

5.4 NO. 71 (LOT: 200; D/P: 92012) EDWARD STREET AND NO. 120 (LOT: 1001; D/P: 29129) CLAUSEBROOK ROAD, PERTH - PROPOSED EXTENSION OF TIME TO EXISTING CONCRETE BATCHING PLANTS

TRIM Ref: D24/2358

Ward: South

Attachments: 1. Location Plan
2. Minister's 2018 Approval
3. Recommended Conditions

RECOMMENDATION:

That Council:

1. **MAKES** a submission to the Western Australian Planning Commission regarding the development applications made to the State Government under Part 17 (Special provisions for COVID-19 pandemic relating to development applications) of the *Planning and Development Act 2005*, for the continued operation of the two existing Concrete Batching Plants at No. 71 Edward Street (application reference SDAU-069-23) and No. 120 Claisebrook Road (application reference SDAU-068-23) and advises the Western Australian Planning Commission that:

- 1.1 **The City of Vincent DOES NOT SUPPORT** the development applications as they are inconsistent with the matters that the Western Australian Planning Commission is to have due regard to in accordance with Section 275(6) of the *Planning and Development Act 2005* for the following reasons:

- **The Concrete Batching Plants are inconsistent with the provisions, purpose, and intent of the City's Local Planning Scheme No. 2 (LPS2). LPS2 zones the sites as Mixed Use R160 with the objective to provide for a range of housing choices and affordability, and encouraging a mix of compatible and complimentary uses.**

The 'Industry' land use, which the Concrete Batching Plant operation would fall within, is an X use in the Mixed Use zone under LPS2 and is a use that is not permitted by LPS2 in these locations. LPS2 provides an additional use of Concrete Batching Plant for the two sites but includes a condition stating that this "*additional use will expire 30 June 2024.*"

In support of LPS2 the City's endorsed Local Planning Strategy identifies for the Concrete Batching Plants to relocate from the area to facilitate transit-oriented developments in close proximity to the Perth CBD within the Claisebrook area which is identified as a 'High Density Mixed Use' and 'Planned Urban Growth' area.

The City's approved North Claisebrook Planning Framework local planning policy provides for a clear statement of intent for the Cityscape subprecinct of which the Concrete Batching Plants are located in. This seeks to provide for a greater intensity of development that capitalises on the proximity to the Perth CBD and Claisebrook Station by providing landmark transit-oriented developments.

An extension of the Concrete Batching Plant use on these sites beyond 30 June 2024 would be inconsistent with the Local Planning Strategy, LPS2 and North Claisebrook Planning Framework;

- **The Concrete Batching Plants are inconsistent with the principles of orderly and proper planning as they are an incompatible industrial use within an area that is zoned Mixed Use R160 under LPS2 and has already been developed as high density mixed use.**

The continued operation of the sites is impacting on the existing and growing number and intensity of sensitive uses in the area and is inhibiting the delivery of high-density mixed use development and increased housing opportunities within the area.

The relocation of the Concrete Batching Plants at the earliest opportunity would be a matter of state and regional significance as it would finally allow for the provision of high density infill development, providing an estimated 3,258 additional dwellings in the immediate locality consistent with the City's Local Planning Strategy, LPS2 and North Claisebrook Planning Framework;

- **The increase in sensitive uses within the locality over time consistent with LPS2 and the North Claisebrook Planning Framework has meant that the amenity disturbances from the existing Concrete Batching Plants are now more impactful than they were previously.**

These impacts would continue to increase as the number and intensity of these sensitive uses increase in line with LPS2 and the North Claisebrook Planning Framework;

- **The Concrete Batching Plants have operated from their respective locations prior to the COVID-19 Pandemic and the continued operation would not provide for any greater economic investment, jobs, housing or activity to the region in response to this.**

The relocation of the Concrete Batching Plants at the earliest opportunity would provide the opportunity for revitalisation of the North Claisebrook area by unlocking two strategic development sites and would have a wider economic benefit to the broader area, including an anticipated 3,258 additional dwellings in the North Claisebrook Planning Framework area alone that would provide much needed housing; and

- **The Concrete Batching Plants continue to be inconsistent with broader State policies including Directions 2031, Perth & Peel @ 3.5 Million, the Central Sub-regional Planning Framework, the Capital City Planning Framework, and State Planning Policy 1 – State Planning Framework.**

These policies seek to achieve consolidated urban form by providing infill development that is adjacent to activity centres, station precincts and urban corridors, and within close proximity to the Perth CBD and public transport connections, with these sites on the boundary of the CBD and adjacent to the Claisebrook Train Station; and

1.2 Should the Western Australian Planning Commission be of the view to approve the development applications then Council:

- a) **ADVISES that any approval should require a set a of short term relocation gateways that the operators must achieve in order to continue operating, as well as decommissioning of each of the sites at the expiry of any extension.**

Such conditions would facilitate the economic investment, jobs, housing and activity sort for the area by requiring the relocation of both Concrete Batching Plants in the shortest possible time. This would allow for the redevelopment potential of the region to be realised consistent with the local and state planning framework;

- b) **PROVIDES recommended conditions that are included in Attachment 3; and**

- c) **REQUESTS that all possible options be considered by the State Government to prevent land banking and to ensure that redevelopment of both sites occurs consistent with the City's Local Planning Strategy, LPS2 and North Claisebrook Planning Framework as a matter of state and regional significance.**

This includes the making of an Improvement Plan area in accordance with Part 8 of the *Planning and Development Act 2005*; and

2. PROVIDES a copy of the report and accompanying attachments from the agenda of the Council Meeting on 19 March 2024 to the Western Australian Planning Commission.

EXECUTIVE SUMMARY:

The purpose of this report is to consider comments to be provide to the Western Australian Planning Commission (WAPC) in relation to respective development applications for the continued operation of the existing Concrete Batching Plants at No. 71 Edward Street (Hanson Site) and No. 120 Claisebrook Road (Holcim Site).

The existing approvals for the Concrete Batching Plants on both sites will expire on 30 June 2024. The applications seek a seven year extension for both sites.

The development applications have been lodged with the State Government and are to be determined by the WAPC in accordance with the Part 17 (Special provisions for COVID-19 pandemic relating to development applications) of the *Planning and Development Act 2005*.

Administration has considered the applications against the matters that the WAPC is to have due regard to in accordance with Part 17 of the *Planning and Development Act 2005*. For the reasons below Administration does not support the continued operation because:

- It would be inconsistent with the City's local planning framework, including:
 - The City's Local Planning Strategy identifies for the relocation of the Concrete Batching Plants to facilitate transit-oriented developments within a 'High Density Mixed Use' and 'Planned Urban Growth' area.
 - The Sites are zoned Mixed Use R160 under the City's Local Planning Scheme No. 2 (LPS2), and the Concrete Batching Plants are incompatible with the objectives to provide for a range of housing options and encourage a mix of compatible and complimentary land uses. The Concrete Batching Plants would otherwise be a prohibited 'X' use within the Mixed Use zone of LPS2 once the additional use ceases on 30 June 2024.
 - The North Claisebrook Planning Framework (NCPF) seeks to provide for a greater intensity of development on each of the Sites that capitalises on the proximity to the Perth CBD and Claisebrook Station by providing landmark transit-oriented developments.
- It would be inconsistent with orderly and proper planning because the Concrete Batching Plants are an incompatible industrial use within an area that is zoned Mixed Use R160 under LPS2. The continued operation of the sites is impacting on the existing and growing number of sensitive uses in the area and is inhibiting the delivery of high-density mixed use development and increased housing opportunities.

- The increasing of sensitive uses within the locality over time consistent with LPS2 and the NCPF which would mean that any amenity disturbances from the existing Concrete Batching Plants would have the potential to be more impactful.
- The Concrete Batching Plants would not provide for any greater economic benefits in response to the COVID-19 Pandemic. The relocation of these are a matter of state and regional significance that would have a wider economic benefit by unlocking two strategic sites and encouraging new economic investment, jobs, housing activity to the area.
- The operations would continue to be inconsistent with broader State policies including that seek to achieve consolidated urban form by providing infill development that is adjacent to activity centres, station precincts and urban corridors, and within close proximity to the Perth CBD and public transport connections.

PROPOSAL:

The applications propose to allow for the continued operation of the existing Concrete Batching Plants at No. 71 Edward Street and No. 120 Claisebrook Road, Perth, to continue to operate until 30 June 2031.

The City's Local Planning Scheme No. 2 (LPS2) currently permits for the existing Concrete Batching Plants to operate until 30 June 2024. On 10 October 2018 the Minister for Planning granted development approval (2018 Approval) to extend the operation period to expire on 30 June 2024 for both sites.

There are no changes proposed to the existing operations or structures on either of the sites, or to the conditions of approval imposed by the 2018 Minister Approval.

The applications are not being determined by the City. This is because the applications were lodged with the State Government and referred by the Premier to the WAPC for determination in accordance with the Part 17 (Special provisions for COVID-19 pandemic relating to development applications) of the *Planning and Development Act 2005*.

Prior to determining the application, the WAPC is required to consult with and have due regard to any submission from the City.

