City of Stirling's Local Planning Scheme No. 3 contains a land use table that lists permitted and non-permitted uses for this area.

Currently the proposed buffer area is zoned "Industry" under the City's Local Planning Scheme No. 3 and the majority of the sensitive uses listed above are permitted uses.

Therefore the City considers that:

- The area should be zoned 'Urban' instead of 'Urban Deferred';

- The transitional industry zone be included in the City's Local Planning Scheme No. 3, which prohibits residential land uses, within 115m of the Steggles site; and
- An additional clause be included in the City's Local Planning Scheme No. 3 to require that residential uses are not oriented towards the Steggles site.

3.7 Environmental Legislation

The Steggles Processing Plant is licenced under the Environmental Protection Act (1986) by the Department of Environmental Regulation. The licence contains the following condition:

"Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence where the emission amounts to:

- a) pollution;*
- b) unreasonable emission;*
- c) discharge of waste in circumstances likely to cause pollution; or*
- d) being contrary to any written law"*

The Department of Environmental Regulation has the power to enforce penalties of up to \$125,000 for contravention of licence conditions. These conditions have been used to impose odour control on the site.

It is believed that the conditions of the licence could be strengthened further to specifically mitigate any odour issues from the plant. The following condition imposed on the Ingham Processing Plant could also be included on the Steggles Processing Plant.

"The licensee shall ensure that odour emitted from the premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the premises"

3.8 Planning Conditions

A planning approval for the Steggles site was issued by the City of Stirling in 2000 which requires the approval holder to:

"Submit details of pollution control measures which will prevent the emission of exhaust air from the premises"

This condition is intended to prevent unreasonable emission of exhaust air, and therefore odour, from the premises.

3.9 City of Vincent Scheme Review

The City of Vincent adopted Town Planning Scheme No.2 on 18 November 2014 and subsequently forwarded the document to the Western Australian Planning Commission for its approval.

The City of Vincent Town Planning Scheme No.2 proposes a rezoning a number of properties on Scarborough Beach Road, Jugan Street and Brady Street from R-AC2 to District Centre. Each of these properties is within a 500m catchment of the Inghams poultry processing facility at 9 Baden Street Osborne Park. The City of Vincent has informed the City that the Western Australian Planning Commission has not indicated any intention to restrict sensitive land uses within a 500m area of the Inghams facility.

It would be an inconsistent approach if the Western Australian Planning Commission were to approve this rezoning element of the City of Vincent's Town Planning Scheme No.2 without any restriction on sensitive landuses within 500m of the Ingham facility,

whilst proceeding with an 'Urban Deferred' zone surrounding the Steggles processing facility.

3.10 Directions 2031

Directions 2031 identifies the area around Glendalough train Station as a District Centre. This District Centre cannot be realised with the imposition of a 500m 'Urban Deferred' buffer around the Steggles facility to prohibit sensitive uses such as residential, office and retail.

If a consistent approach was taken and an 'Urban Deferred' zone was introduced surrounding the Ingham facility, the District Centre indicated in Directions 2031 would be further jeopardised.

3.11 Directions 2031 - Central Metropolitan Perth Sub Regional Strategy

This document identifies the land around the Glendalough Station (approx. 800m) as a major growth area with up to an additional 1700 dwellings (5th highest growth area in the Central Sub Region). Again, this could not occur with the introduction of an 'Urban Deferred' zone which would ultimately continue the underutilisation of Glendalough Station, and bring the viability of the entire project into question.

Furthermore, the document also states that the Osborne Park industrial area should be transitioned away from the 800m catchment of the Glendalough train Station to allow for residential areas.

3.12 Perth and Peel @ 3.5 million

The Perth and Peel @ 3.5 million identifies an activity corridor between Stirling and Glendalough Activity Centres to accommodate high density residential development. In addition it also identifies land around the Glendalough train Station as an Activity Centre. The imposition of an 'Urban Deferred' zone over the land will prohibit sensitive uses such as residential, office and retail from locating in these locations and as a result significantly undermines the City of Stirling's consolidation plan that has been worked on for the last decade.

3.13 Scarborough Beach Road Activity Corridor Framework

The Western Australian Planning Commission adopted the Scarborough Beach Road Activity Corridor Framework in 2013 and it identifies land around the Glendalough Station as a major area for transit oriented development accommodating up to 8000 residents, 70,000m² of shop retail floor space, and 250,000m² - 300,000m² of office floor space. The imposition of an 'Urban Deferred' zoning in this location would limit future employment opportunities and prohibit residents from locating around Glendalough Station.

3.14 Development Control Policy 1.6 – Planning to Support Transit Oriented Development

This Policy supports the following policy measures:

- Supporting higher residential densities in and around neighbourhood centres, high frequency public transport nodes and interchanges.
- Clustering retail, employment, recreational and other activities which attract large numbers of people in activity centres around major public transport nodes so as to reduce the need to travel, encourage non-car modes and create attractive, high amenity mixed-use urban centres.
- Providing access for all to employment, health, education, shops, leisure and community facilities by locating new development so as to be accessible by foot, bicycle or public transport rather than having to depend on access by car.

It also states that the policy will be applied by the Western Australian Planning Commission when considering Metropolitan Region Scheme Amendments.

The imposition of an 'Urban Deferred' zoning in this location is contrary to these policy measures which aim to provide increased densities and commercial activity around major transit nodes such as Glendalough Station.

3.15 Herdsman Glendalough Structure Plan and Local Development Plan

In 2010 the City of Stirling prepared a concept Structure Plan for the Herdsman Glendalough area. Following on from this the City has prepared a final Structure Plan and Local Development Plan dealing with land use, design and transport issues.

These documents were prepared in consultation with the community where concepts such as land use intensification, mixed use development, improved public transport and activation of the area were all largely supported. Both the Herdsman Glendalough Structure Plan and Local Development Plan were advertised for public comment from 20 January 2015 until 3 March 2014. During this advertising period, no submissions were received in relation to either of the poultry processing facilities in the area.

3.16 Local Planning Scheme No.3 Amendment No.39: Herdsman Glendalough Area

On 18 June 2013, Council resolved to initiate Amendment No.39 to LPS3 to rezone the Herdsman Glendalough Area to 'Development' zone, thus allowing for the application of the provisions of the Herdsman Glendalough Structure Plan and Local Development Plan.

Consent to advertise Amendment 39 was sought from the Western Australian Planning Commission on 23 September 2013 and was granted on 3 August 2015. The document was subsequently advertised for public comment by the City between 28 September and 10 November 2015.

Again, no submissions were received in relation to either of the poultry processing facilities.

4. Herdsman Glendalough Combined District/Local Water management Strategy

Page 4 of the MRS Amendment 1291/41 document makes reference to the Herdsman Glendalough District Water Management Strategy and states that this document has been referred to the Department of Water for approval. Please note that this document was renamed to the Herdsman Glendalough Combined District/Local Water Management Strategy and was approved by the Department of Water on 18 December 2015.

As such the City requests that this section of the amendment document be updated to reflect this approval.

5. Progression Beyond the Herdsman Glendalough Concept Structure Plan

Page 3 of the MRS Amendment 1291/41 documentation cites the Herdsman Glendalough Concept Structure Plan. The work carried out towards the adoption of a formal statutory planning framework for the area has progressed significantly from the Herdsman Glendalough Concept Structure Plan which was adopted by Council in 2011.

As such, the City requests that the MRS Amendment 1291/41 document is updated to include the current status of the Herdsman Glendalough Structure Plan and Local Development Plan as being formally advertised in 2015.

6. Progress of Local Planning Scheme No.3 Amendment 39 – Herdsman Glendalough Area.

The City requests that the MRS Amendment 1291/41 document be updated to make reference to LPS3 Amendment No.39 and its current status as having been formally advertised for public comment.

7. Request for Hearing

The City kindly requests that it present the basis of this submission to a sub-committee of the Western Australian Planning Committee in a formal hearing.

8. Conclusion

The City believes that State Planning Policy 4.3 has been incorrectly applied to introduce an 'Urban Deferred' zone into the Herdsman Glendalough Area. This 'Urban Deferred' zoning will prevent the introduction of mixed used development and greater land use intensity around the underutilised Glendalough Station which is contrary to the City's Growth Management Strategy and the following planning documents:

- Directions 2031;
- Directions 2031 - Central Metropolitan Perth Sub Regional Strategy;
- Perth and Peel @ 3.5 million;
- Scarborough Beach Road Activity Corridor Framework;
- Development Control Policy 1.6 – Planning to Support Transit Oriented Development;
- Herdsman Glendalough Structure Plan and Local Development Plan; and
- Local Planning Scheme No.3 Amendment No.39: Herdsman Glendalough Area.

Given the location of the complaints and the direction of the prevailing wind, the City's view is that any environmental concerns can be adequately managed through other planning processes. This will allow for the vision for the Herdsman Glendalough Area as a high intensity, mixed use transit orientated development to be achieved. An 'Urban Deferred' zone will however jeopardise this vision.

Therefore the City requests that MRS Amendment 1291/41 be modified to change the area proposed to be zoned "Urban Deferred" to "Urban" and that environmental concerns relating to the Steggles poultry processing facility be managed through the provisions of Herdsman Glendalough Structure Plan, Local Development Plan or Local Planning Scheme No.3 Amendment No. 39.



Should you wish to discuss this matter further, please contact Blake Dickson on 9205 8647.

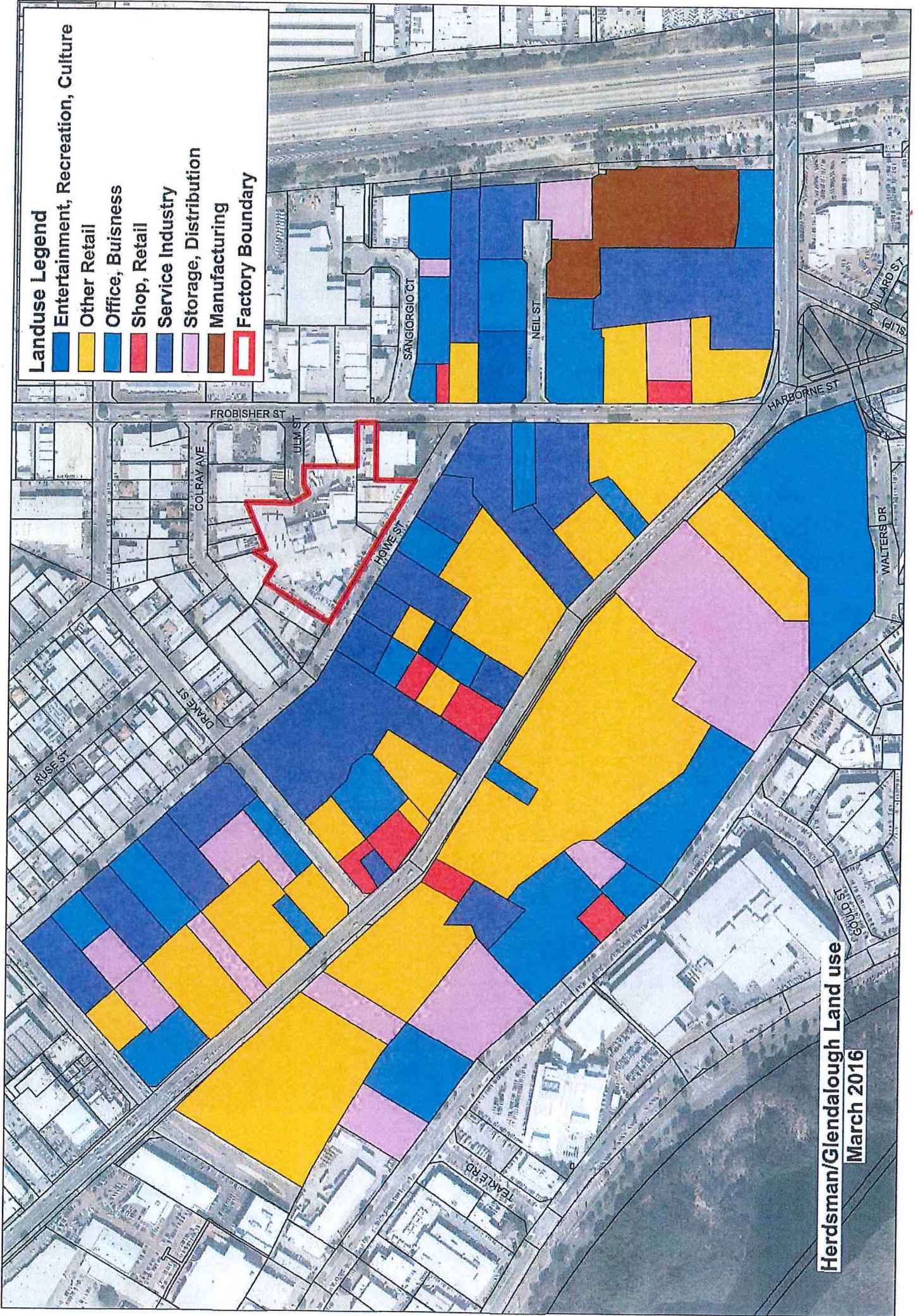
Yours sincerely



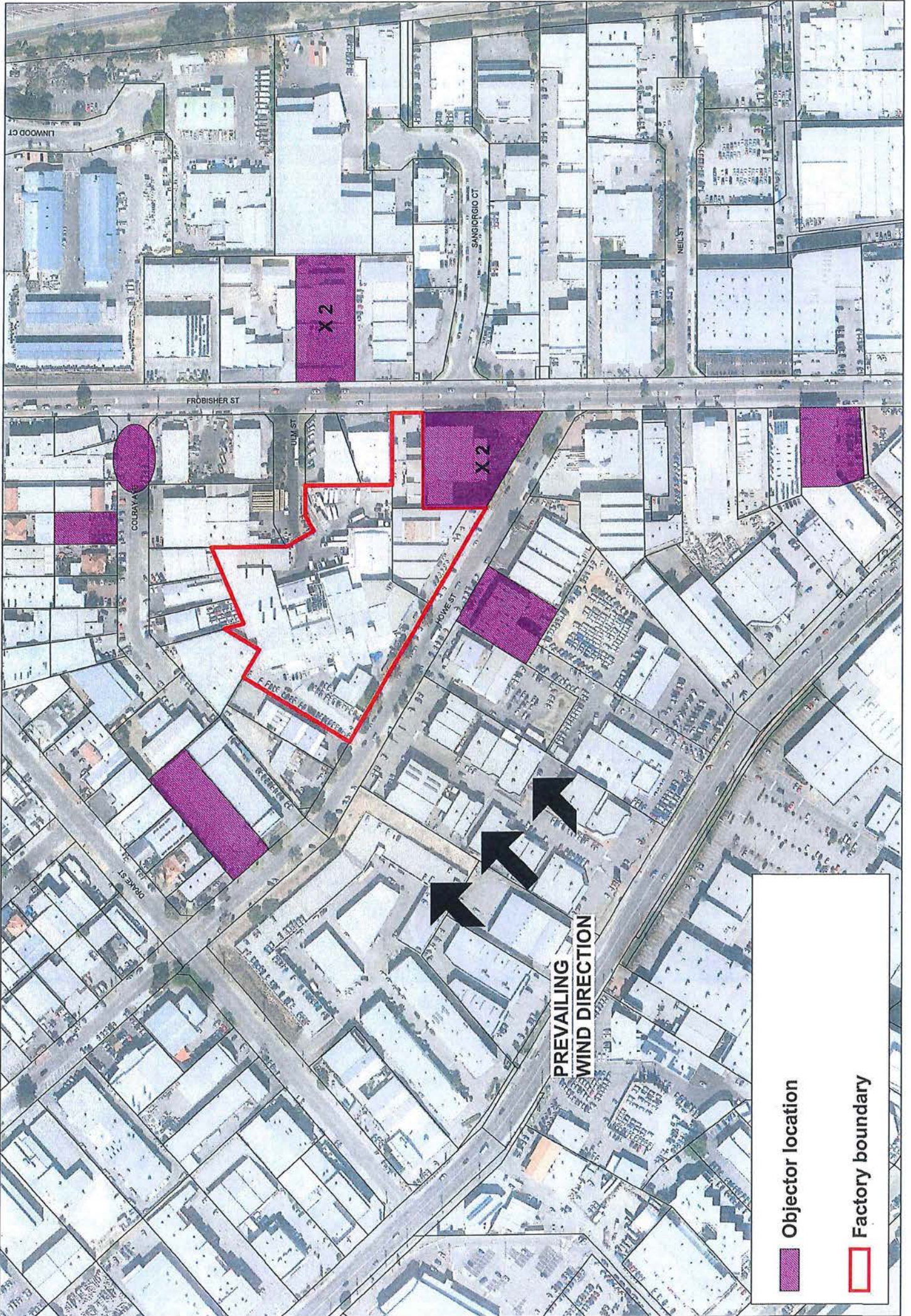
Ross Povey
DIRECTOR
Planning and Development

Landuse Legend

-  Entertainment, Recreation, Culture
-  Other Retail
-  Office, Business
-  Shop, Retail
-  Service Industry
-  Storage, Distribution
-  Manufacturing
-  Factory Boundary



**Herdsman/Glendalough Land use
March 2016**



Objector location

Factory boundary

Mixed Use (No Residential oriented towards factory boundary.

— 220 m from Factory Boundary

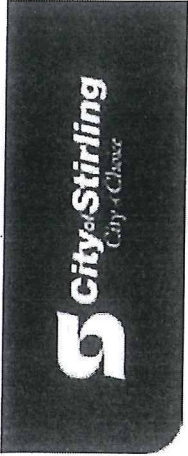
□ Factory Boundary

■ Transition zone (No Residential)

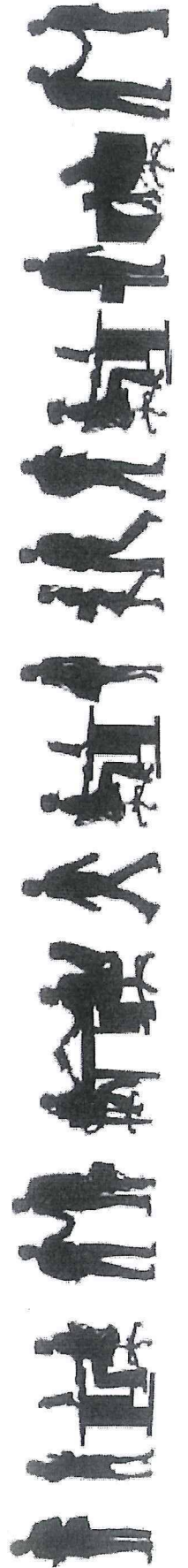
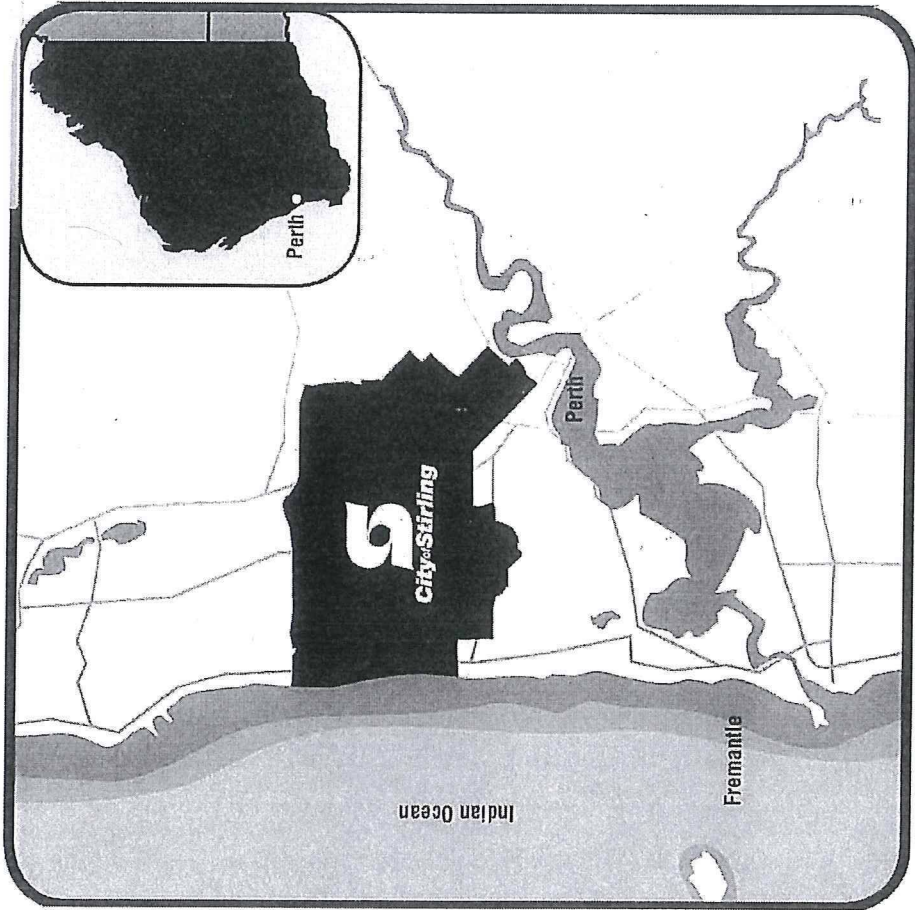
■ Buisness / Commerical (No Residential)



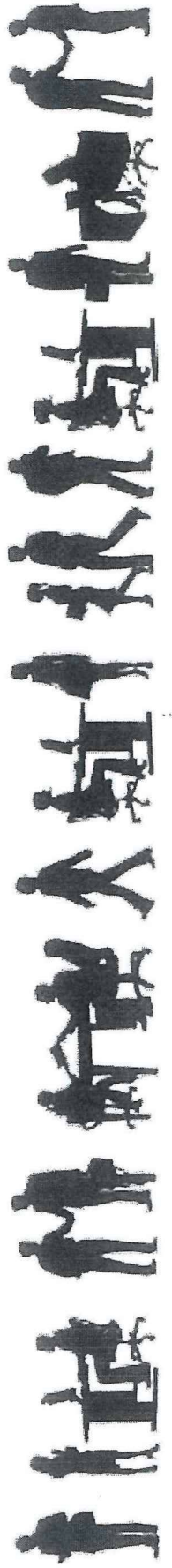
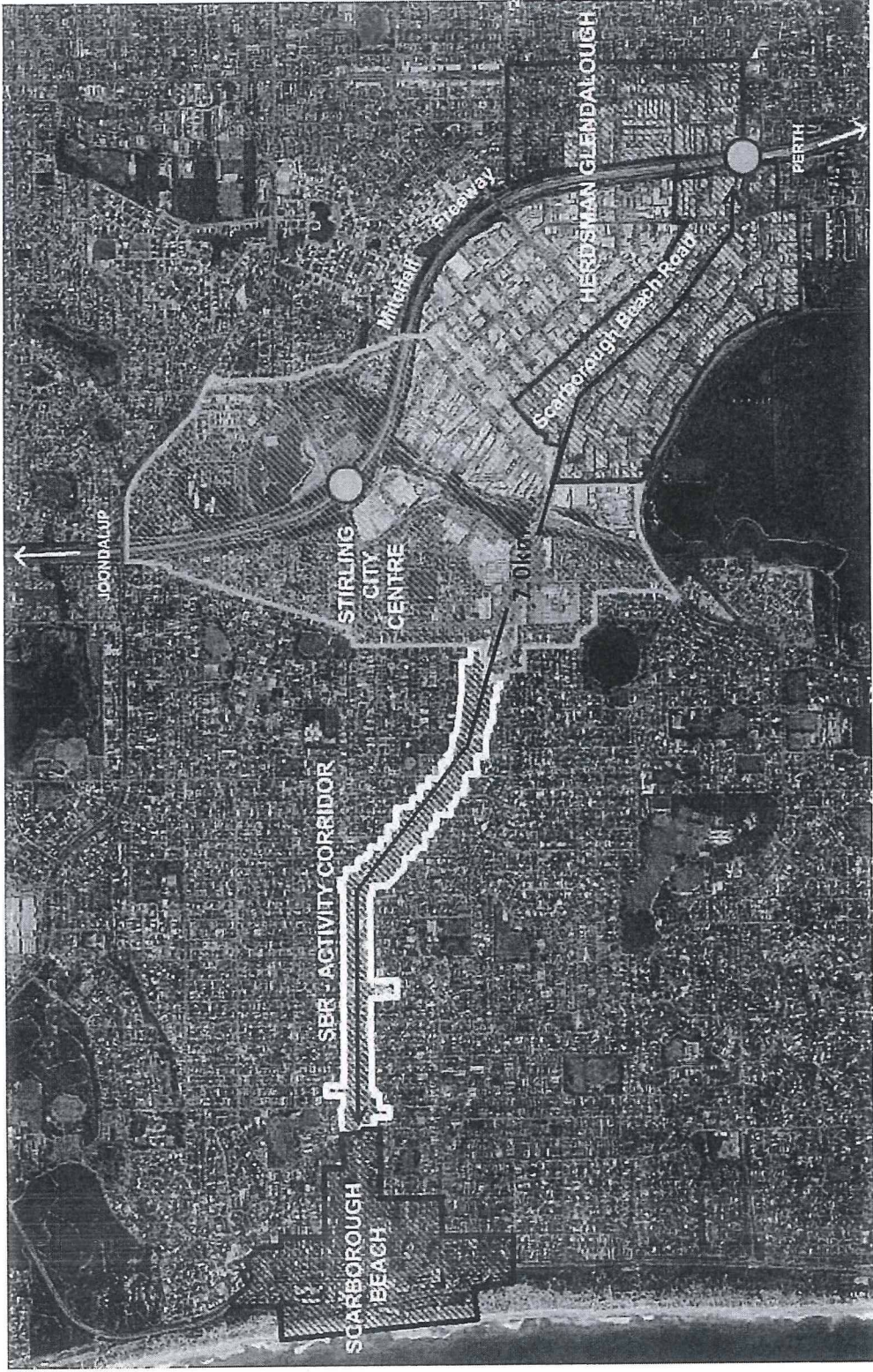
MRS Amendment 1291/41: Herdsman Glendalough Precinct



