

# CITY OF ARMADALE

## AGENDA

**OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY 12<sup>TH</sup> JANUARY 2004, AT 7:00 PM.**

---

*A meal will be served at 6:15 pm*

**PRESENT:**

**APOLOGIES:**                      Cr G M Hodges                      (Leave of Absence)

**OBSERVERS:**

**IN ATTENDANCE:**

---



***DISCLAIMER***

---

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read by the Chairman.

***DECLARATION OF MEMBER'S INTERESTS***

---

***QUESTION TIME***

---

*Minimum time to be provided – 15 minutes (unless not required)*

***CONFIRMATION OF MINUTES***

---

**RESOLVED**

**Minutes of the Development Services Committee Meeting held on 8<sup>th</sup> December 2003, be confirmed.**

Moved Cr \_\_\_\_\_

Carried/Lost (    )

***ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.23/2003***

---

The following items were included for information in the “Development Services Strategy section” –

- Report on Outstanding Matters – Development Services Committee
- Health Services Manager’s Report for October 2003
- Watch On Health Council
- Planning Services Manager’s Report for October 2003
- The 5<sup>th</sup> International Cities, Town Centres & Communities Society Conference
- Minutes - Community Heritage Advisory Committee Meeting
- Minutes - Local Govt Working Group (LGWG) Meeting
- Proposed New National Parks within the City of Armadale
- Town Planning Scheme No.2 - Amendment Action Table
- PAW Closure Report - significant actions during October 2003
- Subdivision Applications - Recommendation Table (Oct/Nov 2003)
- Compliance Officer’s Report for October 2003
- Planning Dept Monthly Admin Reports for October 2003
- Building Services Manager’s Report for October 2003
- Financial Statements for the period ending 31 October 2003

*If any of the items listed above requires clarification or a report for a decision of Council, this item is to be raised for discussion at this juncture.*



# DEVELOPMENT SERVICES COMMITTEE

## INDEX

12<sup>TH</sup> JANUARY 2004

---

### DEVELOPMENT

CHILD MINDING CTR – INCREASE FROM 50 TO 66 CHILDREN, LOT 160 OTTAWAY ST, K/S .....	3
PROPOSED DISMANTLING & REMOVAL OF ARMADALE BRICKWORKS HEAD GEAR / TOWER - LOT 102 HOBBS DR (DALE COTTAGES), ARMADALE.....	15
PROPOSED DISPLAY & SALE OF MOBILITY & SUPPORT AID EQUIPMENT – LOT 161 ALBANY HIGHWAY, KELMSCOTT .....	27
PROPOSED FILLING AND SHED – LOT 74 HANLIN ROAD, FORRESDALE .....	35
PROPOSED TAVERN & DRIVE-THROUGH LIQUOR OUTLET - LOT 114 WARTON RD, F/D .....	45

### PAW CLOSURE

PEDESTRIAN ACCESS WAY BETWEEN LOTS 10 & 11 TERRIGAL WAY, ARMADALE .....	59
---	----

### ROAD NAMING

NAME FOR PROPOSED NEW ROAD IN CENTRAL ARMADALE .....	65
--	----

### SCHEME AMENDMENT & STRUCTURE PLAN

FINAL ADOPTION OF STRUCTURE PLAN - PORTION OF LOT 600 EIGHTH RD, A/D .....	69
PROPOSED REVISION TO SUBDIVISION GUIDE PLAN – LOT 810 AND LOTS 805 TO 808 CHURCHMAN BROOK ROAD, BEDFORDALE .....	89

### SCHEME AMENDMENT & STRUCTURE PLANS

PROPOSED SCHEME AMENDMENT – LOT 51 WARTON ROAD, FORRESDALE.....	101
---	-----

### STRATEGIC PLANNING

ARMADALE REDEVELOPMENT AUTHORITY - DRAFT PLANNING POLICIES FOR PRELIMINARY COMMENTS.....	109
PUBLIC OPEN SPACE STRATEGY – FINAL STAGES 4 AND 5 .....	118

### TRUCK PARKING

COMMERCIAL VEHICLE PARKING – LOT 328 (11) GUINIVERE WAY, WESTFIELD .....	133
--	-----

### MISCELLANEOUS

PROPOSED CANCELLATION OF RESERVE 34252 – BRIGADE ROAD, FORRESDALE – FORRESDALE INDUSTRIAL BUSINESS PARK.....	139
TRADING PERMITS AND SHOPS IN RURAL ZONES.....	143

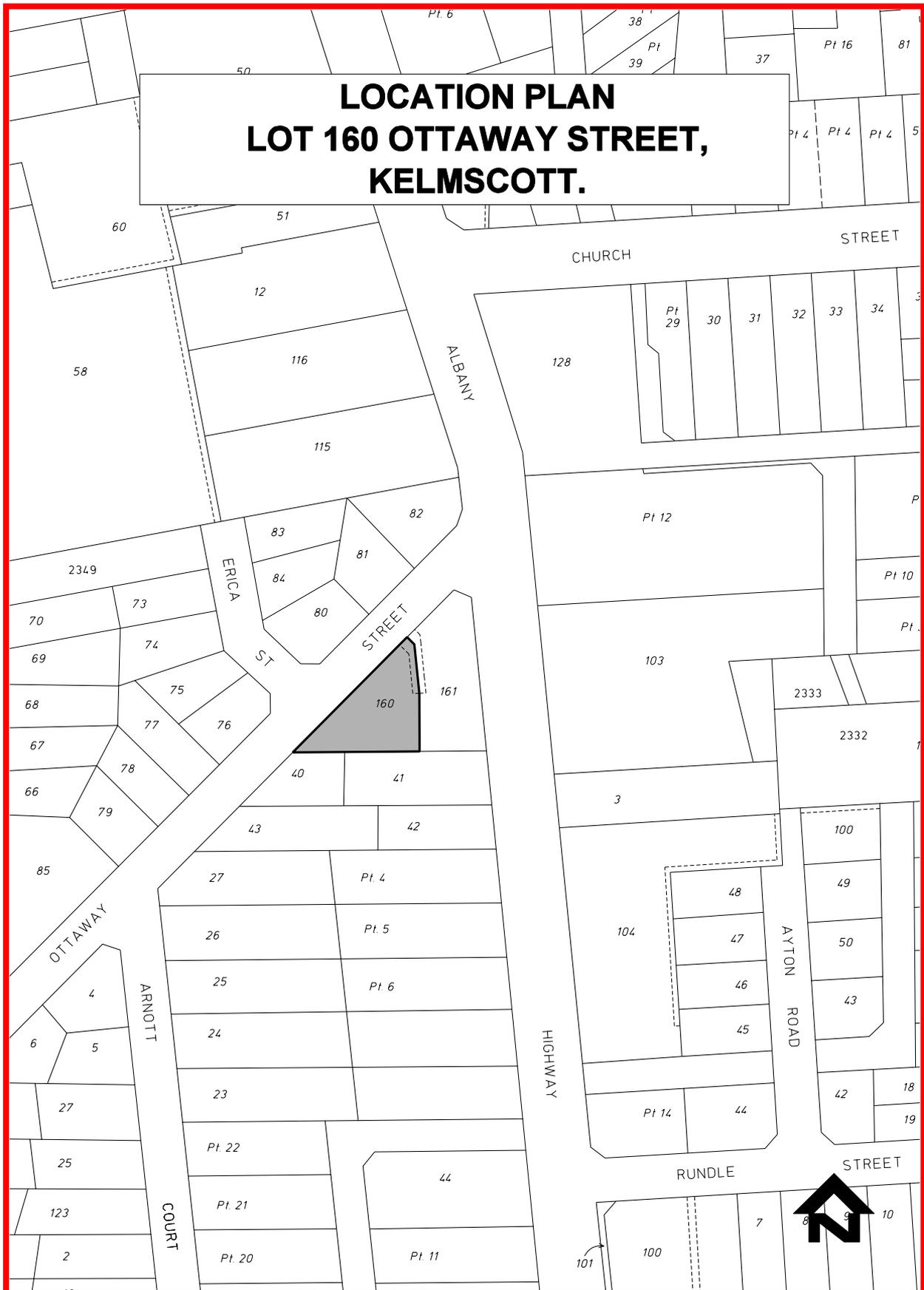
### COUNCILLORS' ITEM

CR EVERTS – MATTER OF ADVICE TO RESIDENCE RE ODP PROPOSAL IN SEVILLE GROVE ----	147
---	-----



**DEVELOPMENT  
SERVICES  
COMMITTEE**

**PLANNING**



***CHILD MINDING CENTRE - INCREASE FROM 50 TO 66 CHILDREN –  
LOT 160 (10) OTTAWAY STREET, KELMSCOTT***

WARD : KELMSCOTT  
FILE REF : A241381 & A065016  
DATE : 22 December 2003  
REF : RVD  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : Dykstra & Associates  
LAND OWNER : NR Rapattioni &  
I Di Giovanni  
SUBJECT LAND : Lot 160 (10) Ottaway St  
Property size 1664m<sup>2</sup>  
Map 22.06  
ZONING : Urban/ Residential R10  
MRS/TPS No.2

**In Brief:-**

- Proposal to increase number of children from 50 to 66 at Sandgroopers Child Care Centre in Ottaway Street, with no change to the current building or parking provision.
- Advertising of proposal resulted in five submissions, two of which specifically objected to the proposal, and two which expressed particular concerns to be addressed.
- Recommend that Council approve the increase in children subject to the continuation of previous ongoing conditions, submission of a noise management plan and provision of cash-in-lieu to fund construction of four parking bays on Ottaway Street.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

City's vision is that the City is "A great place to raise children".

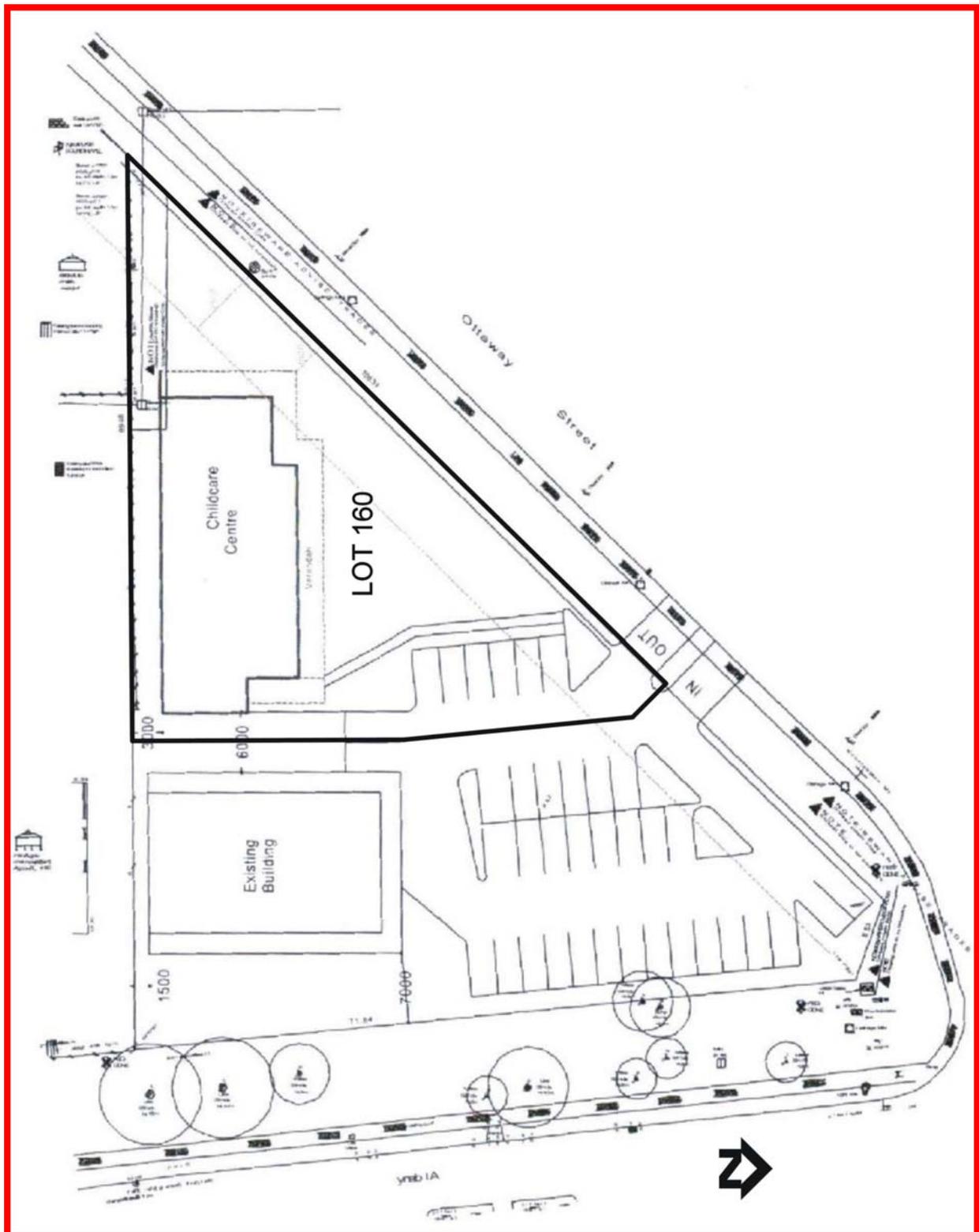
Development - "To balance the needs of development with sustainable economic, social and environmental objectives".

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Scheme Act 1959  
Community Services (Child Care) Regulations 1988  
Building Code of Australia

**Council Policy / Local Law Implications**

Child Care Centres Policy



SITE PLAN WITH LOT BOUNDARY PLAN  
LOT 160 OTTOWAY STREET, KELMSCOTT

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit
- ◆ Building Regulations Advisory Committee
- ◆ Surrounding landholders
- ◆ Department for Community Development
- ◆ Main Roads Western Australia

### **BACKGROUND**

Council first considered a proposal for a child minding centre for 52 children with a maximum of 50 children on the premises at one time for this location in September 2001 and resolved to refuse the application on the grounds that it was inconsistent with Council's Child Care Policy and the level of adverse impacts on the amenity of the surrounding residential area (D235/01). The applicant appealed to the Town Planning Appeals Tribunal who decided to uphold the appeal on 3 July 2002. The Town Planning Appeals Tribunal favourably considered the appeal in the light of amenity issues such as traffic generation and noise and non-residential activity. The City issued conditional approval for the proposal in July 2002.

In February 2003 the applicant contacted the City seeking review of a condition requiring a limestone wall between the child minding centre and adjacent lots. Following several letters and discussions between the applicant and the City, including two letters from the City noting the significance of the limestone wall in the Tribunal's deliberations regarding amenity, the applicant submitted a revised development application. The revised application showed a limestone wall adjacent to the playground area for the length of the adjoining Lot 40, and a colourbond fence at the rear of the child minding centre building for the length of the adjoining Lot 41. The revised application included a report comparing the acoustic properties of different fence types. A new approval to commence development consistent with the revised application was issued in July 2003 that superseded the approval of July 2002.

Condition one of the current approval stipulates that "No more than 50 children to be accommodated on site at any one time".

The applicant sought and was granted approval for sand pit shade structures located in the playground area in July 2003.

### **DETAILS OF PROPOSAL**

The applicant proposes to increase the number of children permitted from 50 to 66 as follows:

0 – 2 year olds	-	16
2-3 year olds	-	20
3-6 year olds	-	30

The applicant's rationale for the proposal includes centre viability, and a view that only larger centres can provide the full range of care and facilities expected by parents.