BACKGROUND:

Property:	No. 71 Edward Street, Perth	No. 120 Claisebrook Road, Perth
Landowner:	Hanson Construction Materials Pty Ltd	Holcim Australia Pty Ltd
Applicant:	Allerding & Associates	Allerding & Associates
Zoning:	MRS: Urban LPS2: Zone: Mixed Use R Code: R160	MRS: Urban LPS2: Zone: Mixed Use R Code: R160
Built Form Area:	Mixed Use	Mixed Use
Existing Land Use:	Concrete Batching Plant	Concrete Batching Plant
Proposed Use Class:	Concrete Batching Plant	Concrete Batching Plant
Lot Area:	5,968m ²	4,869.7m ²
Right of Way (ROW):	No	No
Heritage List:	No	No

Site Context

The existing Concrete Batching Plant operated by Hanson Construction Materials is located at No. 71 Edward Street, Perth. The Hanson Site is bound by The Graham Farmer Freeway to the south and Lord Street to the west. To the north-east the Hanson Site has an approximate frontage of 11.3 metres to Edward Street and is bound by eight existing properties which each have a frontage to Edward Street.

The existing Concrete Batching Plant operated by Holcim Australia is located at No. 120 Claisebrook Road, Perth. The Holcim Site is of a triangular shape and is bound by The Graham Farmer Freeway to the south, Claisebrook Road to the west, and Caversham Street to the north.

Administration defines the immediate locality as being the area generally bound by Lord Street to the west, Summers Street to the north, the rail reserve to the east, and the Graham Farmer Freeway to the south. This locality is shown in **Attachment 1** and **Figure 1** below.

The existing character of this area is predominantly comprised of various industrial commercial and residential activities:

- Immediately adjoining and adjacent to the Sites there are mainly service industrial type uses including vehicle repairs and servicing, manufacturing and distribution centres.
- Just beyond those immediately adjoining and adjacent sites the area is dominated by commercial and residential-type uses include short term accommodation, restaurants/cafes, art studio, offices, consulting rooms, gyms and other recreation-type uses, educational and training. Restaurant and cafe uses within the area generally front Claisebrook Road and Gladstone Street.
- Residential and mixed use developments are generally located along Claisebrook Road, Lord Street, Gladstone Street, Edward Street and Summers Street.
- There are also two areas of public open space within the locality including Gladstone Street Reserve which is located centrally, and Norwood Park which is in the north-eastern corner. HBF Park is located on the western side of Lord Street.

Planning Framework

The Concrete Batching Plants have operated from each of the Sites since the mid-1980's and 90's.

At that time the land within the area bound by Lord Street, Summers Street and the Freeway, including the subject sites, was within the City of Perth's boundaries and was subject to the City of Perth Town Planning Scheme No. 1 and the East Perth Redevelopment Authority Scheme No. 1.

The land was subsequently transferred to the then Town of Vincent as part of the Local Government boundary changes on 1 July 2007.

Local Planning Strategy

The City's Local Planning Strategy was endorsed by the WAPC on 8 November 2016.

The [Local Planning Strategy](#) identifies that the area bound by the Graham Farmer Freeway, Lord Street, Summers Street and the railway line is identified for 'High Density Mixed Use' and as a 'Planned Urban Growth Area'.

The strategies and actions of the Local Planning Strategy related to 'Planned Urban Growth Areas' include:

- Facilitating high density development.
- Identify areas for future employment growth, to support local government and private sector investment.
- Appropriately zone and/or prepare area specific plans to facilitate a compatible mix of residential and commercial development opportunities.

The Local Planning Strategy notes the following action in relation to housing and population:

"Facilitating high density mixed use development in planned growth areas, strategic development sites and along major roads to respond to the growing demand for high quality multiple dwelling development in well serviced areas."

In relation to both the Hanson and Holcim Sites the Local Planning Strategy recommends that the operation of the concrete batching plants be discontinued as these:

- Present a negative impact on the amenity of the area.
- Represent an underutilisation of the land and are not consistent with the principles of transited oriented development.
- Do not promote the revitalisation of the North Claisebrook area.

Local Planning Scheme No. 2

The City's LPS2 was gazetted on 16 May 2018 and zones both the Hanson and Holcim Sites as Mixed Use R160.

The 'Industry' use class, which the Concrete Batching Plant operations would fall within, is an X use in the Mixed Use zone under LPS2 and is a use that is not permitted by LPS2 in these locations.

Clause 19 of LPS2 sets out the specified land uses are permitted to operate on specified land in addition to uses which are permissible under the Mixed Use zone. In accordance with Clause 19(1) both the Hanson and Holcim Sites are permitted to operate a Concrete Batching Plant until 30 June 2024.

The properties surrounding the subject site with the area bound by Lord Street, Summers Street and the railway reserve are generally zoned Mixed Use R100.

North Claisebrook Planning Framework

At its meeting on 22 August 2023, Council approved the [North Claisebrook Planning Framework](#) (NCPF) following public comment, and it came into effect on 31 August 2023.

The NCPF is a local planning policy and provides for statutory provisions which guide development within the private realm in the area.

The Hanson and Holcim Sites are located within the Cityscape sub-precinct of the NCPF. Both sites are identified as having an acceptable height standard of 12 storeys, with and unlimited additional height possible subject to achieving the development incentives for community benefit criteria of the NCPF and complying with the emergency flight path of the Royal Perth Hospital helicopter service.

With the remainder of the NCPF area the properties are located within various sub-precincts, with acceptable building heights ranging from six storeys opposite the Hanson and Holcim Sites to four storeys along Summers Street.

The NCPF states that there are currently 615 dwellings within the locality, with a total of 3,873 dwellings anticipated within the area under the plan by 2050.

Development Approval History

Holcim have operated a Concrete Batching Plant from its Site since 1987. Hanson have operated a Concrete Batching Plant from its Site since the mid-1990's. Prior to this Concrete Batching Plant operated from the Hanson Site in a smaller capacity than what is currently occurring.

The development approval for the operation of both the Hanson and Holcim Sites was time limited until October 2012.

There have been two subsequent development approvals issued to extend the operation period for each of the Sites. Of most relevance:

- On 22 May 2012 the Minister for Planning granted approval to extend the operation period to expire on 16 October 2017.
- On 10 October 2018 the Minister for Planning granted approval to extend the operation period to expire on 30 June 2024.

The Minister's 2018 Approval is included in **Attachment 2**. The Minister's reasons for this decision that are included in this approval noted:

1. *The subject sites are zoned Mixed Use and coded R160 under the City of Vincent Local Planning Scheme No. 2...*
2. *The Mixed Use zoned and the R160 and R100 density codes provide for increasing dwelling density and diversity, intensity of land use mix, employment opportunities and leisure activities in close proximity to major public transport and road infrastructure, and the Perth CBD.*
3. *Ongoing operation of the concrete batching plants on the subject sites in perpetuity would adversely impact on the opportunity to establish an urban community with commensurate amenity, as is intended under the local scheme.*
4. *The granting of development approvals which will be limited to terms expiring on 30 June 2024 provides certainty to the local community and the operators of the concrete batching plants with respect to development intentions for the area, and allows sufficient time to facilitate the transitioning of the concrete batching plants from the subject sites.*

Concrete Batching Plant Relocation Plan

At its meeting on 21 November 2023 Council considered a relocation plan for the two Concrete Batching Plants. Council resolved to endorse the relocation of both Concrete Batching Plants. The minutes of this meeting are available [here](#).

Relevant to the current development applications, Council's resolution included the following:

4. *AGREES not to object to the shortest possible extension to Hanson's current planning approval in order to undertake a smooth and orderly relocation of its operations to No. 1 Linwood Court, Osborne Park based on the regional importance of facilitating a high-density mixed-used transit-oriented development on its Claisebrook land in line with the City's local Planning Scheme and North Claisebrook Planning Framework (see Attachment 1 – Letter to Planning Minister).*
5. *OBJECTS in the strongest possible terms to any extension to Holcim's planning approval in Claisebrook as there is no legal, planning nor economic justification which would meet the threshold set by the State Government for the WAPC to consider this development application under its extraordinary planning powers and override the City's approved local planning scheme and local planning framework.*

DETAILS:

The application information for both the Hanson and Holcim Sites can be accessed from [here](#) and [here](#) respectively. This information includes a cover letter, development plans, and Environmental Management Plan (EMP).

The applications do not propose to amend any of the existing operational details of either the Hanson or Holcim Sites. A summary of the existing operational details of both Sites is included below.

Hanson Operational Details

The Hanson development application outlines that the use is permitted to operate up to 24 hours a day from Monday to Saturday to meet demand, and that no operations occur on Sundays or public holidays:

- Vehicles delivering aggregate and raw materials, and tankers delivering cement, enter the site from the eastern crossover to Edward Street.
- Aggregate and raw materials are delivered within an enclosed structure and transferred from the 'Drive Over Material Bins' to the 'Load Out Structures' by an enclosed conveyor belt.
- Agitator vehicles are loaded within the 'Load Out Structures'. These trucks enter the site from the eastern crossover to Edward Street and exit from the northern crossover.
- Water is added to agitator trucks to adjust the consistency of the concrete. This activity occurs within the 'Slump Stand Enclosure' in the north-western area of the site during the day and night.
- Wash down bays are provided for the cleaning of agitator trucks, with trucks being parked along the southern boundary of the site.