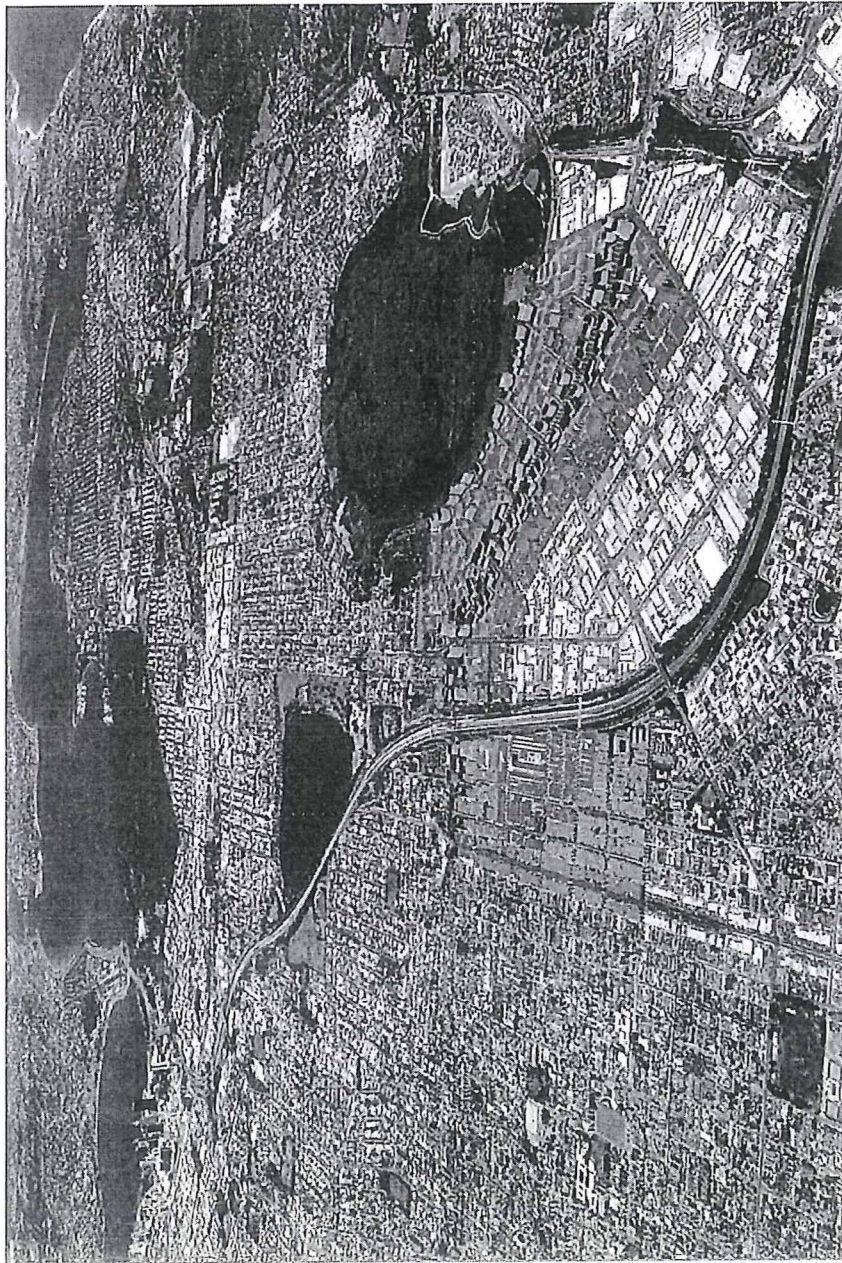
Tabled at the Hearings – 12/9/16 – Sub 32



Scarborough Beach Road Activity Corridor



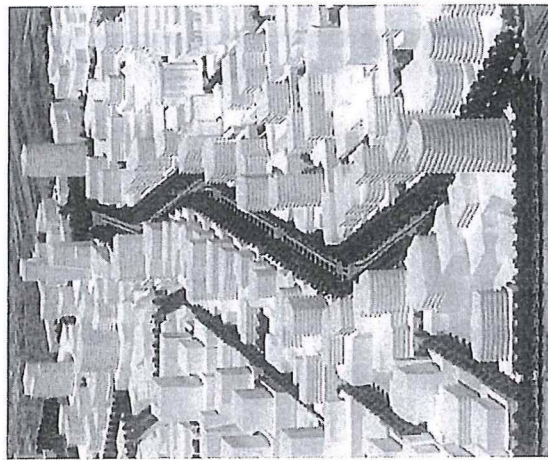
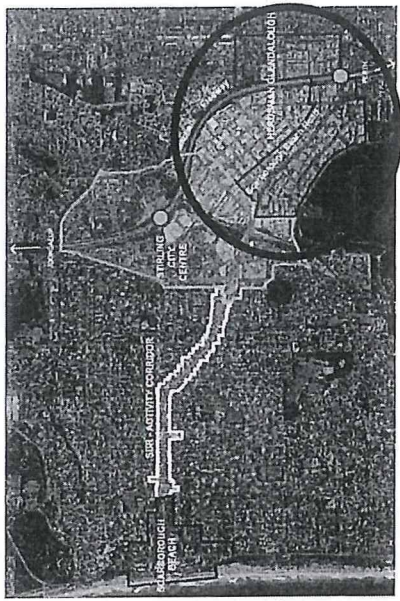
Herdsmen and Glendalough



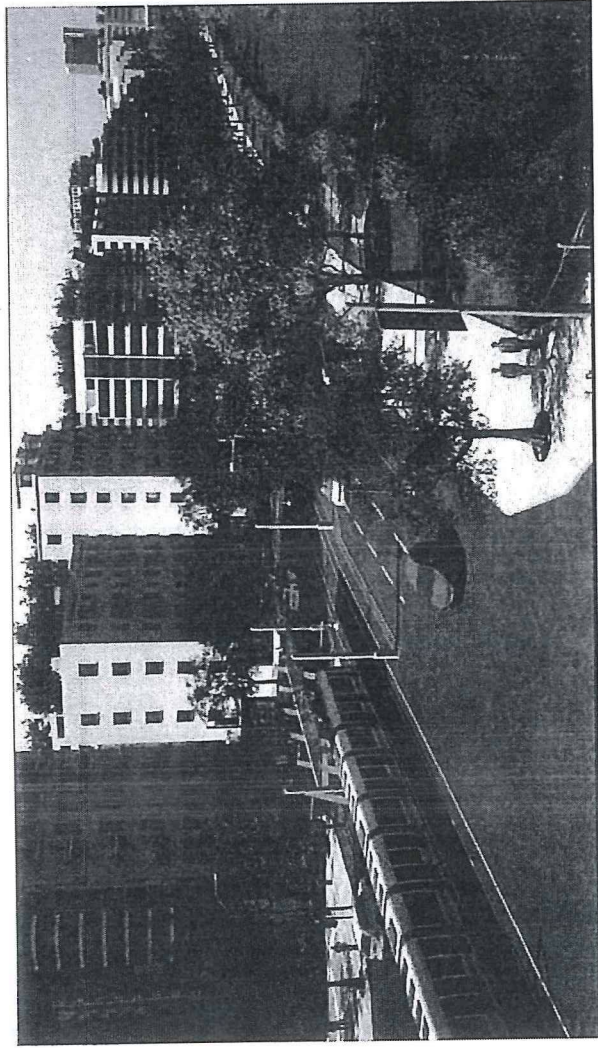
- 218 Ha area
- 26,600 people
- 14,000 dwellings
- 50,000 jobs



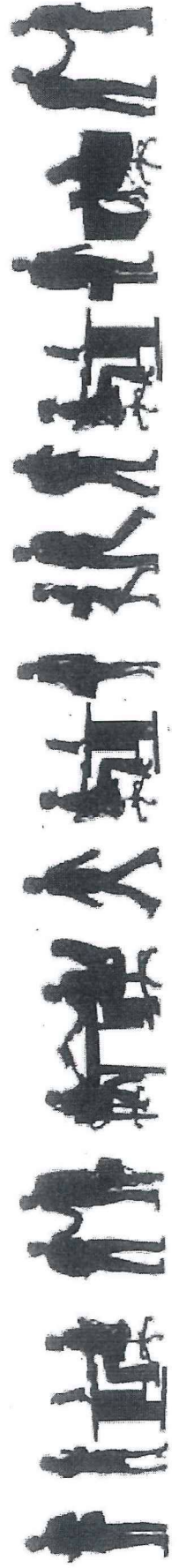
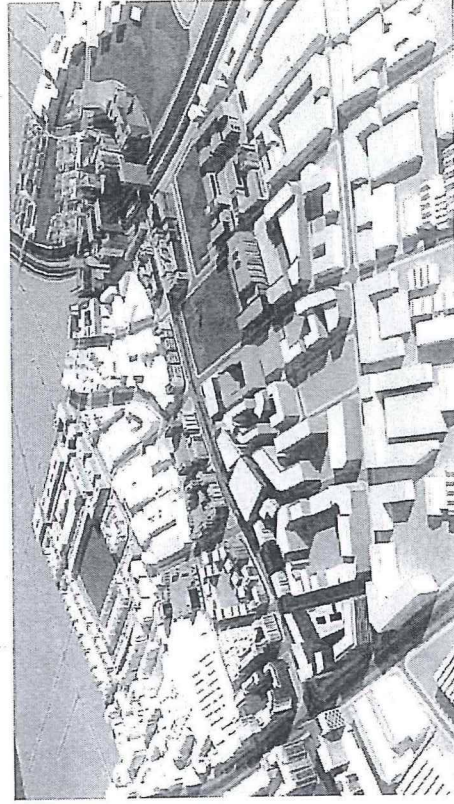
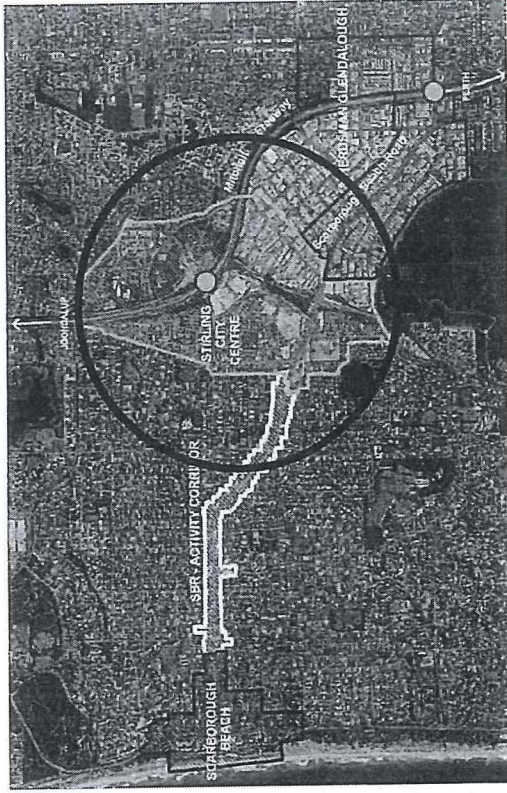
City of Stirling
City of Choice



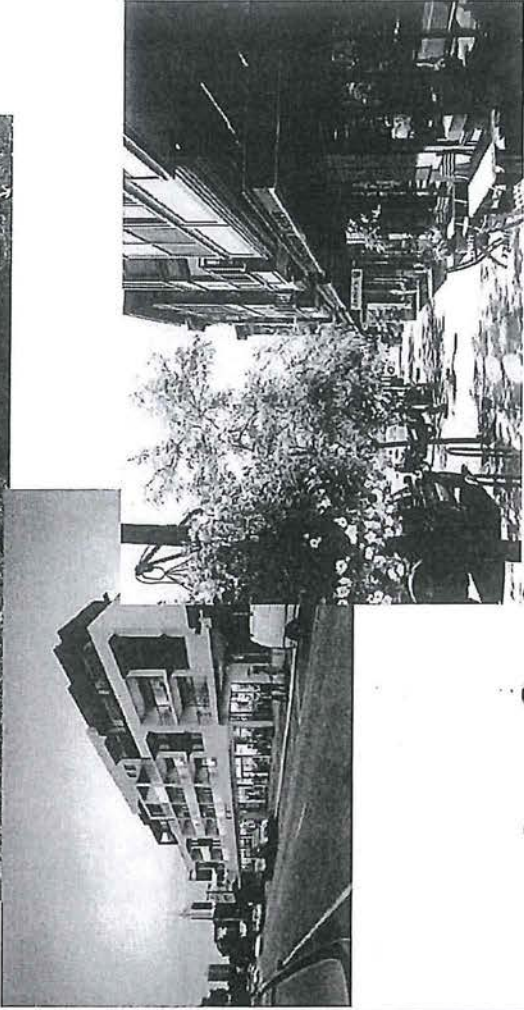
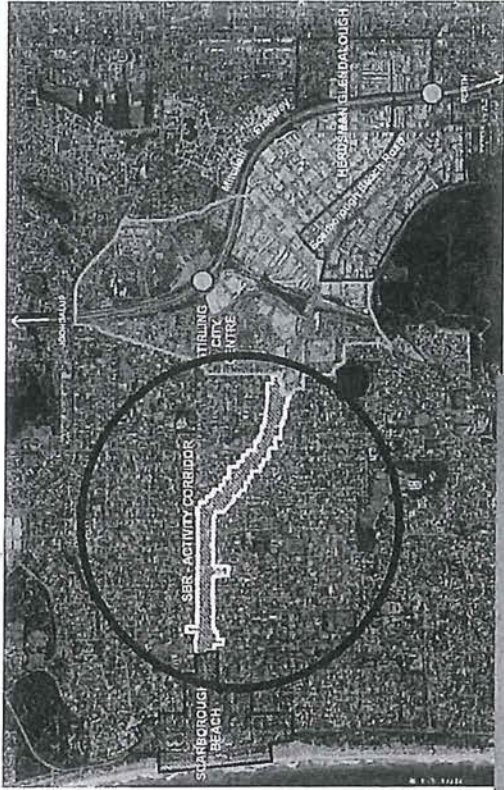
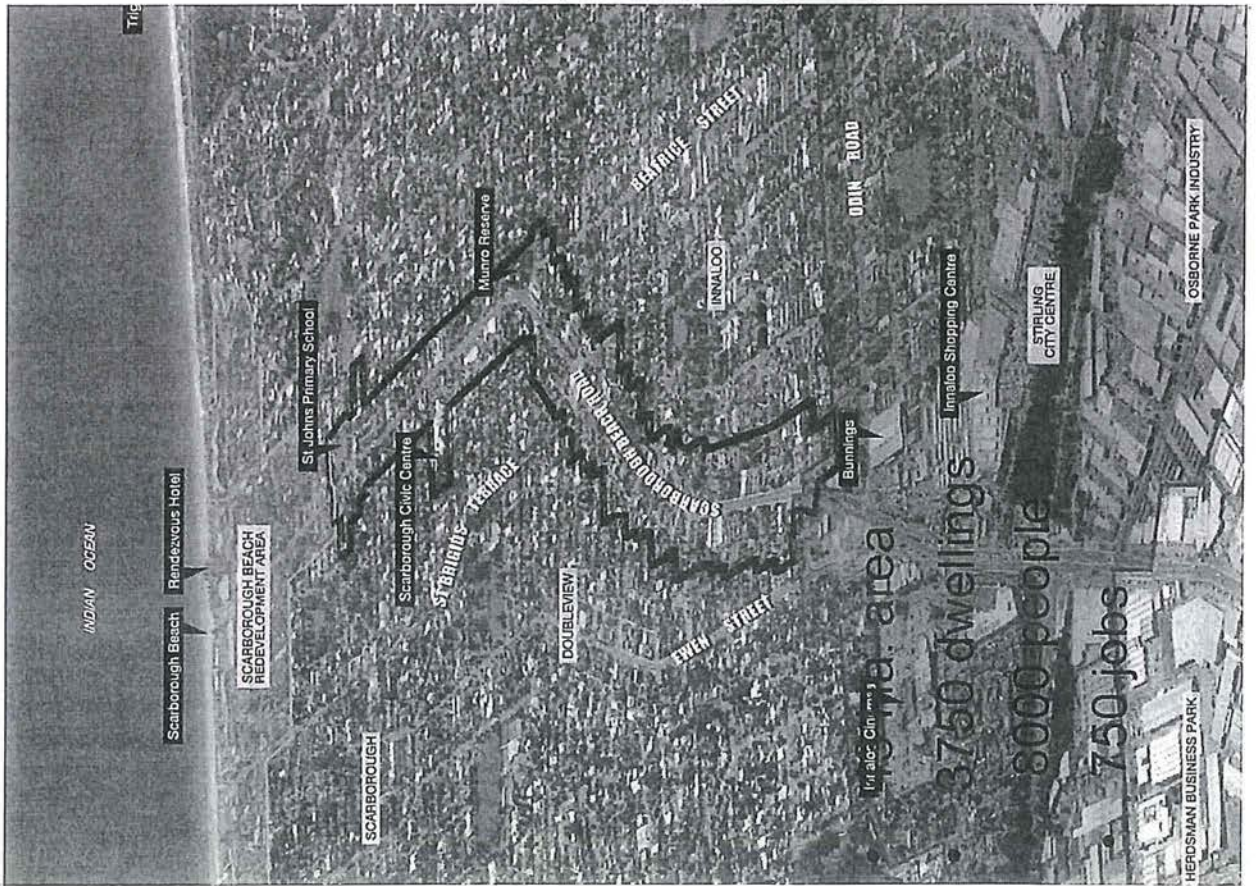
Stirling City Centre



- 355 Ha. area
- 24,700 people
- 13,000 dwellings
- 30,000 jobs

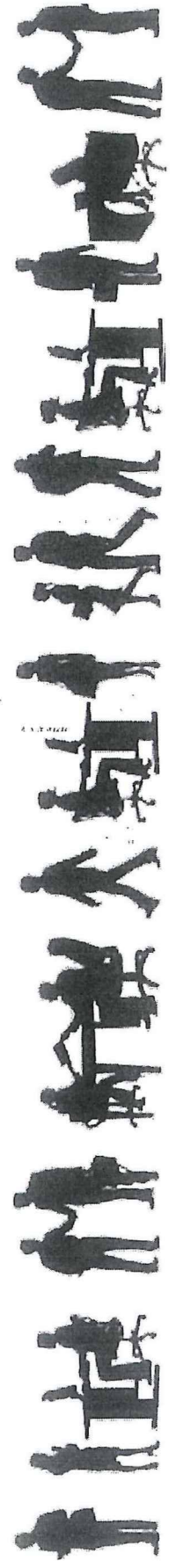


Scarborough Beach Road West



Scarborough Beach Road Activity Corridor

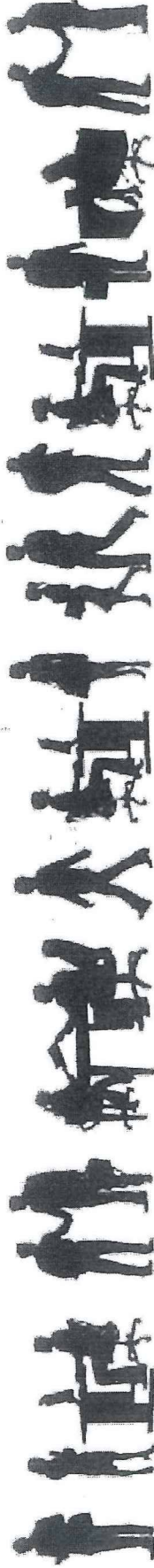
	dwellings	population	commercial (m ²)	jobs	Area (Ha.)
Scarborough	2,850	5,400	26,000	1,300	100
SBR West	3,750	8,000	14,800	750	43
Stirling City Centre	13,000	24,700	600,000	30,000	355
Herdsmen Glendalough	14,000	26,600	1,000,000	50,000	218
Total	33,600	64,700	1,640,800	82,050	716



Herdsmen Glendalough Area Project Background

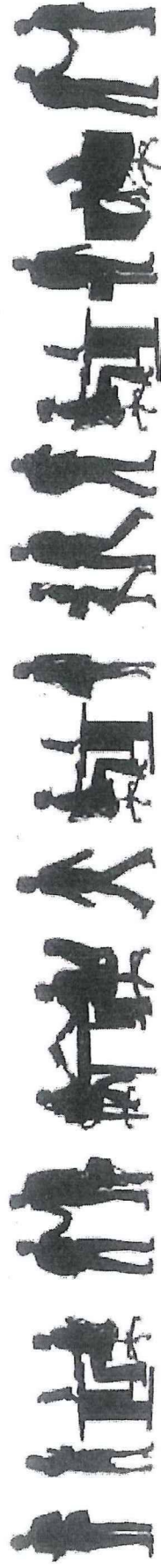


- In 2008 the City of Stirling, the DOP, the DOT and PTA initiated the Scarborough Beach Road Activity Corridor project with Herdsman Glendalough identified as a key node.
- 6 community workshops were held between 2010 and 2013 along with a community open day. In close collaboration with the DOP, a Concept Structure Plan was endorsed by Council in 2011 with a final Structure Plan and Local Development Plan being formally advertised in 2015.
- SBR Activity Corridor Framework adopted by WAPC in 2013. This envisions higher density mixed use development, particularly within 800m of Glendalough Station.
- The Herdsman Glendalough Area will make a significant contribution to the intensification of the Metro Area accommodating approximately 14,000 dwellings, 26,600 people, 1,000,000m² of retail floorspace and 50,000 jobs.
- An MRS amendment was lodged by the City on 3 April 2014 to rezone the area to “Urban”. Advertising for public comment of MRS Amendment 1291/41: Herdsman Glendalough Precinct commenced on 15 December 2015. The advertised document proposed an ‘Urban Deferred’ zoning within a 500m radius of the Steggles Poultry Processing Facility.



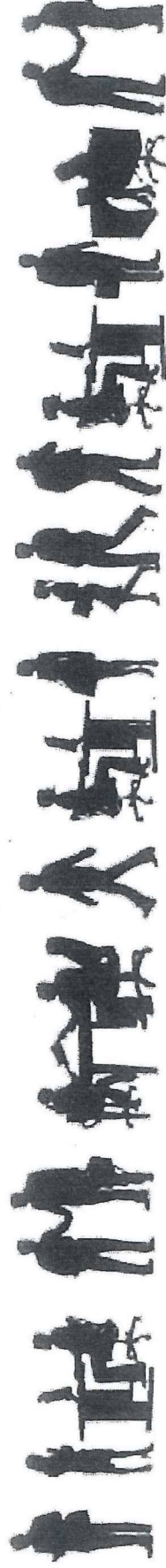
Not a Poultry Farm

- Amendment 1291/41 cites State Planning Policy 4.3 (Poultry Farms) to justify the application of a 500m buffer around the Steggles site.
- Clause 3 of State Planning Policy 4.3 (Poultry Farms) states that the policy is to be applied to “all residential and rural residential development in the vicinity of **poultry farms** in Western Australia”.
- Legal advice sort by the City has indicated that the Steggles facility is **not a poultry farm** for the purpose of State Planning Policy 4.3. The City therefore contends that the application of this policy is inappropriate in this circumstance.