The applicant argues additional parking is not needed because the facility is located near the Kelmscott town centre and major transport and public transport routes meaning the many people would use alternative forms of transport and because in the applicant's view the adjoining physiotherapy centre never uses its full allotment of car parking bays. The applicant's proposal acknowledges that under the City's parking standards there would be a parking shortfall, and suggests Council could consider cash-in-lieu or on-street parking.

## COMMENT

### *Development Control Unit*

The Development Control Unit recommended that on-site or on-street parking should be provided for the parking shortfall, and that noise management should be addressed.

### *External comments and advice*

#### Building Regulations Advisory Committee

During assessment of this application it became evident that under Part D1 "Provision for escape" of the Building Code of Australia, emergency exits for early childhood centres are based on 4sqm (square metres) per person, whilst under the Community Services (Child Care) Regulations the indoor space requirements are 3.25sqm per child or 4.25sqm for each child 0 to 2 years of age. For the existing building, a maximum of 50 persons would be permitted for the current fire exits approved under the Building Code of Australia, whilst under the Community Services (Child Care) Regulations 66 children would be permitted.

The City's Building Services Manager advised in November 2003 that the Minister's Building Regulations Advisory Committee had become aware of the anomaly and formed the view that legislation applying to child minding centres overrides the Building Code of Australia. Subject to a review of the adequacy of fire exits, the Building Services Manager advises he has no concerns with the proposal.

#### Surrounding landholders and agencies

The application was advertised to surrounding landholders using the same geographical area as the previous application and was advertised for four weeks from 18 November to 15 December 2003. The application was also forwarded to Main Roads Western Australia and the Department for Community Development.

A summary of the numbers and nature of submissions received is listed below and the issues raised are addressed in the analysis section.

Total number of responses received	:	5
Number expressing objection to proposal	:	2
Number noting potential problems to be addressed	:	2
Number in favour/ no objections (Main Roads WA)	:	1

*Refer to Confidential Attachment "B1" for location plan of respondents.*

## Analysis

### *Public submissions*

The comments raised in the submissions from surrounding landholders are analysed as follows:

### Noise issues

*Noise levels are of concern (two submissions). One submission stated “The child care centre makes enough noise with 50 children – I don’t think we need anymore cars tooting horns or screaming kids at play.” The other submission noted the impact of additional child spaces would be “noise from additional motor vehicles, noise from the child care centre, pollution, and loss of serenity/ ambience to the area.”*

All proposals are required to comply with the Environmental Protection (Noise) Regulations 1997. Noise from many children playing can exceed assigned noise levels under the Environmental Protection (Noise) Regulations 1997. Noise received by noise sensitive premises depends on how the centre is operated and physical factors such as noise barriers and the distance to the receiver.

Applications for other child minding centres have proposed management of noise impacts through a range of measures, including customer education, management of children (e.g. the number outside at any given time) and use of solid fencing so as to comply with the Regulations. However, verification of predictions has not been demonstrated.

It is recommended that the applicant be required to prepare a noise management plan which explains how noise will be managed and which includes field measurements at peak noise times at nearby noise sensitive premises to verify compliance with the noise regulations.

### Traffic issues

*Getting in and out of the driveway at 7 Ottaway Street in the morning and evening “is a nightmare” because you need to watch the corner and the centre for oncoming cars.*

*The proposal represents danger to small children from traffic flow and there is a lack of traffic management infrastructure.*

*Entry and egress from the site is difficult and unsafe. Over time it will become difficult to turn right onto Albany Highway especially given the angle of Ottaway Street to Albany Highway and other exit routes are maze like requiring traffic to pass through residential areas, increasing stress on parents and residents.*

Advice from the City’s Technical Services Department is that the proposal will have negligible effect on the level of road safety and that the increase in traffic through residential areas would be insignificant.

Parking issues

*Parking spaces provided are inadequate for the proposed increase.*

*It is not acceptable to simply allow excess parking requirements of the child minding centre to spill into parking for the physiotherapy centre.*

Refer to discussion on parking under Child Care Centre Policy below.

Design issues

*The fence fronting the play area should be raised. On two occasions balls have come over the fence and landed on or just in front of our car.*

There is an existing 1.8m high visually permeable fence and a road verge approximately 4m wide separating the play area from the street. A higher fence would probably look unsightly. If cars are parked in the on-road parking bays proposed (see discussion under Child Care Centre Policy below) these would act as a barrier to balls flying from the play area. No change to the height of the fencing is recommended.

The City will draw the matter to the attention of the centre management who may be able to manage children's play activities so that balls do not go over the fence (e.g. by prohibiting the kicking of balls or by restricting ball games to certain parts of the property).

Shade

*The children need some sort of tree shade on the Council side of the fence.*

Landscaping on the Council side of the fence (i.e. the road reserve) is constrained by the presence of powerlines, so tall trees to provide shade cannot be planted. Shade is provided by shade sails that were approved by Council in July 2003.

Precedent

*Approval of the application will set a precedent for continuing increases in the number of children permitted at child minding centres.*

Each application is considered on its merits, not on precedent.

***Refer to Confidential Attachment "B1" for a location map of the respondents.***

***Town Planning Scheme No. 2***

Under Town Planning Scheme No. 2, a Child Minding Centre is a use not permitted unless Council has exercised its discretion and granted planning approval after advertising. Table 1.2 "Other requirements" specifies a maximum of 30 children, but this can be varied under Clause 7.6 "Relaxation of Standards" if the development "would be consistent with the orderly and proper planning of the locality and the preservation of amenities of the locality" and "the non compliance (with the relaxation) will not have an adverse effect" upon the inhabitants of the locality.

Clause 7.3 “Matters to be considered by Council” requires Council to take into consideration a number of matters in reaching a decision on a proposal, including “any plan, design, development, code or policy adopted by the Council for development of the locality, zone or use”. The application of the Building Code of Australia is considered above (under External comments and advice – Building Regulations Advisory Committee), and Council’s policy is considered below.

#### Continuation of existing conditions

Approval of this application would supersede the approval of July 2003, which includes a number of “ongoing” conditions that should also appear in this approval. The ongoing conditions relate to:

- ◆ Building elevation plans depicting the colour schedule (condition needed to ensure inappropriate colours are not used if the building is repainted);
- ◆ Landscaping maintenance;
- ◆ Hardstand areas (to ensure adequate maintenance of car parking and driveways); and
- ◆ Fencing (condition needed to ensure fencing is maintained so they continue to provide an acoustic barrier and the colour matches the building).

#### ***Child Care Centres Policy***

Only those clauses relevant to parking apply to this application. Other policy clauses relating to suitable locations, site characteristics, building design and layout, and hours of operation do not apply because the existing building and surrounds do not need to be changed to accommodate more children and existing conditions of approval that are ongoing will be continued.

The Child Care Centres Policy states:

*“New centres should provide for on-site car parking, including pick-up and set down facilities, at a ratio of 1 bay for each 5 children in the residential and rural zones or 1 bay for each 10 children plus 1 bay for each staff member on the site simultaneously, whichever is the greater unless a lesser provision can be justified to Council’s satisfaction.”*

The child care centre has exclusive use of 14 bays, which meets the policy requirement for 50 children and nine staff. For 66 children, 11 staff are required and 18 bays is the greater of the two calculations. Therefore, there is a shortfall of four bays.

The applicant’s proposal suggests that Council could consider cash-in-lieu or on-street parking. It is recommended that the applicant provide cash-in-lieu funds in accordance with Clause 5.10.4 of the Town Planning Scheme No. 2 to provide for the provision of four car parking bays to be constructed in the Ottawa Street road reserve next to the centre.

Clause 5.10.4 states:

*“A cash-in-lieu payment shall be not less than the estimated cost to the Council of providing and constructing the parking spaces required by this Scheme, plus the value, as estimated by the Council, of that area of his land which would have been occupied by the parking spaces. Payments made under this Clause shall be paid into a special fund to be used to provide public parking stations.”*

The Technical Services Directorate advises that the Ottaway Street road reserve is wide enough to accommodate additional parking bays in the road reserve and that \$3,200 per bay would be required to cover construction costs only. As specified in Clause 5.10.4 the cash-in-lieu contribution will need to include a value for the land, which will be achieved through a valuation or utilisation of a recent valuation to determine a fair value.

## **OPTIONS**

1. Council could approve the proposal subject to ongoing conditions that applied to the proposal in the July 2003 approval, and conditions in regard to noise management and car parking.
2. Council could refuse the proposal on the grounds that it is not prepared to exercise its discretion and approve the use, if it is not satisfied the proposal has adequately addressed the Town Planning Scheme provisions or Policy requirements including the issue of the amenity of the neighbourhood.

## **CONCLUSION**

The proposal is for an increase in the number of children from 50 (as approved) to 66. The impacts arising from the increase in children are considered by those making submissions to be significant and undesirable on the grounds of noise, traffic, parking and general loss of amenity. From a statutory point of view the Council has discretion to approve the application if it is satisfied that amenity considerations have been considered and can be satisfactorily managed.

From an analysis of the issues it is concluded that the increase in the number of children would not in itself create additional noise or amenity problems that could not be managed by appropriate conditions. This conclusion is reached in the light of there being sufficient space within the building for the children (although it is certainly at the limits of the criteria established by the Community Services (Child Care) Regulations).

While the applicant argues that additional parking is not needed there is a strong case for ensuring that the parking requirements are met. As these standards cannot be met on-site the Council could either use this as a ground to refuse the application or, if it is satisfied that the use of the public reserve for parking would not diminish the local amenity, provide the required bays in the reserve at the cost of the applicant. It would not be reasonable for the applicant to have the use of public land without paying full value to the Council for the cost of the land plus the cost of the engineering works as provided for under Clause 5.9.4 of the Scheme.

It is considered that the additional required parking could be provided on Ottaway Street without diminishing the amenity of the street.

It is therefore recommended that the proposal be approved, in accordance with Option 1 subject to appropriate conditions.

### **RECOMMEND**

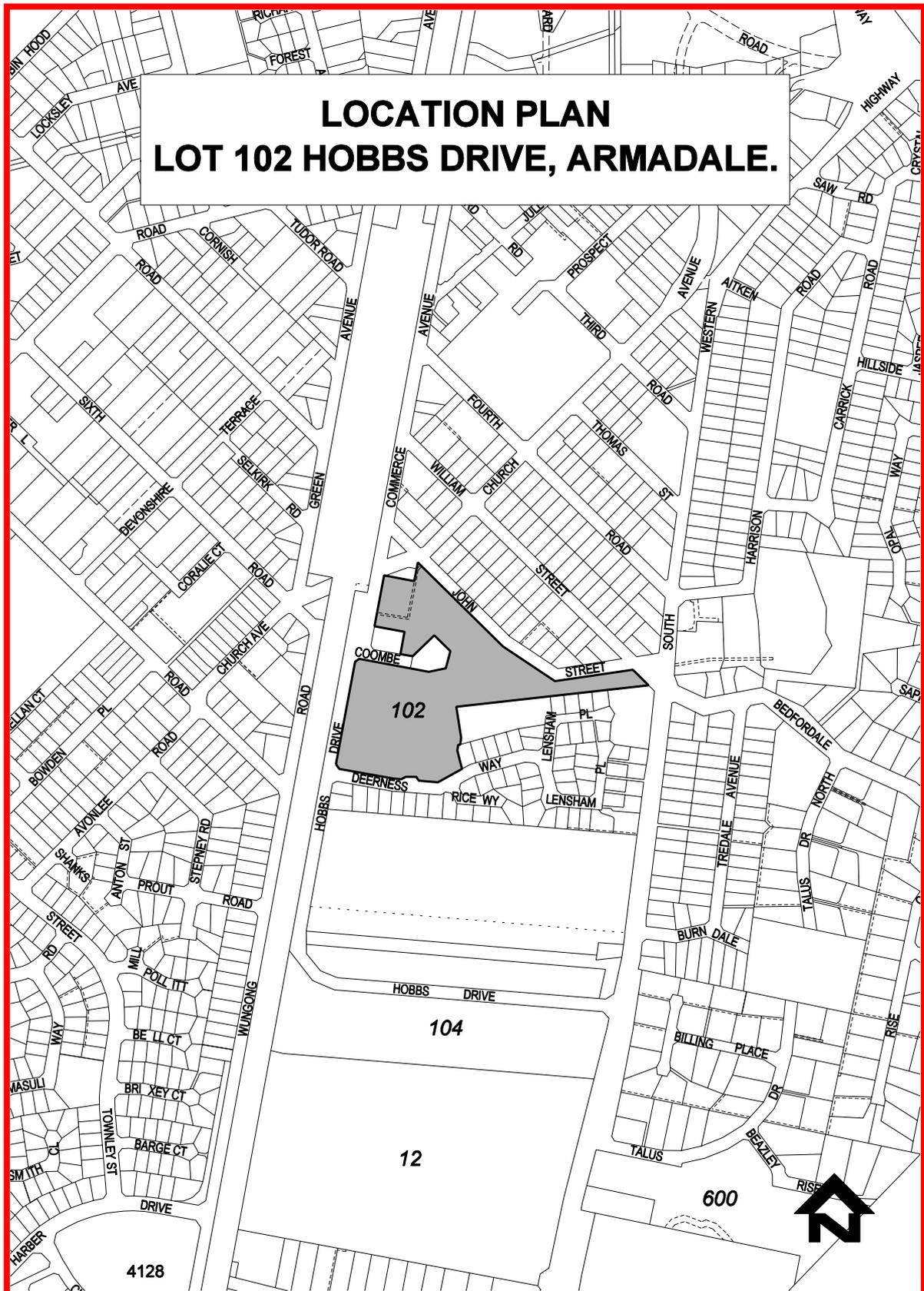
- 1. That in accordance with Clause 7.6 of the Town Planning Scheme No. 2 Council further relax the requirement for a maximum of 30 children for the Child Minding Centre at Lot 160 (10) Ottaway Street, Kelmscott from 50 to 66 children on the grounds that adverse impacts on residential amenity are manageable or negligible.**
  
- 2. That Council approve the application to increase the maximum number of children from 50 to 66 at the Child Minding Centre located at Lot 160 (10) Ottaway Street, Kelmscott, subject to the following conditions:**
  - a) Submission and implementation of a Noise Management Plan that describes how noise will be managed to meet the Environmental Protection (Noise) Regulations 1997 and which proposes a program of field measurements at peak noise times at nearby noise sensitive premises to verify compliance with the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the Executive Director Development Services.**
  
  - b) The landowner paying to Council a cash-in-lieu contribution under Clause 5.10.4 of Town Planning Scheme No. 2 to provide for the provision of four car parking bays in Ottaway Street adjacent to the Child Minding Centre.**
  
  - c) The development is to be completed and maintained in accordance with approved elevation plans and an approved colour schedule to the satisfaction of the Executive Director Development Services.**
  
  - d) All landscaping is to be implemented and maintained in accordance with the approved landscape plan to the satisfaction of the Executive Director Development Services.**
  
  - e) All hardstand areas including car parking areas, crossovers and driveway to be constructed, drained, sealed, marked and kerbed and continuously maintained to the satisfaction of Council.**

**3. That the applicant be advised that:**

- a) **A review of the adequacy of the fire exits will be required to conform with the requirements of the Building Code of Australia.**
- b) **Condition c) refers to the elevation plans dated 27 November 2002 and colour schedule dated 9 January 2003 or any subsequently approved plans.**
- c) **The applicant is advised of the requirement to comply with the Environmental Protection (Noise) Regulations 1997 and the Community Services (Child Care) Regulations 1988.**

Moved Cr \_\_\_\_\_  
Carried/Lost ( )

**PAGE INTENTIONALLY LEFT BLANK**



---

***PROPOSED DISMANTLING AND REMOVAL OF ARMADALE BRICKWORKS HEAD GEAR / TOWER - LOT 102 HOBBS DRIVE (DALE COTTAGES), ARMADALE***

---

WARD : ARMADALE  
FILE REF : A232827  
DATE : 30 December 2003  
REF : JEH  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : Ms. Trudi Hodges  
LAND OWNER : Dale Cottages (Inc)  
SUBJECT LAND : 6.4133 ha  
Map 22.02  
ZONING : Urban / Residential 'R15'  
MRS/TPS No.2

**In Brief:-**

- Application has been received to dismantle the former brickworks 'endless winding gear tower' which is in need of restoration work, should it be retained.
- The tower is mentioned under the Municipal Heritage Inventory listing for Dale Cottages.
- Community Heritage Advisory Committee recommends that the tower be retained.
- Recommend that Council approve the application to dismantle the tower, subject to appropriate conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Development – "To balance the need of development with sustainable economic, social and environmental objectives".