Holcim Operational Details

The Holcim development application outlines that the use is permitted to operate up to 24 hours a day from Monday to Saturday to meet demand, and that not operations occur on Sundays or public holidays:

- Vehicles delivering aggregate and raw materials enter the site from the northern crossover to Claisebrook Road. Delivery vehicles exit onto Claisebrook Road from the south-western crossover. Tankers delivering cement enter the site from the crossover to Caversham Street and exit onto Claisebrook Road from the south-western crossover.
- Aggregate and raw materials are delivered within an enclosed structure and transferred from the 'Ground Bin Building' to the 'Plant Building' by an enclosed conveyor belt.
- Agitator vehicles are loaded within the 'Plant Building'. These trucks enter the site from Caversham Street between 6:00am and 7:00pm and exit onto Claisebrook Road from the south-western crossover. Outside of these hours all entry and exit for agitator trucks occurs from the south-western crossover onto Claisebrook Road.
- Water is added to agitator trucks to adjust the consistency of the concrete. During the day this activity occurs within the 'Slump Shed' in the north-western area of the site. During the evening this activity occurs centrally within the site.
- Wash down bays are provided for the cleaning of agitator trucks, with trucks being parked along the southern boundary of the site.

CONSULTATION/ADVERTISING:

The Part 17 pathway of the *Planning and Development Act 2005* sets out that the WAPC is responsible for undertaking community consultation.

The Department of Planning, Lands and Heritage (DPLH) advertised the application for a period of 31 days between 9 February 2024 and 11 March 2024. The methods of advertising included a total of 1,455 letters sent to owners and occupiers within the Vincent area generally bound by Pier Street to the west, Lincoln Street and Windsor Street to the north, the railway line to the east, and the Graham Farmer Freeway to the south. This area is shown in **Attachment 1**. A sign was also placed on each site and a notice included in the local newspaper and on the DPLH website.

On 29 February 2024 the City was advised that the DPLH would be extending the advertising for a further seven days to conclude on 18 March 2024 due to an error within the initial consultation information.

The City's Community and Stakeholder Engagement Policy sets out that that for application of State Significance owners and occupiers are to be notified of the proposal, with submitters to provide comments directly to the determining authority. Administration sent letters to owners and occupiers within the advertising radius notifying of the application and that comments are to be provided to the DPLH.

As part of this notification Administration invited owners and occupiers to register for updates on the progress of the application, including details of the Council Briefing and Meeting.

As at 7 March 2024 the City had been provided with copies of eight submissions lodged with the DPLH. All of these did not support the development. The key issues addressed in these submissions included:

- The continued operation of the Concrete Batching Plants is preventing the realisation of transit-oriented development on the footsteps of the Perth CBD and the rejuvenation of the Claisebrook precinct through high density mixed use redevelopment.
- Any further extension to the operations would continue to have detrimental impacts on public health and the environment as a result of the emission of VOC's, dust and other pollutants.
- The Concrete Batching Plants are incompatible with the intended mixed use redevelopment of the area and results in amenity impacts from odour, dust, noise and heavy vehicle movements.

Design Review Panel (DRP):

Referred to DRP: No

LEGAL/POLICY:Planning and Development Act 2005

Part 17 of the *Planning and Development Act 2005* provides for the Premier to refer applications for determination by the WAPC, where on the advice of the Minister for Planning, the application would raise issues of State or regional importance.

Relevant to Part 17 of the *Planning and Development Act 2005*:

- On 4 December 2023 the Premier [referred](#) both development applications for determination by the WAPC on the recommendation of the Minister for Planning in accordance with Section 272. The reason for this was *“that the proposal[s] does raise issues of State or regional importance as outlined in the Significant Developments Criteria for Referral to Assessment Pathway.”*
- Section 275 sets out that in determining applications the WAPC is not bound by any legal instruments, such as the City’s LPS2, may have regard to any matter which affects the public interest and is to have due regard to:
 - *The purpose and intent of any planning scheme that has effect in the locality to which the development application relates; and*
 - *The need to ensure the orderly and proper planning, and the preservation of amenity, of that locality; and*
 - *The need to facilitate development in response to the economic effects of the COVID-19 pandemic; and*
 - *Any relevant State planning policies and any other relevant policies of the Commission.*
- Section 276 requires the WAPC to have due regard to the City’s submission in determining the applications, as well as any submissions from members of the public.
- Section 283 sets out that the applicant would have the right to seek a review of the WAPC’s decision through the State Administrative Tribunal.

Delegation to Determine Applications:

The applications are being presented to Council for it to provide its comments as Section 276(4) of the *Planning and Development Act 2005* requires the WAPC to consult with the local government.

In accordance with the *Local Government Act 1995* the term ‘local government’ refers to the elected Council.

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City’s business function when Council determines its submission on a development application.

STRATEGIC IMPLICATIONS:

This is in keeping with the City’s Strategic Community Plan 2022-2032:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City’s Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Reduced exposure to environmental health risks

FINANCIAL/BUDGET IMPLICATIONS:

The subject developments applications do not have any direct financial implications to the City.

COMMENTS:

Administration has assessed the applications against the due regard matters of Section 275(6) of the *Planning and Development Act 2005* below.

Purpose and Intent of Local Planning Scheme

The Minister's 2018 Approval allowed the plants to operate until 30 June 2024 in order to provide "*certainty to the local community and the operators of the concrete batching plants with respect to development intentions for the area,*" and allow "*sufficient time to facilitate the transitioning of the concrete batching plants from the subject sites.*" The City's LPS2 was gazetted in May 2018 and was in effect at the time of the Minister's decision.

Local Planning Strategy

The City's Local Planning Strategy was approved by the WAPC in December 2016 and identifies Claisebrook as being a 'High Density Mixed Use' and 'Planned Urban Growth' area.

Claisebrook is specifically identified as being able to accommodate for future population growth and investment through future TOD developments which capitalise on the proximity to the Claisebrook Train Station and the Perth CBD. At the time that it was approved the Local Planning Strategy identified that an additional 1,147 dwellings could be accommodated in the area by 2031.

Local Planning Scheme No. 2

The subject site is zoned Mixed Use R160 under LPS2. The objectives of the Mixed Use zone identify for high density development which provides for a range of housing choices, includes a compatible mix of non-residential uses, has an active street frontage, and incorporates sustainability principles.

LPS2 specifically lists that the operation of the Concrete Batching Plants on both the Hanson and Holcim Sites would be required to cease on 30 June 2024.

North Claisebrook Planning Framework

To support redevelopment within the precinct, Council adopted the NCPF in August 2023 which is a dedicated policy to guide development within the private realm.

This includes a clear statement of intent for the Cityscape sub-precinct of in which the Hanson and Holcim Sites are located in:

"The Cityscape will capitalise on its proximity to the Perth CBD and Claisebrook Station by providing landmark transit orientated developments that shape the skyline. The Cityscape sub-precinct is the most suitable for the greatest intensity of development, and the quality and experience of the public realm at ground level will be an important factor to ensure that developments integrate well throughout the precinct."

Administration Comment

The City's planning framework has not changed since the Minister's 2018 Approval with the exception of the adoption of the NCPF.

The ongoing operation of the Concrete Batching Plants at both the Hanson and Holcim Sites is inconsistent with the Minister's 2018 Approval and continues to be inconsistent with the City's local planning framework because:

- Minister's Approval – In the Minister's reasons for the 2018 Approval it states that the “*Ongoing operation of the concrete batching plants on the subject sites in perpetuity would adversely impact on the opportunity to establish an urban community with commensurate amenity, as is intended under the local scheme.*” The granting of development approvals which limited to terms expiring on 30 June 2024 allowed the batching plant operators over five years to relocate and was intended by the Minister to provide certainty for local community with respect to the intentions for the area. This has led to investment in the area and development of sensitive uses throughout the locality, including adjacent to the batching plants.

Any extension would undermine the certainty created for all of the investors, new residents and small businesses that now own, reside and operate in the locality, as well as those that currently plan to expand or develop over the next year because of the certainty created by the Minister's 2018 Approval.

- North Claisebrook Revitalisation – The ongoing operation of Concrete Batching Plants within the area would continue to be a constraint to redevelopment and revitalisation of the North Claisebrook area and be contrary to the intent of the City's Local Planning Strategy which identified for 1,147 additional dwellings to be provided by 2031.
- Mixed Use Redevelopment – The City's LPS2 identifies the Hanson and Holcim Sites as accommodating high density mixed use development. The development of these sites consistent with the Mixed Use R160 zoning of LPS2 would provide for a range of housing choices and affordability and encourage a compatible mix of residential and non-residential uses.

Based on the building heights within the recently approved NCPF and the zoning and density under LPS2 a total of 3,873 dwellings are anticipated to be realised in the area by 2051. This would be an increase of 3,258 dwellings based on the existing number of dwellings identified in the NCPF.

Relevant to the respective Sites:

- Hanson would have the potential to accommodate up to 378 dwellings under the 12 storey acceptable height standard of the NCPF with Holcim having the potential to accommodate up to 308 dwellings.
- Additional height in accordance with the NCPF and complying with the maximum height of the Royal Perth Flight Path would have the potential to accommodate up to 544 dwellings with Holcim having the potential to accommodate up to 525 dwellings.

This would also be consistent with the City's Local Planning Strategy to deliver an increase to the residential population in close proximity to the Perth CBD and surrounding by key public transport connections.

- Compatibility with Locality – The relocation of the Concrete Batching Plants would remove an incompatible heavy industrial use from the area and enable redevelopment of the sites consistent with the intent and vision of LPS2. The development of these sites would support the current State Government intention to deliver sustainable population growth and economic development in line with TOD principles. The redevelopment of the sites would capitalise on Development WA's plans for the nearby former East Perth Power Station site and densification of the broader East Perth area.