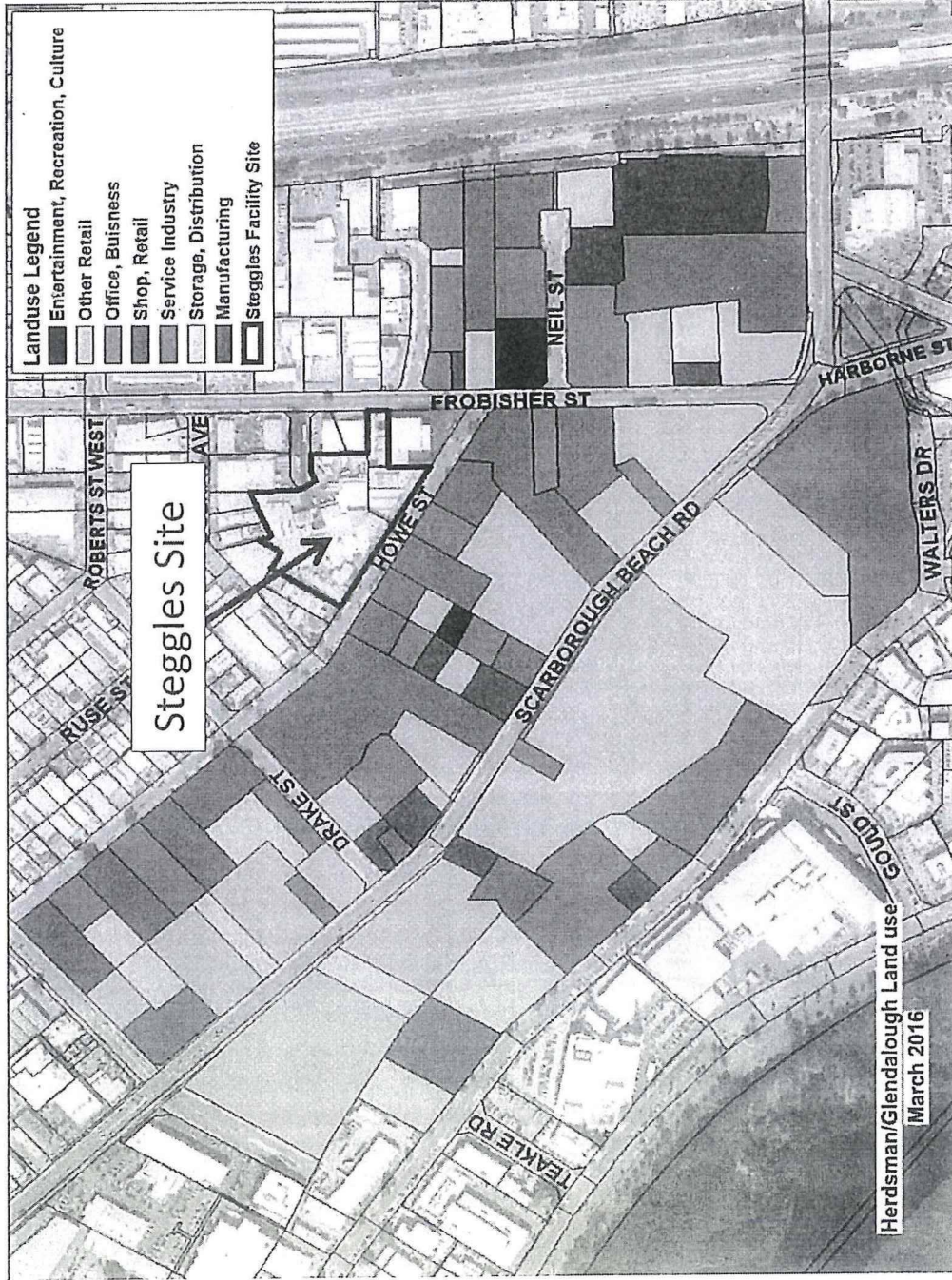


Intention of SPP 4.3

- The intent of the policy is to **restrict sensitive uses** from encroaching upon poultry farms in rural areas.
- There is no rural land within the Herdsman Glendalough Area with the area being fully developed for over 50 years
- Two poultry processing facilities currently exist within the Osborne Park industrial area with **many sensitive uses** currently in close proximity to both, including residential uses immediately abutting the Ingham poultry processing facility.

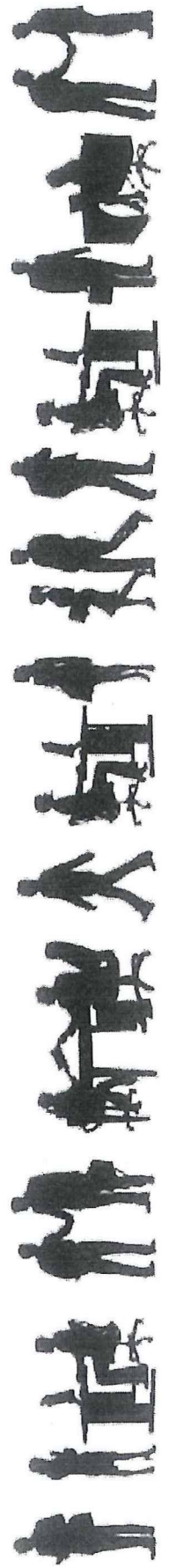


Proximity of Sensitive Uses to Steggles Site



Many sensitive uses currently exist within the 500m buffer of the Steggles site as listed within the EPA's Guidance Statement No.3. These Include:

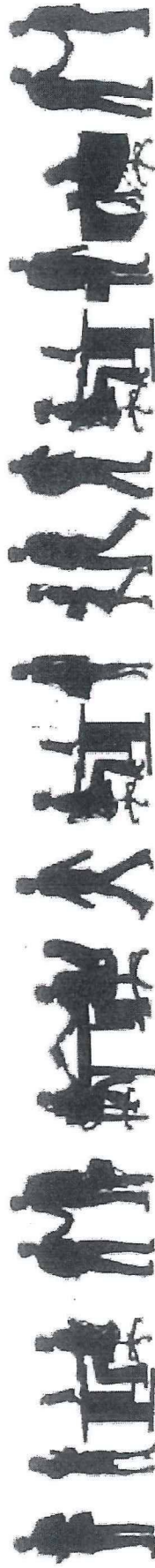
- Retail Outlets
- Public Buildings
- Offices
- Training Centres



Residential Development Considerations under SPP 4.3

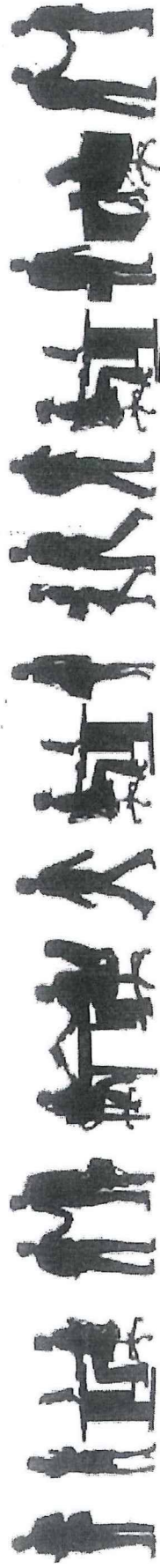
If the WAPC is to consider SPP 4.3 Clause 5.4.1 states that should consider:

- a) The type of poultry farm and odours, dust, noise and other impacts associated with the activities on the site.
 - b) Odour impacts having regard to prevailing topographical and meteorological conditions such as wind speed and direction.
- a) The experiences of nearby residents based on evidence of complaints (or the absence of complaints) including the nature, source and frequency.



Type of Poultry Farm

- The Steggle site is a poultry processing facility not a farm
- On a farm, birds are stored for extended periods in an open aired environment. At the Steggle site, birds are processed within a maximum of 10 hours within an enclosed facility.
- Existing ventilation systems are designed to prevent the spread of odours to surrounding sites

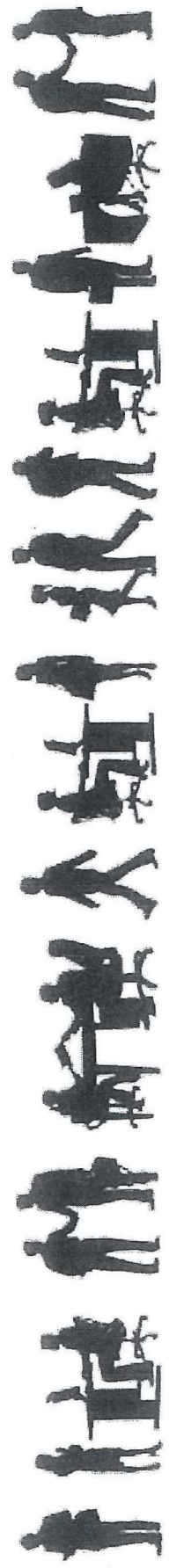
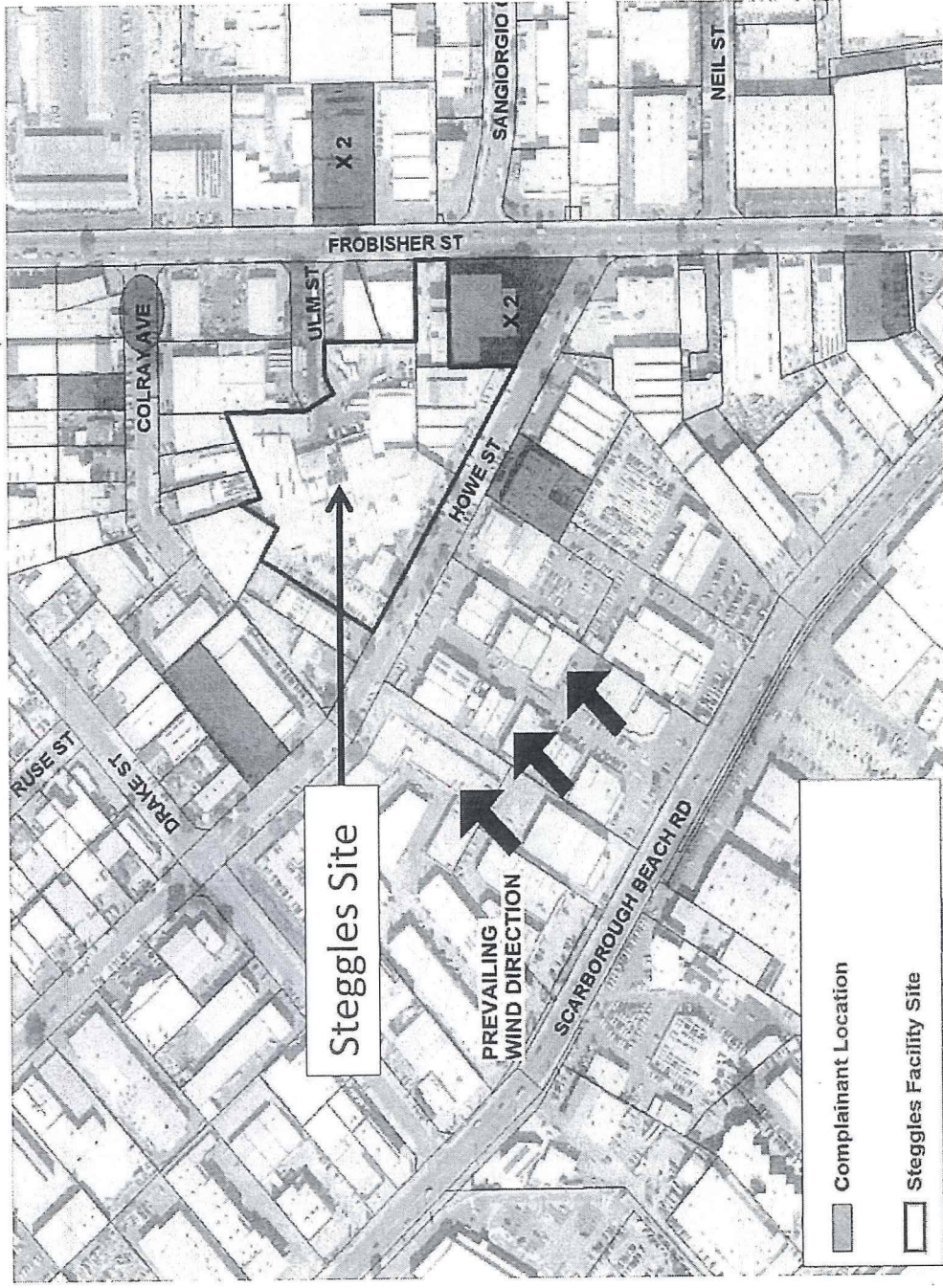


Odour Impacts in relation to wind direction



Prevailing wind is from a south west direction.

All land to the north of the Stegges site is and will remain industrial.

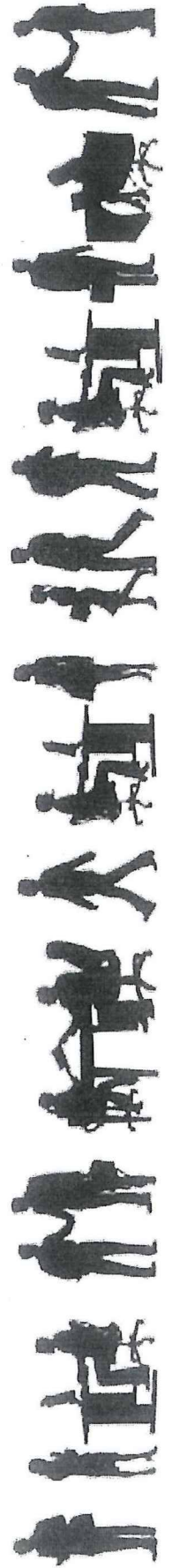


Evidence of Complaints



Only 10 complaints have been received since 2005. This is considered to be minor.

Majority of complaints are from lots which are downwind of the Steggles site



Measures To Address Impacts (Buffer Zones)

Clause 5.4.2 of SPP 4.3 states that the applicant should demonstrate measures to address impacts associated with a poultry farm. These measures include the identification of buffer zones which can be used for compatible uses.

- The City proposes a 220m buffer to be implemented through the Herdsman Glendalough Structure Plan.
- A Transitional Industry Zone is proposed to the south of the Steggles site (extending approximately 115m south). No mixed use development will be permitted.
- Any mixed use development within the 220m of the Steggles site must orient away from the poultry processing plant .
- This will allow for the redevelopment of the area in accordance with the framework developed by the City while providing protection for sensitive uses



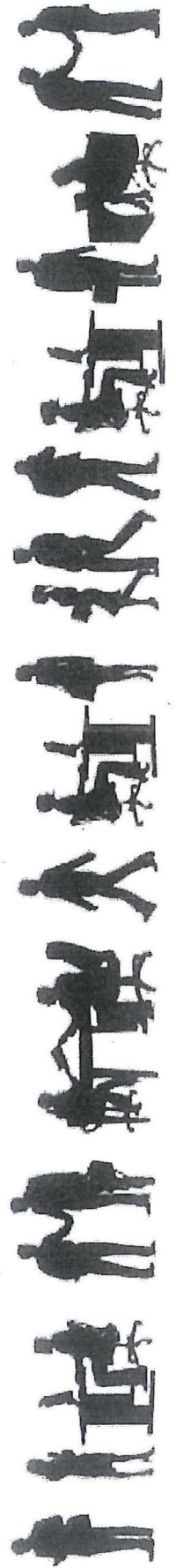
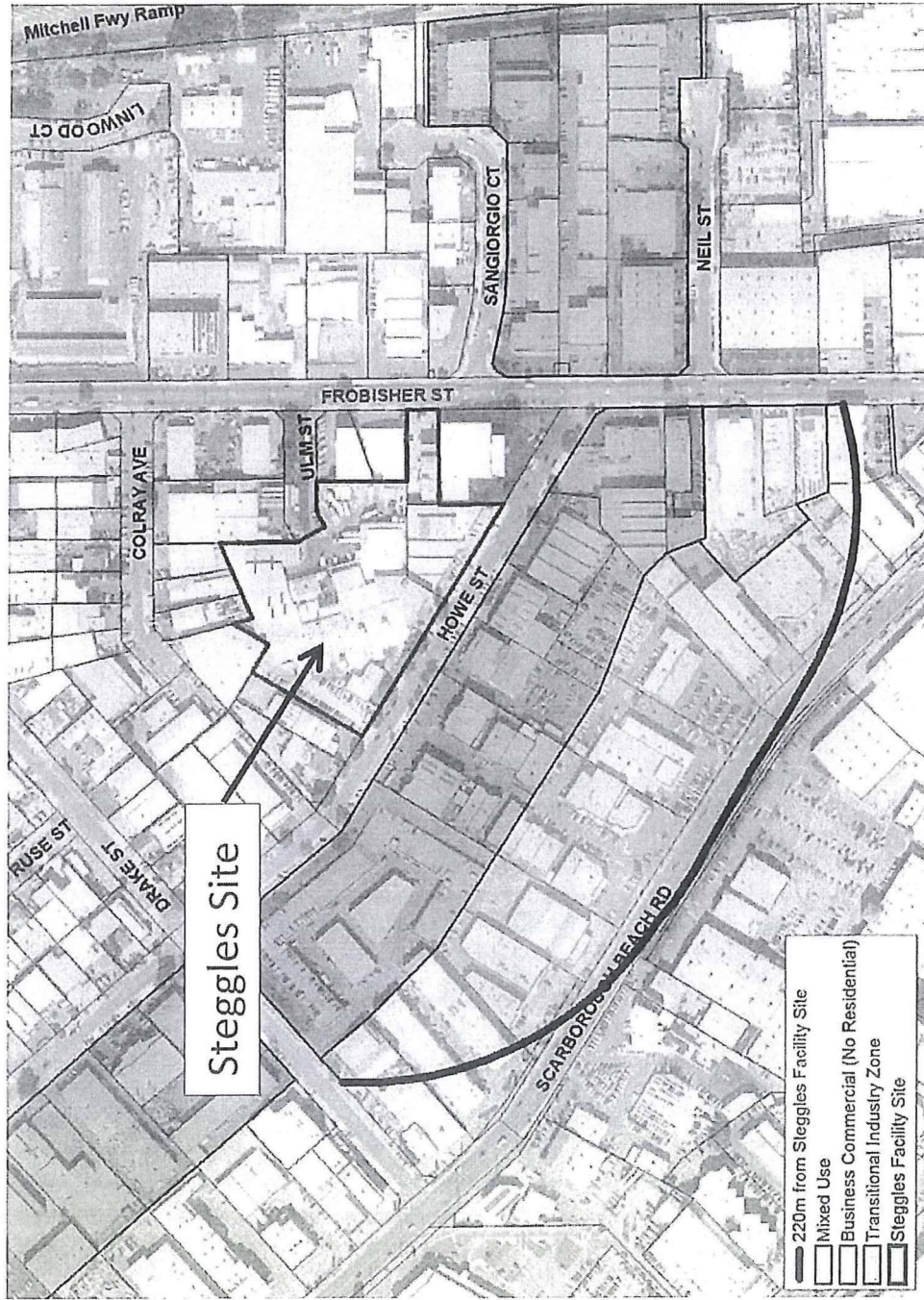
Proposed Buffer



220m buffer from Stegges site.

No mixed use in Transitional Industry Zone.

Buildings must orient away from Stegges site within 220m.



Office of Environmental Protection Authority Comment



When referred the City's original MRS submission for comment by the WAPC, the Office of the Environmental Protection Authority stated that

“...the proposed MRS amendment would not raise any significant environmental issues that cannot be adequately managed through detailed planning processes.”



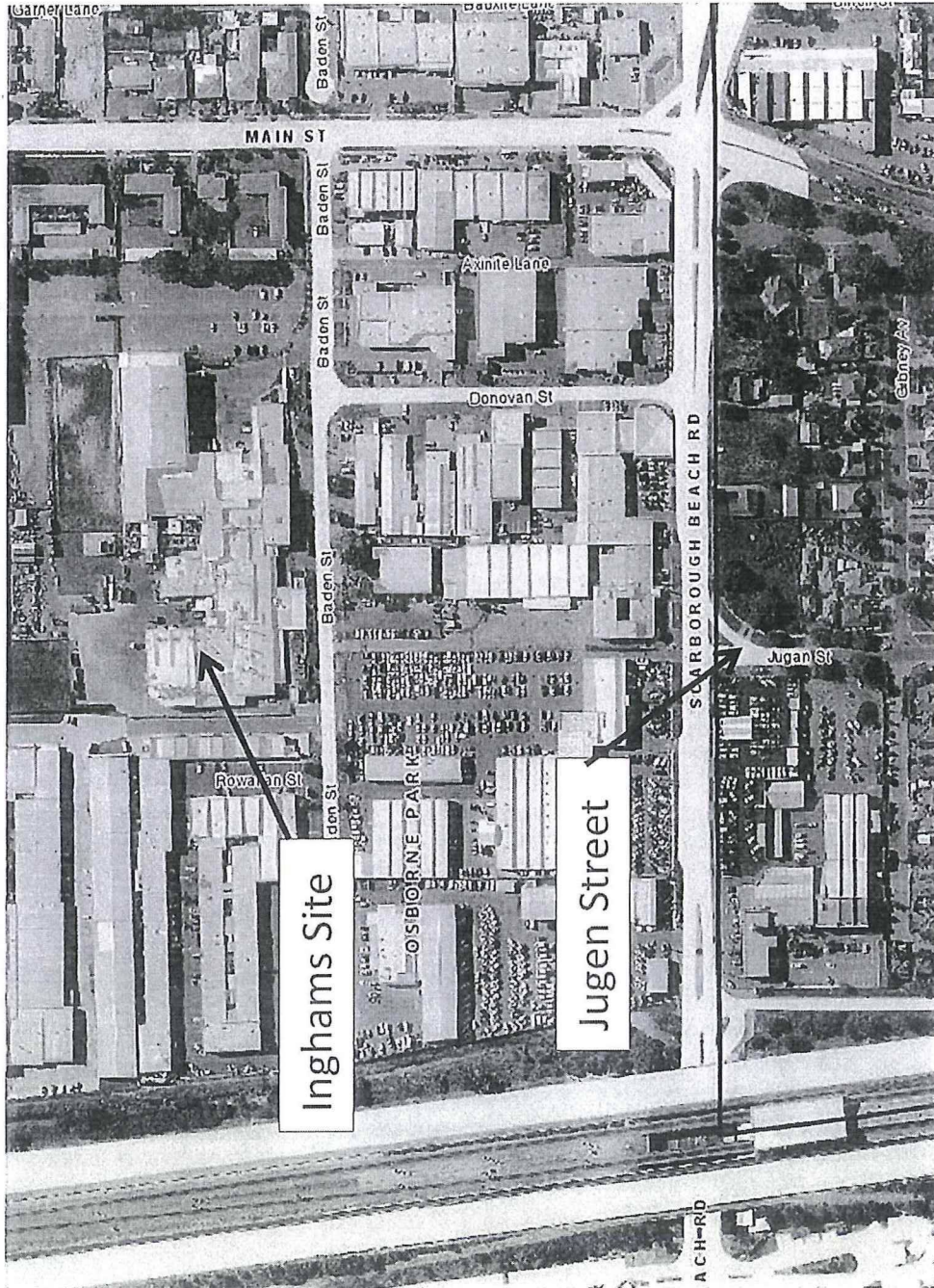
Consistency of Approach



As part of its Scheme review, the City of Vincent has proposed to rezone properties to District Centre on Jugen and Brady Street allowing new sensitive uses.