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Scheme Act 1959  
Metropolitan Region Scheme  
Heritage of WA Act 1990  
Town Planning Scheme No 2

**Council Policy / Local Law Implications**

Municipal Heritage Inventory



AERIAL PHOTO  
LOT 102 HOBBS DRIVE, ARMADALE

### **Budget / Financial Implications**

Potential costs associated with protection and/or restoration of the tower if Council require it to be retained.

### **Consultation**

- ◆ Development Control Unit (DCU)
- ◆ Community Heritage Advisory Committee
- ◆ Armadale and Districts Brickworks Preservation Group
- ◆ Heritage Council of Western Australia
- ◆ Public Submissions

### **BACKGROUND**

The Armadale Brickworks operated between 1901 – c.1929 in an area currently occupied by Dale Cottages Inc., a privately owned retirement village. All that remains of the brickworks are located in a small landscaped area of lawn, trees, and shrubs within an area of the retirement village known as “The Grove”. Retirement cottages situated around “The Grove” (a circular driveway) are positioned with an outlook towards the landscaped area and remaining structures from the former brickworks site. The structures are dominated by a timber tower which once supported an endless haulage system bringing skips (loaded with shale) from the nearby quarry to the brickworks site.

Council on 19 December 2003 received an application to dismantle the winding tower from the former Armadale Brickworks situated in the area now occupied by Dale Cottages. Dale Cottages is listed under Council’s Municipal Heritage Inventory. In accordance with Clause 5.11.4 of Town Planning Scheme No.2 the application is referred to Council for determination.

### **DETAILS OF PROPOSAL**

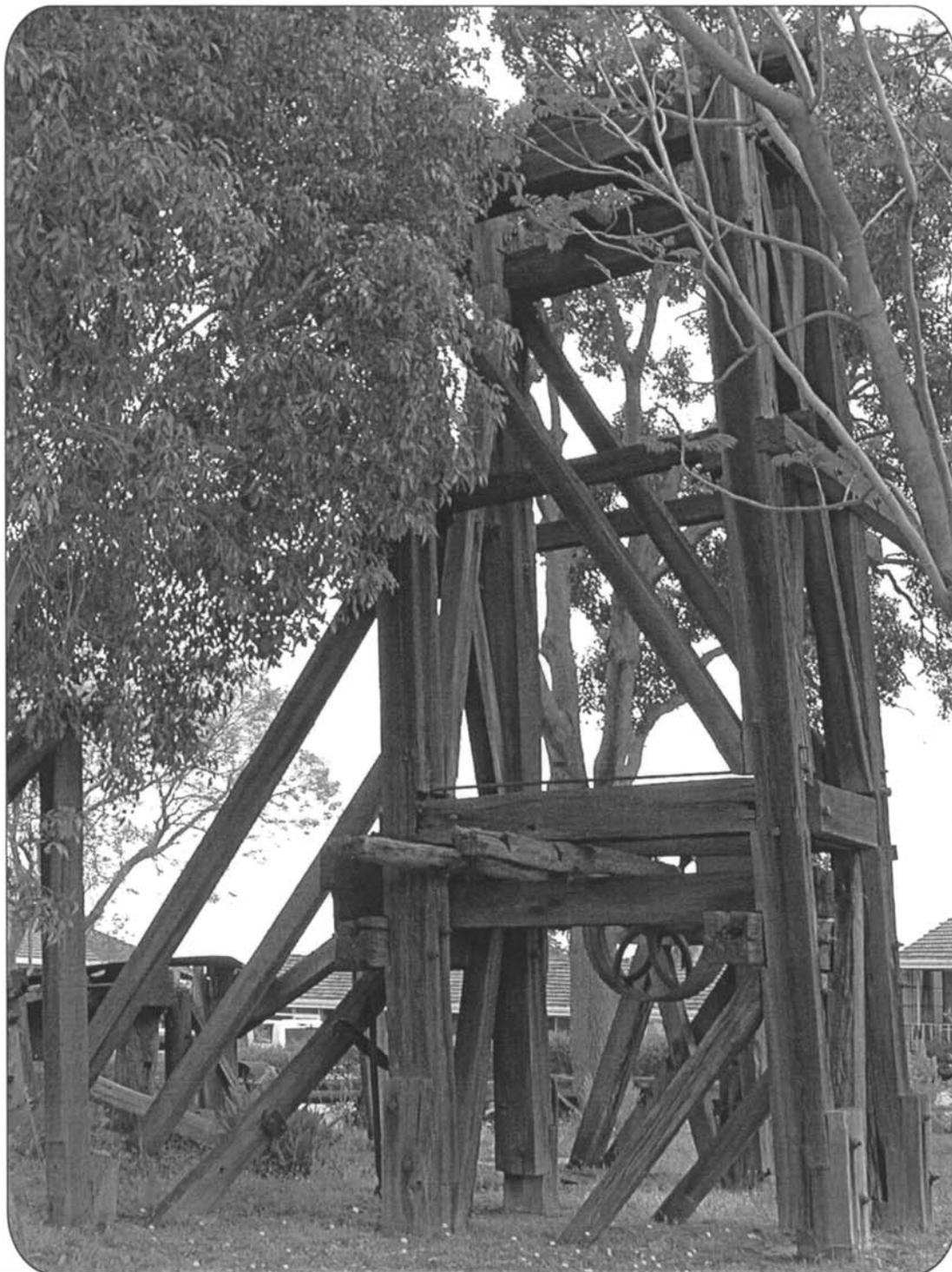
The proposal involves the dismantling of the tower, storage of metal moving parts and disposal of timbers associated with the tower. In support of the application, the applicant has submitted a letter from the Institution of Engineers Australia dated 4 August 2002, an engineering report by consulting engineers Bruechle, Gilchrist & Evans and a report by a heritage consultant - Fiona Bush Heritage and Archaeology. Information contained in these documents is outlined in the Analysis section of this report.

### **COMMENT**

#### ***Development Control Unit (DCU)***

At its meeting held on 30 December 2003, DCU supported the proposal to remove the tower and recommended that the item be referred to Council for approval.

Dale Cottages - Head Frame Survey  
Terrestrial Photogrammetry by Fugro Spatial Solutions



South Elevation

Sheet 1 of 5

PHOTO OF TOWER  
LOT 102 HOBBS DRIVE, ARMADALE

### ***Community Heritage Advisory Committee***

The proposal was referred to the Community Heritage Advisory Committee (CHAC) for their consideration at the committee meeting of 18 December 2003.

The Committee resolved to advise Council it supports retention of the endless winding gear tower structure in the Grove at Dale Cottages and its restoration. The Committee suggests that Council assist Dale Cottages in the interim by funding a fence around the structure to maintain safety. It further suggests that Council assists Dale Cottages to submit appropriate applications for funding for the purpose of restoration of the endless winding gear tower structure.

### ***Heritage Council of Western Australia***

The Heritage Council has advised that comments will be provided on 13<sup>th</sup> January following the item being referred to their committee meeting.

### ***Armadale and Districts Brickworks Preservation Group***

The Armadale and Districts Brickworks Preservation Group (ADBPG) object to the application before Council to dismantle the Endless Hauling Tower – Headframe. The comments received emphasise the historic importance of the ‘tower’ and associated structures as marking the site of the first major industry in Armadale (brick making). It is also the view of the ADBPG that the area of ground known as the grove was set aside by the founders of Dale Cottages, specifically to mark the site of the Brickworks.

The ADBPG have requested that Council assist Dale Cottages to preserve the tower and support a program to beautify ‘The Grove’, and consider providing assistance to Dale Cottages with an application for funding from Lotterywest. Additionally it is requested that should Council agree to the application, that remnants from the site be stored with a view to restoration and reconstruction.

### ***Public Submissions***

The application to dismantle the ‘tower’ at Dale cottages was referred to the Heritage Council of Western Australia, the Armadale and Districts Brickworks Preservation Group and the Community Heritage Advisory Committee for comment. As the tower is located on private property and its removal is not considered to have a direct impact on surrounding properties, the application was not advertised to surrounding landowners.

A summary of the public submissions received is outlined as follows:

No. of submissions received	:	15
No. supporting application	:	10*
No. opposing application	:	5

\* One of the letters supporting the removal of the tower includes 29 signatures of Dale Cottages residents. It should be noted that as the application has not been advertised to residents of Dale Cottages, it is difficult to ascertain whether the submissions received reflect the views of all residents at Dale Cottages.

**Plan View**  
Scale 1:150

**Elevation West Face**  
Scale 1:150

**Elevation East Face**  
Scale 1:150

**Elevation South Face**  
Scale 1:150

**Elevation North Face**  
Scale 1:150

**Right Isometric View**  
Overall Dimensions in mm  
7050, 7400, 1921

**Isometric View**

**North Face**

**North West Face**

**East Face**

**South Face**

**Rendered View**

<b>Head Frame Survey</b> <b>Historical Record</b> <b>Dimensional Survey</b>		<b>Terrestrial Photogrammetric Survey</b> <b>Dale Cottages</b> <b>Armadale Western Australia</b>	
Project No.	102	Scale	1:150
Client	Lot 102 Hobbs Drive, Armadale	Drawn	DL
Survey No.	102	Checked	DL
Date	10/12/03	Project No.	01-01
Sheet No.	01-01	Scale	1:150
Drawn	DL	Project No.	01-01
Checked	DL	Scale	1:150
Project No.	01-01	Sheet No.	0

ELEVATION PLAN  
LOT 102 HOBBS DRIVE, ARMADALE

The contents of submissions received is summarised below with a response after each issue.

1. *The tower is an “eyesore”*

The view that the tower is an “eyesore” is subjective.

2. *The tower may fall down during strong winds.*

An engineering report outlined in the Analysis section of this reports states that the tower is not in imminent danger of collapse, however it is questionable as to whether the tower could sustain wind design loads as outlined in AS 1170.2 Wind Loading Code and concludes that the tower should either be demolished or subject to a structural refurbishment.

3. *There is potential for injury if children climb on the structure.*

An engineering report states that a post and rail frame to the south-west of the tower is dangerous and “a child swinging attempting to climb on it could be sufficient to collapse the structure”. If the tower remains on site, engineering reports indicate that access to the immediate vicinity should be restricted until refurbishment is completed.

4. *Dale Cottages land was given to Dale Cottages Inc by the Armadale Council on the proviso that the tower be kept.*

No records have been located to substantiate this claim.

5. *The tower has great historical value to the City in that it played a huge part in the prosperity of Armadale and the history of the City is inextricably linked with the brick making industry.*

It is recognised that the tower has historical value. Council must take in to consideration all factors relevant to the application including the historical significance of the structure.

## **ANALYSIS**

### ***Heritage Listing***

Dale Cottages is listed as Category “C” under Council’s Municipal Heritage Inventory. The management recommendation for Category “C” reads as follows:

*“Retain and Conserve if Possible: endeavour to conserve the significance of the place through the provisions of the town planning scheme; photographically record the place prior to any major redevelopment or demolition”.*

The winding tower is mentioned in the Municipal Heritage Inventory in the “Dale Cottages” entry but does not have its own specific entry. Under the “Dale Cottages” entry the winding tower is referred to under the statement of Heritage Significance as follows:

*“The old cableway from the original brickworks stands within the complex.”*

It is noted that neither Dale Cottages nor the former brickworks winding tower are listed on the State Register of Heritage Places. The decision as to whether or not the tower may be dismantled is therefore at the discretion of Council.

### ***Heritage Consultant's Report***

Submitted with the application is a report dated 7 November 2003 to the Heritage Council of Western Australia by Heritage Consultant Fiona Bush. The report states that the timber structures and associated brick piers have low integrity, as the haulage line could never be reinstated. Additionally, demolition of the kilns and other structures associated with the manufacture of bricks has left the remaining features isolated and their original function difficult to visualise. Given the above and taking into account the current condition of the timber structures the report states "that it is felt the site would not reach the required threshold levels for inclusion on the State Register of Heritage Places", and that the timber tower should be demolished after steps to record the site and preserve some of the artefacts have been taken.

The report recommends that an extensive photographic record and measured drawings of the structures be made. It is understood that such drawings and a photographic record have already been made. The report additionally recommends that a number of other artefacts such as boilers and a spoked wheel mounted on an iron axle be removed from the site and stored with components from the tower as they are associated with the tower structure and former brickworks. Interpretive signage for the site is also recommended in place of the structures.

### ***Engineering Reports***

#### Engineering Report - Bruechle, Gilchrist & Evans

An Engineering report by dated 26 August 2003 states that the tower is not in imminent danger of collapse from its own weight, but that parts of the structure are dangerous. The report recommends that a post and rail frame to the south-west of the main frame be immediately demolished or reinforced as it could collapse with little external effort. The report further states that it is questionable as to whether the tower could sustain wind design loads as outlined in AS 1170.2 Wind Loading Code and concludes that the tower should either be demolished or subject to a structural refurbishment.

It is suggested that refurbishment of the tower will require dismantling of the frame so that timbers may be repaired and treated and bolt holes reinstated to suit the existing bolts. New bolts, fixings and brackets may also be required, together with a possible re-seating of the tower on concrete pad footings to ensure structural integrity. Refurbishment of the structure would require an accompanying ongoing maintenance plan to be established.

The report recommends in the interim that the tower frame be guyed on all four sides with wire ropes (as a short term temporary measure only) and that the site be fenced to restrict people from gaining access to the immediate vicinity of the tower.

Institution of Engineers, Australia

A letter dated 4 August 2002 from the Institution of Engineers, Australia was also submitted with the application. The letter states that little or no change in the condition of the tower is apparent from an earlier inspection conducted in January 1999. Observations conclude that the frame is loose with most members deflected at different angles to the original construction and timbers show evidence of weathering, fungal decay and termite damage however restoration is considered to be achievable, reasonably economical and durable.

The letter states that a temporary option of guying the structure would be achievable and not overly complex and refurbishment will require total dismantling with examination of all elements and connection points, repair/replacement as necessary, re-erection after preservative treatment and commitment to an ongoing maintenance program.