Relevant State Planning and WAPC Policies

There are a number of state planning policies and policies of the WAPC that are relevant to the proposed applications and to be given due regard. Administration has undertaken a broad assessment against each of these below:

State Policy and/or Strategy	Administration Comment
<p><i>Directions 2031</i></p> <p>Directions 2031 was released in 2010 and is a high level regional strategy to accommodate for an increased population through the delivery of housing, infrastructure and services. Directions 2031 recognises the economic role of industrial zones by ensuring compatible land use and identifies a focus on the providing for future urban growth in TOD developments.</p>	<p>Directions 2031 was in place at the time of the Minister's 2018 Approval.</p> <p>The proposals would continue to be inconsistent with Directions 2031 as the Claisebrook area is not identified as being either a strategic or an existing industrial centre, or a priority industrial site for future activities.</p> <p>The Hanson and Holcim Sites are well-located close to the Perth CBD and public transport to accommodate high-density mixed-use development within a TOD precinct consistent with the intent of the City's Local Planning Strategy and LPS2 as set out above.</p>
<p><i>Perth & Peel @ 3.5 Million (PP3.5) and Central Sub-regional Planning Framework (CSRPF)</i></p> <p>PP3.5 was released in 2018 and builds on the vision of Directions 2031 by providing a framework for high density infill development around activity centres and high frequency public transport.</p> <p>PP3.5 seeks to improve current density infill through existing undeveloped land to manage urban sprawl, increase housing diversity and affordability, and achieve a city that is connected by public transport. This includes a target to deliver an additional 213,130 dwellings within the Central sub-region by 2050, of which 11,490 would be within the City of Vincent.</p> <p>The CSRPF forms part of the PP3.5 suite of documents to guide infill development within the Central sub-region.</p> <p>The CSRPF seeks to encourage a consolidated urban form by providing infill development that is adjacent to activity centres, station precincts and urban corridors. This identifies the North Claisebrook precinct as an Urban Corridor and is surrounded by the Activity Centre frame for the Perth CBD and the East Perth Station Precinct.</p>	<p>Both PP3.5 and the CSRPF were in draft form at the time of the Minister's 2018 Approval.</p> <p>The continued use of both Sites for Concrete Batching Plants represents an underutilisation of existing land which is adjacent to the Perth Capital City and within an Urban Corridor, which is intended to accommodate higher density residential development along transit corridors and in proximity to public transport. This area is not identified as an Industrial Centre.</p> <p>The redevelopment of Hanson and Holcim Sites as envisioned by the City's LPS2 and North Claisebrook Planning Framework into high-density mixed-use developments would contribute towards the provision of a consolidated urban form to meet the City's dwelling targets.</p> <p>Redevelopment consistent with this would be capable of providing approximately 3,258 additional dwellings within the North Claisebrook area.</p>
<p><i>Capital City Planning Framework (CCPF)</i></p> <p>The CCPF was released in 2013 and provides a planning strategy for Perth to respond to its role as the capital of Western Australia.</p> <p>The CCPF sets out a spatial framework plan for a 12 kilometre by 12-kilometre area around the Perth CBD. The Claisebrook precinct is within the Urban area which are nominated as being a predominantly mixed use area with commercial, retail and residential uses and well-integrated with public transport.</p>	<p>The CCPF was in place at the time of the Minister's 2018 Approval.</p> <p>The Claisebrook precinct is identified as being an Investigation Area on the northern edge of the city centre, for which there are several constraints for future development including land use conflicts. The ongoing operation of the Concrete Batching Plants would continue to result in a heavy-industrial use in an inner-city location which is incompatible with existing and future residential and non-residential uses.</p>

<p>State Planning Policy 1 – State Planning Framework (SPP 1)</p> <p>SPP 1 was gazetted in November 2017 sets out the key principles to provide for the sustainable use and development of land. These principles include Community, Economy, Environment, Infrastructure, Regional Development and Governance.</p>	<p>SPP 1 was in place at the time of the Minister's 2018 Approval.</p> <p>The operation of the Concrete Batching Plants would continue to be inconsistent with the Community and Economy principles as it would prevent both Sites from being developed as high density mixed use development consistent with the City's local planning framework.</p> <p>Although the operation of both Sites is existing, LPS2 recognises that this heavy-industrial use is not the ultimate outcome for the area by imposing a time limit and would be incompatible with the desired future mixed use character of the area.</p>
<p>State Planning Policy 4.1 – Industrial Interface (SPP 4.1)</p> <p>SPP 4.1 was amended in July 2022 seeks to prevent conflict and encroachment between industrial and sensitive land uses by ensuring these are adequately located to provide for separation and mitigate amenity impacts.</p>	<p>The updated SPP 4.1 was not in place at the time of the Minister's 2018 Approval and sets out that it does not apply retrospectively. SPP 4.1 sets out that industrial land uses must demonstrate that impacts on sensitive developments can be avoided, mitigated, or managed.</p> <p>As shown in Attachment 1 there are a number of sensitive uses that exist within the locality, including residential, restaurants and cafes and a child care centre. The 2018 approval included conditions to manage off-site amenity impacts and is discussed in further detail in the Amenity section of this report.</p>
<p>Economic and Employment Land Strategy (EELS)</p> <p>The EELS is a State Government strategy that was released in 2012 in response to there being a shortage of light and general industrial land in the Perth and Peel Region. The EELS aims to ensure that new areas for industrial land are identified, and existing industrial land development is reviewed.</p> <p>The EELS identifies the need to protect existing industrial facilities within the Central sub-region with the Hanson and Holcim Sites as an example of there being <i>“an important need for industrial land to be located within close proximity of the central city and, where located adjacent to primary arterial routes into and out of the city, these land uses should be protected and preserved.”</i></p>	<p>This EELS was in place at the time of the Minister's 2018 Approval.</p> <p>While the EELS identifies for the protection of existing industrial uses for both the Hanson and Holcim sites, it is noted that this document is inconsistent with other state policies as set out above. These sites are not identified as an existing industrial area within the EELS, although the nearby East Perth Power Station is designated as such.</p>
<p>State Infrastructure Strategy (SIS)</p> <p>The SIS is a State Government strategy that was released in 2022 to consider the State's infrastructure needs and priorities.</p> <p>The SIS identifies a number of high level recommendations, including one to ensure the protection of strategic industrial land uses. The SIS references the current 30 June 2024 expiry date for the Hanson and Holcim sites as being a risk to the construction sector, and the need for alternative sites to be identified in a timely manner.</p>	<p>The SIS was not in place at the time of the Minister's 2018 Approval. While the SIS identifies for the protection of strategic industrial land uses broadly, in recognising the contribution to the construction sector it also references the need for relocation of Hanson and Holcim to be resolved in a timely manner.</p> <p>The SIS also identifies several recommendations related to urban consolidation and facilitating urban infill. The relocation of the existing Concrete Batching Plants would support these recommendations.</p>

Orderly and Proper Planning and Preservation of Amenity

Orderly and Proper Planning

The Concrete Batching Plants were granted an additional five years to operate until 30 June 2024 by the Minister for Planning in October 2018. The intent of this further extension was to provide for certainty to the local community in respect to the future redevelopment aspirations, and to provide Hanson and Holcim sufficient time to facilitate the relocation from each of the sites. This timeframe is also incorporated into LPS2.

Orderly and proper planning requires the consideration of whether an application is consistent with the objectives of the planning framework.

As set out above the continued operation of the Concrete Batching Plants would be inconsistent with the City's local and the state planning framework as both sites are an incompatible heavy industrial use which does not facilitate an increase to the residential population in close proximity to the Perth CBD and surrounding by key public transport connections.

Amenity

The *Planning and Development (Local Planning Schemes) Regulations 2015* defines amenity as 'means all those factors which combine to form the character of an area and include the present and likely future amenity'.

The existing land use activities currently that forms the character of the locality are shown in **Attachment 1** and **Figure 1** below, and predominantly comprise of various industrial, commercial and residential activities:

- Service Industrial Activities – Immediately around the Sites there is generally more service industrial uses including vehicle repairs and servicing, manufacturing, and distribution.
- Commercial Activities – Within the wider area the commercial activities typically include short term accommodation, offices, consulting rooms, gyms and other recreation-type uses, educational and training.
- Residential Activities – Residential and mixed use developments are scattered throughout the locality. This includes new mixed use and residential developments along Claisebrook Road opposite the Holcim Site, as well as fronting Lord Street and Gladstone Street.

Lower scale residential dwellings are also located along Edward Street opposite the Hanson Site, and on the periphery fronting Summers Street.

- Hospitality Activities – Hospitality uses existing within the locality and includes Teeter Bakery, Aria + Sol, Ischia on Claisebrook and Café Leadman which front Claisebrook Road and are generally opposite the Holcim Site. Sayers Little Brother is located along Gladstone Street.
- Community Activities – Community based services operate from within the locality including Youth With A Mission which fronts Robertson Street, the Claisebrook Design Community and Nyoongar Patrol Outreach Service which front Gladstone Street. The Akidamy Child Care Centre is along the northern edge of the locality fronting Summers Street.

There are also two areas of public open space within the locality including Gladstone Street Reserve which is located centrally, and Norwood Park which is in the north-eastern corner.