This is within 250m of the Inghams Processing Facility

There has been no restriction sensitive uses



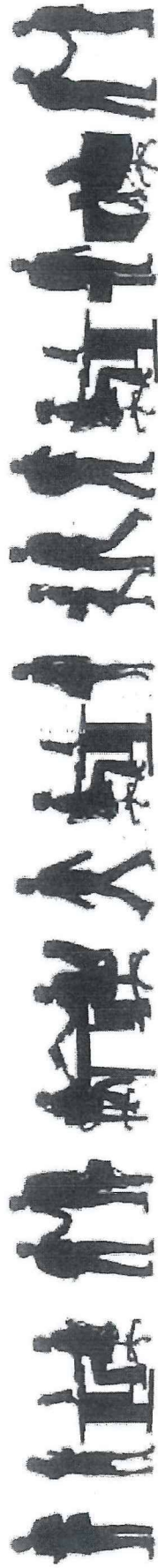
It's Part of the Plan

State and Local Planning Policies support an increase in land use intensity and a transit orientated development around Glendalough Station including:

- Perth and Peel @ 3.5 million
- Directions 2031
- Directions 2031 – Central Metropolitan Perth Sub Regional Strategy
- Development Control Policy 1.6: Planning to Support Transit Oriented Development
- Herdsman Glendalough Structure Plan and Local Development Plan
- Local Planning Scheme No.3 Amendment No.39.

The adoption of an Urban Deferred Zone in the location proposed in MRS Amendment 1291/41 would seriously jeopardise the vision for the area as outlined in these policies.

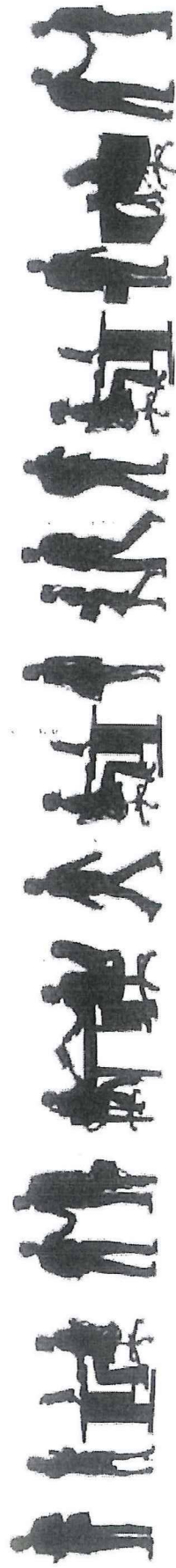
ALL ISSUES CAN BE MANAGED



Impacts on Landowners

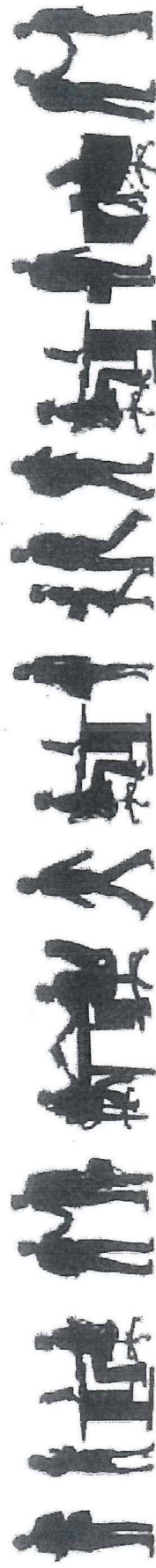
The proposed Urban Deferred Zone will have major implications for existing landowners within the area in regard to:

- Existing land uses which are considered sensitive may become unauthorised
- Expansion of existing uses may be not be permitted
- Development potential for sites in the area would be significantly reduced
- Land values may be impacted.



Conclusion

- Not a poultry farm: SPP 4.2 cannot be applied.
- Poultry processing is carried out indoors.
- Prevailing wind blows odour away from mixed use area.
- Minimal complaints in 11 year period.
- Structure plan proposes no mixed use within 110m of Steggles site and that residential uses must be orientated away from the Steggles site between 115 and 220m.
- Sensitive uses already exist in the area.
- Urban Deferred zone will sterilise development.
- Urban Deferred zone is contrary to adopted planning policies.
- Will prevent the realisation of a transit oriented development.



Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

Submission

Metropolitan Region Scheme Amendment 1291/41

Herdsmen-Glendalough Precinct

OFFICE USE ONLY

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Late

Name RENATO JOSEPH NARDIZZI
(PLEASE PRINT CLEARLY)
Address UNIT 3, 6 OAK LANE, WEST PERTH Postcode 6005
Contact phone number 0803 600 665 Email address ronnie.nardizzi@hotmail.com

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

I AM A LANDOWNER AFFECTED BY THE
PROPOSAL TO AMEND A PORTION OF THE AREA
TO 'URBAN DEFERRED'.

PLEASE REMOVE THIS PROPOSED ZONING AND
CHANGE IT TO 'URBAN'.

THIS WILL ENABLE ME TO PROCEED
WITH THE DEVELOPMENT OF MY LAND
AND IS A MORE SENSIBLE PLANNING
OUTCOME FOR THIS CENTRALLY LOCATED
AREA.

turn over to complete your submission

DEPARTMENT OF PLANNING	
18 APR 2016	
FILE	

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature  Date 18/4/16

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 18 MARCH 2016. Late submissions will NOT be considered.

Transcript of hearings

Recording and Transcription

This transcript is produced from live audio recordings. Whilst every care is taken in its preparation absolute accuracy cannot be guaranteed. No changes are made to grammar and syntax.

MINUTES OF THE COMMITTEE HEARING SUBMISSIONS ON METROPOLITAN REGION SCHEME AMENDMENT 1291/41 - HERDSMAN-GLENDALOUGH PRECINCT

Tuesday, 12 September 2016, 140 William Street, Perth

The composition of the hearings committee was endorsed by the Chairperson of the Western Australian Planning Commission on 4 May 2016, in accordance with the 27 October 2009 resolution of the Commission.

CHAIRPERSON	Ms Elizabeth Taylor	Member of the Statutory Planning Committee
MEMBERS	Ms Judi Bell Cr Henry Zelones	Independent, with Planning expertise Member of the Western Australian Planning Commission
IN ATTENDANCE	Ms Marija Bubanic Mr Anthony Muscara Mr Steven Radley	Department of Planning Department of Planning Department of Planning

The presiding officer acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed those present. Presentations to the Committee commenced at 10.00am.

The proceedings were recorded by 'Spark & Cannon Pty Ltd'.

The following people made presentations:

- 1) Mr George Hajigabriel (Rowe Group) for submission number 20.
Mr Hajigabriel represented Rowe Group on behalf of owners of 28 Frobisher Street, Osborne Park.
- 2) Mr Brain McMurdo (Lavan Legal), Mr Amos Machlin & Ms Diane Mossenson for submission number 26.
Mr McMurdo, Mr Machlin & Ms Mossenson represented Mr Howard and Mr Amos Machlin.
- 3) Mr Paul Doherty (Principal, Chrysalis Montessori School) and Dr Ross Field for submission number 18.
Mr Doherty and Dr Field represented Chrysalis Montessori School.
- 4) Mr Scott Vincent (Planning Solutions) for submission number 15.
Mr Vincent represented Planning Solutions on behalf of Primewest Group.
- 5) Mr David Caddy (TPG Town Planning) for submission number 16.
Mr Caddy represented the owners of 355 Scarborough Beach Road, Osborne Park.
- 6) Mr David Read and Mr Lee Verios (TPG Town Planning) for submission number 28.
Messrs Read and Verios represented Kondil Nominees Pty Ltd & Kailis Consolidated Pty Ltd.
- 7) Mr Daniel Heymans, Mr Fraser Henderson and Mr Blake Dickson (City of Stirling) for submission number 32.
Messrs Heymans, Henderson and Dickson represented the City of Stirling.

Ms Taylor declared the hearings closed at 12.14pm.

Chairperson:

Elizabeth Taylor

Date:

20/4/2017

MR GEORGE HAJIGABRIEL (ROWE GROUP)
representing on behalf of the Owners of 28 Frobisher Street, Osborne Park

MS TAYLOR: We have got your submission - - -

MR HAJIGABRIEL: Thank you.

MS TAYLOR: - - - read it and we're all familiar with the area. So over to you and we might ask questions as we go along.

MR HAJIGABRIEL: Yes, yes, absolutely.

MS TAYLOR: Because we need to make notes just in case anything changes at the end. Over to you.

MR HAJIGABRIEL: Thank you.

MS TAYLOR: Thank you for coming in.

MR HAJIGABRIEL: Thank you for the opportunity. As you know, my clients represent 12 strata lots on Frobisher Street and their existing development has showrooms at the front and industrial units on the balance of the site. Now, as you're aware the City of Stirling requested the MRS amendment and initially included my client's land within the urban zone, but the advertised amendment depicts the land in the urban deferred zone.

MS TAYLOR: Yes.

MR HAJIGABRIEL: My clients don't support the proposal to take the land from industrial to urban deferred and would prefer to see the land going straight to the urban zone. Now, you'll be aware that the City has prepared the Herdsman Glendalough Area Local Structure Plan - - -

MS TAYLOR: Yes.

MR HAJIGABRIEL: - - - which is the basis for the MRS amendment.

MS TAYLOR: That's right.

MR HAJIGABRIEL: And under that structure plan their land is identified as transitional industry. Now, the objectives of the transitional industry zone are to be:

To provide for a range of industrial and business development, as well as facilities for storage and distribution of goods, ensure a high standard of development appropriate modern, commercial and industrial area which is conducive to the safe and convenient access by all clientele and to enable cottage and service industrial development that does not adversely impact the amenity of the locality.

But the zone itself, the intent is to have a mixed use opportunity.

MS TAYLOR: Yes.

MR HAJIGABRIEL: So the City does intend that there will be residential multiple dwelling above a commercial office type of development on a lower floor. Now, the commission's modification of the amendment to take it to urban deferred we see was based on what we say is an incorrect application of the statement of planning policy 4.3, which is the poultry farm policy.

Now, there is an existing poultry processing facility on Howe Street, which is the Steggles Factory Outlet and, as you know, SPP4.3 sets out matters which the commission and the local authority have to take into account when determining applications for new poultry farms, the expansion of poultry farm facilities or development in the vicinity of poultry farms.

So when you look at the definition of a poultry farm, it's defined as, "Land and buildings used for the rearing or keeping of poultry for breeding, commercial egg production or commercial meat production." The Steggles Factory Outlet approval does include an element which allows for live bird storage and the live bird storage aspect of that approval enables live birds to be delivered to the site, stored for a short time before being processed and packaged. Of course, they're euthanized – when I say processed.

MS TAYLOR: We get that.

MR HAJIGABRIEL: Yes, I thought you would. Yes. But the point is that there's no poultry farming per se that occurs at that site. Our view is that the poultry processing facilities can't be classified as a poultry farm for the purposes of the SPP. The provisions within SPP4.3 which relate to facilities that can cause adverse impacts primarily relate to odours and dust in this situation. There's a noise element as well.

MS TAYLOR: As well.

MR HAJIGABRIEL: Yes. We say the existing facilities don't cause such aspects because the facilities are actually contained within large industrial buildings. They're fully contained as an operation and the surrounding locality therefore is not adversely impacted by odour or dust. There is another poultry processing facility on the eastern side of the freeway, which is the Inghams Enterprise facility which is on Baden Street in Osborne Park.

Now, again, the Inghams facility has a very similar operational approach. The birds are delivered, stored for a short period of time before they're euthanized and processed and packaged. But, again, there's no poultry farming that's going on there and the land immediately surrounding the Inghams Enterprise facility is zoned urban under the MRS.

So the urban zoning originally requested for the MRS amendment will facilitate the implementation of the Herdsman Glendalough Area Local Structure Plan, which of course will then allow for the transitional industry local zone to be applied. The commission doesn't have a policy dealing with poultry processing facilities. Now, that may be because one is not

needed. It's something that is dealt with at the local level in terms of a development application in a structure plan stage.

So we say the commission shouldn't be applying SPP4.3 as it's not relevant to this situation and it certainly shouldn't be applying a 500-metre buffer without any justification. When you look at the SPP4.3, that 500-metre buffer is supposed to be the distance from the poultry sheds. There are no poultry sheds in this situation. Furthermore, the urban deferred zoning should give a clear direction on the requirements for the lifting of deferment.

Now, we have got a multiplicity of landowners not just in my client's property, but throughout this whole area.

MS TAYLOR: Yes.

MR HAJIGABRIEL: So the likelihood that you're going to get a landowner driven request to lift the urban deferment is fairly low, particularly when you don't have a policy against which an assessment can be made. So any lifting request would have to be on the basis of almost developing a new policy to deal with a poultry processing facility. That's not likely to happen. So our request of you is that firstly the land go straight to the urban zone and allow the structure planning and ultimate development application processes to deal with any possible impacts, if there are deemed to be any.

In the event that the commission isn't comfortable with that approach, we ask that the land stays in the industrial zone for the time being rather than go to an urban deferred zone which gives uncertainty to a lot of the landowners in there and it could stay like that for a very long time. So, fundamentally, that's our request.

MS TAYLOR: That's it.

MR HAJIGABRIEL: That's it.

MS TAYLOR: And I think we see your point of view. I have actually been through Steggles factory, so I know – and it isn't – the poultry farm thing isn't the same thing, as you have pointed out.

MR HAJIGABRIEL: No.

MS TAYLOR: I think any questions? Have you got any questions, Judi?

MS BELL: No. I think that was very clearly put and I understand it.

MS TAYLOR: Henry?

MR ZELONES: No, I don't think so. All done.

MR HAJIGABRIEL: Thank you.

MR ZELONES: Yes, I appreciate - - -

MS TAYLOR: Yes. We appreciate all the work that you have put into that and I think your conclusion for us says it all really and you're right about the policy matters, as far as, you know, SPP – what number is it?

MR HAJIGABRIEL: 4.3.

MS TAYLOR: Thank you, yes, 4.3. So there isn't actually one for these poultry factory things. So we will - you're the first cab off the rank today, but we'll be go through hearing everyone and the process from here - Anthony, would you like to go through the process from here?

MR MUSCARA: Yes. So it's likely the hearings committee makes a recommendation and it will probably go to the October commission meeting - - -

MR HAJIGABRIEL: October?

MR MUSCARA: - - - for a decision and then after that it will go to the minister and then progression to parliament. Yes.

MS TAYLOR: Yes.

MR MUSCARA: And that's the sort of time frame for that.

MS TAYLOR: So, George, in the meantime if you have got any questions, ring Anthony at the department here.

MR HAJIGABRIEL: Yes. So likely next year – more than likely (indistinct) the election - - -

MR MUSCARA: Yes.

MR HAJIGABRIEL: - - - more than likely after - - -

MS TAYLOR: Yes. Well, we were thinking – yes.

MR MUSCARA: Yes.

MS TAYLOR: We were trying to work that out this morning.

MR HAJIGABRIEL: Yes.

MS TAYLOR: Yes.

MR HAJIGABRIEL: I would have thought we'll get into that period where - - -

MS TAYLOR: Yes, we're getting to a pointy end, aren't we?

MR HAJIGABRIEL: Yes, yes.

MR MUSCARA: Yes. They're a bit more of sort of - - -

MR HAJIGABRIEL: Yes.

MS TAYLOR: Yes. So thank you for doing all of that.

MR HAJIGABRIEL: Thank you very much.

MS TAYLOR: Thank you and the additional information, fantastic.

MR HAJIGABRIEL: Thank you.

MS TAYLOR: Thanks, George. Okay. See you soon – not too soon. See you, George. That was fairly straightforward.

MS BELL: Yes.

MR ZELONES: And we're going to have, what, two or three more others mention the same thing as well.

MS TAYLOR: Yes, I know.

MR BRAIN MCMURDO (LAVAN LEGAL), MR AMOS MACHLIN & MS DIANE MOSSENSON
representing Mr Howard & Mr Amos Machlin

MS TAYLOR: Yes. We're ready for Brian. Brian?

MR McMURDO: Yes.

MS TAYLOR: Brian, Dion and Amos all coming in?

MS: All coming, yes.

MS TAYLOR: Yes, okay. We're ready. Thanks, Maria. So it says on here "submission upheld". So for George's one - - -

MR MUSCARA: They're talking about the widening of Hutton Street, too, aren't they?

MR ZELONES: Yes.

MS TAYLOR: Yes.

MR MUSCARA: That's the legal structure - - -

MS TAYLOR: Is that this next one? Is that - - -

MR MUSCARA: That's Lavan Legal, yes.

MS TAYLOR: Right. So that's number 20. Good morning.

MS BELL: Good morning.

MR McMURDO: Good morning.

MS TAYLOR: Have a seat. Thank you.

MR: The seat on the other end?

MS TAYLOR: Yes. I think we can all share. There's too much - - -

MS: I might not say anything.

MS TAYLOR: You're observing. Welcome to our panel this morning.

MS: Thank you.

MS TAYLOR: My name is Elizabeth Taylor. I'm chairing this committee. On my right I have got Judi Bell, left I've got Henry Zelones and we've got Anthony here. So we've

received your submission, gone through it – a submission of objection, I see. And we've read everything that you've sent to us, but if you would like to elaborate some more on what you would like to tell us today and perhaps maybe give us a chance to ask you some questions at the end of it, if you wouldn't mind.

MR McMURDO: Yes.

MS TAYLOR: So when you're ready.

MR McMURDO: Thank you very much, Mrs Taylor. Yes. I have indeed been much assisted by Mr Machlin, who has a very extensive background in traffic engineering. He's a former city engineer with the City of Perth.

MS TAYLOR: Very helpful.

MR McMURDO: And there's 40 years involved in the matter of traffic management.

MS TAYLOR: Right.

MR McMURDO: So we're lucky to have him here today to assist. The three issues that we'd want to cover today are: firstly, importantly, the question of whether there is a need for this road widening requirement - - -

MS TAYLOR: On Hutton Street.

MR McMURDO: - - - for Hutton Street which is - - -

MS TAYLOR: Hutton Street, yes.

MR McMURDO: - - - the principal impact upon our client's property. The second issue that we will address is the potential impacts on the use of the property by the proposed widening.

MS TAYLOR: You mean future use?

MR McMURDO: Yes, the future use of the property.

MS TAYLOR: Yes.

MR McMURDO: And, lastly, the potential impacts, cost implications for government if this proposal should go ahead. Now, to go to the first issue of whether there's a demonstrable need for the widening of Hutton Street, it appears that when one looks back on the history of the planning for Hutton Street, there has been quite a number of different studies, iterations - - -

MS TAYLOR: Scenarios.

MR McMURDO: - - - scenarios and back in 1990 the original proposal for a 40-metre wide road had been changed by the then government and was reduced to a 25-metre proposal with a five-metre road reserve on the opposite side, which is still in existence. In 1990, reliance on the production of the road requirements, Mr Machlin submitted a development application for the construction of this lunch bar, takeaway establishment, which was still there and there were no conditions imposed at the time, no requirements. So the understanding when the application for development was made back in 1990 was that this development would be permitted without any requirements.

In terms of the need, which appears to have come out of more recent studies, in the last few years as part of the Stirling City Centre Structure Plan, the question arises as to whether there is a demonstrable need for the widening of Hutton Street, given that there is already a five-metre strip that's been reserved on the opposite site and in terms of the wider context of regional road connections and through traffic, most importantly the effects of plans to extend through Stephenson Highway through to the freeway and further on north was to make a linkage to Karrinyup Road, the proposal to widen King Edward Street and with a future bridge over the freeway and an upgrade of the interchange at Powis Street.

So given that there is a wealth of other connections that have already been planned and a quite major road (indistinct) we would submit that the necessity or need for a widening of Hutton Street isn't demonstrated. Mr Machlin has commented that the things that are a priority that ought to be dealt with first are the extensions of the Stephenson Highway, the upgrade of King Edward Street and Powis Street and to deal, most importantly, with the efficiency of the signals that – at the interchanges with the freeway.

The problems of queuing and traffic blocks are very much, in Mr Machlin's words, a matter of the signals not being efficient enough and the real issue here is to make the efficiency of movement of traffic the absolute priority. That should be done before consideration should be made of road widenings for Hutton Street.

MS TAYLOR: Okay.

MR McMURDO: And that should be attended to. So we argue that the case to widen Hutton Street isn't made out, that the other connections are already planned for and, indeed, the function of Hutton Street may well not give rise to an increase in future traffic demand at all.

MS TAYLOR: Okay. Whereabouts on Hutton Street – you've got a business, Mr Machlin, on Hutton Street?

MR MACHLIN: Yes. We have a property on the corner of Hutton and Howe on the north-east corner.

MR McMURDO: I point out that while we're not - - -

MS TAYLOR: Yes, yes, I see.

MR McMURDO: - - - we're on the opposite side of the actual scheme amendment area.

MS TAYLOR: Yes.

MR McMURDO: But the impacts are actually contained in planning control area declaration 110, which follows on the similar widening requirement impacting our client's property.

MS TAYLOR: Yes, right.

MR McMURDO: So the issues for our clients with PCA 110 are exactly the same with what is the necessity - - -

MS TAYLOR: Yes.

MR McMURDO: - - - to have the widening of Hutton Street.

MS TAYLOR: And you've been there for a very long time by the sounds of it.

MR MACHLIN: 1970 we bought the block.

MS TAYLOR: Part of the history.

MR MACHLIN: Yes.

MS BELL: I wonder if we could have that pointed out on the one that you own on the plan? Would that be possible?

MR: Yes, lot 60. Is it marked on here? But it would appear to be around - - -

MS: Yes, Howe - - -

MS: That one.

MR: On the opposite side.

MS: Opposite side? Yes.

MR: The corner.

MS: The corner of - - -

MR: The corner of Hutton and - - -

MS TAYLOR: Hutton and Howe.

MS: - - - Hutton and Howe.

MR MACHLIN: Yes, the corner of Hutton and Howe.

MR: Okay.

MR MACHLIN: It's only a small block. If I remember rightly, it's only about 600 – six to seven hundred square metres in area and it's got the long frontage to Hutton Street.

MS TAYLOR: That's right.

MR MACHLIN: And what this proposal, the new declaration, will virtually cut the block in half.

MS: Yes.

MR MACHLIN: It leaves us with only about 300 square metres.

MS: Yes.

MR MACHLIN: 300 square metres of land left to do anything with. Well, what can you do with – put a couple of telephone boxes up there?

MR McMURDO: This is the PCA plans and, unfortunately, it's cut off at the bottom there, but it gives you an idea of the extent of the - - -

MS TAYLOR: Yes, we've got that mapped out.

MR McMURDO: - - - reservation that's proposed.

MR ZELONES: There is an existing business that you're operating. Did you say that was - - -

MR MACHLIN: Yes.

MR MACHLIN: It's a lunch bar.

MR ZELONES: A lunch bar?

MR MACHLIN: It's a lunch bar and I think, just to be quick, it got its approval to be and we built – well, dad built it in 1990.

MR ZELONES: Yes.

MR MACHLIN: And it's been continually let successful lunch bar since that time.

MR ZELONES: Well, it's right in the middle of a very active industrial area so, yes, it wouldn't surprise me. Actually, I think I'm familiar with it because I (indistinct) - - -

MR MACHLIN: Main Street - - -

MR ZELONES: - - - but the question I had was that with the road widening, does that take out the building itself?

MR MACHLIN: It will take out the building, yes.

MR ZELONES: Yes. So it's not loss of car parking or - - -

MR MACHLIN: No. You're actually - - -

MR ZELONES: And obviously the lot is - - -

MR MACHLIN: It would take out the major part of the building and virtually leaves the building totally unusable.

MR ZELONES: Yes. I guess in terms of – this is a state road, so it's a Main Roads designated road.

MR: Okay.

MR ZELONES: And this will come under their, I guess, planning regime itself. Tony there – not Tony, Anthony – sorry. I know a lot of Anthony's and they're all called Tony's except for this one. The issue of the widening of the road by Main Roads, would that be at all covered in their latest transport plan or would that be in place for some long time?

MR: That's been in place, yes, for a long - - -

MR ZELONES: For a fairly long time.

MR: Yes. It's got a planning control - - -

MR ZELONES: So the acquisition of this land, however – the acquisition of the road reserve, or the widening of the reserved, hasn't taken place until this proposition has come forward.

MR: No. The planning control area which covers the land, doesn't it, partially?

MR: Yes. Well, the planning control area I think was dated November 2015, so something less than a year it's been in.

MS TAYLOR: Yes.