***Town Planning Scheme No.2***

Council's Town Planning Scheme No.2, Clause 5.11.4 under its sub clause 5.11.4.5 states that:

*“Notwithstanding any other provision of the Scheme, no person shall do any act or thing in relation to any building, object, structure or place entered in the Heritage List or contained within a Heritage Precinct that:-*

- a) is likely to change the character of the place or the external appearance of any building; or*
- b) would constitute an irreversible alteration to the fabric of any building;*

*without first having applied for and obtained the planning approval of the Council pursuant to the provisions of clauses “7.1” and “7.2” of the Scheme.”*

*Clause 7.3 Matters to be considered by Council*

Clause 7.3 of TPS No.2 lists certain criteria that should be considered in examining an application. Whilst all criteria are relevant in some way, of particular importance to the application are the following:

*“...The size, shape and character of the land to which the application relates...”*

The tower is located on private land surrounded by residential dwellings. Even if fully restored, the structures in their present location are inappropriately situated to be enjoyed and appreciated by the wider community.

*“The existing and likely future character and amenity of the neighbourhood, including the question of whether the proposed development is likely to cause injury to such character and amenity”.*

The future amenity of the area is not expected to be adversely affected as a result of the tower being dismantled. Submissions received by residents indicate that they view the structure as an eyesore. However, the tower has some heritage value and in the event of its removal, parts should be stored in a safe place. It is understood that provision can be made in the Council's depot for the storage of the tower's artefacts. Should Council approve the application to dismantle the tower, Council may wish to give consideration to the possibility of the tower being re-constructed on the Dale Cottages property or on an alternative location.

## **OPTIONS**

1. Council could approve the application to dismantle the endless winding tower, store metal moving parts and dispose of timbers, subject to appropriate conditions.
2. Council may refuse the application to dismantle the tower and in the interim assist Dale Cottages by funding a fence around the structure to maintain safety. Council could also assist Dale Cottages to submit appropriate applications for funding for the purpose of restoration of the endless winding gear tower structure.

## **CONCLUSION**

The condition of the tower and associated structures is such that funds are urgently needed in order to make them safe. If the tower is to be retained, additional funding will be required for restoration and ongoing maintenance. Such funding has not been forthcoming, and Dale Cottages is unable to fund such a project, having the responsibility to expend their funds in accordance with their core activity of aged care. The tower is located on private land in a residential setting, representing an impediment to it ever being enjoyed and appreciated by the wider community. Additionally, letters received indicate that many of the residents at Dale Cottages are supportive of the tower's removal. Council may wish to consider whether the tower could be reconstructed on the Dale Cottages property or on an alternative location.

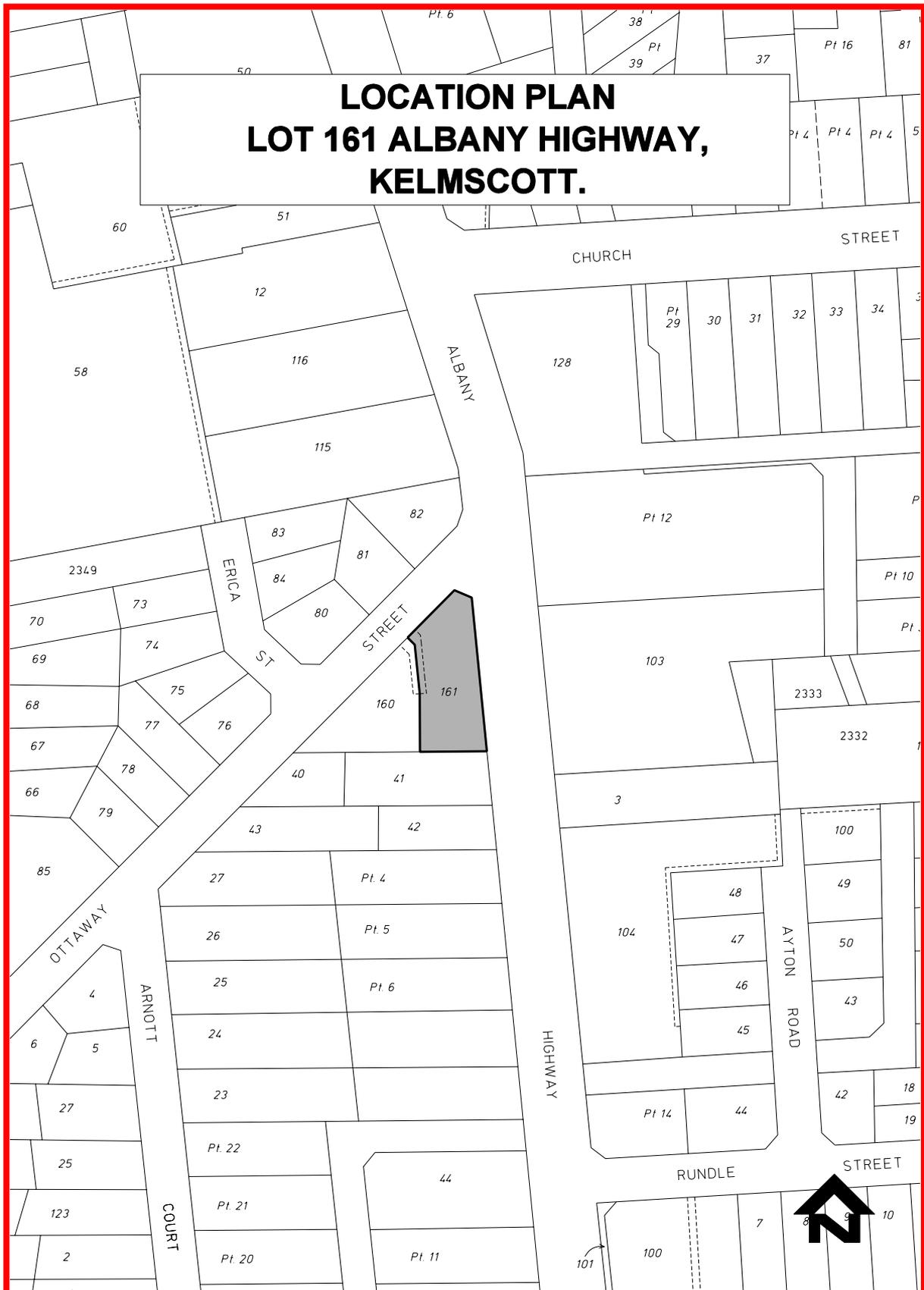
It is recognised that the tower has historical significance and is mentioned in the Municipal Heritage Inventory under the "Dale Cottages" entry which is listed as Management Category "C". The measures recommended in the Heritage Consultant's report are for the most part supported prior to any demolition, however there are not considered to be sufficient grounds to refuse the application to dismantle the tower. The winding tower is not on the State Heritage Register and the decision as to whether or not the tower may be dismantled therefore rests with the Council. Council's decision is required to take account of all matters pertaining to the application including heritage value. Given the above, it is recommended that Council adopt Option 1 and approve application to dismantle the tower subject to the following conditions:

**RECOMMEND**

**That Council approve the application to dismantle the endless winding gear tower, store metal moving parts and dispose of timbers at Lot 102 Hobbs Drive, Armadale subject to the following conditions:**

- a) **A photographic record of the tower and associated features on site is to be made and submitted to the City to the satisfaction of the Executive Director Development Services.**
- b) **Measured drawings of the site are to be made and submitted to the City to the satisfaction of the Executive Director Development Services.**
- c) **All of the metal wheels and associated shafts are to be carefully removed prior to the remainder of the tower being dismantled.**
- d) **The tower is to be carefully dismantled, and timber components are to be retained where possible and stored with the metal components from the site.**
- e) **The dual boilers are to be removed from the site and stored with the other components.**
- f) **The spoked wheel on the metal shaft and cog wheels, which are currently displayed in the paved area, must be removed from the site and stored with other metal components from the tower assembly.**
- g) **Components removed from the site are to be placed in storage to the satisfaction of the Executive Director Development Services.**
- h) **Interpretive signage to be located on the current site and detailing the history of the site is to be prepared and displayed to the satisfaction of the Executive Director Development Services.**

Moved Cr \_\_\_\_\_  
Carried/Lost (    )



---

***PROPOSED DISPLAY AND SALE OF MOBILITY AND SUPPORT AID EQUIPMENT –  
LOT 161 (No. 2933) ALBANY HIGHWAY, KELMSCOTT***

---

WARD : KELMSCOTT

FILE REF : A241377

DATE : 5 January 2004

REF : JEH

RESPONSIBLE : PSM  
MANAGER

APPLICANT : G Brockman / E Butcher

LAND OWNER : Linbrex Pty Ltd

SUBJECT : Property size 1932m<sup>2</sup>  
LAND : Map 22.06

ZONING : Urban / Residential 'R10'  
MRS/TPS No.2

**In Brief:-**

- Proposal to utilise 40m<sup>2</sup> within existing Physiotherapy Clinic for display and sale of mobility equipment.
- Represents a partial “change of use” from “consulting room” to a “shop” under TPS No.2.
- Advertising of the proposal resulted in two letters of no objection and two letters of objection (from the same respondent).
- Proposal meets requirements of TPS No.2.
- Recommend that Council approve the application subject to appropriate conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

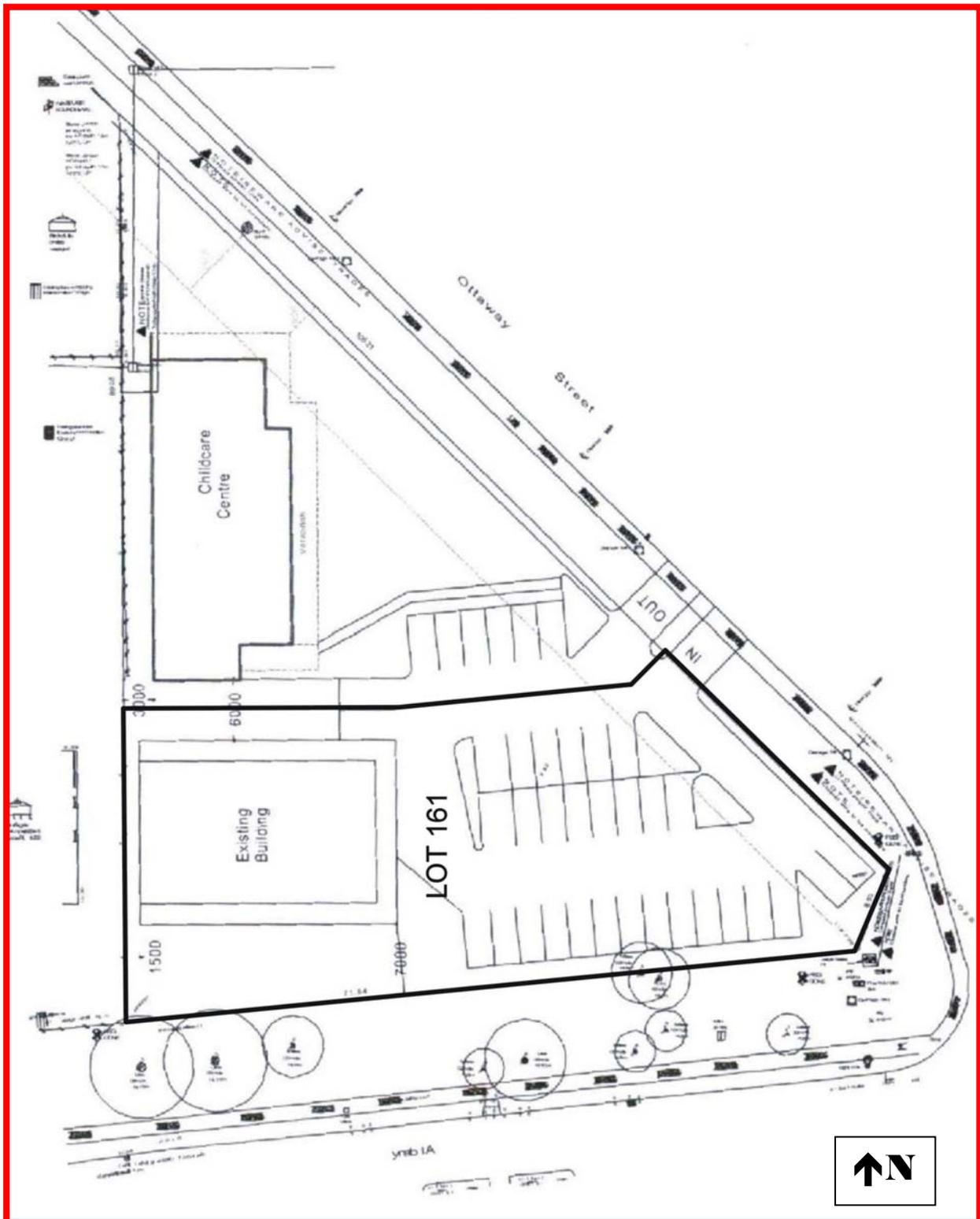
Development – “To balance the need of development with sustainable economic, social and environmental objectives”.

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Scheme Act 1959  
Metropolitan Region Scheme  
Town Planning Scheme No 2

**Council Policy / Local Law Implications**

Nil.



SITE PLAN  
LOT 161 ALBANY HIGHWAY, KELMSCOTT

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit
- ◆ Surrounding Landowners

### **BACKGROUND**

A development application for Physiotherapy consulting rooms was approved on 5 May 2001. The City subsequently approved revised plans for the consulting rooms on 2 November 2001.

On 25 November 2003 a development application was submitted for the display and sale of mobility and support aid equipment within the existing building. Since the proposal falls within the definition of a 'Shop' within the 'Residential' zone of Town Planning Scheme No.2, the application has been referred to Council for determination.

### **DETAILS OF PROPOSAL**

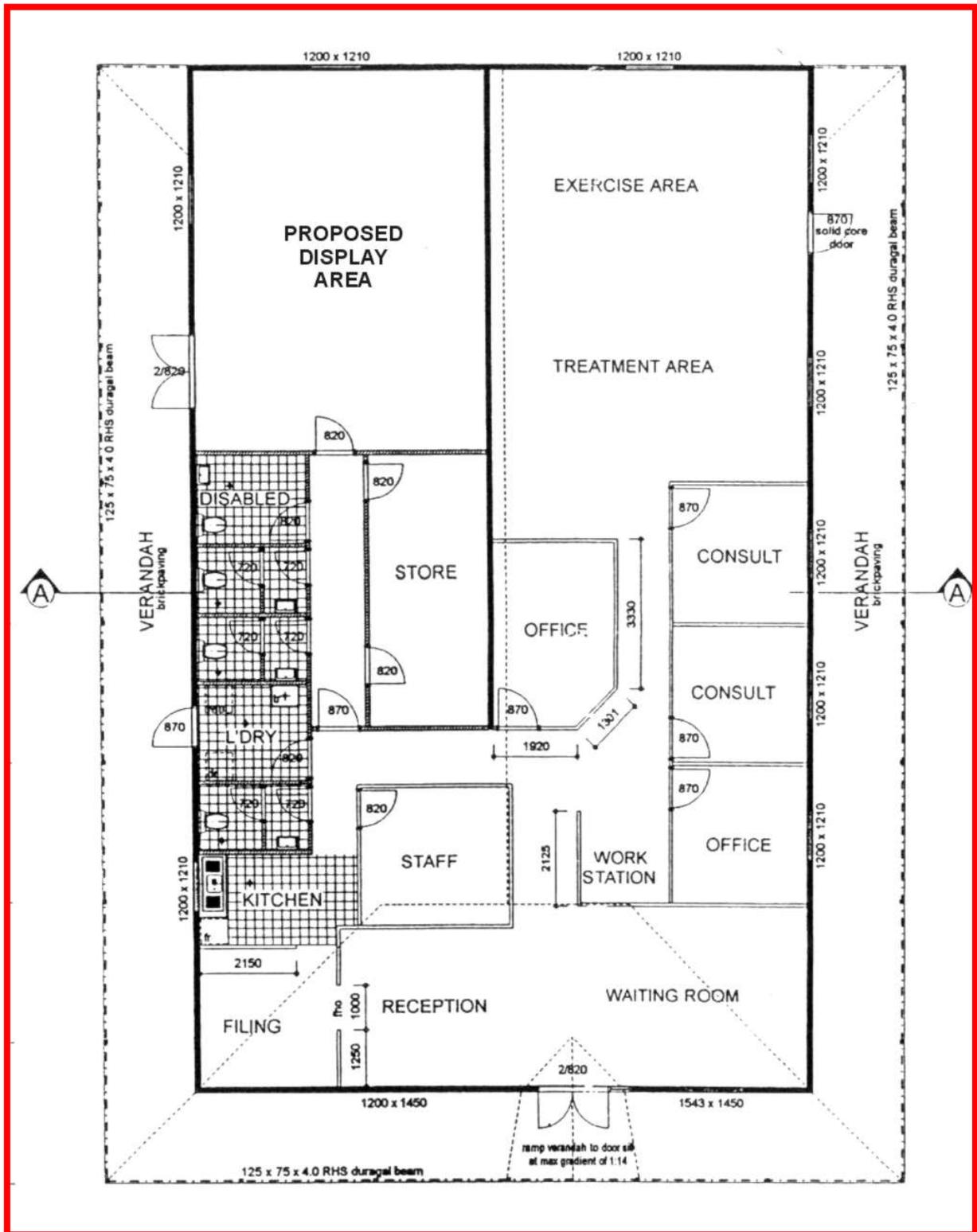
The applicant proposes to utilise a 40m<sup>2</sup> area within the existing 'LifeCare' Physiotherapy building for the display and sale of mobility and support aid equipment. The equipment offered for sale would include walking frames, wheel chairs, gophers, crutches, walking sticks etc. The proposed shop will enable patients at the Physiotherapy clinic to test the various products that may be prescribed for them, and will enable products to be readily available rather than having them to be ordered. It is envisaged by the applicant that a maximum of approximately 10 patients per week would use the proposed shop. In addition, the facility is expected to attract some "off street clientele", though customers are also expected to be minimal and in the order of approximately 10 per week.