Figure 1 – Current Land Use Activities within Locality

Since the Minister’s 2018 Approval the key changes to the amenity of the locality include:

- Construction of a mixed use development at No. 123 Claisebrook Road comprising of an office and 12 apartments and is directly opposite the Holcim Site to the west.
- Increased intensity of the existing Ischia on Claisebrook restaurant at No. 155 Claisebrook Road that is directly opposite the Holcim Site to the north-west.
- The opening of Teeter Bakery at No. 145-147 Claisebrook Road which was formerly a warehouse and is directly opposite the Holcim Site to the west.

This locality is likely to experience significant change in the future. This is because most of the properties are capable of more intensive development either in isolation or through amalgamation consistent with the Mixed Use zoning and the residential densities which generally vary between R100 and R160.

In accordance with the NCPF acceptable building height standards vary between 4 and 12 storeys, with additional height capable of being approved subject to the provision of development incentives for community benefit. These height standards from the NCPF are shown below in **Figure 2**.

LEGEND

- VILLAGE - ACCEPTABLE 4 STOREYS, MAX 6¹
- CITYSCAPE - ACCEPTABLE 12 STOREYS, MAX²
- URBAN FRAME TYPE A - ACCEPTABLE 8 STOREYS, MAX 12¹
- URBAN FRAME TYPE B - ACCEPTABLE 6 STOREYS, MAX 8¹
- URBAN FRAME TYPE C - 6 STOREYS
- SUBURBAN FRAME TYPE A - 4 STOREYS
- SUBURBAN FRAME TYPE B - 3 STOREYS
- TRANSIT CORRIDOR - ACCEPTABLE 6 STOREYS, MAX 8¹
- PUBLIC OPEN SPACE

Note: Heights in the precinct are subject to compliance with Clause 4.4.1 Building Height.

¹Maximum height is achieved through Clause 4.7 Development Incentives for Community Benefit.



Figure 2 – Building Height Extract from North Claisebrook Planning Framework

Management of Off-Site Impacts

The Minister's 2018 Approval included a number of conditions to manage the amenity impacts of the Concrete Batching Plants. These conditions relate to limitations of truck and semi-trailer access to both sites, and compliance with EMP's. The EMP's provide for measures to mitigate off-site amenity impacts resulting from dust management, noise management, and traffic management.

A summary of the respective measures is provided below:

- Traffic – Actions include implementing a vehicle flow system through the site and complying with on-site speed limits, directions and traffic calming devices, limiting to two vehicles idling/moving between the filling and slumping station within a four hour period between 7:00am and 10:00pm and reducing to one vehicle between 10:00pm and 7:00am, ensuring vehicles are only parked on-site, and restricting vehicles from the Holcim site to using Lord Street and Edward Street and not travelling north of Claisebrook Road unless delivering to a specific site in the area.
- Noise – Actions include the use of quieter trucks fitted with low intensity reversing alarms, limiting speed limits within the site, enclosing loading bays, maintaining landscape screening, installation of a noise wall on the Hanson Site, and external monitoring of noise levels emitted by machinery and activities.
- Dust – Actions include covering fine materials during transport and delivery, enclosure of loading bays prior to and during loading, applying water sprays/sprinklers within tipper bins and to stockpiles, sweeping and washing delivery trucks, slumping bays and pits, and regular street sweeping between two and three times a week.

Compliance with Existing Conditions

The City has maintained a register of complaints received in relation to both the Hanson and Holcim sites. Since 2012 the City has received a total of 18 complaints from surrounding residents and/or businesses. The nature of the complaints received related to dust emissions from the sites as well as on the road from service vehicles, and noise impacts from on-site activities.

The City has investigated all concerns raised and requested responses from the operators in each instance.

The respective environmental management plans for both Hanson and Holcim include a complaint register that is submitted annually to the City for its information. Since the 2018 Approval these registers have included a total of 21 complaints related to the Hanson Site and 11 related to the Holcim Site. The nature of the complaints related to dust, noise and concrete waste.

Administration Comments

Administration's comments in relation to the consideration of amenity are set out below:

- Existing Amenity Impacts – The locality presently has a relatively low level of amenity due to the various industrial and commercial activities that co-exist, including the Concrete Batching Plants on each of the Sites. While the continued operation of the Hanson and Holcim Sites would not necessarily result in any new amenity impacts, existing detrimental impacts from traffic, noise, dust and concrete waste would likely continue to be experienced.

These amenity impacts are exacerbated by the current approval which permits both Sites to operate 24 hours a day Monday to Saturday. This scale of operation results in a large number of heavy vehicle movements in the locality with increased potential for conflict with local traffic, as well as a greater level of noise and dust emissions that occur into the evening.

- Locality Changes since 2018 – As set out above the locality has experienced significant change since the Minister's 2018 Approval, with the construction of a new mixed use development and new and expanded hospitality activities directly adjacent to the batching plants. These are consistent with the vision for the area under the Local Planning Strategy, LPS2 and NCPF, and more uses would reasonably be expected to move into the area over the coming years.
- Future Amenity Impacts – The increasing of sensitive uses within the locality over time mean that any amenity disturbances from the existing Concrete Batching Plants would have the potential to be more impactful.

Similarly, the existing amenity resulting from the continued operation would continue to act as a disincentive to development occurring consistent with the vision of the City's local planning framework. The City is aware of a number of landowners who are not progressing with redevelopment proposals due to the continued operation of the Concrete Batching Plants.

An example of this is No. 150-158 Claisebrook Road which is a nine storey mixed use development comprising of six non-residential tenancies and 116 dwellings and is directly opposite the Holcim Site to the north. This property first received development approval in September 2014 from the then Metro-West Joint Development Assessment Panel. A three year extension of time was granted by Council at its meeting on 13 November 2018, and an application for a further two year extension of time has recently been lodged with the City and is under assessment.

The landowner's justification for the initial and subsequent extension of time relates to the ongoing operations of both the Holcim and Hanson sites as a deterrent to progressing with the development.

- **Recommended Conditions** – Should the WAPC be of the view to support the applications, Administration would recommend that any extension of time be accompanied by conditions which seek to ensure that the operations minimise amenity impacts on the locality that has changed since 2018 and would likely to continue to change during the use period through an increase of residential and other sensitive uses.

The key changes to the conditions of the 2018 Approval recommended include:

- Requiring a new noise assessment and management plan to be undertaken to account for the new sensitive uses that are now located immediately adjacent to the sites and the potential for new sensitive uses to be located in the other Mixed Use zoned areas surrounding the site. The purpose of this would be to ensure that the impact on new noise sensitive receivers surrounding the Sites is considered and any noise mitigation strategies to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* are identified and implemented. The operating hours of the plants should then be limited from the 24 hours a day Monday to Saturday currently permitted to whatever the noise management plan approved by the WAPC requires. No new noise assessment was lodged with this application and it is noted that the 2018 Approval were supported by noise assessments from 2010 and 2011.
- Require the EMP to be updated to:
 - Specify truck and semi-trailer access routes for each Site to ensure that these do not extend into the local road network unless for the purposes of local deliveries. The purpose of this is to take account of the newly adjacent sensitive uses (both operating times and locations) to reduce the number of heavy vehicles using roads with sensitive uses. It is noted that the Hanson EMP already contemplates this to a degree.
 - Specify that truck and semi-trailer access to the Sites is managed so that heavy vehicles are not queuing or idling within the road network while waiting to enter. The purpose of this is to ensure that heavy vehicles do not queue within the road network and result in additional noise being emitted, noting that noise from vehicles on public roads is exempt from complying with the *Environmental Protection (Noise) Regulations 1997*. It is noted that the Hanson EMP already contemplates this to a degree.

Administration's comments on conditions in relation to the use period and decommissioning of the Sites are set out further in this report.

Response to the Economic Effects of the COVID-19 Pandemic

The City has not been provided with any information or evidence which justifies the economic benefits of the operation of the Concrete Batching Plants in their existing location.

Administration provides the following high level comments In respect to the economic impacts:

- **COVID-19 Response** – The Part 17 pathway of the *Planning and Development Act 2005* was established in 2020 by the State Government as a measure to support the recovery of the Western Australian economy in response to the COVID-19 Pandemic.

The Concrete Batching Plants have operated from their respective locations since the mid 1980's and 90's. The continued operation from the current sites in Claisebrook would not provide for any greater economic investment, jobs, housing or activity to the region in response to the Pandemic.

- Redevelopment Opportunity – The relocation of the Concrete Batching Plants at the earliest opportunity would provide the opportunity for revitalisation of the North Claisebrook area by unlocking two strategic development sites.

These sites would be capable of accommodating high-density mixed-use development, accommodating and estimated 3,258 new dwellings, within a TOD precinct and their redevelopment would facilitate new housing and jobs. This would have a wider economic benefit to the broader area.

- Supply Impacts – While both Hanson and Holcim supply concrete to support the construction of new developments and infrastructure projects, there are a number of other manufacturers which would be able to respond to any shortfall in production while both relocate. Holcim currently manufactures concrete from a site in Carlisle and has received development approval to expand the operations but has yet to act on this.

Both Hanson and Holcim have had absolute certainty from the Minister's 2018 Approval that they had until 30 June 2024 (over 5 years) to relocate from these sites and there is no justification for providing any additional time beyond this.

Proposed Continued Operation

The applicant contends that a seven year approval until 2031 would allow for the supply of concrete to service infrastructure projects while both Hanson and Holcim realise relocation options.