MR: And then we'd see the scheme amendment sort of coordinates that particular - - -

MR: The amendment doesn't cover the subject land, though, does it?

MR: No, no, we're directly opposite on the corner.

MR: That's right, yes.

MR: Yes.

MR MACHLIN: Just as a side comment, at the time I was planning for my future and my retirement and I was – I went into buying small properties for investment to bring me an income to be independent when I retired and this was one of them that came up. It was affordable and I could see a good future for it and that's why I bought it – we bought it at the time.

MR MUSCARA: Yes.

MR MACHLIN: But it's been, I think, a good service to that industrial area and it's always been fully tenanted and although there's been a succession of perhaps tenants in there, they've all been in there long time.

MR MACHLIN: Yes.

MR MACHLIN: And they've always found a purchaser for their business rather than them vacating and us needing to then seek one. So the way it's worked is I think people have been very happy with it there as a business in an area and it's been quite – but it's disappointing then to consider that with one mark of a yellow pen - - -

MS TAYLOR: Yes.

MR MACHLIN: - - - you lose it all.

MS TAYLOR: For your sensible investment.

MR MACHLIN: Well, it's not even about – I suppose dad has had it at the investment. I just look at it – is it really necessary, the practicalities of it and has it been really thought through.

MR ZELONES: I think that's – yes, that's really the question that's being raised.

MR MACHLIN: Yes.

MR ZELONES: I mean, in terms of - I mean, this is not an unusual thing. They go around doing this all the time - - -

MR MACHLIN: Yes.

MR ZELONES: - - - widening roads and taking land and acquiring it, et cetera. The question, I guess, and that's why you got legal advice, is to the necessity of doing that. And ultimately if it is, I guess it then comes back to how it's compensated for - - -

MR MACHLIN: Yes.

MR ZELONES: - - - because it won't be a usable block.

MR MACHLIN: It won't.

MR ZELONES: That's quite clear.

MR: Yes.

MR ZELONES: They won't leave a (indistinct) strip, but what is left over will be probably absorbed into a neighbouring block or something. What else would you do with it?

MR MACHLIN: Exactly. What would you do with 300 square metres?

MR ZELONES: Yes. So, yes - - -

MR MACHLIN: In terms from my experience, an assessment of the situation, the – if you look at the problems that are occurring in Hutton Street and, you know, it's - you'll see it there, the evening peak, there is quite a build up of traffic and when you look at where is this traffic going to, it's going – it wants to get on and off the freeway.

MR ZELONES: Yes.

MR MACHLIN: And that's fair enough. That's fine. That's what the freeways are built for and that's what it's supposed to do, but the intersection as it is at the moment just cannot cope with the traffic with - the signals cannot cope with the various phases of the – and the traffic flow and something has to be done to take away the pressure on those signals on that intersection.

MR ZELONES: If this area, though, is upgraded, particularly the area that's going to urban portion of it, you're going to see more traffic.

MR MACHLIN: Yes.

MR ZELONES: And, again, you're right, they want to get to the freeway. When you look at where the freeway connections are, it strikes me that Hutton Street was always seen as a key connector to the freeway, not only from the western – south-west to the north-east side of the freeway on both sides of that, I think it's going to be a difficult – it's going to be a difficult scenario in the longer term because this is a significant increase in change of use out there.

I'm familiar with that. As I said, I get up there a fair bit. The fact of it is, I avoid using it because of that because it is traffic - I'm pretty sure I've been in that deli because, as I said, I get over there. But, anyway, I can see it is a very difficult situation you're in - - -

MR MACHLIN: Because it's not going to be an easy – there won't be an easy solution to it.

MR ZELONES: No.

MR MACHLIN: No.

MR MACHLIN: But that's where the problem is at the intersection.

MR ZELONES: Yes.

MR MACHLIN: You can widen Hutton Street 200 metres wide if you wanted to, but - - -

MR MACHLIN: It's the traffic - - -

MR ZELONES: You're still going to have the problem.

MR MACHLIN: - - - you're still going to have that problem.

MR ZELONES: Yes.

MR MACHLIN: If I could just chip in from my perspective about it all is the assessment of whether actually widening on our side of the road and the impact, and just taking that strip, that has for traffic flow where they have got widening provisions on the other side and can shift it over. So they've already made that provision and allocation and there'll be no financial real impact of compensation and they've got perhaps the capacity to take a little more to generate that if they just thought a little out of the box and laterally.

MR ZELONES: Okay.

MR MACHLIN: Because it's not just us that will get wiped out. There's a few other properties on our side in that lot that are all going to be, you know, sort of affected and impacted on in the same sort of scenario. You just wonder, again, how is it going to – can they think more laterally about it and our recent interactions with Main Roads on another – a couple of other scenarios is that they have – they sometimes look for the easiest way and draw the pen the straightest line, but they could laterally think and come up with an equally satisfying or satisfactory solution if you look at it, but also they haven't implemented yet the major changes on those other intersections and upgraded that to assess what the impact of that is going to be.

MS TAYLOR: Yes.

MR MACHLIN: And I suppose, I'll acknowledge, we're selfishly here discussing what impact it has on our property so there's that - - -

MS TAYLOR: Well, you (indistinct)

MS: Yes.

MR MACHLIN: But there perhaps is a global betterment of what you can do for the rest of the environment and our suburb to keep the traffic on to its much bigger feeder road - if you've already identified that Hutton is a bit of a small choker road and maybe it doesn't become the main feeder, but maybe becomes a secondary supplementary to the other big feeder roads around it.

MS TAYLOR: Yes, fair comment.

MS BELL: Yes.

MR ZELONES: Well, I'm not an engineer, but I'm a user, like a lot of people, and, as I say, you see what you see so - - -

MR MACHLIN: Yes.

MR ZELONES: - - - whether what they're going to do there will resolve their problem is for the - I guess for the experts. The main concern is about how it affects individual landowners. That's why you're here.

MR McMURDO: But I'd still stress that we're looking at it in the context where there are a lot of major road linkages being proposed.

MR ZELONES: Yes.

MR McMURDO: In fact, you know, are part of the plans now which are adopted. So in terms of, you know, priorities, they should be the priorities to see how they function. I do appreciate the planning context is changing, although we would say, you know, a lot of the urban deferred areas might be a very long term prospect for change and development - - -

MS TAYLOR: Yes.

MR McMURDO: - - - as I see them. A big area, including our client's property, is affected by a poultry farm buffer as well.

MS TAYLOR: Yes, that's right.

MR McMURDO: So they intend to be known to be there for a very long time.

MS TAYLOR: And we're dealing with that one today as well. Yes. Judi, have you got any other questions you'd like to ask?

MS BELL: No, that's all. Thank you. No? Henry?

MR ZELONES: No, I'm - - -

MS TAYLOR: I think we've got - it's perfectly clear what you would like to see happen. So we'll make an assessment. We're not a decision-making panel here, but we'll make an

assessment in all of the hearings at the end of this process. Anthony, would you like to say what we do from here.

MR MUSCARA: In the hearings we make a recommendation to the full WAPC, who then – they make their own recommendation to the minister for progression to parliament. So likely a decision won't – is unlikely to occur this year. It will probably the new year sometime, probably by mid year because it has to go through a – there's a pretty thorough process that these major amendments go through and we have to follow the act and - - -

MS TAYLOR: Yes.

MR MUSCARA: - - - and that's the timing for it.

MS TAYLOR: Yes.

MS BELL: Can I just raise one issue.

MS TAYLOR: Sure.

MS BELL: I think you were talking about the cost implications for government. Have you covered that or - - -

MR McMURDO: Well, just to shortly say, Ms Bell, that obviously when there is a set of proposals for road widening, there is always a cost implication in the future and in the shorter term there are opportunities for some limited compensation for landowners in the way of injurious action or longer term with compulsory acquisition. As we see it, the impacts here would be effectively a full taking of the property because it's been rendered unusable and I daresay that will be the case for a number of other properties as well.

MS BELL: Yes.

MR McMURDO: As Dr Mossenson mentioned, you know, when one is comparing the cost benefit analysis of cost to get what you are seeking as an outcome, we say it would be preferable to look at the other side, on the northern side, where there's an existing widening already that's been compensated for, and to look at the priorities of moving on with the other road proposals that we say would be, you know, time – more than likely going to avoid the cost implications for government. That's briefly why - - -

MS TAYLOR: That's a (indistinct) point.

MR MACHLIN: Am I allowed to just toss in, we've got a long term tenant there who has got ambitions of using this site as one of – anchor sites for some other part of his business planning, but he's got the capacity by the current leasing arrangements and options to be there for 15 years. So it's not only – I would have thought not only the compensation to us, but the compensation to him as a business, what's been lost to him as well to add in.

MS TAYLOR: Okay. Thank you. Any questions you would like to ask of us or have we covered everything?

MR MACHLIN: I have another question, if you don't mind - - -

MS TAYLOR: Yes.

MR MACHLIN: - - - because Brian has been really helpful, but this is a Main Roads road and they've got the – it's them driving the resumption and it's their process rather than it being a local City of Stirling issue or a planning thing. This is another Main Roads initiative, is it? Yes.

MS TAYLOR: Yes.

MR ZELONES: Well, yes, as I said, I believe it's – I mean, it's been declared a main road for some considerable time, so - - -

MR MACHLIN: Okay.

MR ZELONES: - - - the issue and planning for how they will do that is in the thing and that, I would imagine, when they were doing the overall study would have been parachuted into this and then the revisions that they would have had to do is how this came up – was taking the additional land. So it may not have been their initial plan to take more than they've already got, but obviously the changes that are occurring with those density changes and usage changes are driving for different results in terms of movements.

MS TAYLOR: Okay. Does that help?

MR MACHLIN: That's great. Yes, no very helpful. Thank you.

MS TAYLOR: Okay.

MR ZELONES: Thank you very much.

MS TAYLOR: Look, thank you very much for coming in and enlightening us - - -

MR McMURDO: Thanks for - - -

MS TAYLOR: - - - a bit more. It was fantastic.

MR McMURDO: Good. No, it's good to meet you and - - -

MR MACHLIN: Thank you for giving us a chance to come.

MS TAYLOR: That's all right.

MR MACHLIN: That's great.

MS TAYLOR: And any questions you've got, just if you call Anthony in the meantime.

MR McMURDO: Thank you. It seems a long time to wait next year.

MR MACHLIN: Sadly, I think it will be upon us before we know.

MS TAYLOR: Yes, that's true. Yes. How many days till Christmas?

MR MACHLIN: Not many.

MS TAYLOR: Thank you very much.

MR MACHLIN: Thank you.

MS TAYLOR: Thanks for coming.

MS BELL: Lovely to meet you.

MR MACHLIN: Good. Bye bye.

MS TAYLOR: Okay.

**MR PAUL DOHERTY (PRINCIPAL, CHRYSALIS MONTESSORI SCHOOL) AND
DR ROSS FIELD**

representing Chrysalis Montessori School

MS TAYLOR: Good morning.

MS: Good morning.

MR: Good morning. Hi, how are you going?

MS TAYLOR: You have Paul. Who's Paul?

MR DOHERTY: I'm Paul.

MS TAYLOR: Lovely to meet you, Paul; Elizabeth Taylor.

MR DOHERTY: Nice to meet you.

MS TAYLOR: And we've got - - -

DR FIELD: Ross.

MS TAYLOR: - - - Dr Ross Field. Nice to meet you.

DR FIELD: Good day. How are you going?

MS BELL: Hello.

MS TAYLOR: My panel companions, we've got to my left Henry Zelones and - - -

MS BELL: Judi Bell.

MR: Hello.

MR: So Judi first.

MR ZELONES: I've got a cold and I don't want to pass it on.

MR: I'll sit here.

MS TAYLOR: Welcome to our hearing. It's lovely of you to come in. We've got your submission here and read all about it and what we would like you to do now is perhaps just give us some more updated information or anything you would like to elaborate on today.

MR DOHERTY: Sure.

MS TAYLOR: And it might raise some questions for us as well, so if you give us a few moments to ask questions, too.

MR DOHERTY: Sure.

MS TAYLOR: So who's going to start off.

MR DOHERTY: I think me.

MS TAYLOR: Okay then. Over to you.

MR DOHERTY: Okay. So I'm Paul Doherty. I'm the principal of Chrysalis Montessori School. I've been principal there in two stints for about 16 plus years now, but I've been involved with the school since its inception.

MS TAYLOR: So you're part of the fixtures and fittings.

MR DOHERTY: You could say and pre-date all the buildings completely which is - - -

MS TAYLOR: (indistinct) about that.

MR DOHERTY: Well, I have. And Ross here has helped us – he's a grandfather at the school, actually, so we've co-opted him from time to time with some planning issues with his background and, in particular, really to do with the City of Stirling and particularly parking was one big one we've had to face in the last few years. So our school has been there for, you know – this is our 27th year and I guess I've got a few talking points, but I've got two main points, really. I'll start summarising.

One point is really to ensure the integrity of the Glendalough Open Space adjacent to the school and that was the main thing in our submission and I know it's just on the - we're on the border of this precinct, but I think it's really important to us and the community – and I'll have a few talking points about – because it's come up twice in the last five years about making a big car park by the City of Stirling mostly. Nothing is on the table, but – so it's a pre-emptive thing and I guess the proactive comment would be around the fact that I believe we'd be the only educational institution on - or on the border, of the precinct and I think there's future possibilities there of which I'm just alluding.

We don't have any intention to be a big school and we really don't have the capacity to expand on that site. Actually, I don't have a concrete proposal there, but I do know that as more and more residential moves into that area, there's roles – and particularly for our school, actually, we're a three – they call it pre-kindy – actually it's three-year-olds to year six, 12-year-olds, but we also have an out-of-school care service which is registered through the school, which is unusual, actually. Most schools don't have their own out-of-school care service.

We also have a - I think the big area of growth could be our playgroup service because we have also 60 kids attending four sessions of playgroup. I can see that moving slightly off site and I can see that we would fill that completely with a waiting list so easily. Once you get a proper facility and it's paid, it's not a community one, but you've got a facility – it's a lot about parent education. So no proposal there, just future - - -

MS TAYLOR: Just you're looking at - - -

MR DOHERTY: Keep in mind that we are an educational institution - - -

MS TAYLOR: Yes.

MR DOHERTY: - - - with more residential increase to happen. So now it's just some talking points probably mostly around those two issues.

MS TAYLOR: Sure.

MR DOHERTY: Look, to go back to the beginning, one of the current – one of the factors when we chose that site, which was a really difficult thing all those years ago, was its proximity to the Glendalough Open Space. We don't have any church - you know, we're very much a community based school made of members and, you know, we're therefore small in size. We'd be very small for a local school. Without that breathing space, we'd find it really difficult and that was an original decision.

I guess there's a bit of a history with the State Planning Commission or whatever name you are now - - -

MR MUSCARA: Still.

MR DOHERTY: Still? Good. Everything else changed; in that we had a little lease agreement with a small playground - if you look at the map next to the school is a lease arrangement and then in 2005 we renegotiated that to a longer term basis. It's now a reserve. It's (indistinct) a reserve from 2005. So that's a very small area right next to the school. So I think we're pretty sure with that.

I guess my argument beyond is we do use the open space beyond, but we don't have exclusive use and we're not asking for exclusive use there and we see it well patronised.

MS TAYLOR: So you would like to still remain a shared - - -

MR DOHERTY: Yes.

MS TAYLOR: Yes.

MR DOHERTY: And I've got to talk about some of the things we do with that. So we have a bit of a relationship, you know - I know that the guy in charge of Yellagonga and Herdsman Regional Park. So currently we use it for our phys ed lessons, sports lessons, for the older

kids. We also do some supervised play at lunchtime for the older kids and then there's the occasional things I've got mentioned, like this Friday, it's once a year, we do a sports carnival out there, probably the odd festival and we do something called Science by the Lake.

So if you add that up, there's six, you know, hours a week regularly and sometimes more and we work around other patrons. We observe that since those big office buildings across from us have gone up, it's well patronised, particularly at lunchtime. There's also personal trainers operating there, but people just having lunch, all sorts of things.

One other point about our location as being a registered school, we are in receipt of obviously recurrent funding, but also over the years we've had about 1.2 million federal money put into our school, the biggest one being the BER – the infamous BER, which is when we went up. So there's been quite a bit of Commonwealth investment in our little school.

I think the importance of the open space in light of the amendments here is going to become more and more critical as the place is built up more and more and, yes, I'm waving the flag for us as a school using it, but I'm also waving the flag for the community using it. I notice, and I'm not sure how this happened, but the car park into that regional park, Glendalough Open Space, has become a paid parking situation. So no one in the community can actually park there, can visit (indistinct) by vehicle during a working week, which I find – it's all by the (indistinct) across the road.

We used to in fact use it as a drop off because there's a little loop there. Eight years ago it was actually one of our drop off places to get kids in. Obviously we can't do that now and I'm not even proposing that, but I'm pointing out it's been a big effect.

Look, in recent years the City of Stirling has promoted plans to construct a substantial off-street car park in there and that's probably our biggest concern. We're not aware of any recent intentions about this, but I guess we would ask for future planning, and I think this is a City of Stirling issue, to really make sure there's enough parking on site.

MS TAYLOR: Yes.

MR DOHERTY: Look, I was going to ask you, Ross, to comment on the background to our – going way back to when we established.

DR FIELD: Sure. Looking back on the background to the Herdsman Lake Concept Plan and Glendalough Open Space has become – was part of that and there was an improvement plan number 21 which was gazetted in 1986. So it formalised the Herdsman Lake Concept Plan and coordinate planning development and land use of the area. The principal objective of that 1986 plan was to complete the development of the Glendalough Open Space and the commission - State Planning Commission at the time prepared and submitted a proposal for the development of the open space and you may not be aware of it totally, but it consists now - and the proposal at the time was for two small shallow lacks in the parkland and they were to be filled and landscaped and then the parkland was to be

planted with non-reticulated native species and the whole area was to be a formal green space function. This was at the time when rainfall was probably thought to be better than it is now.

The EPA – and it took the assessment of the proposal in July 89 – and they concluded that it was (indistinct) acceptable and could proceed subject to the EPA's recommendations as outlined in their bulletin number 405 and the environmental commitments made by the SPC at the time. So that's sort of all in 1989. So the decision to establish the Montessori School in 91 was made in the full knowledge of the Planning Commission's proposals for the Glendalough Open Space.

Given that they were a very constrained site and a small school, they didn't really buy a lot of property, they couldn't afford to, for open space activities. So it was the thinking at the time that this was a great place to have a small school.

MS TAYLOR: Yes.

DR FIELD: And so this is where the concern now is, is that since the developments in the last few years, the open space appears to have been allowed to be developed without sufficient on-site parking and so there's been quite a parking chaos, actually, for quite a while and that really affected the school and the safety in Parkland Road. To the credit of the City of Stirling, they did tackle this issue and in collaboration with the school, they have established paid parking on the south side of Parkland Road and they've also established paid parking in the school's car parking area so they can use that when the school is not operating, like during the school holidays.

So I venture to say this is probably one of the few schools in the state where there's paid parking in the school car parking area. The revenue goes to the City of Stirling, but the school at the time thought that this was a good deal to try and address the parking problems that were there now.

MS TAYLOR: Anywhere, yes.

MR DOHERTY: It was a bit of a trade off, I'll be honest - - -

DR FIELD: Yes.

MR DOHERTY: - - - because they did a few – they came to the party on a few smaller things around our car park, which is actually on (indistinct) reserve. So we realised to get you give and they also – on the street it's a two-hour limit, whereas all the car park further up the road is full day.

MS TAYLOR: Right.

MR DOHERTY: So I think it's worked better for some of the businesses there that are in and out, except in the regional park it's actually all day.

MR: Yes.

MR ZELONES: Could I just ask in terms of that - what you're referring to as your car park is actually not private property, though?

MR DOHERTY: No, it's reserve.

MR ZELONES: (indistinct) reserve. So do you have a lease on that – an arrangement - - -

MR DOHERTY: I don't think we have a - - -

MR ZELONES: - - - or is it an MOU or - - -

MR DOHERTY: One of the things – if you go way back, it was built at the school's expense. So it's actually got - - -

MR ZELONES: So you were given permission to use it and you then developed it for a car park.

MR DOHERTY: Well, it was a condition of building there in fact.

MR ZELONES: So, yes, subsequently then they're using it as a public car park during school holidays. Is that how you would describe it?

MR DOHERTY: Correct. Yes.

MR ZELONES: And it's paid parking. How do they manage the parking when it's – so it's not chargeable during school times.

MR DOHERTY: And it's supposed to be - in the memorandum we had from the City of Stirling - - -

MR ZELONES: So you do have a memorandum?

MR DOHERTY: Yes. I don't know how formal - - -

MR ZELONES: I would imagine then they actually look after the maintenance of it.

MR DOHERTY: Yes.

DR FIELD: Yes. That was part of the - - -

MR DOHERTY: Yes.

MR ZELONES: So you don't have a financial burden?

MS: Yes.

MR DOHERTY: No.

DR FIELD: No.

MR ZELONES: Okay. All right. And I'm just trying to get this idea that given that the amendment doesn't really affect the green space areas - - -

MR DOHERTY: That's right, yes.

MR ZELONES: - - - but the impact of course is what you're referring to.

DR FIELD: That is what – correct.

MR ZELONES: You mentioned that they were planning to build more car parking on that reserve.

MR DOHERTY: We've had discussions with City of Stirling people that have – there was one proposal at one point.

MR ZELONES: Yes.

MR DOHERTY: So it's not just in my head.

MR ZELONES: Yes.

MR DOHERTY: I've actually seen proposals for this. It's not currently listed, to my knowledge.

MR ZELONES: Yes.

MR DOHERTY: So it's - - -

MR ZELONES: Yes. I'm trying to extrapolate, because of the changes of the use area and the densification of population around there, the open space is going to become more critical and I know this from right across the metropolitan area where we develop these things, the problem is it's fine having this nice open green space, but how do you get to it? How do you use it? Those across the street can walk to it. There is nobody across the street, so most people drive to it.

Once they get there, that's where the problem is so they usually kind of park higgledy piggledy. They drive over green space they shouldn't be driving on, but generally they end up parking along the verges. So the plan would be to try to improve that not only from a public access point of view. The question would be is if it's turned into a car park for the industrial estate across the way, which should be providing their own car parking. So that's the separation we're trying to get.

MR DOHERTY: Yes.

MR ZELONES: If you don't mind the public using this - - -

MR DOHERTY: No.

MR ZELONES: - - - and the ability to accommodate them while they're there, but it's to ensure that it doesn't get misused as an industrial car park.

DR FIELD: Yes. Correct.

MR DOHERTY: And the area that we're talking about is this is the aerial view of the space across – this is Parkland Road.

MR ZELONES: Yes.

MR DOHERTY: This is Jon Sanders.

MR ZELONES: This is you.

MR DOHERTY: And that's us.

MR ZELONES: Yes.

MR DOHERTY: And the car park area was designed – proposal of the City of Stirling was right here in this area here.

MR ZELONES: What's this area here? Is this - - -

MR DOHERTY: This is the parks - - -

MS TAYLOR: The regional - - -

MR DOHERTY: - - - the regional open space.

MR ZELONES: And that's the car park there.

MR DOHERTY: There's a car park there.

MR ZELONES: Okay.

MR: And somehow the Department of Parks and Wildlife and City of Stirling have come to some arrangement.

MR ZELONES: Yes. And did you say they were planning on something else further down here?

MR DOHERTY: No.

MR ZELONES: Okay.

MR DOHERTY: No, just in this area.

MS TAYLOR: Just that bit there.

DR FIELD: But the concern would be I think - - -

MR ZELONES: You're going to lose your - - -

MR DOHERTY: Everyone will.

DR FIELD: - - - the grassed area, but the concern, Paul, from an educational point of view is being right on the boundary of a school with, you know – you have to supervise much more closely the interaction - - -

MR DOHERTY: There is a - - -

MR ZELONES: I find it a rather unusual arrangement.

MR DOHERTY: I haven't mentioned that, but it is – and I brought this up with the City of Stirling and I think they did hear this. I said, “You're proposing a car park right next to the school playground boundary where people will be coming and going all the time. Is that what you're proposing?” And they went, “Oh, yeah.” And that – I already had a bit of an issue – like they're not allowed to smoke in the building. People come across and smoke right by the playground.