The proposed shop has internal access from the existing practice and a separate external entrance for "off street clientele". There are no proposed changes to parking provision or employee numbers as a result of the shop and operating hours are proposed to be the same as the Physiotherapy clinic.

### **COMMENT**

#### ***Surrounding Landowners***

The proposal was referred to ten (10) surrounding landowners for comment for a period of three (3) weeks. During this period, a total of three submissions were received during the advertising period, consisting two letters of no objection, and one letter of objection to the proposal. The respondent objecting to the proposal made an additional late submission. The issues raised in the objection are addressed in the Analysis section of this report.



FLOOR PLAN  
LOT 161 OTTOWAY STREET, KELMSCOTT

***Development Control Unit (DCU)***

At its meeting held on 30 December 2003, DCU recommended that the application be referred to Council for approval, subject to appropriate conditions.

**ANALYSIS**

***Response to public submission***

The objection received in relation to the application is based upon a concern that extra traffic movements as a result of the proposal will result in such effects as noise from additional vehicles, pollution, danger to children, on-street parking, and difficulty in turning right onto Albany Highway. The submission asserts that an environmental impact report and traffic management plan should be provided with the application and that it is not acceptable for an 'original' development application to be changed without increased supporting infrastructure and impact studies. Additionally the respondent has expressed concern about the area of the shop being insufficient to adequately test the mobility equipment.

The proposed shop is expected to generate minimal additional traffic since many of those using the shop will be patients visiting the Physiotherapy Clinic. The applicant asserts that the proposed sale and display of the mobility equipment will be small scale and approximately 10 customers a week are expected besides those who are patients at the clinic. Traffic and environmental impact studies are not considered necessary for a proposal of this scale or nature. Provision of parking is more than adequate (as outlined below) and all other Town Planning Scheme requirements are met. The view that the shop area is inadequate for the testing of the equipment is subjective and is not considered to be relevant to the planning considerations of this application.

***Town Planning Scheme No.2 (TPS No.2)***

Council's Town Planning Scheme No.2 classes a shop as an 'SA' use in the 'Residential' zone, which means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 7.2.

The application meets all the requirements of TPS No.2. As the shop is to be established within an existing building it is considered to be an incidental use that is compatible with the predominant use of the building as a Physiotherapy clinic.

Council must be satisfied that parking provision is adequate. A shop requires parking at a ratio of eight (8) parking bays per 100m<sup>2</sup> Gross Leasable Area. This means that the applicant requires 3.2 (effectively 4) parking bays in addition to the 12 required for the consulting rooms (6 per consulting room). A total of 16 bays are therefore required for the shop and consulting rooms. There are a total of 30 parking bays on the subject lot, 7 of which are for the exclusive use of the adjacent childcare centre. There are 23 parking bays available for use on the subject lot and the existing parking is therefore sufficient to meet TPS No.2 requirements for both the consulting rooms and the proposed shop.

## OPTIONS

1. Council could approve the application for the display and sale of mobility and support aid equipment at Lot 161 (No.2933) Albany Highway, Kelmscott, subject to appropriate conditions.
2. Council could refuse the application for the display and sale of mobility and support aid equipment at Lot 161 (No.2933) Albany Highway, Kelmscott, if it considers that the proposed use will have an unacceptable impact on the residential amenity of the area.

## CONCLUSION

The proposed display and sale of mobility equipment is considered to be incidental to the existing Physiotherapy clinic on the site and is not expected to have any adverse impact on the residential amenity of the area. The scale of the proposal will result in a minimal increase in traffic to the site. Parking is adequately catered for and all other provisions of Town Planning Scheme No.2 are met. In this regard, it is recommended that Council adopt Option 1 above and approve the application.

## RECOMMEND

1. **That Council approve the application for the display and sale of mobility and support aid equipment at Lot 161 (No.2933) Albany Highway, Kelmscott subject to:**
  - ♦ **Retail and display activity to be confined to the area indicated on the approved plan.**
2. **That the applicant be advised that any signage associated with the shop is subject to submission and approval of a separate application.**

Moved Cr \_\_\_\_\_  
Carried/Lost ( )

**PAGE INTENTIONALLY LEFT BLANK**



**PROPOSED FILLING AND SHED – LOT 74 HANLIN ROAD, FORRESTDAL**

WARD : FORRESTDAL

FILE REF : A035998

DATE : 29 December 2003

REF : RVD

RESPONSIBLE : PSM  
MANAGER

APPLICANT : J P Copland

LAND OWNER : J P Copland

SUBJECT LAND : Property size 2.0716ha  
Map 19-03

ZONING : Rural/ Rural D  
MRS/TPS No.2

**In Brief:-**

- Proposal to seek approval for land fill/clearing that is currently subject to consideration of legal proceedings by the City's compliance officer, and for a shed with a 30m frontage to the street, 9m wide and 3.95m high for storage of equipment.
- The land fill is covering part of a Conservation Category wetland and is adjacent to a high voltage power line.
- The Environmental Protection Authority Service Unit has advised Council against retrospective approval, and Western Power has provided an interim response objecting to the proposal until various issues are investigated and resolved.
- Recommend that the proposal be refused on the grounds that it is inconsistent with the objectives of the Rural zone, will detract from the amenity of the area and does not adequately maximise the retention of significant vegetation.
- Recommend that a Direction Notice be issued requiring removal of the sea container and building materials, reinstatement of the land to original ground levels, and preparation and implementation of a revegetation plan.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Development "To balance the needs of development with sustainable economic, social and environmental objectives".

**Legislation Implications**

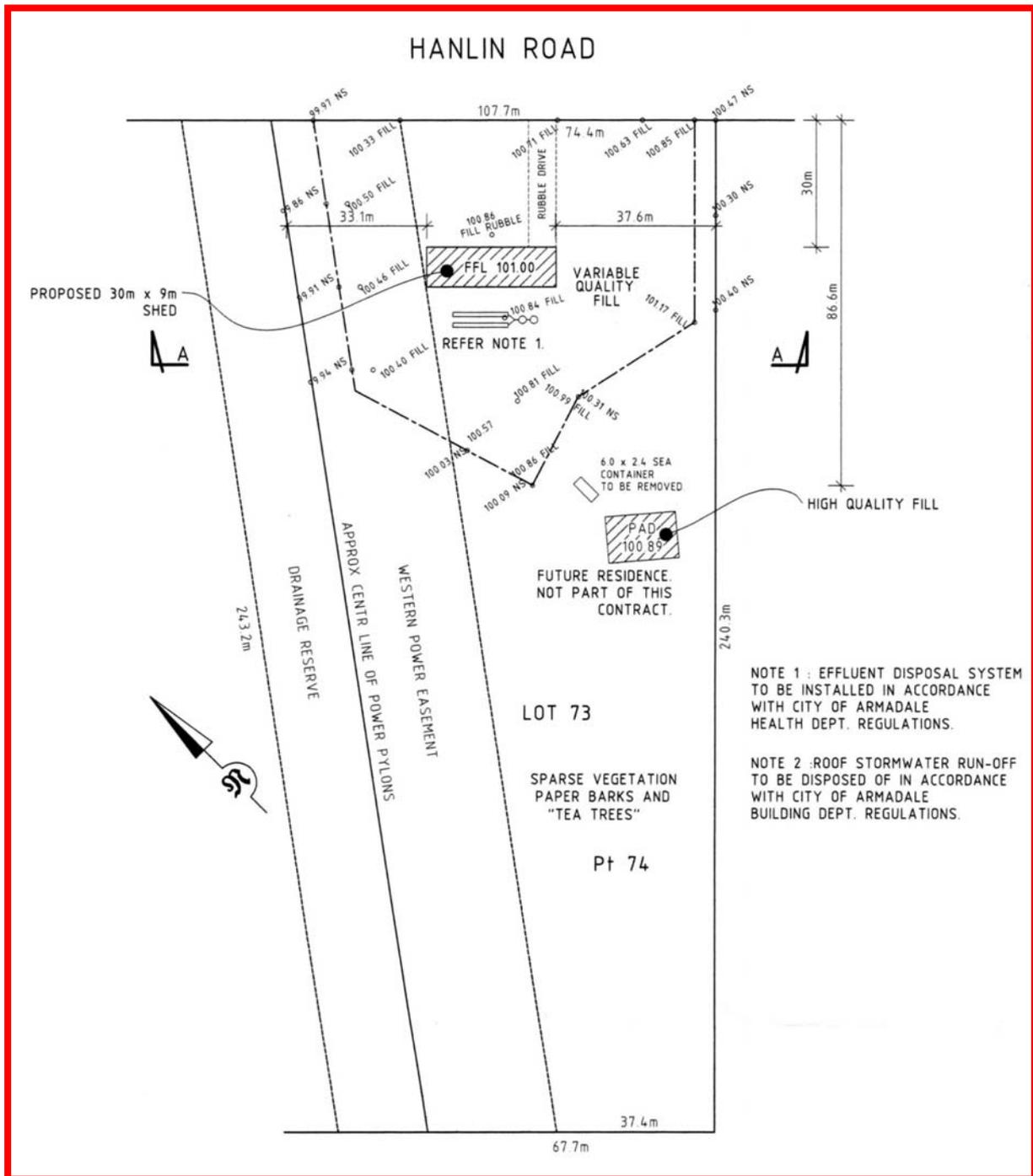
Town Planning and Development Act 1928  
Town Planning Scheme No. 2  
Environmental Protection Act 1986

**Council Policy / Local Law Implications**

Approval Criteria – Outbuildings

**Budget / Financial Implications**

Should the applicant not remove the landfill voluntarily and it becomes necessary for Council resources to remove the fill, considerable cost will be incurred. These costs can be recovered via the Courts but again costs will be involved in seeking reimbursement.



SITE PLAN  
LOT 74 HANLIN ROAD, FORRESTDAL

### **Consultation**

- ◆ Development Control Unit
- ◆ Surrounding landholders
- ◆ Relevant State Government agencies (Environmental Protection Authority, Department of Environment, Western Power, Water Corporation).

### **BACKGROUND**

At its meeting of 16 June 2003 Council resolved to authorise the Senior Liaison and Compliance Officer to institute legal proceedings, subject to legal advice, against the owner of Lot 74 Hanlin Road Forrestdale for contravening Town Planning Scheme No. 2 by carrying on a storage use, conducting land filling and siting a sea container without the consent of Council. After the resolution was passed in June 2003 the owner had continued to fill the area despite a number of conversations between the owner and the City's compliance officer that included requests that a development application be lodged.

Officers re-inspected the property on 1 September 2003 and observed that further filling had taken place since the inspection of 12 August 2003.

The entire property is designated a Conservation Category Wetland by the Department of Environment and Bush Forever Site 345 lies next to the eastern boundary.

An inspection of 12 August 2003 revealed the extent of filling as shown on the Existing fill plan. Aerial photography dated January 2001 showed no fill on the property.

A development application was lodged on 23 July 2003 for a shed, landfill and sea container, but there was insufficient information with the application to enable assessment of the proposal. Following a series of telephone calls seeking the required information and a letter sent 15 September 2003, the applicant provided an amended proposal including the information required on 21 November 2003. The applicant has withdrawn the request for approval of the sea container and reduced the extent of filling proposed from that specified in the development application of 23 July 2003.

### **DETAILS OF PROPOSAL**

The proposal entails:

- ◆ Construction of a shed 30m long, 9m wide and 4m high, with the 30m face parallel to Hanlin Road. The shed is proposed to be of metal construction (Trimdeck) and be mist green in colour;
- ◆ Replacement of existing fill and unsuitable soils beneath the shed pad (only) with suitable fill for building upon; and
- ◆ Approval for the existing 6,800m<sup>2</sup> of fill.

The application does not seek approval for the additional 2200m<sup>2</sup> of the property that has been cleared but not filled.

The applicant expects to use the shed for storage of equipment and would use the shed approximately 30 hours per month with approximately eight visits per month.



Although septic tank/ leach drain facilities are shown on the plans, toilet facilities are not proposed.

In response to concerns that the existing fill could be contaminated, particularly with insecticides used under building slabs to control white ants, the applicant advised that the existing fill has been sourced mainly from new subdivisions and that none of the material has been sourced from under existing slabs.

No landscaping is proposed.

The applicant has also advised that the sea container currently on site will be removed and does not form part of this application.

Ultimately the applicant would like to undertake several other developments on the land including construction of a house, but these are not part of the current application.

## **COMMENT**

### ***Development Control Unit***

The Development Control Unit considered the proposal in September 2003 and raised the following issues:

- ◆ Filling of this lot could have drainage implications;
- ◆ Any building proposed would need to be specifically designed for the type of fill used on the lot; and
- ◆ There are no details regarding the disposal of effluent.

The applicant has since advised that toilet facilities are not proposed.

### ***Public and agency comment***

The proposal was circulated for comment to four surrounding landholders, the Water Corporation, the Department of Environment and Western Power on 26 November 2003. The comment period closed on 22 December 2003.

No submissions were received from surrounding landholders.

The Department of Environment forwarded the proposal to the Environmental Protection Authority Service Unit who advised the proposal is within an environmentally significant area and stated that it “*would advise Council against the retrospective approval of the existing fill/ clearing on Lot 74 and the other proposed elements of the development application*”.

The Environmental Protection Authority Service Unit also noted that the City should contact the Department of Environment regarding the clearing and filling activities that have already occurred to determine Council’s obligation to refer a proposal in accordance with Section 38 of the Environmental Protection Act.