The City does not support the continued operation of Concrete Batching Plants as set out above. This is because the continued operation would be inconsistent with the local and state planning frameworks, would continue to contribute towards the existing low level of amenity within the area, and would prevent the revitalisation of the Claisebrook area into a vibrant mixed use precinct.

Decommissioning of Sites

The local and state planning framework have a clear intent to deliver high density development within inner-city urban areas such as Claisebrook. The continued operation of the Concrete Batching Plants would prevent this. It is important to note that both Sites would require remediation to facilitate redevelopment once they have ultimately relocated.

The conditions of the Minister's 2018 Approval only require the use of each Site to cease by 30 June 2024, but do not require the removal of the existing buildings and structures or the remediation of each site to occur.

This would mean that the infrastructure would continue to exist on both Sites and leave open the potential for land banking and for the operators to seek for an approval to recommence operations in the future.

While the continued operation is not supported as set out above, it is acknowledged that if a new approval were to be granted for each Site this would present the opportunity to impose new conditions to address this.

Should the WAPC be of the view to support the applications, Administration would recommend that any extension to the existing time be accompanied by conditions that:

- Require the use to cease and the existing buildings and structures to be removed;
- Require the Sites to be suitably remediated; and
- Set out key milestones to be met in any additional timeframe granted. Should these milestones not be met the approval period would lapse and would trigger the decommissioning of the Sites.

Although these conditions are non-standard they would be in the public interest and would serve a planning purpose to provide absolute certainty as to the future of both Sites and to ultimately ensure that these become consistent with the local planning framework.

Administration has liaised with the Department of Water and Environmental Regulation (DWER) in relation to remediation works. This officer-level advice provided is summarised below:

- Remediation requirements for decommissioning is generally dependant on the nature and extent of any contamination. The minimum expectation that any contaminated soil encountered during decommissioning be remediated.
- Concrete Batching Plants are potentially a contaminating activity, and in order for a more sensitive uses (such as residential development) there would be a need for investigations into contamination, and if required remediation and validation undertaken.

Given DWER's advice it would be in the public interest that the Sites are left in a state that is as de-constrained as possible to encourage redevelopment consistent with the local planning framework.

Administration recommends that both Sites be required by any WAPC approval to be remediated following the expiration of the respective approvals.

Hanson Relocation

The applicant's justification states that Hanson have been proactive in relocating and would continue to work with the City and State Government to relocate and be operational prior to 30 June 2031.

The relocation plan endorsed by Council at its meeting on 21 November 2023 consisted of Hanson relocating to the City's current Operations Depot site in Osborne Park, with the Operations Depot relocating to Mount Claremont.

Administration's assessment of the minimum timeframes to facilitate the relocation is as follows:

- By 30 June 2025 – Hanson and the City would enter into a Heads of Agreement and finalise a Major Land Transaction for the City's Operations Depot in Osborne Park, including its relocation to Mount Claremont. Hanson would obtain the relevant approvals, including development approval, for a new Concrete Batching Plant at the City's Operations Depot in Osborne Park. The City would be granted a management order for the Mount Claremont site to establish its new Operations Depot.
- By 30 June 2026 – The City would relocate its Operations Depot to Mount Claremont and decommissions the Osborne Park. Hanson would commence construction of a new Concrete Batching Plant in Osborne Park.
- By 30 June 2027 – Hanson would complete the construction of a new Concrete Batching Plant in Osborne Park and decommission the current site in Claisebrook.

Should the WAPC be of the view to approve this application, Administration recommends that Hanson be granted an approval for a period of no later than 30 June 2027 based on the above timeframes. This would facilitate Hanson's relocation to Osborne Park in a timely manner.

Holcim Relocation

The applicant's justification states that the seven year period would allow Holcim to transition to a new location and allowing for the construction of its plant in Carlisle, which is half the capacity of the current site and is not a replacement.

At its meeting on [17 May 2021](#) the Metro Inner-South JDAP (MISJDAP) approved a development application to expand the operations of Holcim at its existing Concrete Batching Plant at No. 12 Cohn Street, Carlisle.

Part of the justification provided to the MISJDAP by the applicant in support of this application was:

- *"The infrastructure and facilities at this site are nearing the end of their operational life and with the required closure of the East Perth plant batching plants of both Holcim and Hanson in 2024, this presents as an opportunity for Holcim to upgrade the facilities at the Subject Site to a modern standard and to ensure an ongoing supply for concrete to the inner suburbs of the Perth Metropolitan Area."*
- *"The Subject Site is key to servicing and supplying concrete for the Perth Metropolitan Area and with the closure of the East Perth batching plants in 2024, it is important that the infrastructure on site is updated now to ensure a reliable source for the supply of Holcim's concrete contracts from 2024 onwards from this site. Furthermore, the upgrading of the plant will enable the site to ensure an ongoing reliable source of concrete to support major infrastructure projects aligned with the State's COVID-19 recovery plan with concrete products."*

The MISJDAP approval is valid for a period of six years from when it was granted. This approval will lapse on 17 May 2027 if not substantially commenced before this date.

The Town of Victoria Park have confirmed that at the time of preparing this report Holcim have not progressed with lodging a Building Permit to enact this approval.

Holcim were consulted on the relocation to the City's Operations Depot in Osborne Park but have not sort to enter into a Heads of Agreement with the City on this site.

Should the WAPC be of the view to approve this application, Administration recommends that Holcim be granted an approval for a period no later than 30 June 2027. This would align with the substantial commencement period of the current development approval to expand Holcim's current Carlisle site operations as well as the recommended period for Hanson to relocate.

Future Redevelopment

As set out in this report it is the City's position that the redevelopment of the Sites, not the continued operation of the Concrete Batching Plants, that is a matter of state or regional significance.

To ensure that the Sites are ultimately developed for high density mixed use purposes consistent with the local planning framework the WAPC should consider all possible options to avoid these sites and their industrial infrastructure being land banked following the cessation of the use.

The *Planning and Development Act 2005* provides the ability for an Improvement Plan to be applied to land by the Minister for Planning. An Improvement Plan is a strategic planning instrument that is used for the purposes of advancing planning for land that has a specific constraint, such as being a contaminated site.

Given the strategic importance of the Sites and the potential contamination from nearly 40 years of concrete batching activities, an Improvement Plan could be prepared consistent with the objectives of the North Claisebrook Planning Framework to establish a clear intent for redevelopment.

The Improvement Plan would also have the potential to incorporate other key development sites in the area to create a genuine transit-oriented development precinct, including the Public Transport Authority's land immediately to the east of the Holcim Site and the East Perth Power Station.

**CITY OF VINCENT
LOCAL PLANNING SCHEME NO. 2
SCHEME MAP 1 - LEEDERVILLE**

LEGEND

METROPOLITAN REGION SCHEME RESERVES

Note: The Western Australian Planning Commission acts on behalf of the Department of Planning and should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

- PARKS AND RECREATION**
- R Restricted Public Access
- PRIMARY REGIONAL ROADS RESERVATION**
- OTHER REGIONAL ROADS RESERVATION**
- RAILWAYS**
- PUBLIC PURPOSES**
Particular use denoted as follows:
- H Hospital
- HS High School
- TS Technical School
- CP Car Park
- U University
- CG Commonwealth Government
- SU Special Use
- WSD Water Authority of Western Australia
- P Prison

CITY OF VINCENT LOCAL SCHEME RESERVES

- PUBLIC OPEN SPACE**
- R Restricted
- PUBLIC PURPOSES**
Particular use denoted as follows:
- PS Primary School
- CP Car Park
- CU Civic Uses
- HS High School
- I Institute for the Deaf
- W Water Supply Sewerage and Drainage
- TS Technical School

CITY OF VINCENT SCHEME ZONES

- RESIDENTIAL**
- MIXED USE**
- COMMERCIAL**
- LOCAL CENTRE**
- DISTRICT CENTRE**
- REGIONAL CENTRE**
- SPECIAL USE**
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- PW Place of Worship
- S Service Station