MR ZELONES: Yes.

MR DOHERTY: Now, they're not cars, so I have – but I have asked - I have gone up to people occasionally and pointed that out; or they just don't think. I don't know they're doing it necessarily consciously.

MR: No.

MR DOHERTY: I've had fitness training programs, personal trainers, come and set up right by the playground.

MR ZELONES: Okay.

MS TAYLOR: So is this what you were talking about with – Henry was discussing. What does that actually cover?

MR DOHERTY: That's just about the car park space.

DR FIELD: Yes, it will be a school parking area.

MR ZELONES: Yes. But you also use the green space for playground or - - -

MR DOHERTY: We do.

MR ZELONES: - - - for exercise.

MS TAYLOR: Yes, you have got - - -

MR ZELONES: So there will be probably something - - -

MS TAYLOR: Yes.

MR ZELONES: Given that this is outside of the MRS area - - -

MS TAYLOR: Yes.

MR ZELONES: - - - it's probably not an area that we can actually put conditions or recommendations on.

MR: No, no.

MR ZELONES: But what I would be saying is, because I'm local government myself, is that you need a new MOU with Stirling to clarify that.

MS TAYLOR: Yes.

MR ZELONES: Now, I can understand just looking at the map you provided why they want to increase the car parking, but it needs to be separated from your activities.

MR DOHERTY: Yes.

MR ZELONES: Whatever it is they do, whether they push it further away, but it occurs to me that you're going to need access to a safe, secure environment for those activities for your playground, for your children, for your – whatever programs you're going to be running there, particularly if you're going to be going into any early childhood. As you know, you've got these pick up, drop off requirements and all - - -

MR DOHERTY: Well, that's exactly us.

MR ZELONES: So, as I say, given it's not your land, you'll need to talk to them about revisiting how this is going to work because, as I said, an argument would be this car parking is for the public to use, the green open space, it is not for the industrial development or anything - - -

MR DOHERTY: Yes.

MR ZELONES: But to separate that, you don't know, once they pull up and park there, unless they've got stickers on their cars, you don't know who they are.

MR DOHERTY: Yes.

MR ZELONES: And there will be - I know industrially – they will be parked there all day and that should not be the intent and that's why it's paid parking now to limit the amount of stay they have.

MR DOHERTY: Absolutely.

MR ZELONES: Okay.

MR DOHERTY: There's more - - -

MR ZELONES: They're the only questions I have.

MS TAYLOR: Yes.

MR ZELONES: I was just trying to clarify - - -

MR DOHERTY: There was more chaos before the paid parking.

MR ZELONES: Yes.

MR DOHERTY: In fact, for a long time – we monitor our own car park internally. I can then call them. So we have our own sticker - I know this sounds crazy, but this is what – because at first everyone from across the road was parking in the car park.

MR ZELONES: Yes.

MS TAYLOR: And you've got security to think about.

MR ZELONES: Yes, you need to safety - - -

MR DOHERTY: And we go down – I won't count the playgroup that I mentioned, but we start at 3.00. So in fact all our kids, because of the nature of the area, we hand over that, I guess, duty of care to the carer or adult every day.

MR ZELONES: Yes.

MS TAYLOR: Okay.

MR ZELONES: I think their MOU is probably well out of date.

MS TAYLOR: Yes.

MR ZELONES: And whatever happens there - - -

MS TAYLOR: Revisit that.

MR ZELONES: - - - it needs to be – you need to follow up - - -

MR DOHERTY: And it's just to keep the integrity of the open space for – like I said, for the school, but also the community because it's going to be under pressure. The whole area is. We get that.

MR ZELONES: Yes.

MS TAYLOR: Yes, I understand that.

MR ZELONES: Could I just ask, Anthony, obviously Jon Sanders separates the Herdsman Lake area from this open space area.

MR DOHERTY: Correct.

MR ZELONES: Is that vesting with the City of Stirling or is it Crown land or - - -

MR MUSCARA: I don't know. I'd have to look into that.

MR DOHERTY: Well, it's my understanding - - -

MR ZELONES: It must be vested with them if they've got arrangements and are using it.

MS TAYLOR: Yes.

MR DOHERTY: Well, I'm confused about that because there was a bit of a stand off when we started this debate around parking - - -

MR ZELONES: Okay.

MR DOHERTY: - - - and then suddenly it happened months later. My understanding is that the Glendalough Open Space is part of the Herdsman Regional Park, but it's actually - - -

MR ZELONES: Yes.

MR DOHERTY: - - - State Planning.

MR ZELONES: On the maps here it shows that there's bush forever. On that side it's not. So it's two different things and it comes under two different planning policies, all of that sort thing.

MS TAYLOR: Yes.

MR DOHERTY: Okay. Well, whenever we've talked about that lease, for example, we had to be in negotiations with the State Planning Commission - - -

MR ZELONES: Oh, yes.

MR DOHERTY: - - - even though the Parks and Wildlife have got their management - - -

MR ZELONES: Yes. That will still happen, but the care and maintenance of vesting could be placed with the City for that. The commission doesn't want to be spending its money on mowing lawns or something.

MR: Well, it doesn't have to. It's (indistinct) Parks and Wildlife.

MR: There's Parks and Wildlife to - - -

MR ZELONES: Yes, that's right. Yes.

MR: Yes.

MR ZELONES: So something in – yes, this needs to be followed up and I think the City of Stirling will have to clarify those issues.

MS TAYLOR: Yes.

MR ZELONES: But you guys need to, I think, deal with this, try to get clarity on the MOU operation and it's a school. I mean, there's rules.

DR FIELD: Yes. It's a delicate (indistinct) across the City of Stirling responding to the legal issues - - -

MR ZELONES: Yes.

DR FIELD: - - - whereas we're talking about down the track for much greater residential development.

MS TAYLOR: Yes.

DR FIELD: And the point that you made - - -

MS TAYLOR: Fair comment.

DR FIELD: - - - which is a jewel in the crown type of thing for open space for the - - -

MR ZELONES: Look, I think they'll be cooperative here. They'll try to work the solutions through for you.

DR FIELD: They've been pretty tough up to - - -

MR DOHERTY: They have.

MR ZELONES: Okay. Maybe I misspoke.

MS TAYLOR: Perhaps you're being optimistic - - -

MR ZELONES: (indistinct)

MR DOHERTY: We had a lot of battles that went for about – for three years. I would actually say it was putting our school in jeopardy.

MR ZELONES: Yes.

MR DOHERTY: That's it. Now, we've got a way – and we do our own – I have a kiss and drive with parent volunteers and, you know, I've done a lot of – everything I can come up with to manage this and we've got by now.

MR ZELONES: Yes.

MR DOHERTY: But there was a period where we were on the edge.

MR ZELONES: The issue – sorry, and again I'm speaking from a local government perspective – is that the issue in recent times has been of – whether it be businesses, private residences or organisations like your own, you're a private school, using public facilities or grounds for which you don't pay for, but the rates purse actually maintains its own. So there's been this – and that's probably where the friction comes from is about them saying, "Fine, if you want to either lease or we'll do whatever, we'll come to a formal arrangement," that takes off things like public liability requirements and places them back in your bailiwick, but right now it seems to be a very kind of loose, long arrangement which has now – which will be transitioning into something else.

I think it just needs to be clarified and that's the aspect which they'll be looking from is that as soon as it looks like you're being favoured over someone else, you can bet your boots, someone else will be coming down and saying, "Where's our share? You're doing it for them. Why can't you do it for us?" So it's just about taking that bigger picture look and just see how that arrangement is.

But I can tell you the City of Armadale, where I'm the mayor, we come to these arrangements, but we have clear memorandums of understanding or leases or whatever takes place to try to make sure that that never comes back and bites us in the bum.

MS TAYLOR: So you'll have to be a little bit more proactive by the sounds of it.

MR DOHERTY: Yes.

MS TAYLOR: Judi, have you got any questions?

MS BELL: No. Thank you very much. That's very - - -

MR DOHERTY: Okay.

MR: Well, thank you.

MS TAYLOR: Thank you for coming in.

DR FIELD: The other point I wanted to make, clearly, I think there's going to be increased traffic in the area - - -

MR ZELONES: Yes.

MS TAYLOR: Of course.

DR FIELD: - - - and Parkland Road had got traffic up here, which – this way – near Harborne Street and there's going to be further – in the amendment there's further road coming through – I've forgotten what it's called, but it's going to provide further access to Jon Sanders.

MS TAYLOR: Yes.

DR FIELD: And so Parkland Road will become a bit of a rat run – an access way - - -

MR: I think it has been for a number of years.

DR FIELD: So I think we're saying publicly there's a need for further traffic calming in the area.

MS TAYLOR: Management.

DR FIELD: Management.

MR ZELONES: Yes.

DR FIELD: We've now got flashing 40 kilometres signs - - -

MS TAYLOR: Yes.

DR FIELD: - - - school signs, but it's still – people still drive and ignore and - - -

MR DOHERTY: When the cars are parked both sides of the road, which is most of the time now, it actually – it's not quite two lanes, especially with a truck.

MR ZELONES: Yes.

MR DOHERTY: It's actually dangerous there. So it used to be they'd speed through, now it's less that and - - -

MR: Because of the vehicles parked there.

MR DOHERTY: It used to be them speeding because it's a natural shortcut road.

MS TAYLOR: Yes, yes.

MR ZELONES: Yes, I can see that. There's no traffic lights though at the bottom of that - - -

MR DOHERTY: Not at Jon Sanders, no.

MS TAYLOR: No.

MR ZELONES: But did you say there is at the top end on Harborne?

MR DOHERTY: There is at Harborne now. Yes. Only about a year ago.

MR ZELONES: I was going to say I don't remember them being there.

MR DOHERTY: There is now.

MS TAYLOR: Yes.

MR ZELONES: Okay.

MS TAYLOR: All right. Well, thank you, gentlemen, for coming in. I guess you'll probably want to know what's next. If there's any questions that you have in the meantime, please don't forget you can ring Anthony after we've - - -

MR DOHERTY: Yes.

MS TAYLOR: We will finish at the end of our day and bring together all the submissions and whatever we think should be looked at again. We'll be doing that at the end of our day.

MR DOHERTY: Yes.

MS TAYLOR: Anthony, the next part?

MR MUSCARA: Essentially, the committee here will make a recommendation to the full WAPC, who then take all that information into account and make a recommendation to the minister and then that decision, the final report, gets tabled in parliament for a decision. So you won't know in terms of an outcome, a public outcome, in terms of what's going on, until the new year.

MR DOHERTY: Yes.

DR FIELD: Yes.

MR MUSCARA: The decision probably won't happen until mid next year.

DR FIELD: And our local member Sean L'Estrange is well aware of our situation.

MR ZELONES: Yes.

MS TAYLOR: But I think you need to be working all of this time lapse - - -

MR ZELONES: Yes. Don't wait for a - I think you guys need to do some work with the City - - -

MS TAYLOR: Yes, you know, go in – yes, jump in.

MR ZELONES: - - - because it's – whatever happens, even if nothing happens, this thing is going to get worse anyway.

MR: And I think we need to also work with the State Planning Commission as well - - -

MR ZELONES: Oh, look, you're absolutely right.

MR: - - - because of the existing arrangements.

MS TAYLOR: Yes.

MR ZELONES: For us we need to - we'll be making comment on that, anyway.

MR DOHERTY: Okay.

MR MUSCARA: Yes.

MR DOHERTY: Thank you for giving us this opportunity - - -

MS TAYLOR: That's all right.

MR: All the best.

MR DOHERTY: Okay. Thanks.

MS BELL: Thank you.

MR SCOTT VINCENT (PLANNING SOLUTIONS)
representing on behalf of the Primewest Group

MS TAYLOR: Scott?

MR VINCENT: Good day.

MS TAYLOR: Good morning, Scott.

MR VINCENT: Good morning.

MS TAYLOR: How are you?

MR VINCENT: Very good, thank you.

MS TAYLOR: Elizabeth Taylor, nice to meet you. We've got Judi Bell and Henry Zelones - - -

MR ZELONES: Yes, I've been sick. I don't want to give you anything you don't need.

MR VINCENT: That's fine.

MS TAYLOR: No free presents. Okay. We've got your submissions, Scott – it's private. Is the door shut? Yes, okay. And you're going to talk to us about the poultry farm issue.

MR VINCENT: Yes.

MS TAYLOR: Yes. So we've got your submission and read through it and we've heard a bit about it already today, but over to you and we'll just ask questions as we go along, if you don't mind.

MR VINCENT: Not a problem.

MS TAYLOR: All right, thank you. You can enlighten us a bit further.

MR VINCENT: No worries. Well, I hope to. Thank you. Obviously, my name is Scott Vincent. I'm a senior planner at Planning Solutions. We act on behalf of Primewest group, the owner of lot 3 and 41 on Scarborough Beach Road, Osborne Park. Our submission lodged on the proposed amendment objected to the proposed urban deferred zoning on the basis of policy application, orderly proper planning and the availability of other suitable planning controls.

I don't wish to labour those points in a lot of detail, but I'll make the following kind of key observations. The Herdsman Glendalough area or, more specifically, the locality of Osborne Park, is Australia's largest large format retail precinct (indistinct) it's a well-established inner

metropolitan area that's already been subdivided and developed for a range of industrial and commercial purposes of varying intensity.

Businesses within this area are already faced with a number of challenges due to the prevailing industrial zoning of the area and various ad hoc special use and additional use zonings that apply throughout. There is little clarity, consistency or certainty for many businesses in the area trying to operate or get into the area.

The application of an urban deferred zoning to the area, in my opinion will create further uncertainty and ambiguity to businesses, including our client. My concerns in this regard are due to the lack of any clear definitive advice or direction being provided to ourselves or the City concerning the nature of land use and development restrictions that may apply. As noted in our submission, the application of State Planning Commission policy 4.3 has inappropriately resulted in the proposed urban deferred zoning. Such policy was written and intended to be applied generally in rural fringing areas where poultry farms present a particular set of issues and for further urbanisation of those areas.

The application of this policy to the subject area, in my view, is inappropriate given the facility is clearly not a poultry farm and is located at a highly developed inner metropolitan area. Now, while I don't contend that there may be some land use conflict issues and poultry processing plants, poultry farms, or a range of other industrial uses, can often have these issues, they're going to be quite different or they may be quite different to a poultry farm and only where the nature of the issues are known can you properly plan to manage them and give clear, unequivocal advice to affected businesses and landowners. Now, to date I haven't seen that clear and unequivocal advice, so what the implications would be for future land uses and for businesses in that area.

In my view, a more appropriate response to the poultry processing plant would be to use the range of statutory mechanisms already available under local frameworks. A special controlled area as an example would at least provide the ability to write in some very explicit commentary in the scheme addressing those issues of land uses that would be prohibited or restricted and give that clarity and certainty to businesses operating in the area and it could even provide guidance on the mechanisms to vary the buffer or allow certain uses, if certain technical investigations and development standards are achieved.

So, in summary, the processing plant is not a poultry farm and the local context is very different to the typical rural setting of a poultry farm. For the area to continue to function properly and evolve over time consistent with the agreed vision for the area, businesses and landowners require clear and consistent direction on what can and can't be done and urban deferred zoning, in my view, is the wrong tool for the job and issues could be much better addressed through local planning frameworks.

MS TAYLOR: Short and sweet. That was very good. Okay. We have actually discussed the poultry farm issues already once this morning. So we're quite familiar with what the issues might be and I think - I personally have visited the Steggles factory myself, not recent, but, you know, I know what it's all about. Questions, Henry?

MR ZELONES: I think the issue is quite straightforward. Yes - - -

MS TAYLOR: Judi?

MR ZELONES: - - - and logical.

MS TAYLOR: Yes, logical, very clear. Yes. We were discussing this SPP4.3 this morning and whichever way you look at it, it doesn't seem to fit so we need to have a revisit of that and where it will go. Now, from here on we will discuss all the submissions we've received today and try to come to some conclusions. We may go and revisit some of the sites after what we've talked about today, but other than that, I mean you can always call on Anthony to talk about things in the meantime because this is still a fairly long process, unfortunately. The timing, Anthony?

MR MUSCARA: The timing for a final decision, you're looking at mid next year.

MR VINCENT: Okay. That's the time frame? Yes.

MS TAYLOR: So I'm guessing in the meantime, you might still have some questions about process.

MR VINCENT: Sure.

MS TAYLOR: Yes.

MR VINCENT: Yes.

MR ZELONES: We're hoping to have the report through to October's Planning Commission, but - - -

MS TAYLOR: Yes.

MS BELL: Hopefully.

MR ZELONES: - - - (indistinct) state election holidays, all of those issues.

MR VINCENT: I understand.

MR ZELONES: It's not likely to get up.

MS TAYLOR: Yes.

MR VINCENT: Thank you.

MS TAYLOR: Well, look, I appreciate you coming in and thank you for your submission and we've taken a few more notes and I think at the end of today, we'll be making a few decisions about what can be done with this.

MR VINCENT: Right. Okay.

MS TAYLOR: Yes. So thank you for coming in.

MR VINCENT: Thank you. Thank you for your time.

MS TAYLOR: Okay. Thank you. Thanks, Scott.

MR DAVID CADDY (TPG TOWN PLANNING)
representing the Owners of 355 Scarborough Beach Road, Osborne Park

MS TAYLOR: Good morning, gentlemen.

MR CADDY: Good morning.

MS TAYLOR: How are you, David?

MR CADDY: Pretty well. How are you?

MS TAYLOR: Very good, thank you. This is our (indistinct) we've got Judi Bell - - -

MR CADDY: Yes.

MS TAYLOR: - - - Henry Zelones and of course you know Anthony quite well.

MR CADDY: Yes.

MS TAYLOR: I'm sure you've done all this before.

MR CADDY: Yes, you could say that on a number of occasions.

MS TAYLOR: Yes, yes.

MR: (indistinct) you have.

MS TAYLOR: Goodness me. Now, we've got your submissions, of course, quite detailed. Thank you for that. And we've heard a fair bit already on some of these issues this morning from other submitters, so over to you and if you don't mind, we'll just maybe butt in and ask questions as we go along - - -

MR CADDY: Sure. No, that's fine.

MS TAYLOR: - - - and sort out what we need to with it at the end.

MR CADDY: Okay.

MS TAYLOR: So over to you, David.

MR CADDY: That's great. Thank you very much. I do have a presentation. It will not take anywhere near the 15 minutes, but probably four or five minutes, if I could just go through it. So I'm very pleased to address you this morning on behalf of the owners of number 355 Scarborough Beach Road, Osborne Park, which is known as the Garden Office Park. Now, on the little plan that I've just shown given out, lot 106, which is on the corner of Harborne Street and Scarborough Beach Road, is the Garden Office Park.

MS TAYLOR: Right.

MR CADDY: So it's quite a substantial piece of land and, of course, it sits on one of the landmark sites that's been identified in the different planning studies. At the moment it comprises five office buildings and a fairly large car park and, of course, the garden for which it's fairly famous. Essentially, the owners are fully in support of the purpose of the amendment to facilitate a mixed used precinct, however, there are a number of matters within the amendment documentation that are of concern in terms of delivering a viable and well planned precinct that meets the objectives and visions of the relevant planning framework.

Before I address these concerns, if I could just give you a very brief potted history of the proposal. The City of Stirling has for many years proposed to facilitate the redevelopment of the Herdsman Glendalough precinct and in 2010 prepared a concept structure plan which clearly proposed to redevelop the precinct into a mixed use residential and commercial area with a strong employment focus based on sound transit oriented development principles and WAPC policies.

In 2011, the structure plan was formally advertised and in 2013, the City of Stirling prepared the draft Herdsman Glendalough structure plan and detailed area plan. This is a process that we would assume included extensive community consultation and interagency consultation. As a result of this, in 2014 an MRS amendment request was progressed by the City requesting a rezoning from the current industrial zoning under the regional scheme to an urban zoning.

A local planning scheme amendment was progress which zoned the precinct as a development zone. This amendment and the structure plan and detailed area plan were formally advertised in early 2015 and were based on the existing planning framework documents, including Directions 2031, the Capital City Framework, the Central Metropolitan Perth and Peel Sub-Regional Strategy, the draft Scarborough Beach Road Activity Corridor Framework and DC policy 1.6, planning to support transit use and transit oriented development.

All of these documents concentrated on the need to increase the density of employment and development in the precinct, which clearly highlights the commission's support for redevelopment of the area. Notwithstanding that these documents identified support for redevelopment, we believe that the commission modified the amendment request resulting in numerous lots being rezoned to urban deferred rather than the urban zone.

This was due to the perceived impacts of the existing poultry processing plants located at 9 Baden Street, Osborne Park, being the Inghams factory, and 116 Howe Street, Osborne Park, being the Steggles factory. The extent of the proposed urban deferred land was determined by the application of a generic 500 metre buffer to sensitive land uses to poultry farms in accordance with the guidelines provided by the commission's SPP4.3 poultry farms.

From the relevant planning documents, it's evident that the land subject to the urban deferred zoning is the main focus of the vision for the redevelopment of the precinct,

particularly around the corner of lot 106, as I pointed out earlier. In addition, the redevelopment as envisaged will require the whole precinct to be part of a cost contribution scheme to make the redevelopment feasible. None of this will be able to occur due to the sterilisation through urban deferment, as I call it, of the identified land, which includes my client's land.

All affected landowners are significantly impacted in that no development approvals can be issued on any land within the urban deferred zone until the impacts of the processing plants are removed, either through relocation or significant testing and analysis is undertaken to demonstrate that the facilities have no adverse impact on the surroundings. It is highly unlikely that the facilities will relocate in the near future due to the significant financial investment.

Therefore, the lifting of the deferment will be through technical studies. We consider that this is an unnecessary burden considering that the land subject to this zoning is already occupied, seemingly successfully, by sensitive land uses. In addition the implementation of the zoning won't change the existence of these sensitive land uses within the buffer area of the processing plants. As such, the deferment will not have the desired effect of removing any potential impacts on sensitive land uses.

In addition to the significant implications of the urban deferred zone, the proposed zoning is strongly objected to and is considered unnecessary and inappropriate, having due regard to the following: SPP4.3, poultry farms, defines a poultry farm as meaning:

Land and buildings used for rearing or keeping of poultry for breeding, commercial egg production or commercial meat production. Poultry includes chicken, ducks and turkeys, but excludes emus and ostriches.

The existing poultry processing plants are defined as abattoirs as per the licence issued under the Environmental Protection Act. As such, the sites are not considered to meet the poultry farm definition and SPP4.3 is not applicable to the site. The use of SPP4.3 to specify the urban deferred zone is therefore considered fundamentally incorrect. If buffers were to be applied, the correct state planning policy would be SPP 4.1, industrial buffers.

It's important to note that SPP 4.1 places a strong influence on the role of the EPA and the need for formal consultation with the EPA to occur prior to advertising the amendment. In this instance, the EPA advised that it has no objection to the amendment and the urban zoning and advised that there were no significant issues that could not be adequately managed through more detailed planning mechanisms.

That particular letter is attached to our submission and I do have a copy if you need it.

MS TAYLOR: Yes.

MR CADDY: This advice is clearly consistent with clause 4.1 of SPP 4.1 which states that:

The definition of off-site buffers can be required by planning instruments, such as Town Planning Schemes, Region Schemes and Strategies, structure plans and policies.

Given the advice from the EPA and the requirements of SPP 4.1, it is considered the City's local structure plan and subsequent local development plans and the resultant development applications can effectively deal with the required buffer distances. SPP 4.1 also acknowledges that industry and infrastructure must also comply with adopted, environmental and planning criteria through a combination of appropriate management practices which should not unreasonably inhibit industry capacity or infrastructure usage and off-site buffer areas. SPP 4.1 also states that:

The size of the buffer area is dependent upon the management practices used.

Given these comments, the implementation of urban deferred zoning under the MRS is considered unnecessary. Both the Inghams and Steggles factories are licensed premises by the Department of Environmental Regulation pursuant to the Environmental Protection Act, and I've got copies of each of those licences if you'd like to see them.

The licence in relation to the Ingham factory requires all loader and dust impacts to be confined on site. It also specifies that all waste water is to be directed into holding tanks and for the treated waste water to be disposed of in the sewer with solid sludge waste to be disposed of into an approved waste disposal facility.