AERIAL PHOTO SHOWING CLEARED & FILLED AREAS  
LOT 74 HANLIN ROAD, FORRESTDALE

Western Power provided an interim response objecting to the proposal until issues regarding clearance to the power lines, fill levels at the base of the aerial structures and possible erosion of sand from new level to the area under the aerial lines.

### Analysis

#### ***Town Planning Scheme No. 2***

The proposed use would constitute a Depot under Town Planning Scheme No. 2, which is a use not listed in the Rural D zone. Under Clause 3.4 of Town Planning Scheme No. 2 Council may determine that a use not listed is consistent with the objectives and purpose of the zone and is therefore permitted. The objective for the Rural D zone is reflected in the policy statement for the zone that reads:

*Zone intended for fostering of semi intensive rural use of land compatible with landscape conservation in conjunction with residential hobby farm uses. Where compatible, such uses promoting tourism, recreation and non-noisy entertainment may be permitted. ... It is intended as common to all Rural Zone categories that the rural landscape and amenity shall be retained, that natural bushland shall be conserved and that upon closer subdivision or upon new development a high standard of servicing and amenity will be implemented.*

The proposal is considered contrary to the objective of the Rural D zone on the following grounds:

- ◆ Storage of materials in a large shed would not generally be considered a semi intensive rural use of the land;
- ◆ The filling does not conserve natural bushland as the extent of filling is far in excess of what would be required for the proposed buildings;
- ◆ A 30m by 9m shed 4m high has considerable bulk and is not considered to be compatible with landscape conservation in the flat landscape with low vegetation that surrounds the subject land.

Clause 7.3 of Town Planning Scheme No. 2 lists matters to be considered by Council in considering an application for planning consent, and includes as Clause 7.3.1 (h) “*the presence of vegetation on the site and the desirability of retaining a portion of that vegetation*”. Given the importance of the vegetation to the Conservation Category wetland it is considered desirable to keep the maximum amount of vegetation practicable. Typically building envelopes in Rural areas are in the order of 2000m<sup>2</sup>. The current proposal fills over 6,800m<sup>2</sup> which is far in excess of that required for a shed and future residence.

Therefore it is recommended that Council determine the use is not consistent with the zone and is not permitted and that Council consider that the extent of the proposed fill and clearing does not adequately maximise protection of significant vegetation.

#### ***Approval Criteria – Outbuildings Policy***

The objective of the Approval Criteria – Outbuildings Policy is that all outbuildings “should be designed, sited and constructed in a manner to be sympathetic in scale and construction with the streetscape and not detract from the amenity of the area” and the policy frequently refers to the need for landscaping.

The current proposal will present a 30m wide shed to the street which is expected to detract from the amenity of the area. The 30m wide shed faces and would be visible from Armadale Road, and would soon be visible from Tonkin Highway since Hanlin Road abuts the Tonkin Highway reservation at this point. The shed would also be prominent from Bush Forever site 345. However, if Council contemplated approval of the proposal a landscaping requirement could be imposed.

The shed meets height and floor area criteria outlined in the policy because it is located on a large (2ha) lot.

The policy also assumes that a house is already present on the lot and requires proposals to be assessed in relation to existing dwellings and to the building line. However, no dwelling is present on the subject land.

### ***Existing fill***

The nature and contamination status of the existing fill is uncertain. Fill sourced from under old buildings may be contaminated with pesticides used for white ant treatment, and organic/vegetative matter in fill that decomposes in oxygen-starved environments releases acid by-products that can mobilise metals from products such as galvanised iron thus contaminating groundwater. Although the applicant maintains fill was sourced from new subdivisions, photos taken by the City's Compliance officer in April 2003 show building rubble and vegetative matter in many of the piles of fill. It is recommended that the fill be removed.

### ***Reinstatement of the property***

If the proposal is refused, then legal proceedings consistent with Council's resolution of 16 June 2003 would be progressed. Successful legal proceedings will result in the applicant receiving a fine and costs, but not the removal of the offending materials.

Recent amendments to the *Town Planning and Development Act 1928* have provided more flexibility in compliance action. Should Council decide to refuse the application Council could issue a Direction Notice under the hand of the Chief Executive Officer requiring that the sea container and building materials be removed, the land fill be removed, and a plan of revegetation be developed within 60 days. A site inspection on 7 January 2004 confirmed that the sea container and some building materials which the applicant has promised to remove on several occasions were still on-site. It is recommended that all fill be removed due to the unknown nature of the fill. It is envisaged that the revegetation plan would identify a development envelope and revegetation would occur outside of the envelope. A revegetation plan would need to address weeds, which if left uncontrolled could threaten the integrity of the Conservation Category wetland and adjacent Bush Forever site. Implementation of the revegetation plan also needs to be considered.

Should the offending materials not have been removed by the expiry of the 60 days, Council can carry out the required works and the cost of such works sought from the applicant (Appeal rights are attached to Direction Notices).

## OPTIONS

***Option 1 – Refusal of proposal and reinstatement of the land*** - Council could refuse the application on the grounds that the proposal is a use not listed that is inconsistent with objectives of the Rural D zone, will detract from the amenity of the area and does not adequately maximise the retention of significant vegetation. Legal proceedings could then be initiated consistent with Council's resolution of 16 June 2003, and a Direction Notice issued.

***Option 2 – Refuse the proposal, but not require reinstatement of the land*** - Council could refuse the proposal but not require reinstatement of the land. This is not recommended because of the nature of the existing fill.

***Option 3 – Consider conditional approval of the application*** - Council could consider conditional approval of the application. The Environmental Protection Authority Service Unit's letter indicates that if this option was chosen Council would need to liaise with the Department of Environment to determine whether or not it is obliged to refer the proposal to the Environmental Protection Authority prior to approving the proposal. Department of Environment officers needed more time than available prior to printing of the agenda to consider this matter.

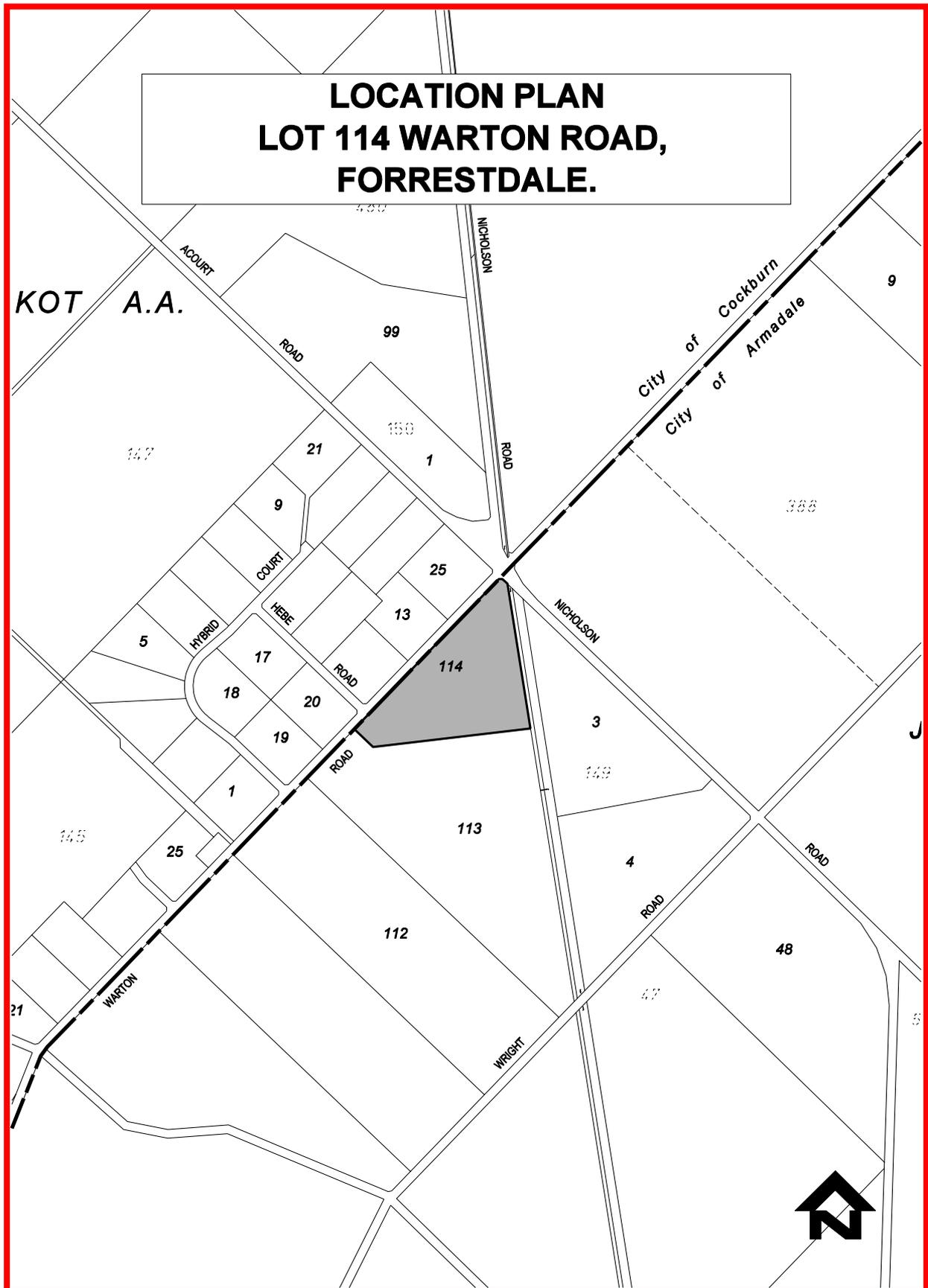
## CONCLUSION

The proposed use is considered to be inconsistent with the objectives of the Rural zone, is likely to detract from the amenity of the area, and does not maximise the retention of significant vegetation, so should be refused as recommended by the Environmental Protection Authority Service Unit. A Direction Notice can then be served on the applicant to achieve removal of the sea container and building materials, removal of the landfill, and preparation of a revegetation plan for the site.

## RECOMMEND

1. **That Council refuse the proposed filling/ clearing and shed at Lot 74 Hanlin Rd because it is a use not listed that is inconsistent with the objectives of the Rural zone, will detract from the amenity of the area and does not adequately maximise the retention of significant vegetation.**
2. **That Council issue a Direction Notice under the hand of the Chief Executive Office to the applicant requiring, within 60 days:**
  - a) **removal of the sea container and building materials;**
  - b) **removal of land fill deposited on the subject site so the land is reinstated to its original ground levels; and**
  - c) **preparation of a revegetation plan that includes consideration of weed management and plan implementation.**

Moved Cr \_\_\_\_\_  
Carried/Lost ( )



---

***PROPOSED TAVERN & DRIVE-THROUGH LIQUOR OUTLET –  
LOT 114 WARTON ROAD, FORRESDALE***

---

WARD : FORREST

FILE REF : A201789

DATE : 6 January 2004

REF : GIW

RESPONSIBLE MANAGER : PSM

APPLICANT : R L Dawkins

LAND OWNER : R L Dawkins

SUBJECT LAND : Lot 114 Warton Rd,  
Forrestdale  
Property size 8.2511 ha  
Map 16.01

ZONING : Rural / Special Use No.90  
MRS/TPS No.2

**In Brief:-**

- Application was made to develop a Tavern and “Drive-through” liquor outlet which was held in abeyance until the gazettal of Amendment No.185 that affects the site.
- Amendment No.185 has subsequently been gazetted and Council is requested to determine the application.
- Recommend that the application be approved subject to appropriate conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Development- “To balance the need of development with sustainable economic, social and environmental objectives”.

**Legislation Implications**

Town Planning & Development Act 1928  
Metropolitan Region Scheme Act 1959  
Town Planning Scheme No.2

**Council Policy / Local Law Implications**

Southern River / Forrestdale / Brookdale / Wungong District Structure Plan.



### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit (DCU)
- ◆ Surrounding Landowners
- ◆ Council's Technical Services Directorate (TSD)
- ◆ City of Cockburn

### **BACKGROUND**

At its meeting of December 1999, Council resolved to approve the Masterplan to guide future development on the subject site. Council's approval granted delegated authority to the Executive Director Development Services to determine applications for future stages of development that comply with the approved Masterplan.

Since the approval to the Masterplan was issued, Council granted approval to the proposed Incubator Units, in an alternative location to that depicted on the approved Masterplan, at its February 2002 round of meetings. A building licence has been issued and the proposal is currently under construction. At its August 2002 meeting, Council also approved an application to refurbish an existing cottage on site for use as a café/deli, to provide meals, tea/coffee and other takeaway food.

As the proposed Tavern is not identified on the approved Masterplan and is a discretionary land use within the subject zone, the application has been referred to Council for determination.

### **DETAILS OF PROPOSAL**

Details pertaining to the proposal include the following:

- ◆ Proposed "Tavern" building including lounge area (79m<sup>2</sup>), bar area (45m<sup>2</sup>) and "drive through" shop facility (90m<sup>2</sup>);
- ◆ Proposed building to be located approximately 27m from the Warton Road property boundary and 180m from the southern boundary adjoining Lot 113.
- ◆ A total of 43 car parking bays.

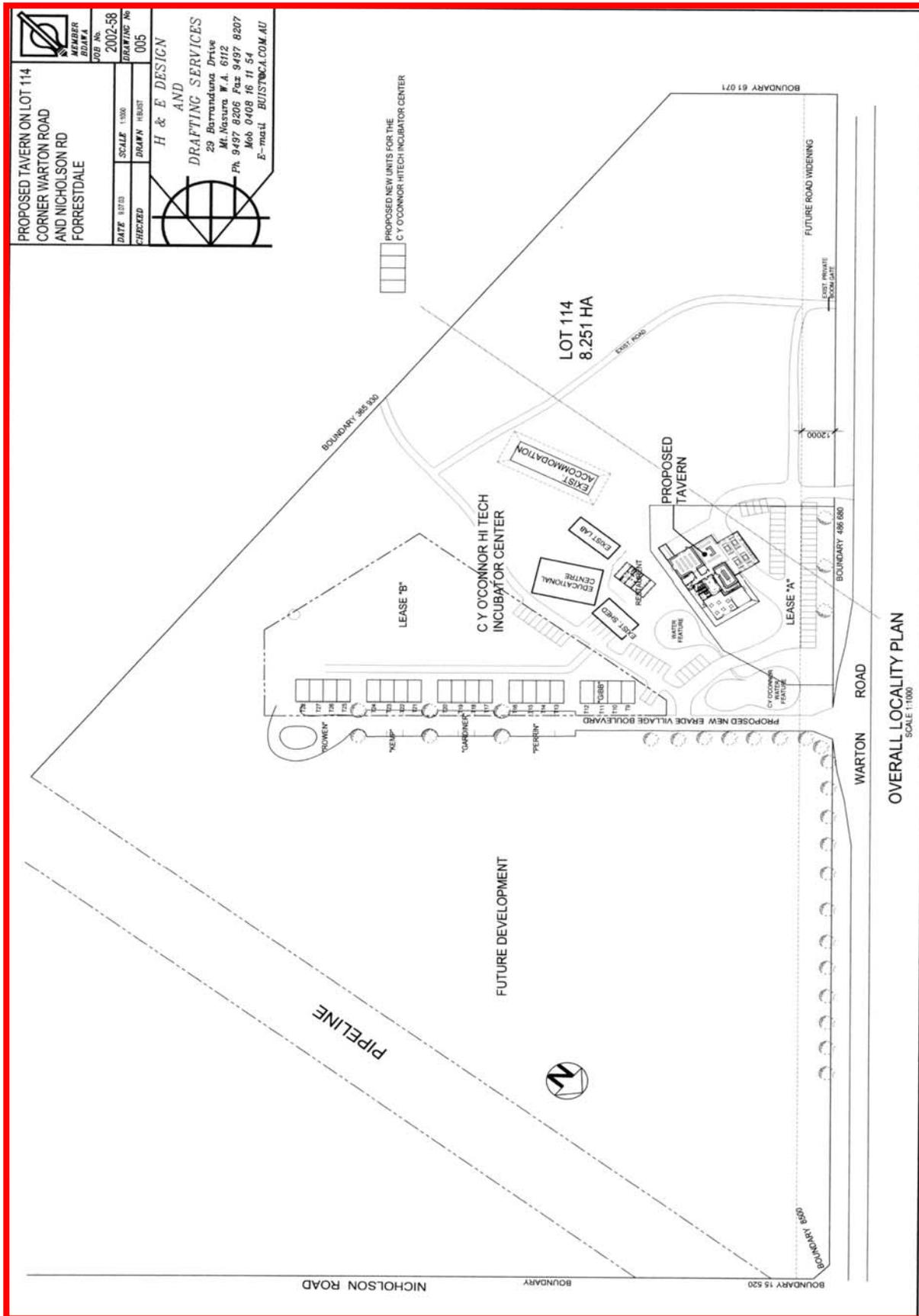
### **COMMENT**

#### ***Development Control Unit (DCU)***

DCU at its meeting held on 23 December 2003 raised no objection to the proposal subject to appropriate conditions.