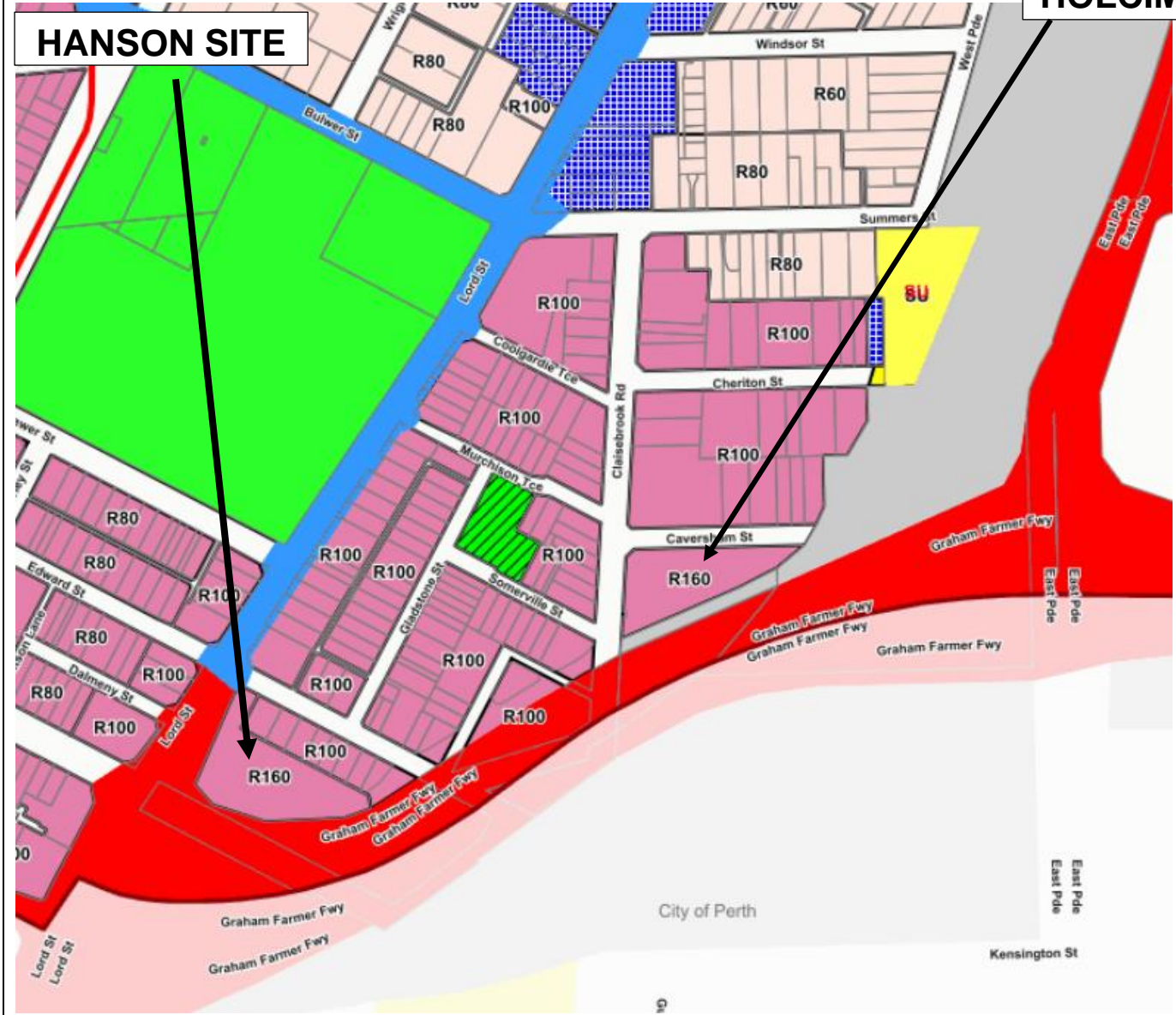
ADDITIONAL USE

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY**
- SCHEME AREA BOUNDARY**
- DENSITY CODE**

HANSON SITE

HOLCIM SITE



CITY OF VINCENT

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Location Map
No. 71 Edward Street (Hanson) and No. 120 Claisebrook Road (Holcim), Perth





HANSON SITE

HOLCIM SITE



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**No. 71 Edward Street (Hanson) and
No. 120 Claisebrook Road (Holcim),
Perth**

Extent of City Notification





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Locality Context Plan
 No. 71 Edward Street (Hanson) and No. 120 Claisebrook Road (Holcim), Perth



DETERMINATION OF APPLICATION FOR REVIEW BY THE MINISTER

Pursuant to section 247 of the *Planning and Development Act 2005*

DR 229 OF 2017

The Minister for Planning, pursuant to section 247 of the *Planning and Development Act 2005*, in the matter between Hanson Construction Materials Pty Ltd and City of Vincent (DR 229 of 2017) determines the application for review as follows:

Approves the development application for a concrete batching plant at No. 71 (Lot 200) Edward Street, Perth subject to the following conditions:

1. This approval is granted for a term expiring on 30 June 2024.
2. This approval limits concrete batching operations and access to the site by trucks and semi-trailers to any time between Monday and Saturday inclusive.
3. There is to be no access to the site by trucks and semi-trailers on Sundays or public holidays.
4. The plant is to operate in accordance with the Environmental Management Plan prepared by Strategen Environmental Consultants dated August 2014 and approved by the City of Vincent on 4 November 2014 or other environmental management plan approved by the City of Vincent, subject to the following:
 - (a) annual review of the environmental management plan after each year following the grant of approval; and
 - (b) the inclusion in the environmental management plan of any addenda necessary to address any specific matter identified by either Hanson Construction Materials Pty Ltd or the City of Vincent between annual reviews, which addenda are to form part of the environmental management plan.
5. The plant is to operate in accordance with the recommendations made in the SVT Engineering Consultants Environmental Noise Assessment dated 21 April 2011, or other noise management plan approved by the City, including in particular, but without limitation:
 - (a) control/reduction of noise emitted from the site and activities associated with the site;
 - (b) maintenance of plant/mechanical equipment and application of inspection schedules to ensure optimal, quiet working order;

- (c) selection of equipment for onsite operations, including both prospective equipment and retrofitting of existing equipment, to minimise individual and accumulative noise impacts from the site;
 - (d) induction and training of the workforce to promote compliant operation, in accordance with the noise management plan;
 - (e) detail the methods of ongoing self-monitoring, including testing equipment, locations, frequency, technical parameters, interpretation of results, and periodic evaluation of the monitoring method (to account for further encroachment of residential development and changes to surrounding built environment over time);
 - (f) complaint response methods, including short- and long-term abatement measures and record keeping; and
 - (g) details of staff member(s) accountable for overseeing compliance with the noise management plan.
6. Landscaping is to be maintained in accordance with the Landscape Management Plan dated 26 June 2012, or other landscape management plan approved by the City.
7. Where any of the above conditions have a time limitation for compliance and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues while the approved development exists.

Signed this 10th day of October 2018



HON RITA SAFFIOTI
MINISTER FOR PLANNING

DETERMINATION OF APPLICATION FOR REVIEW BY THE MINISTER

Pursuant to section 247 of the *Planning and Development Act 2005*

DR 235 OF 2017

The Minister for Planning, pursuant to section 247 of the *Planning and Development Act 2005*, in the matter between Holcim Australia Pty Ltd and City of Vincent (DR 235 of 2017) determines the application for review as follows:

Approves the development application for a concrete batching plant at No. 120 (Lot 1001) Claisebrook Road, Perth subject to the following conditions:

1. This approval is granted for a term expiring on 30 June 2024.
2. This approval limits concrete batching operations and access to the site by trucks and semi-trailers to any time between Monday and Saturday inclusive.
3. There is to be no access to the site by trucks and semi-trailers on Sundays or public holidays.
4. The plant is to operate in accordance with the Environmental Management Plan dated 14 June 2016 or other environmental management plan approved by the City of Vincent, subject to the following:
 - (a) annual review of the environmental management plan after each year following the grant of approval; and
 - (b) the inclusion in the environmental management plan of any addenda necessary to address any specific matter identified by either Holcim Australia Pty Ltd or the City of Vincent between annual reviews, which addenda are to form part of the environmental management plan.
5. The plant is to operate in accordance with the recommendations made in the Herring Storer Acoustics Noise Management Plan (Ref: 12645-3-10164) dated December 2010, or other noise management plan approved by the City, including in particular, but without limitation:
 - (a) reversing the truck access route during night operations (7pm to 6am), so mixing trucks enter the loading area from the west, travel east through the loading bay building, then move to the night slump stand located behind the existing delivery shed, then following slumping, turn within the site and exit via Claisebrook Road; and
 - (b) ensuring that the personnel entry door to the production tower is not left open between 7pm and 7am.

6. Landscaping is to be maintained in accordance with the Landscape Plan (Ref: 08-13-00985A) dated 2013, or other landscape management plan approved by the City.
7. Where any of the above conditions have a time limitation for compliance and the condition is not met in the required timeframe, the obligation to comply with the requirements of the condition continues while the approved development exists.

Signed this 19th day of October 2018

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned below the date.

**HON RITA SAFFIOTI
MINISTER FOR PLANNING**

DETERMINATION OF APPLICATIONS FOR REVIEW BY THE MINISTER

Pursuant to section 247 of the *Planning and Development Act 2005*

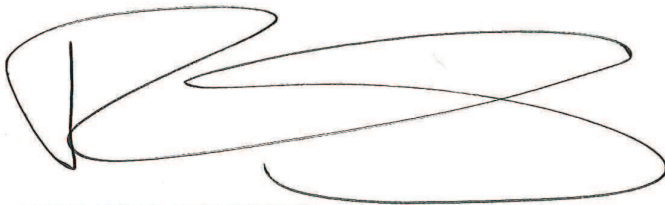
DR 229 OF 2017 AND DR 235 OF 2017

Reasons for the Determination

I, the Hon Rita Saffioti, Minister for Planning, grant conditional development approval for concrete batching plants at No. 71 (Lot 200) Edward Street, Perth and No. 120 (Lot 1001) Claisebrook Road, Perth for the following reasons:

1. The subject sites are zoned Mixed Use and coded R160 under the City of Vincent Local Planning Scheme No. 2 (gazetted on 16 May 2018). Land in the surrounding area is also zoned Mixed Use and coded R100 under the local scheme.
2. The Mixed Use zone and the R160 and R100 density codes provide for increased dwelling density and diversity, intensity of land use mix, employment opportunities and leisure activities in close proximity to major public transport and road infrastructure, and the Perth CBD.
3. Ongoing operation of the concrete batching plants on the subject sites in perpetuity would adversely impact on the opportunity to establish an urban community with commensurate amenity, as is intended under the local scheme.
4. The granting of development approvals which will be limited to terms expiring on 30 June 2024 provides certainty to the local community and the operators of the concrete batching plants with respect to development intentions for the area, and allows sufficient time to facilitate the transitioning of the concrete batching plants from the subject sites.