The Steggles factory at 116 Howe Street also has requirements for dust control and, again, all waste water needs to be directed to holding tanks, treated, and all solid waste removed to an appropriate waste disposal facility. There are no open ponds at either of these sites from which odour can emanate. These sites also both have existing sensitive land uses within the generic 500-metre buffer without any complaints being lodged with the City of Stirling.

Given that the facilities are employing mitigation techniques that remove all impact to the surrounding developments and operating without complaint from residents, the requirements for any buffer is highly questionable. The urban deferred zoning is in direct conflict with a number of strategic documents already endorsed by the commission, particularly Directions 2031 and Beyond, the Capital City Planning Framework, as I explained earlier, the Central Metropolitan Perth Peel Sub-Regional Strategy and the Glendalough train station area is identified as a major growth area for transit oriented development.

The draft Scarborough Beach Road Activity Corridor Framework prepared by the commission clearly outlines the commission's vision for the precinct and identifies Glendalough to become a transit oriented centre which provides for medium and high density residential, office and food and beverage opportunities. The intent is that 1700 dwellings be created within this area that is currently the subject of the urban deferment.

If I could conclude, I've already mentioned that the urban deferred zoning is considered an unnecessary burden. It will be an impediment to the redevelopment of the precinct without actually removing the sensitive uses already existing and we consider that the urban

deferred zoning, being inappropriate, should be amended or the amendment modified to include this land in an urban zone for the reasons I've outlined. Thank you very much.

MS TAYLOR: Okay. Thank you, David. That was excellent. Any questions? Henry?

MR ZELONES: No.

MS BELL: No questions.

MS TAYLOR: David, I just wanted – on lot 106 (indistinct) what did you call that, the park - - -

MR CADDY: The Garden Office Park.

MS TAYLOR: Can you just explain that a bit more for me?

MR CADDY: Yes, sure.

MS TAYLOR: So you've got five buildings there, have you?

MR CADDY: Yes. It is called the Garden Office Park. I actually don't have a photograph of it here. It's been developed possibly over the last 12 years and the newest office building takes to five the number of office buildings that are actually on the site. It's called the Garden Office Park Pty Ltd. That's the total development and it is characterised, shall we say, by the garden that is within the central precinct of these five office buildings.

MS TAYLOR: It sounds nice. Yes, okay.

MR CADDY: It's just north of the Audi dealership if you drive up Harborne Street.

MS TAYLOR: Anywhere near Lexus? No, it couldn't be; too far away.

MR CADDY: No. I'm sorry, I don't have a photograph.

MS TAYLOR: No. I just wondered what that actually conjured up. Okay. Well, thank you very much for that. And, as I said, we've had discussions already this morning on the Steggle and Inghams factories.

MR CADDY: I'm sure you have.

MS TAYLOR: Yes. It raises some questions.

MR CADDY: Thank you.

MS TAYLOR: But we don't actually have the answers to right now. And so you've put it quite succinctly here, anyway. I appreciate that – what you've done and the conclusion that you've come to. So at the end of this day, we will re-go over the whole of the submissions

that we've had and it will be some time, of course, as you know. We will try to get this through to WAPC for October, but Anthony will give you some kind of - - -

MR MUSCARA: Yes. And the likely time frame for effective decisions is the middle of next year would be my estimate.

MR CADDY: Okay.

MR MUSCARA: So the report gets published once it gets tabled in parliament. That's when it becomes public.

MS TAYLOR: But any questions you have in the meantime, you can call Anthony any time.

MR MUSCARA: Yes.

MR CADDY: If it's in parliament, before parliament already and the election is called, does that affect the progress of the amendment?

MR MUSCARA: If it's within the 12 sitting days, it just carries over into the new parliament.

MR CADDY: Right. Okay.

MR MUSCARA: That's up to the minister to decide whether the minister is prepared to progress it or not. It's sort of out of our hands.

MR CADDY: Or the 12 days may start again?

MR MUSCARA: No. The 12 will continue. So if it's through to, there will be another 10 days left and that will be the new parliament.

MR CADDY: Thank you.

MR MUSCARA: Yes.

MS TAYLOR: Okay. Good.

MR CADDY: Thank you very much.

MS TAYLOR: Thanks, David. Okay.

MR DAVID READ AND MR LEE VERIOS (TPG TOWN PLANNING)
representing Kondil Nominees Pty Ltd & Kailis Consolidated Pty Ltd

MS: David Read and Lee Verios.

MS TAYLOR: Good morning.

MR READ: Good morning.

MR VERIOS: Good morning.

MR: (indistinct) nice to meet you.

MS TAYLOR: Hello.

MR VERIOS: I'm Lee Verios. Thank you.

MS TAYLOR: As I said, we have Judi and - - -

MR: Good morning. How are you.

MS TAYLOR: - - - Henry.

MR ZELONES: I have a bit of a cold.

MS TAYLOR: He doesn't want to share any germs.

MR: Thank you.

MS TAYLOR: Okay. Well, we have your submissions. They're quite detailed. Thank you very much for that. We're here to listen to you today and anything else that you have to add or it looks like you've got some more work for us to look at - - -

MR READ: I've got a few handouts show you, yes.

MS TAYLOR: - - - enlighten us a bit more on what we're dealing with here and we'll just – if you don't mind, we'll just ask you questions as we go along.

MR READ: Thanks.

MS TAYLOR: Thanks, Henry.

MR READ: Yes, thanks, Madam Chair, and members of the committee. David Read from TPG and this is Lee Verios on behalf of the owners of Kailis Consolidated Pty Ltd and Condor Nominees Pty Ltd, who are the owners of three hectares of land right abutting the

western side of the freeway and the northern side of Scarborough Beach Road directly opposite Glendalough train station. So that's the first plan that you'll see there.

I'm sure you've heard the same request from the other deputations and you've read our submission on the 18th, so I'll try and keep this brief, but we're obviously strongly opposed to the proposed urban deferred zoning under the MRS amendment 1291/41 for the Herdsman Glendalough precinct and seek it to be modified to urban.

There aren't too many parcels of land in single ownership of such size and such strategic locations in inner metropolitan Perth and we strongly believe that the commission should be working with the City of Stirling to transition the area into a high density transit oriented development and employment hub and be reducing barriers to development not increasing them.

Kailis and Condor have been working with the City of Stirling for a number of years now to help guide the City's planning framework for the precinct to ensure that the framework not only accords with the commission's sound orderly and proper planning principles, but is also highly implementable and financially attractive to ensure it results in actual redevelopment on the ground.

The project planning has included Hassell architects, who worked with TPG and the owners and have prepared a concept plan for the site which is the third handout that you've got there which includes our seven developable parcels to accommodate over 1100 dwellings, retail outlets, including a supermarket, offices and amenities to optimise the number of people living and working directly abutting the train station.

Such a concept is specifically advocated by the commission's Directions 2031 Framework, Capital City Planning Framework, Central Metropolitan Perth Sub-Regional Strategy, Development and Control Policy on (indistinct) relating to transit oriented development and even the more recent draft Scarborough Beach Activity Road Corridor Framework, all of which are trying to encourage the redevelopment of the site.

The sub-regional strategy alone specifically identifies the Glendalough train station area, including the Kailis and Condor site, as a major growth area for a (indistinct) with the potential to accommodate 1700 dwellings and urban deferred zoning is in direct conflict with this strategic vision. Plus we acknowledge the existence, location, potential odour (indistinct) of both the Steggles and the Inghams factories and the requirements of state planning policy 4.1 relating to industrial buffers.

We also note that this policy specifically allows for appropriate buffer distances to be determined based on the nature of the industry. The policy also relies on EPA policy guidance for the assessment of environmental factors policy, which is where the generic 500-metre buffer distance comes from, but this policy places a strong emphasis on the need to consult with the office of the EPA. In this instance we have the EPA – by letter to the commission dated 2 May providing the advice it has no objection to the rezoning of the land to urban, stating:

The proposed MRS amendment will not raise any significant environmental issues that cannot be adequately managed through a more detailed planning process.

And this is exactly what we're advocating: the specific amenity impacts should be addressed by the Herdsman Glendalough Structure Plan, which will be determined by the commission, the subsequent local development plan and the eventual development applications which are also likely to be determined by (indistinct) so the commission can therefore have confidence that due regard will be had for the protection of the industries and the amenity impacts on future residents.

We also note that these industries operate under strict licence conditions and have been significantly upgraded and managed to operate within their urban context. The Ingham factory on Baden Street to the east of the freeway has residential dwellings right on its boundary and has strict environmental conditions on its licence to contain all odour and dust impacts on site. To achieve this, the waste management practices involve the transfer of birds inside a shed and no open waste ponds where all slurry is stored into tanks, waste water is then directed into the sewer and the removal of sludge is tanked and trucked off site.

For the Steggles facility to the west of the freeway, again, there is sensitive land uses already within the buffer and our environmental consultants Emerge and Associates advise that there are strict management practices in place and both facilities have undertaken significant upgrades and infrastructure to minimise odour production. Emerge have also advised that there have only been 10 odour complaints since 2005 for the Steggles facility and the majority of these are from land uses to the north-west.

The Kailis and Condor site is to the south-east and away from the prevailing morning summer easterlies or the south-westerly sea breeze. Emerge also confirm that the best analysis practices for determining odour dispersion modelling is based on site specific odour intensity analysis over an annual period to analyse any odour over a range of seasons and conditions. This site specific analysis is best done as a clear requirement of the structure plan and local development plan prior to a DA being lodged.

So each owner who benefits from an increased development potential of their property pays for its share of the analysis to be undertaken. It is highly unlikely the City will pay such costs and the commission shouldn't be burdened with the costs either. While some adjoining landowners may well team up to share costs, one landowner should not be burdened for undertaking and coordinating the analysis for all landowners directly affected by the urban deferred zoning.

I'm also sure that once the urban deferred zoning is in place, the commission will not want to lift it on a piecemeal basis and will rightly be risk adverse to prematurely lifting the urban deferred zoning until either the factories have relocated or it is confirmed beyond doubt that the odour is adequately managed for all uses within the buffer.

This situation is likely to result in urban deferred zoning to be in place for a significant period of time. The ramifications of such zoning are significant. Whilst it not only precludes the development of any sensitive land uses, such as residential within the urban deferred zone, the whole development of the Herdsman Glendalough area is put into jeopardy as the significant areas are sterilised from any potential developer contribution scheme and the major development sites of highest value adjacent to the transport hubs are sterilised, stopping the very catalyst needed to restart the redevelopment.

The bigger issue to the owners, however, is that no works could be approved for any use, but worse there is no longer the ability to secure a loan facility against the property to undertake any investment in the land as the banks simply don't lend against urban deferred zone where there is no certainty whatsoever as to when it may be lifted.

So just to conclude, we strongly recommend the urban deferred zoning be changed to urban as the urban deferred zoning is inconsistent with the numerous endorsed WAPC policies. It is inconsistent with the City of Stirling's endorsed vision for the precinct, both existing processing plants already operate under strict licensing conditions, where a generic 500-metre buffer is not required. Any odour or amenity impacts can be addressed by the structure plant, local development plan and subsequent development application processes.

The office of the EPA supports the area being rezoned urban and urban deferred zoning is a significant impediment to the investment occurring on the subject site and throughout the whole precinct for many years. We thank you for your time and Lee and I will try and answer any questions that you have.

MS TAYLOR: Okay. Thank you for all of that. I find it interesting the small amount of objections that you've pointed out in your submission over the period of time for both those places. Questions? Henry, do you have any?

MR ZELONES: Not really. This is a subject that has been - - -

MR READ: I'm sure it has.

MR ZELONES: - - - covered fairly well by previous submitters. Now, we understand what the arguments are there.

MR READ: Thank you.

MS TAYLOR: Judi?

MS BELL: The same with me, yes.

MR READ: Thanks, Judi.

MS BELL: Very clear, yes.

MR VERIOS: If I may, Madam Chair - - -

MS TAYLOR: Yes, sure.

MR VERIOS: - - - not addressing the technical issues which have obviously been well addressed, but I just want to emphasise the point that the two families that have held these properties for - - -

MS TAYLOR: A very long time.

MR VERIOS: - - - I think it's 40-odd years now or more are very keen and committed to bringing the strategic vision to fruition in the earliest possible time frame for the benefit of all - - -

MS TAYLOR: Yes.

MR VERIOS: - - - the amenity of the area and the achieving all of the various strategic visions that have been expressed by the government, local and state. As David has pointed out, a deferral now to this process is at a loss to the benefit of the state.

MS TAYLOR: Yes.

MR VERIOS: So we're keen to make it happen and we will make it happen if we can get the opportunity to do so.

MS TAYLOR: Okay. I appreciate you giving us the extra information here and we'll add that into your submission from today, which was excellent really.

MR VERIOS: Thank you.

MS TAYLOR: It gives you a different kind of a focus on where you're coming from which is - - -

MR VERIOS: Indeed. As you can see from the plans, we haven't been shy in getting the consultants to give us the opportunity to present the vision that - - -

MS TAYLOR: No.

MR VERIOS: - - - and it really could be a very unique opportunity to add that sort of density and proximity to the City and the - - -

MS TAYLOR: I recognise that. Yes.

MR VERIOS: Thank you.

MS TAYLOR: Very good. So thank you for that further information.

MR VERIOS: Thank you.

MS TAYLOR: At the end of today we'll discuss all of the submissions that we've heard and put together a report that will go to the commission. Hopefully, we're talking about October for the commission report. Further to that, Anthony, time frame?

MR MUSCARA: The time frame would be sometime next year, the middle of next year is likely for a decision on the outcome of this process. Yes, yes.

MS TAYLOR: So in the meantime if you do have any questions, please contact - - -

MR MUSCARA: Come to me, yes.

MR VERIOS: Anthony.

MS TAYLOR: - - - Anthony. Because of statutory requirements, I don't think we can make it go any faster than that for you. I'm sure you would love it to.

MR: Absolutely.

MR MUSCARA: To go through 12 sitting days in parliament and the parliamentary time frame is sort of coming to an end and a change of government – a potential change of government and everything, so there's all these things that need to be factored in.

MR: There's no risk that it gets pushed back to square one, is there, as a result of the - - -

MR MUSCARA: No. A change of government? No, the legislation has been changed. It was under the old legislation if it was in the 12 sitting days and parliament rose, the whole thing would be disallowed automatically on an administrative process.

MR: Okay.

MR MUSCARA: That's been changed.

MR: Okay.

MR MUSCARA: So if the minister and the government wanted to progress this to parliament and there's only two days left out of 12, it won't fall over. It will just go into the new government.

MR VERIOS: Right. Okay.

MR READ: Great.

MR VERIOS: So whatever happens the mid of next year is still a reasonable sort of time frame.

MR MUSCARA: A realistic time frame, yes.

MR VERIOS: Excellent. Okay.

MR MUSCARA: Yes.

MS TAYLOR: We didn't want to get your hopes up - - -

MR VERIOS: Yes.

MS TAYLOR: All right.

MR VERIOS: Thank you all very much for your time. We appreciate it.

MS TAYLOR: Thank you very much for that. We appreciate the extra information you have sent us. Thank you.

MR VERIOS: Okay. Thank you.

MS TAYLOR: Thank you very much. That was fantastic. You've got a copy of that, Anthony?

MR MUSCARA: Yes, I have.

MS TAYLOR: Yes. So we can add that into - - -

MR MUSCARA: We'll include that in the submissions.

MS TAYLOR: Yes, that will be fantastic if you could.

**MR DANIEL HEYMANS, MR FRASER HENDERSON AND MR BLAKE DICKSON
(CITY OF STIRLING)**

representing the City of Stirling

MS TAYLOR: Now, we've got the City of Stirling, have we?

MS: We have. The City of Stirling. We've got Daniel Heymans, Fraser Henderson and Blake Dickson.

MS TAYLOR: Gentlemen.

MR: Hi, Judi.

MS TAYLOR: Hello. Elizabeth Taylor.

MR HEYMANS: I'm Daniel Heymans.

MS TAYLOR: Nice to meet you, Daniel.

MR HEYMANS: Nice to meet you.

MS BELL: Hello, Daniel.

MR HENDERSON: Fraser Henderson.

MR DICKSON: I'm Blake.

MS TAYLOR: Hello.

MR DICKSON: How are you going.

MR DICKSON: I'm Blake (indistinct)

MS TAYLOR: He's got germs.

MR: Anthony, hello. Good to see you.

MS TAYLOR: He's keeping away.

MR: Oh, he's got the germs?

MR: Thank you for not sharing the joy of your cold.

MS TAYLOR: Look, I appreciate you coming in. Thank you very much. And we've got a copy of your submission and there's probably a few things that we would like to discuss with you today that have already come up this morning. So you've got a - - -

MR: Quick presentation.

MS TAYLOR: - - - presentation.

MR: Yes.

MS TAYLOR: Yes. Would you like to take over?

MR: We may as well just start off and - - -

MR HENDERSON: I'll start. I'm Fraser.

MS TAYLOR: Yes. And we might butt in and ask questions on the way, if that's okay - - -

MR HENDERSON: Yes.

MS TAYLOR: - - - rather than leave it till the end. Okay. So over to you.

MR HENDERSON: Please do. I'm Fraser Henderson, the manager of city plans. This is Daniel Heymans. He is the coordinator of our projects team. So he's been responsible for the project, all the detail and Blake has been working on – and his team.

MS TAYLOR: Right. Okay.

MR HENDERSON: So this Herdsman Glendalough area actually forms part of a wider corridor extending from the Herdsman Glendalough station 5.5 Ks to the city, seven kilometres along Scarborough Beach Road to the beach area. I was at a conference in Melbourne on urban regeneration where people from a place called Fishermans Bend, which is kind of the Yarra River delta opposite Docklands, who are saying they have the biggest urban regeneration project in Australia. So I quickly did the numbers and, no, they don't. This is. This is, according to their matrix – it's about 715 hectares. It's a truly ambitious magnificent project that will assist with Perth achieving its urban consolidation objectives and it's pretty advanced all the way along it. The Herdsman Glendalough area itself, it's about 218 hectares. It will have about 14,000 dwellings. That's about 27,000 people, 50,000 jobs.

It's really seen a lot of investment prior to the boom where lots of offices and things were developing along there. The Stirling City Centre is really about getting a centre – the retail and mixed use centre to Stirling. It's a 355-hectare area, 13,000 dwellings, 25,000 people and 30,000 jobs and the corridor, which was just adopted by the council, is really linking the centre to the beach, 43 hectares, about 8000 people, 750 jobs. I don't know what happened there. I'll get it going again. Thank you.

The final part of it, of course, is the Scarborough beach end where the MRA have carriage of that project and there's about \$100 million being invested in the rejuvenation and reinvigoration of that area. So all up it's a significant project. It is part of the strategy. Herdsman Glendalough itself forms part of a wider strategy which is part of the wider strategy for the consolidation of Perth. Just figures there for what it is.

You can see that ultimately that's over a long period of time with lots of work and there'll be lots of frustrations and struggles along the way as we progress this project. So we were somewhat surprised when the MRS did come out and designate it with large areas of urban deferred and we think that would be the wrong decision to make. We think the issues that brought that about can be managed and we will talk to you about how we think we can resolve that and see this move forward so that we can begin the transition in that area to its full potential and I'll hand over to Daniel to talk to those parts.

MS TAYLOR: Okay.

MR HEYMANS: Yes, thank you, Fraser. So just going back, I started on this project in 1996 actually first, when we first did our draft of the Glendalough station study, just after the railway was built when the state government with Westrail were also notified – or identified this area as a good TOD, transit orientated development. So I've been working at the City now since 1996 on this project and we really, I suppose, hit the ground running back in 2008 when we started with the commission on the Scarborough Beach Road Activity Corridor Framework, which the commission has subsequently adopted.

It's one of the first activity corridors adopted in the metropolitan region and it clearly identified Herdsman and Glendalough as a transit orientated development around the station with a series of high density mixture nodes around transit stops along the way on Scarborough Beach Road. So it always envisaged residential mixtures, office and so on. So that was adopted by the commission, I think, in 11 I think it was or 13.

Over that period we have held over six community workshops in the Herdsman Glendalough area and it's been thoroughly advertised. Prior to us starting our work, the actual landowners did a structure plan, what they called a concept structure plan. So the landowners, including Kailis and the previous Garden Office Park, as well as the West Australian, did a concept structure plan back in 08-09 that had no statutory framework, but it just highlighted what their vision was for the area; matched what the state's idea was and matched the City's. We then subsequently grabbed that concept structure plan and then turned it into what we now have our draft Herdsman Glendalough structure plan.

MS BELL: Can I just ask, the study was done of the same area or did you - - -

MR HEYMANS: Pretty much.

MS BELL: Yes.

MR HEYMANS: It wasn't as far – if I go back one – where is the big map? It wasn't right up in here, Judi.

MS BELL: No.

MR HEYMANS: But it was all of that area, yes, around the station and the business park. So all the land – the major landowners were behind that at that time. So we've been doing a lot of work for many, many years on it. So we've had a lot of community consultation. Right

through this process we've had no issues with the Ingham or Steggles poultry farm – sorry, poultry processing plants.

MS TAYLOR: Yes, plants.

MR HEYMANS: They're not farms. And so it was a complete surprise to us coming out at this point that something was coming up. We obviously – the City lodged the MRS amendment. So we prepared it. It was obviously all urban because it was basically – we had to lodge that MRS amendment to enable us to adopt our structure plan - - -

MS TAYLOR: Right.

MR HEYMANS: - - - because we need – our local planning scheme amendments have been at the commission now I think three and a half years because it's awaiting the resolution of the MRS amendment. So until the MRS amendment is resolved, the commission has said they won't deal with our local planning scheme amendment and then as a result, we can't adopt the structure plan. So it's all being held up by the MRS at this point in time.

MS TAYLOR: Right. So you're ready to go.

MR HEYMANS: Yes, we're ready to go. We've been ready to go for quite a while. The first issue for us, I suppose, the MRS amendment cited the state planning policy 4.3 poultry farms. Obviously the Steggles site is not a poultry farm. It's a poultry processing plant. You've got the definitions in there. It's for rural and residential. We don't have rural and residential. So we just believe that the citing of this policy is incorrect and the use of it to determine a buffer is also incorrect. We've had legal advice that backs that up that it's not a poultry farm under the definition of the state planning policy.

MS TAYLOR: Yes.

MR HEYMANS: Notwithstanding that, the intention of SPP4.3 is to restrict sensitive uses from (indistinct) on poultry farms. As, again, I said there's no rural land here. If you look at the sensitive uses, the commission – we asked what are sensitive land uses. The commission gave us a list and it pretty well includes most of the land uses already found in this area. It included offices, showrooms, caryards.

MS TAYLOR: Yes.

MR HEYMANS: So already the majority of land uses near the centre, which is here – the other retail, which is the yellow – the showrooms, the offices the blue, the shop retail red, service industry – the only thing that wasn't a sensitive use was warehousing and there's not a lot of warehousing left in here because it hasn't really operated as an industrial area for quite some time. Those uses have moved out because the land values have just become so great that office showrooms, caryards, have replaced those uses over time.

In actual fact, Herdsman – the Herdsman Business Park was always marketed as a business park. So even from day 1, it's always been office, you know, when that was done in the late 80s and early 90s. So what we're saying, the urban deferred will actually impact all of these existing sensitive uses as the previous group mentioned that, you know, it affects their operations in quite substantial forms.

MS TAYLOR: Yes.

MR HEYMANS: Even we weren't aware that it affects their funding of loans. So, yes, we just don't believe the use of the policy, the farm, poultry farm policy, is correct and we do not believe that you should sterilise not only the future vision of the area, but the existing land uses that are already there. In terms of the residential development considerations, that policy, that poultry farm policy, says that obviously residential shouldn't be impacted by odours, dust, noise and other issues. Odour impact should have regard to prevailing winds and topographical issues and it should be based on experience of nearby residents.

So we've gone through and distilled some of those issues in a bit more detail. In terms of the odour impacts, we again got from the Department of Environment that there was only 10 issues - - -

MS TAYLOR: Yes.

MR HEYMANS: - - - raised over a period of 11 years.

MS TAYLOR: That's right.

MR HEYMANS: And all of those there are the sites – we actually got the sites mapped. They're all, bar one, which is directly opposite – are all in the sort of a north-westerly direction except that one down here. I'm not sure. We weren't able to find out what exactly the – we don't know if these were odour complaints or not. They were just complaints. It could have been around a truck or it could have been something else, but, you know, over an 11-year period, 10 complaints is - you know, it's less than one a year and it's not a huge amount of complaints and, you know, 90 per cent of them are in the prevailing wind locations.