#### ***City of Cockburn***

No comments have been received to date.



OVERALL LOCALITY PLAN  
 LOT 114 WARTON ROAD, FORRESTDALE

***Technical Services Directorate (TSD)***

TSD have assessed the proposal and advised the following:

1. The proposed crossover is to be deleted. Vehicle access to be restricted to the proposed “boulevard” road only.
2. Proposed car parking areas to be relocated outside the proposed 12m road widening along Warton Road.

***Surrounding Landowners***

The proposal was advertised for public comment between 11 December 2003 until 7 January 2004 by way of a sign on site and letters to surrounding landowners. A total of (3) three submissions supporting the application were received from companies associated with the ERADE Village.

**ANALYSIS**

***Town Planning Scheme No.2***

The subject site is zoned “Special Use No.90: Education, Research and Development and Employment Village and Neighbourhood Centre” under Town Planning Scheme No.2. A “Tavern” is classified as a “SA Use” within this zone meaning Council may at its discretion, permit the use after advertising of the proposal in accordance with Clause 7.2 of TPS No.2.

The Special Use No.90 zoning table of TPS No.2 outlines various requirements to be satisfied. Relevant provision applicable to this proposal are listed and discussed further below:

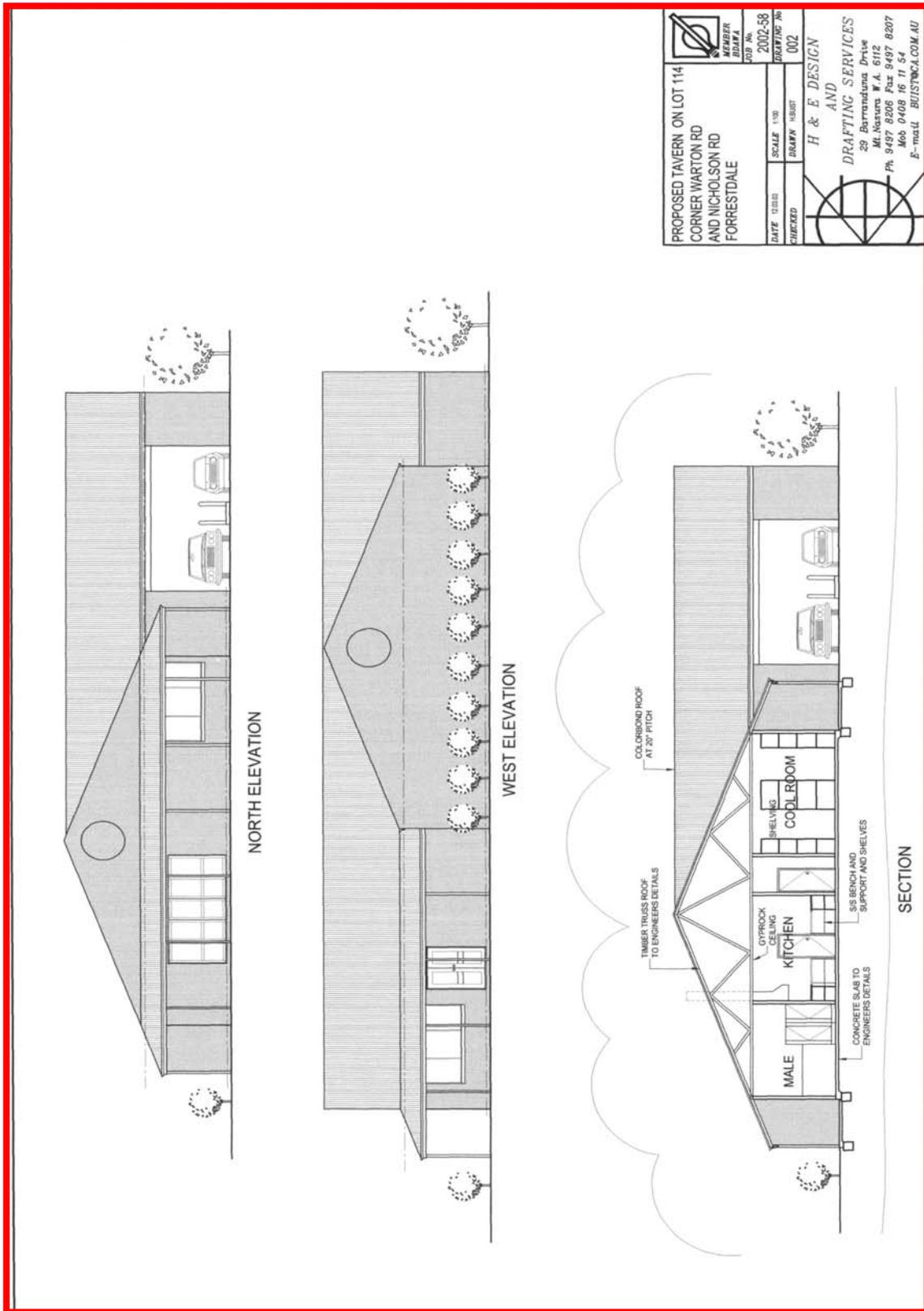
1. *All subdivision and development, including the building disposition, car parking, landscaping and vehicular access shall take place in accordance with the adopted Local Structure Plan and generally in accordance with an ERADE Village Development Plan to be approved by Council, and in accordance with the Urban Water Management Strategy prepared by the Department of Environment, Water and Catchment Protection.*

Whilst a tavern was not originally identified within the approved ERADE Village Masterplan 1999, it is identified as possible future land use within the “Business / Incubator Precinct” in accordance with the latest adopted Structure Plan prepared as part of Amendment No.185.

Compliance with the Urban Water Management Strategy will be required as part of a standard drainage condition imposed on the development approval.

2. *Stormwater drainage and management techniques shall incorporate principles of Water Sensitive Urban Design to the satisfaction of Council.*

This will be imposed as a condition on the development approval.



ELEVATION PLAN  
 LOT 114 WARTON ROAD, FORRESTDALE

3. *Site layout, built form, parking provision and landscaping are to be fully integrated to Council's satisfaction. Development within the application area shall be designed to achieve a well planned high quality streetscape and aesthetic quality through the following elements:*
- a) Appropriately designed built form and car parking to create and protect private areas, to screen service areas, and to minimise the impact of the development on adjoining properties;
  - b) Incorporation of landscaping within the site to provide shade, screening and visual enhancement;
  - c) Co-ordination of facades to reflect consistent building setbacks and harmonious architectural themes from public vantage points, to the satisfaction of Council.

The proposed building is to be constructed of tilt-up concrete walls in limestone finish and "Colorbond" roofing material. The building is positioned approximately 27m from Warton Road and 180m from the southern boundary adjoining Lot 113.

The design of the building is complementary to the approved incubator units currently under construction on site. A colour schedule will be required as a condition of approval to ensure the proposal complements the existing development on site.

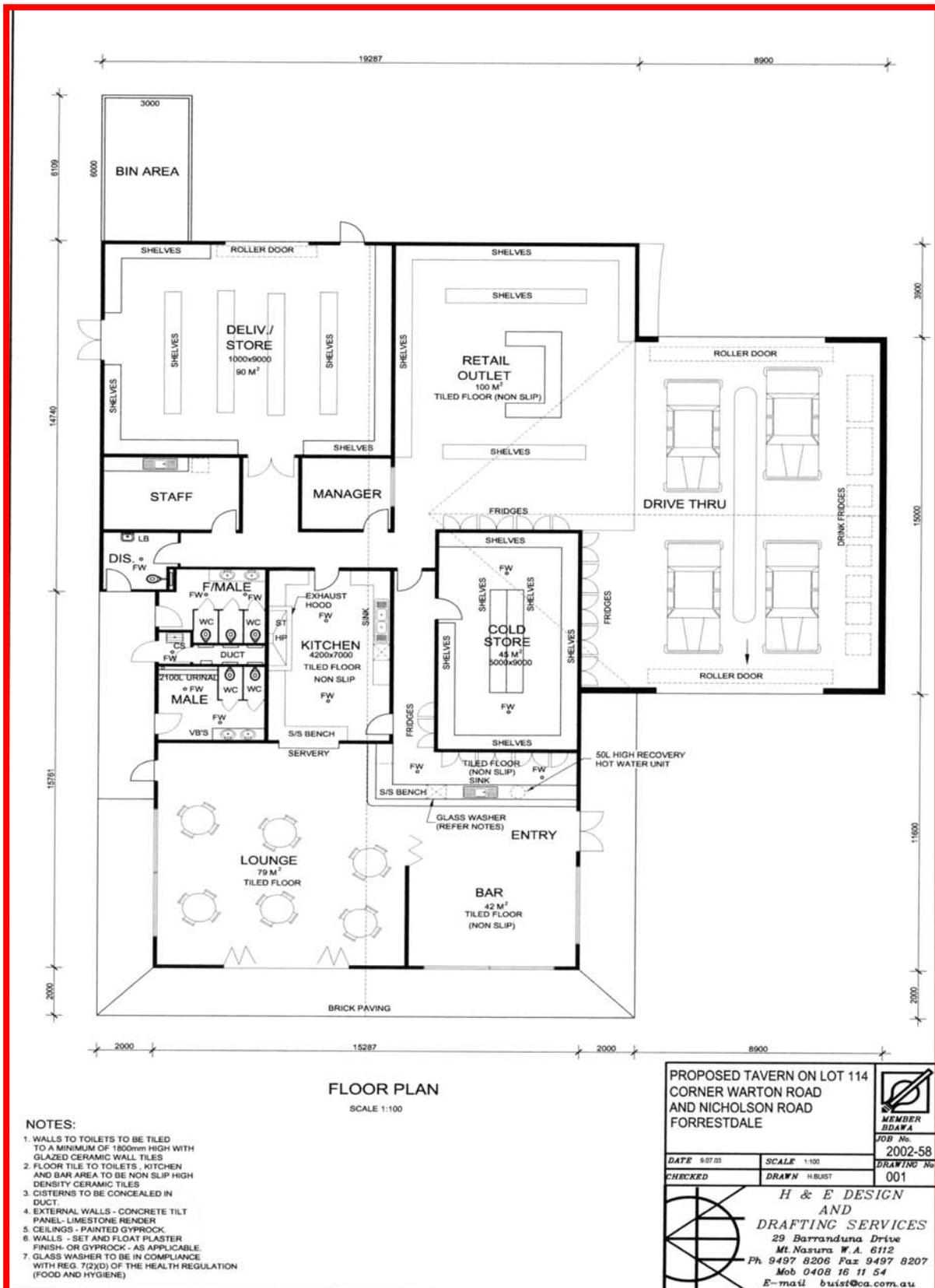
A comprehensive landscaping plan will be required as a condition of approval to include planting along Warton Road boundary and around proposed building.

4. *All subdivision and development within the application area shall incorporate drainage infrastructure, which has been designed to maintain existing groundwater levels and avoid the development of acid sulphate soils within the application area, to the satisfaction of the City of Armadale and the Department of Environment, Water and Catchment Protection.*

The subject site is identified as a "moderate to low" risk category for acid sulphate soils. It is recommended that an advice note be imposed on the approval drawing this issue to the applicant's attention.

5. *The maximum retail floor area for commercial development within the zone shall be in accordance with the provisions of the Metropolitan Centres Policy as adopted by the Western Australian Planning Commission (WAPC), or a Retail Strategy for the Forrestdale locality which has been adopted by Council and WAPC.*

This provision is not applicable as a tavern is not included as retail shopping floor space calculation under the MCP.



FLOOR PLAN  
LOT 114 WARTON ROAD, FORRESTDAL

### ***Car Parking***

A total of 41 car parking bays for the proposed tavern are required under TPS No.2 at a rate of 1 bay per 3m<sup>2</sup> of bar/lounge area. As 43 bays are proposed on site there is sufficient parking on site to accommodate the proposal.

The “drive-through liquor outlet” has provision for 4 car bays. No additional parking is required given the drive-through nature of the facility.

It should be noted that 23 proposed bays along the front boundary will need to be relocated / repositioned as they are situated with the future 12m road widening of Warton Road. In this regard, a revised plan will be required to illustrate the new location of parking bays on site.

### ***Land Use Compatibility***

The ERADE Village once completed is proposed to contain an educational establishment for molecular biology research, development and teaching and student accommodation, and will be closely co-ordinated with future residential and commercial development identified within the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan.

The proposed “tavern” could be considered an appropriate land use to complement the exiting tertiary educational establishment as it would provide an outlet for students to congregate and socialise.

It is arguable as to whether the “drive-through liquor outlet” complements the exiting educational uses as it would generate external patronage from surrounding areas and passing traffic. Notwithstanding this however, drive-through liquor outlets are generally associated with taverns and the two land uses could be considered to be complementary.

### **OPTIONS**

1. Council may approve the application subject to appropriate conditions.
2. Council may refuse the application if it is of the view that the proposal is an inappropriate land use.

### **CONCLUSION**

The proposal is consistent with the adopted Structure Plan prepared as part of Amendment No.185 and generally complies with the provisions of Town Planning scheme No.2.

The proposal is considered to be compatible with the existing educational land uses on site and poses minimal impact on the surrounding locality. In addition, no objections were received during the advertising period.