Signed this 10th day of October 2018



HON RITA SAFFIOTI
MINISTER FOR PLANNING

Recommended Conditions – 71 Edward Street, Perth

Approval Period

1. Subject to Condition 2, this approval is granted for a term expiring 30 June 2027;
2. Notwithstanding Condition 1, this approval will lapse on:
 - a) 30 June 2025, if by that date a development approval under the *Planning and Development Act 2005* and a building permit under the *Building Act 2011* have not been obtained for the development and construction of a new concrete batching plant on an alternative site to No. 71 (Lot 200) Edward Street, Perth; or
 - b) 30 June 2026, if by that date the new concrete batching plant has not been substantially commenced on the alternative site; or
 - c) 30 June 2027, if by that date the new concrete batching plant has not been completed at an alternative site and an occupancy certificate obtained for that plant under the *Building Act 2011*;
3. When this approval lapses under Condition 1 or at an earlier time under Condition 2, this approval will cease to have any effect from the date on which it lapses, with the exception of Conditions 4, 5 and 6;

Site Decommissioning

4. Within 6 months of the date of this approval lapsing under Condition 1 or at an earlier time under Condition 2, all on-site structures shall be removed from the site;
5. Within 6 months of the date of this approval lapsing under Condition 1 or at an earlier time under Condition 2 an investigation for soil and groundwater contamination is to be carried out to determine the extent of any contamination and if remediation is required, to the satisfaction of the Western Australian Planning Commission, on advice from the Department of Water and Environmental Regulation;
6. Within 9 months of the date of this approval lapsing under Condition 1 or at an earlier time under Condition 2 a decommissioning plan for the site must be submitted to the Western Australian Planning Commission for its approval, on advice from the City of Vincent and the Department of Water and Environmental Regulation.

The decommissioning plan is to include:

- a) Investigation for soil and groundwater contamination is to be carried out to determine if remediation is required; and
 - b) If required, remediation, including validation of remediation, of any contamination identified shall be completed to ensure that the entire site is suitable for a future residential or other sensitive use;
7. The approved decommissioning plan in Condition 6 shall be implemented in its entirety within 24 months of the date of the approval lapsing under Condition 1 or at an earlier time under Condition 2, unless otherwise agreed by the Western Australian Planning Commission.

All contamination investigation and remediation works are to be validated by the Department of Water and Environmental Regulation to the satisfaction of the Western Australian Planning Commission;

Environmental Management Plan

8. Within 28 days of the date of this approval the Environmental Management Plan prepared by Strategen-JBS&G dated 14 May 2021 shall be updated and submitted to the Western Australian Planning Commission for approval on the advice of the City of Vincent.

The updated Environmental Management Plan is to address the following:

- a) Provide a new environmental noise assessment which includes an assessment of the noise impacts of the operations of the plant on surrounding sensitive receiver (including from vehicle movements).

This environmental noise assessment shall demonstrate compliance with the assigned levels of the *Environmental Protection (Noise) Regulations 1997* including any management measure or modification to the existing development and/or operations that would be required to do so.

- b) Specify truck and semi-trailer access routes to be limited to Lord Street and Edward Street only. Truck movements shall not extend beyond this into the local road network unless for the purposes of deliveries to sites within the area bound by Lord Street, the Graham Farmer Freeway, the railway reserve and Summers Street;
 - c) Specify that truck and semi-trailer access to the site is managed so that heavy vehicles are not queuing or idling within the road network while waiting to enter; and
9. The plant is to operate in accordance with the Environmental Management Plan approved in Condition 8 subject to:
- a) An annual review of the environmental management plan after each year following the granting of approval; and
 - b) The inclusion on the environmental management plan of any addenda necessary to address any specific matter identified by either Hanson Constructional Materials Pty Ltd, the Western Australian Commission, or the City of Vincent between annual reviews. These addenda are to form part of the Environmental Management Plan;

Site Operations

10. This approval limits access to the site by trucks and semi-trailers to anytime Monday to Saturday inclusive (excluding public holidays) only, unless otherwise restricted under the approved Environmental Management Plan in accordance with Condition 9 to meet the assigned levels of the *Environmental Protection (Noise) Regulations 1997*.

Landscaping

11. Landscaping is to be maintained in accordance with the Landscape Management Plan dated 26 June 2012, or other landscaping management plan approved by the Western Australian Planning Commission on advice from the City of Vincent; and

General

12. Where any of the above conditions have a time limitation for compliance and the condition is not met in the required timeframe, the obligation to comply with the requirements of the condition continues while the approved development exists.

Recommended Conditions – 120 Claisebrook Road, Perth

Approval Period

1. Subject to Condition 2, this approval is granted for a term expiring 30 June 2027;
2. Notwithstanding Condition 1, this approval will lapse on:
 - a) 30 June 2025, if by that date a development approval *Planning and Development Act 2005* and a building permit under the *Building Act 2011* have not been obtained for the development and construction of a new concrete batching plant on an alternative site to No. 120 (Lot 1001) Edward Street, Perth; or
 - b) 30 June 2026, if by that date the new concrete batching plant has not been substantially commenced on the alternative site; or
 - c) 30 June 2027, if by that date the new concrete batching plant has not been completed at an alternative site and an occupancy certificate obtained for that plant under the *Building Act 2011*;
3. When this approval lapses under Condition 1 or at an earlier time under Condition 2, this approval will cease to have any effect from the date on which it lapses, with the exception of Conditions 4,5 and 6;

Site Decommissioning

4. Within 6 months of the date of this approval lapsing under Condition 1 or at an earlier time under Condition 2, all on-site structures shall be removed from the site;
5. Within 6 months of the date of this approval lapsing under Condition 1 or at an earlier time under Condition 2 an investigation for soil and groundwater contamination is to be carried out to determine the extent of any contamination and if remediation is required, to the satisfaction of the Western Australian Planning Commission, on advice from the Department of Water and Environmental Regulation;
6. Within 9 months of the date of this approval lapsing under Condition 1 or at an earlier time under Condition 2 a decommissioning plan for the site must be submitted to the Western Australian Planning Commission for its approval, on advice from the City of Vincent and the Department of Water and Environmental Regulation.

The decommissioning plan is to include:

- c) Investigation for soil and groundwater contamination is to be carried out to determine if remediation is required; and
 - d) If required, remediation, including validation of remediation, of any contamination identified shall be completed to ensure that the entire site is suitable for a future residential or other sensitive use;
7. The approved decommissioning plan in Condition 6 shall be implemented in its entirety within 24 months of the date of the approval lapsing under Condition 1 or at an earlier time under Condition 2, unless otherwise agreed by the Western Australian Planning Commission.

All contamination investigation and remediation works are to be validated by the Department of Water and Environmental Regulation to the satisfaction of the Western Australian Planning Commission;

Environmental Management Plan

8. Within 28 days of the date of this approval the Environmental Management Plan prepared by Holcim dated 12 December 2023 shall be updated and submitted to the Western Australian Planning Commission for approval on the advice of the City of Vincent.

The updated Environmental Management Plan is to address the following:

- d) Provide a new environmental noise assessment which includes an assessment of the noise impacts of the operations of the plant on surrounding sensitive receiver (including from vehicle movements).

This environmental noise assessment shall demonstrate compliance with the assigned levels of the *Environmental Protection (Noise) Regulations 1997* including any management measure or modification to the existing development and/or operations that would be required to do so.

- e) Specify truck and semi-trailer access routes to be limited to Lord Street, Edward Street, Caversham Street and Claisebrook Road (south of Caversham Street) only. Truck movements shall not extend beyond this into the local road network unless for the purposes of deliveries to sites within the area bound by Lord Street, the Graham Farmer Freeway, the railway reserve and Summers Street;
 - f) Provide for all truck and semi-trailer access between the hours of 7pm to 6am to only occur from Caversham Street, with no access to occur from Claisebrook Road. Updated internal traffic flows should be provided demonstrating how this would occur; and
 - g) Specify that truck and semi-trailer access to the site is managed so that heavy vehicles are not queuing or idling within the road network while waiting to enter;
9. The plant is to operate in accordance with the Environmental Management Plan approved in Condition 8 subject to:
 - a) An annual review of the environmental management plan after each year following the granting of approval; and
 - b) The inclusion on the environmental management plan of any addenda necessary to address any specific matter identified by either Holcim Australia Pty Ltd, the Western Australian Commission, or the City of Vincent between annual reviews. These addenda are to form part of the Environmental Management Plan;

Site Access

10. This approval limits access to the site by trucks and semi-trailers to anytime Monday to Saturday inclusive (excluding public holidays) only, unless otherwise restricted under the approved Environmental Management Plan in accordance with Condition 9 to meet the assigned levels of the *Environmental Protection (Noise) Regulations 1997*.

Landscaping

11. Landscaping is to be maintained in accordance with the Landscape Management Plan dated 26 June 2012, or other landscaping management plan approved by the Western Australian Planning Commission on advice from the City of Vincent; and

General

12. Where any of the above conditions have a time limitation for compliance and the condition is not met in the required timeframe, the obligation to comply with the requirements of the condition continues while the approved development exists.