In that area we're not proposing to change the zoning. That is staying industrial in the prevailing wind area. The only area we're proposing to change zoning is south of Howe Street.

MS TAYLOR: And some of those objections didn't put a name to it or - - -

MR HEYMANS: No, they didn't.

MS TAYLOR: They weren't identifiable.

MR HEYMANS: No. Correct, yes. The other bit, going back – so that's that one – and the experience of neighbours, as I said there's only 10.

MS TAYLOR: Yes.

MR HEYMANS: The Steggles is a poultry processing facility. All of the activities of this site are carried out indoors. So everything is undertaken indoors. Poultry farms – talking to our environmental health officers at the City of Stirling, who we don't have poultry farms in the City, but they did work at other locations. The major issue of a poultry farm is the open nature of the manure. So the manure sits out in open tin sheds and that's where the majority of the odour comes from.

Obviously, at the poultry processing plant birds are usually dealt with in a couple of hours. So as soon as they arrive, they're basically slaughtered within a couple of hours, maximum is 10 hours, and it's within an enclosed facility. So, you know, unlike a poultry farm, you're not having birds sitting in sheds that are open to the air with manure being gathered and so on. So these birds are taken straight indoors and within – we were told by Steggles within a couple of hours the majority are slaughtered.

MS TAYLOR: Yes.

MR HEYMANS: Occasionally, they do stay there 10 hours, but that's the absolute maximum and they already have existing ventilation systems that are required to prevent the spread of odours and we're aware both Inghams and Steggles have upgraded those systems over the years because Inghams, particularly, did have a few complaints because they've got residential right up against the property.

Our understanding is since Inghams has redesigned their ventilation systems, those complaints have dropped off, even though they've got property residential right abutting - - -

MS BELL: And that would have been part of the licensing conditions.

MR HEYMANS: It was, yes.

MS BELL: Yes, yes.

MR HEYMANS: The licensing conditions were significantly increased over the years.

MS BELL: They were very strict - - -

MR HEYMANS: Yes, they are.

MR DICKSON: I think they had a licence issued just last year upgraded and the conditions were a lot more stringent than previous - - -

MS BELL: Yes.

MS TAYLOR: Yes.

MR HEYMANS: Yes. So we've showed that one, the evidence of complaints. So we went through that. So, look, we've also then looked at measures to address it and we agree with the previous submitters that it should be dealt with in the structure plan and the local development plan and not in the MRS. The MRS is completely the wrong instrument to deal with that because the MRS doesn't also control development approval. So even though you have an urban deferred it doesn't overwrite our local planning scheme that still permits, for example, a showroom or a caryard or an office development.

So the City would still – even if the MRS was to go to urban deferred, we still have the ability under our scheme and all decision-makers to approve a sensitive use. It's still a permitted use under the scheme. So we're saying if you wanted even to control it, if you wanted to, and we don't believe you should, then the MRS is the wrong instrument because it doesn't control land use.

MS TAYLOR: Okay.

MR HEYMANS: It's not a land use controlling mechanism. So, you know, if you were wanting to put controls in, we're saying it should be in the structure plan and so we've gone and analysed then if you were going to put any buffer – what our structure plan already does is that purple area is what we call a transitional industry zone.

MS TAYLOR: Right.

MR HEYMANS: So the structure plan, we never wanted to put sensitive uses right up against the industrial area and that was not permitting residential. It still permits office and so on. That gave us about a 100-metre, 120-metre buffer against the Steggles site. We've suggested that you could, if you wanted to, increase up to 220 metres a – that buildings in here, if they're residential, which we would permit in a mixed use zone, that they orientate away from the Steggles site so they're not fronting it. So they're facing the prevailing wind and it shouldn't produce any odour issues.

We agree with the previous submitters that they can also then undertake additional studies at the development application stage to determine what measures, if any, they should include in the development.

MS TAYLOR: Okay. Just - - -

MR HEYMANS: So really what we're showing is that, you know, in that purple zone there is no residential at all. Sorry, did you have a question?

MS TAYLOR: No. I was just going to say we've got quite a few other questions to ask you - - -

MR HEYMANS: Yes, okay.

MS TAYLOR: - - - and time is running out.

MR HEYMANS: I've nearly finished. Yes.

MS TAYLOR: So if you had anything really - - -

MR HEYMANS: And we just wanted to reiterate the previous that when the MRS was out for advertising, the Office of Environmental Protection supported this and said it could be dealt with – any issues could be dealt with in the detailed planning process, which we agreed with.

MS TAYLOR: Fair comment. Okay.

MR HEYMANS: Consistency of approach: well, I've managed the Inghams system.

MS TAYLOR: Yes.

MR HEYMANS: But the commission recently supported an amendment down here to the City of Vincent's planning scheme in this area, which is about three to four hundred metres away from Inghams and no issues were raised at that - - -

MS TAYLOR: Okay.

MR HEYMANS: So we're saying, well, there hasn't been a consistency of approach. If Steggles is an issue, then why wasn't that brought up when Vincent was increasing the density here tenfold to allow residential development?

MS TAYLOR: Fair enough.

MR HEYMANS: And it's within the same sort of distance. We mention that as part of the broader plan. This has gone through. The commission has adopted the activity framework.

MS TAYLOR: Yes.

MR HEYMANS: This has been a thing that's been going on for decades. We wouldn't want to see this urban deferred impacted. We've talked about landowners. And in conclusion, we definitely do not support the urban deferred. We support urban for all the reasons we mentioned before, that we want the planning to be finished to enable the redevelopment of the area.

MS TAYLOR: Okay. And you'll be able to leave that with us?

MR HEYMANS: Yes, that presentation is available. Yes.

MS TAYLOR: Fantastic. Because you've done so much work over a period, I mean years now, and to get to this point.

MR HEYMANS: Yes.

MS TAYLOR: So I really appreciate that.

MR HEYMANS: Okay.

MS TAYLOR: On some of the other submissions that we've had today, we had some questions we thought we might be able to put to you - - -

MR HEYMANS: Yes.

MS TAYLOR: - - - because we'll have to obviously pull all these together today.

MR HEYMANS: Yes.

MS TAYLOR: One was from the Montessori School - - -

MR HEYMANS: Yes.

MS TAYLOR: - - - and their parking and the green space and – now, how did you put it, Henry?

MR ZELONES: Well, look, the issue we've come down to - - -

MS TAYLOR: Do you - - -

MR ZELONES: - - - that they raised was about traffic, but most of it was about the industrial area allowing – and, of course, increased residential – allowing car parking to occur on the green space, not which I don't think is proposed - - -

MR HEYMANS: No, it's not.

MR ZELONES: - - - but I understand there's been talk. The issue I guess they raised was that from an industrial perspective they should be using their own car parking areas and not using that; notwithstanding, I raised the issue of course if they're going to generate a green space, particularly with increased residential, you want people to get to it and they'll invariably get to it by car. So providing additional car parking in that respect is understandable.

However, the impact it places on the school – they have a car park which they don't own, but they have some agreement with the City to use.

MS TAYLOR: They have a MOU.

MR ZELONES: And currently they allow for paid parking when the school is not in operation, so school holidays, I guess.

MR HEYMANS: Yes.

MR ZELONES: We just - I guess just to allay their fears about what we were proposing is that we suggested they need to go back to the City and talk about formalising the arrangements.

MR HEYMANS: Yes.

MR ZELONES: They've got some growth plans there. They've got issues with child care (indistinct) of safety issues, hand off, drop off – pick up points and so on. They've raised the issue that Parkland Road was becoming more trafficable, so their issue was about traffic calming and so on, all of which lies outside of what we're talking about.

MR HEYMANS: Yes.

MR ZELONES: But what we suggested is that they do need to talk about this - to the City about.

MR HEYMANS: Okay.

MR ZELONES: Probably, the agreement, whatever form that is, it probably needs to be revisited to formalise to ensure that if there's a clear understanding, who's responsible for what, what could be used and not used and then, of course, just to make sure that they do have an arrangement to use some of that green space for physical activities.

MS TAYLOR: Yes.

MR ZELONES: As I said, none of that impacts here, but - - -

MR HEYMANS: No.

MR ZELONES: - - - consequential - - -

MS TAYLOR: Just so we've got no surprises.

MR HEYMANS: Yes.

MR ZELONES: Yes, consequential - - -

MR HENDERSON: Look, we have been aware that they've had some issues.

MR ZELONES: Yes. So - - -

MR HENDERSON: We've been working with them for a while now.

MR ZELONES: Yes.

MS TAYLOR: Yes.

MR HENDERSON: Their issue really extends by the fact that people are parking everywhere - - -

MR ZELONES: Yes.

MR HENDERSON: - - - (indistinct) invested heavily in formalising the car parking around that whole kind of wider precinct and part of that is restricted to time and also introduced paid parking in there and they're not particularly happy because the staff used to park there for free all day and now we're making them pay for it and manage their own impacts more than they were.

MR ZELONES: Yes.

MS TAYLOR: Yes.

MR HENDERSON: And so we will continue to have a dialogue.

MR ZELONES: Yes, absolutely.

MR HENDERSON: They are an important facility for the - - -

MR ZELONES: As we suggested, there needs to be – if they do have an agreement, that needs to be revisited - - -

MR HENDERSON: Yes, formalise it.

MR ZELONES: - - - and formalise it.

MS TAYLOR: Yes, just - - -

MR ZELONES: But also understanding they are a school.

MR HEYMANS: Just to put their mind at ease as well and for you guys' clarification, the regional open space opposite this proposed MRS amendment right next door to the Montessori School is – obviously we're not recommending to change that.

MR ZELONES: Yes.

MS BELL: No.

MR HEYMANS: And we're not recommending to put any car parking because with the increased population you will need more open space.

MS BELL: Yes.

MR HEYMANS: The City would work with, I think the commission, on potentially improving the facilities on the regional open space.

MR ZELONES: Yes, yes.

MR HEYMANS: And this structure plan has identified that as a key requirement.

MR ZELONES: Okay.

MR HEYMANS: And we're actually looking at a contribution plan that will help fund the upgraded regional open space.

MR ZELONES: Yes. I think – that's right.

MR HEYMANS: We don't have the money to buy land because it was very expensive in here.

MR ZELONES: Yes.

MR HEYMANS: But there is underutilised regional open space.

MR HENDERSON: Yes. And there is a car park on the regional open space that's underused as well that we - - -

MR ZELONES: Yes, we saw that.

MS BELL: Yes.

MR HENDERSON: We can use that.

MS TAYLOR: We just thought we'd just tell you that, you know, we've had that discussion with them so there's no surprises.

MR HEYMANS: Yes, thank you.

MR ZELONES: But as I said, yes, there's little we can do about it because it's a consequence of what you were proposing.

MS TAYLOR: Yes.

MR HEYMANS: Yes, okay.

MR ZELONES: We said we'll speak - - -

MS TAYLOR: Judi?

MS BELL: I just had a general question about parking in the area - - -

MR HEYMANS: Yes.

MS BELL: - - - and presumably you've got a station there and it's, you know, close to everything. Do you have a parking problem in that area and are your parking requirements lessened because it's close to public transport nodes?

MR HEYMANS: Yes, good question, Judi. Look, at the moment in that area where the school is and close to Glendalough station, under our current scheme it's obviously zoned industrial under the MRS and industrial under the City scheme and office is a permitted use and there's no height limit. So we've got a lot of large office buildings being built in there and the parking ratios are very care friendly.

MS BELL: Right.

MR HEYMANS: And that's why we want to – that's one of the reasons we're changing the mix. We want to change the MRS to urban, the local planning scheme to development zone and adopt the structure plan because it enables: number 1, a reduction in car parking - - -

MS BELL: Yes.

MR HEYMANS: So as part of this package, we're actually going with the commission's requirements for a per hectare control. So car parking will go like all activity centres proposed to - we're capping parking per hectare, similar to the Perth Parking Act.

MS BELL: So that's based on the assumption that people are not going to drive their cars to work and they're going to use public transport.

MR HEYMANS: Correct. And that's based on a couple of things: number 1, that this plan has a contribution plan to fund the transit lanes and the transit corridor; number 2 is at the moment everyone who works in this area has to drive or has to commute here because they can't live here. So introducing residential, you are going to over time get a percentage of those workers living here, who then hopefully will walk. We can't say it will be all of them, but by enabling that; also introducing mixed use.

At the moment if you're down in Herdsman and you're in an office and you want to do anything, you've got to drive. You've got to drive to the shops, the bank, get a haircut. It doesn't matter what - you know, not like in the city. So this whole plan is all about reducing car trips from a multiple facet, reducing the parking ratios, increasing uses, mixed uses and funding transit.

MS BELL: Okay.

MR HEYMANS: But obviously without the MRS going to urban, that can't happen.

MS BELL: Yes.

MS TAYLOR: Yes, okay. And one other question we had a discussion this morning was on the Hutton Street. It's probably a Main Roads decision, but it was the widening of Hutton Street and how that might affect some of the businesses there, in particular the - - -

MR HEYMANS: The widening or the extension of Hutton Street?

MS TAYLOR: The widening.

MR ZELONES: It was the widening. Again - - -

MR HEYMANS: It's a separate MRS amendment, I understand to this.

MS TAYLOR: No, it was part - - -

MR HEYMANS: Oh, that tiny little bit there? Yes, yes.

MS TAYLOR: Yes.

MR ZELONES: It's outside the amendment zone but it's a consequence of.

MR HEYMANS: Yes.

MS TAYLOR: Yes.

MR HEYMANS: There is another planning control area that's been put in place to widen – well, basically, if I step back. When we started this whole project, the big project, we were looking at Stirling City Centre and this together and a previous MRS amendment in 2010 was approved by the commission to delete the Stephenson Avenue Reserve through Stirling City Centre and that was a culmination of about three or four years' work with Main Roads, the commission and the City to ensure that Stirling City Centre could actually grow into a city centre and having the Stephenson Reserve running through the middle, as well as the Mitchell Freeway Reserve, it was agreed by all parties it could never develop into a city centre unless you deleted the Stephenson.

To get the approval of deleting the Stephenson Reserve, Hutton Street became the new bypass of the city and hence why this MRS amendment is proposing to amend Hutton to Jon Sanders. The commission already did a land deal under a previous - I think it was a planning control area for the old industrial site on the corner of Scarborough Beach Road and Hutton Street and Hutton Street is built to a dead end at the moment. It just goes to nowhere.

MR ZELONES: Yes.

MR HEYMANS: But that's always been part of the broader picture. So, yes, we want to get Hutton to Jon Sanders and it's the freight route. So it's replacing the previous Stephenson Avenue and it does need widening along its extent to accommodate – well, B doubles basically. It's designed for B-double trucks. The commission has put in the planning control, I'm pretty sure, for the remainder of Hutton Street to the freeway.

MR: Yes.

MR HEYMANS: And we're obviously very supportive of it. Landowners have been aware of this all along. We've discussed at length and they're fully aware. Obviously, there's two landowners at the bottom of Hutton that have to be purchased outright, down near Jon Sanders. There is no deals to be done. We've done a deal with the one that's built and the Skippers Transport site. There's a DA approval for the remaining bit of Hutton Street to go to Walters Drive. I don't know if I've got a detailed plan. Yes, that's Hutton here.

So that site, Hutton has already been built and that was a land deal with the commission. The commission purchased that piece of land off the owners. In return, we gave them an uplift in zoning and this site here, Skippers, has already got a DA approval and they – in their conditions they give the City 400,000 and the commission will buy that portion of their site and that was a deal done for three 12 storey office towers.

The last two sites in here, just off the screen, would have to be purchased outright by the commission because there's – and obviously then these sites along here, there's some minor road widening as you go up to the freeway.

MS BELL: There was mention in the discussions, you know, during the hearing of a connection of Stephenson to Karrinyup Road.

MR HEYMANS: Yes. Look, in the structure plan for Stirling City Centre, it's not Stephenson Highway any more, it's an avenue, there will – it will connect back to Karrinyup Road, but it's a one-lane road each way. So it's not a huge road.

MS BELL: So you don't see it as an alternative to the - - -

MR HEYMANS: No, it's definitely not a red or a blue road. It's a city centre road.

MS BELL: Right.

MR HEYMANS: So Stephenson Avenue, as designed and adopted by council in the Stirling City Centre structure plan is a low key road with on-street parking. It is not designed for B doubles, completely the opposite. It's designed for people – it's actually people over cars. That's how we got the agreement of Main Roads to delete the Stephenson Avenue Reserve to extend Hutton.

MS BELL: Right.

MR HEYMANS: So it's critical in not just – this is the broader context. That whole deal – and at the time Eric Lumsden, who's the chairman of the commission and Reece Waldock, signed an MOU that the commission will make sure that the Hutton Street extension goes through after they deleted the Stephenson Reserve. So there's actually a formal letter of exchange between the Commissioner of Main Roads back then and the chairman of the - - -

MS TAYLOR: Fantastic.

MR ZELONES: Could you just perhaps answer a question, again it's on the road widening of Hutton, but this is in the vicinity of Howe and Guthrie.

MR HEYMANS: Yes. It's outside the MRS area.

MR ZELONES: It's just outside the MRS area, but it is just.

MR HEYMANS: Yes, yes.

MR ZELONES: And the consequence of that is that that road widening needs to occur through there to go right back to the freeway.

MR HEYMANS: Correct.

MR ZELONES: And obviously Jon Sanders, Scarborough Beach Road and the freeway will become your main roads there.

MR HEYMANS: Yes.

MR ZELONES: The widening – what was presented to us is that there was a proposal to widen on one side of the road - - -

MR HEYMANS: Yes.

MR ZELONES: - - - and apparently there was reservations already placed on the other. The query of that was by taking the road widening on the north-west side - - -

MR HEYMANS: Yes.

MR ZELONES: - - - would eliminate the use of the block altogether. It reduces the functionality. There is a business running there. I think it's a deli or something like that.

MS TAYLOR: A lunch bar.

MR HEYMANS: Right.

MR ZELONES: So the question was is why do they need to take that side of the street as opposed to the other which has more, supposedly - - -

MR HEYMANS: Car parking and less buildings or something.

MR ZELONES: Yes, something. Yes.

MR HEYMANS: My understanding and - - -

MR ZELONES: And it is, as I say, probably a Main Roads decision, but - - -

MR HEYMANS: Yes.

MR ZELONES: - - - obviously you guys work with Main Roads in that area so - - -

MR HEYMANS: My understanding with many of the blue road reservations in the metropolitan region, in the mid 90s the commission reviewed them and reduced a lot of them.

MR ZELONES: Yes.

MR HEYMANS: So they used to be 30-metre reserves and a lot went down to 25. So Scarborough Beach Road was one of those and it used to have five-metre widening on both sides. Someone made a decision in the mid 90s – must have looked at the map and said, “Oh, we’ve got – most of the widening has occurred on this side,” and we deleted the other side.

MR ZELONES: Yes.

MR HEYMANS: So that’s what happened in Hutton. It used to be a 30-metre reserve on both sides, five on each side. At some point it was just kept on the southern and it was deleted on the northern.

MR ZELONES: Yes.

MR HEYMANS: Through this proposal it’s reimposing - - -

MS TAYLOR: Re-establishing.

MR HEYMANS: - - - re-establishing the previous reserve.

MR ZELONES: Yes.

MR HEYMANS: And we’re doing the same down at the other end of Scarborough Beach Road where it was a 30 and we need 30 still. It went down to 25 and we’re going back to 30. Unfortunately, yes, look, there’s occasionally the odd property that is impacted that there’s no development potential, but in those instances – obviously the reserve will be gained over many, many years and at some point if those people want to seek compensation from the commission, they can do. And we’ve just had the same situation down at Scarborough Beach Road between Stirling City Centre and the MRA area in here, in the yellow area. There’s a couple of lots that were being subdivided. There was a unit put on them. We’ve taken the whole lot now with the widening.

MR ZELONES: Yes.

MR HEYMANS: The commission has already paid out compensation on them.

MR ZELONES: Okay.

MR HEYMANS: So that's what would happen.

MR ZELONES: Yes.

MS TAYLOR: Yes.

MR ZELONES: I appreciate what would happen.

MR HEYMANS: Yes.

MS TAYLOR: Yes, that discussion - - -

MR ZELONES: The query was they wanted to know why it was being pushed on their side.

MS TAYLOR: Instead of the other.

MR ZELONES: The fact of it is they bought that lot after that change would have occurred.

MR HEYMANS: Yes, would have.

MR ZELONES: So there was no reservation.

MR HEYMANS: No. And we worked out if you put the full 10 metres on one side, it starts to impact all the buildings on the other side – a lot of it.

MR ZELONES: Yes.

MR HEYMANS: Because our traditional setback has been nine metres. That's the setback the City has had in industrial areas, nine metres from the front. If you do a 10-metre widening, you're wiping out a metre of every building just about, which is not great.

MR ZELONES: Okay.

MS TAYLOR: Okay. Judi?

MS BELL: Yes, I just have one more question about the local authority amendment that you've had with the commission for the last three years.

MR HEYMANS: Yes.

MS BELL: What status has it – has it been advertised?

MR HEYMANS: Yes. It's been advertised. We haven't brought it back to council yet because we're waiting for the MRS basically.

MS BELL: Yes. The question I had was three years is a long time and a lot has happened in three years. Is it still valid?

MR HEYMANS: It is. Look, it's a very simple amendment. Look, it was done under the previous regulations where under the previous regulations we had to create a development zone in order for the council to adopt a structure plan.

MS BELL: So it's pretty broad.

MR HEYMANS: So it's very simple. It's just creating a development zone with some key objectives and the objectives are to create transit orientated development around the station, a series of nodes with mixed use development. It's got a couple of other components to it that any road widening should be ceded free of cash. So because in this area we're uplifting the development potential of everyone's lots substantially - - -

MR ZELONES: Yes.

MS BELL: Yes.

MR HEYMANS: - - - we've said that any road widening from the blue road, Scarborough Beach Road, should be ceded free of cost. The commission has just adopted a similar amendment on Wanneroo Road that we've done with the same principle, that you're giving someone a massive increase in density, that they should cede those free of cost, those widenings.

MS BELL: Yes, okay.

MR DICKSON: Although that amendment was initiated by us, I think two and a half years ago, we only advertised it a year ago.

MS BELL: So it's not - - -

MR DICKSON: We were waiting for permission to do so.

MR HEYMANS: Yes, it took a year and a bit.

MR DICKSON: Yes. So we advertised it - I think it was roughly this time last year, September last year.

MR HEYMANS: It was when the commission initiated the MRS. They basically didn't want us to advertise our amendment until the MRS had been given consent to advertise basically by the commission.

MR DICKSON: Yes, that's right.

MS BELL: Okay.

MR HEYMANS: Because they didn't want to unduly put landowners through something that it may not have got up.

MS TAYLOR: That it (indistinct) the process.

MR HEYMANS: Yes, it did. Yes. So it is a complete package of all the works, yes.

MS TAYLOR: Good, okay. Well, thank you for coming in. It's fantastic – listening to us roll the other bits and pieces. Now, we will try our best to have this through to the WAPC - - -

MR MUSCARA: In October, yes.

MS TAYLOR: Yes. And any questions you've got in the meantime, please contact Anthony.

MR HEYMANS: And I heard, I think, mid next year is the best outcome - - -

MR MUSCARA: That's right.

MS TAYLOR: Yes.

MR HEYMANS: - - - given the sitting times of the parliament left.

MR MUSCARA: That's right.

MR ZELONES: Yes.

MR MUSCARA: That's right.

MR HEYMANS: Everyone has been waiting a long time, so I'm sure another year won't - - -

MS TAYLOR: Thank you very much for coming in.

MR HEYMANS: Thank you.

MS TAYLOR: Yes, thank you.

MR: And did you save a photocopy of your presentation?

MS TAYLOR: Yes.

MR HEYMANS: Yes, I was (indistinct) I was going to - - -

MR: Yes.

MR: Yes.

MR: So we'll publish that - - -

MR: Yes, yes. No, we're happy with that.

MR: Yes, okay.

MS TAYLOR: Okay. Thank you very much.

MR HEYMANS: Thank you.

MS TAYLOR: Thank you.