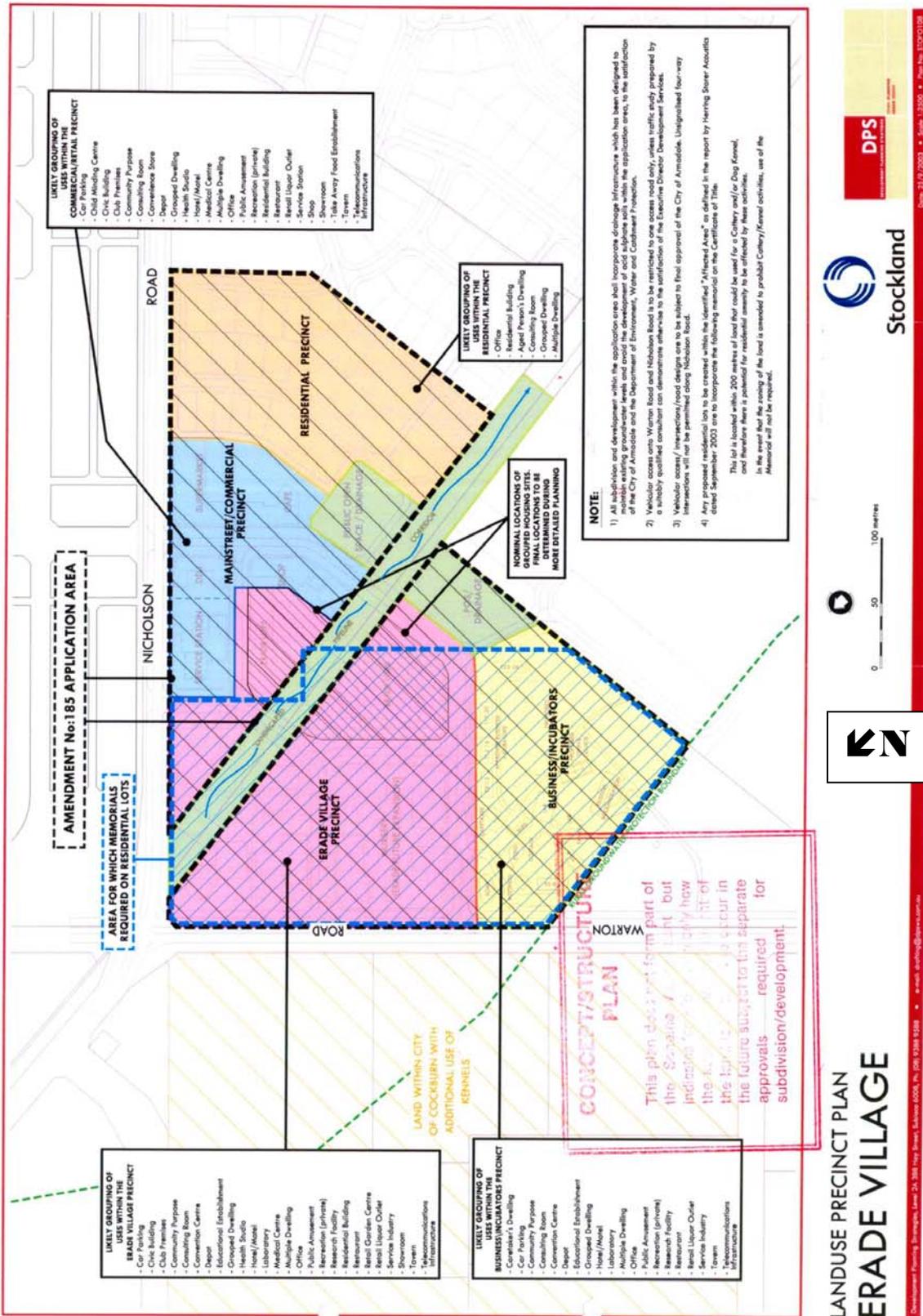
In this regard, it is recommended that Council adopt Option 1 above and approve the application.



ERADE VILLAGE – AERIAL PHOTO  
LOT 114 WARTON ROAD, FORRESTDAL

**RECOMMEND**

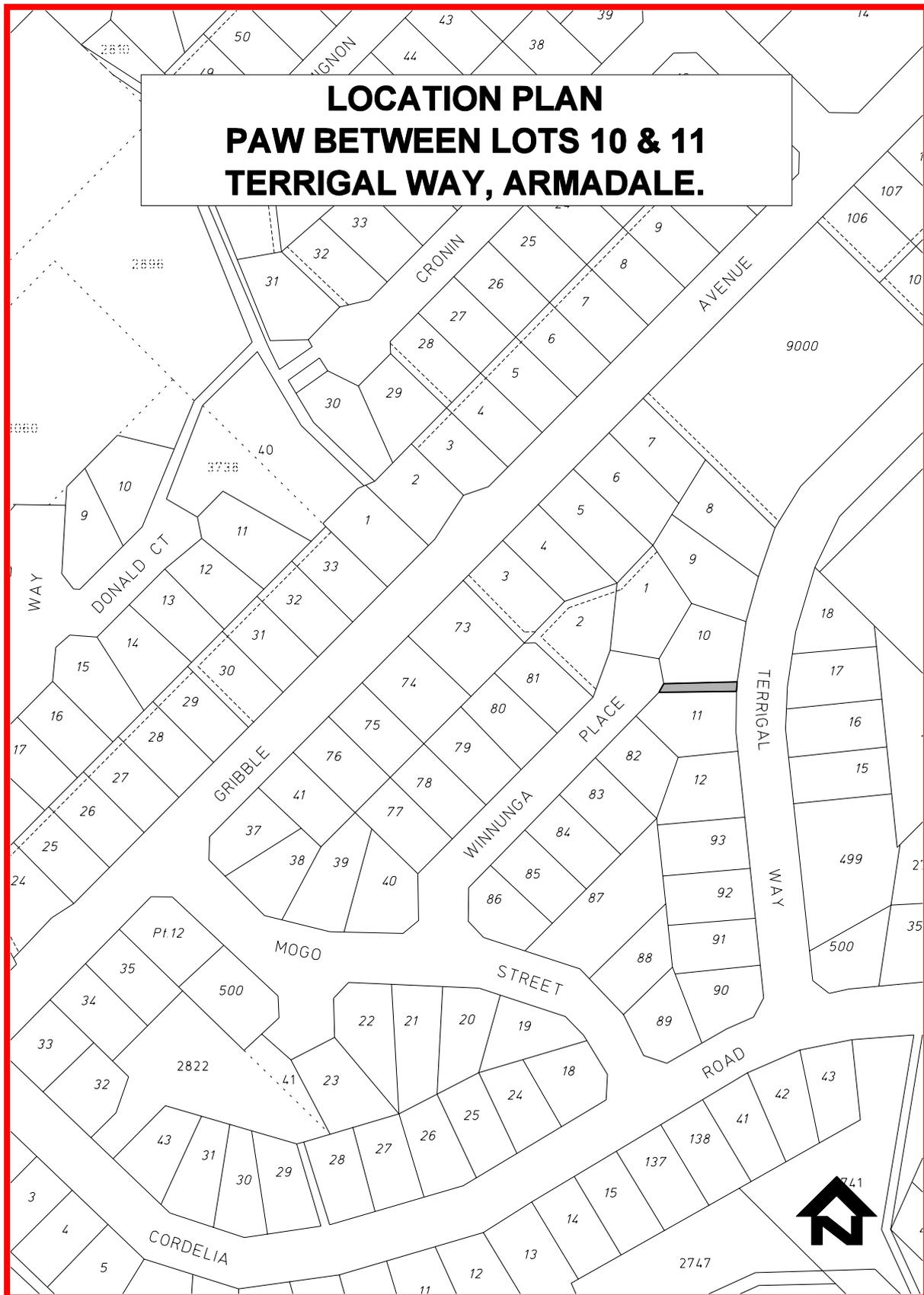
- 1. That Council approve the application for a Tavern and Drive-through liquor outlet on Lot 114 Warton Road, Forrestdale subject to the following conditions:**
  - a) A comprehensive stormwater drainage plan demonstrating compliance with Water Sensitive Design Principles and the Urban Water Management Strategy is to be submitted to and approved by Executive Director Technical Services. All drainage work is to be constructed in accordance with the approved plan.**
  - b) The proposed 23 car parking bays identified on the approved site plan are to be relocated / repositioned to a location outside the 12m road widening, to the satisfaction of the Executive Director Development Services.**
  - c) The driveways, car parking and crossovers are to be constructed, sealed, drained and kerbed to the satisfaction of the Executive Director Technical Services.**
  - d) The applicant is to widen the pavement of Warton Road in the location of the proposed “Erade Village Boulevard road crossover”, to provide a refuge in the centre of Warton Road for vehicles turning right into the development from the south, and a deceleration lane for vehicles turning left into the development from the north, to the satisfaction the Executive Director Technical Services.**
  - e) A comprehensive landscaping plan is to be submitted to the satisfaction of the Executive Director Development Services, which is to include landscaping along the Warton Road property boundary, around the proposed building and shade trees within the proposed car parking area. All landscaping is to be installed in accordance with the approved plan and maintained thereafter.**
  - f) The proposed rubbish bin storage area associated with the tavern is to be appropriately screened from public vantage points. Details of the proposed screening is to be submitted to the satisfaction of the Executive Director Development Services.**
  - g) The proposed development to be connected to a reticulated water and sewer system to the satisfaction of the Executive Director Development Services / Executive Director Technical Services.**



ERADE VILLAGE – LAND USE PRECINCT PLAN  
LOT 114 WARTON ROAD, FORRESTDAL

- h) Colour elevations and perspectives are required to demonstrate an architectural merit that will provide an overall theme and ‘sense of place’ for further development of the site, and to demonstrate that the proposed design, colours and textures for the tavern will be complementary to the overall development, to the satisfaction of the Executive Director Development Services.**
- 2. The applicant be advised of the following:**
- a) With regard to Condition (a) above, drainage infrastructure should be designed to maintain existing groundwater levels and avoid the occurrence of acid sulphate soils. The area has a “moderate to low” risk of acid sulphate soils.**
- b) With regard to Condition (b) above, a revised site plan illustrating the new location of the bays is to be submitted.**
- c) With regard to Condition (c) above, the proposed crossover identified as “in / out” on the approved site plan is to be deleted. Vehicle access to be restricted to the proposed “Erade Village Boulevard” road only.**
- d) With regard to Condition (g) above, further liaison will be required with the Water Corporation.**

Moved Cr \_\_\_\_\_  
Carried/Lost ( )



**PEDESTRIAN ACCESS WAY (PAW)  
BETWEEN LOTS 10 (14) AND 11 (12) TERRIGAL WAY, ARMADALE**

WARD : WEST ARMADALE  
FILE REF : WAY/1/02  
DATE : 5 January 2004  
REF : MF  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : Mr & Mrs Hunter  
LAND OWNER : Crown  
SUBJECT LAND : Pedestrian access way (PAW)  
between Lots 10 (14) & 11  
(12) Terrigal Way, Westfield  
Map 21-07  
ZONING : Urban / Residential “R.15”  
MRS/TPS No.2

**In Brief:**

- Application to close PAW due to anti-social behaviour and theft of property.
- Closure proposal advertised for public comment and also to the service authorities and the Department for Planning & Infrastructure for comment.
- Closure proposal not supported by the Department for Planning & Infrastructure (DPI) on the grounds that the closure will result in increased walking distances to bus stops and local facilities.
- Recommend that Council resolve to accept the decision of DPI and not pursue the closure of the PAW.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Social Infrastructure – “facilitate initiatives to improve the safety and security of the community”.

**Legislation Implications**

Land Administration Act 1997.

**Council Policy / Local Law Implications**

Technical Services – Policy No.2.1.55 – Public Access Ways - Management

**Budget / Financial Implications**

Nil.



AERIAL PHOTO – PUBLIC ACCESS WAY BETWEEN  
LOTS 10 & 11 TERRIGAL WAY, ARMADALE

### **Consultation**

- ◆ Technical Services Directorate
- ◆ Service Authorities (Water Corporation, Telstra, Western Power, Alinta Gas & Transperth)
- ◆ Department for Planning & Infrastructure
- ◆ Public advertising

### **DETAILS OF PROPOSAL**

The applicants have requested Council to consider closing this pedestrian access way (PAW) on the grounds of the following:

- ◆ Damage to fencing
- ◆ Anti-social behaviour, including problems of drunkenness, glue sniffing and graffiti
- ◆ Theft of property with the perpetrators using the PAW to make their escape

### **COMMENT**

The proposal was advertised in the Comment News and to the surrounding landowners, service authorities and the Department for Planning and Infrastructure for comment.

Advertising period extended from 13 February to 14 March 2003.

### ***Results of advertising***

No. of landowners / occupiers notified	-	26
No. of service authorities notified	-	5
No. of submissions received	-	10
No. objecting to closure		
- Private	-	2
- Service Authorities	-	2
No. supporting / not objecting to closure		
- Private	-	3
- Service Authorities	-	3

***Technical Services Directorate*** has no objection to closure subject to Council being granted a 3-metre easement at no cost to Council in respect of an existing storm water pipe.

***The Water Corporation*** has objected to the closure on the grounds that an existing water main will be affected. Investigation has revealed that the main can be cut and capped and the reticulation system modified at a cost of \$1,469.00. (This fee was valid until 30 June 2003 and will therefore be subject to variation).

A sewer main is also located within the PAW and the Water Corporation will require an easement over the full width of the existing PAW to protect the sewer main. The easement is to be provided free of cost to the Water Corporation as a condition of closure.

The objection will be withdrawn when the above conditions are met.

*Alinta Gas* has a 50mm PVC medium pressure gas main located in the PAW. There is a possibility that the gas services to Lots 10 and 11 Terrigal Way are connected to this gas main although unlikely. If these services are off the gas main in the PAW, they will require transferring to the main in Terrigal Way. An indicative cost of this work is \$2,214.00. However, this cost is also subject to variation given the fact that the estimate was valid for 90 days from 25 March 2003.

*The Department for Planning & Infrastructure* has objected to the proposed closure on the grounds that the closure will result in increased walking distances to bus stops and local facilities.

### Analysis

#### *Resumé of objections to closure:*

One objector states that it is important to him for the PAW to stay open. He is 74 years old and does not drive. The access way saves him between 10 and 15 minutes walk to and from the nearest bus stop. Closure of the PAW would represent a further walking distance, particularly when laden with shopping.

The other objector states that she is sight impaired and her husband suffers from neuropathy in both legs and therefore has difficulty with walking. The access way is therefore important for them to walk to the bus stop in Seventh Road.

#### *Resumé of support for closure:*

Only one of the 3 supporters gives reasons for supporting closure. He states that his letterbox was 'pulled over' on one occasion and that on another occasion his wife caught the perpetrators in the act of 'pulling over' the letterbox. His neighbours have also had their letterbox 'pulled over' on two occasions. He also states that whilst these are the only problems he has had in the past 3 years, he attributes them to the presence of the PAW.

### Summary

The Department for Planning and Infrastructure (DPI) does not support the closure on the grounds that the closure will result in increased walking distances to bus stops and local facilities.

Under the new PAW closure procedure introduced by the Western Australian Planning Commission, in circumstances where the Department for Planning and Infrastructure (DPI) does not support a PAW closure, Council may request that the Western Australian Planning Commission be asked to reconsider the DPI decision.

Council has been systematically closing PAWs in this neighbourhood (the PAW leading from Winnunga Place to Gribble Avenue and connecting the PAW network leading to Reg Williams Reserve between Donald Court and Cronin Place has already been closed) and therefore the closure of the subject PAW will complete the closure of the PAW network in this locality, particularly since Terrigal Way has now been fully constructed.

However, the arguments advanced by the respondents with disabilities in favour of leaving the PAW open appear to be stronger than the arguments in support of closure. Indeed, although the applicants initially requested Council to consider closing the PAW for the reasons stated, no further sustained complaints have been received.

In addition, the high cost of closure may not make the proposal viable.

### **OPTIONS**

1. Pursue the closure proposal by requesting the Western Australian Planning Commission to reconsider the DPI decision on the grounds that the closure of this PAW will complete the closure of the PAW network in the locality.
2. Not to pursue the closure of the PAW and accept the decision of the DPI not to support closure of the PAW on the grounds that closure will result in increased walking distances to bus stops and local facilities

### **CONCLUSION**

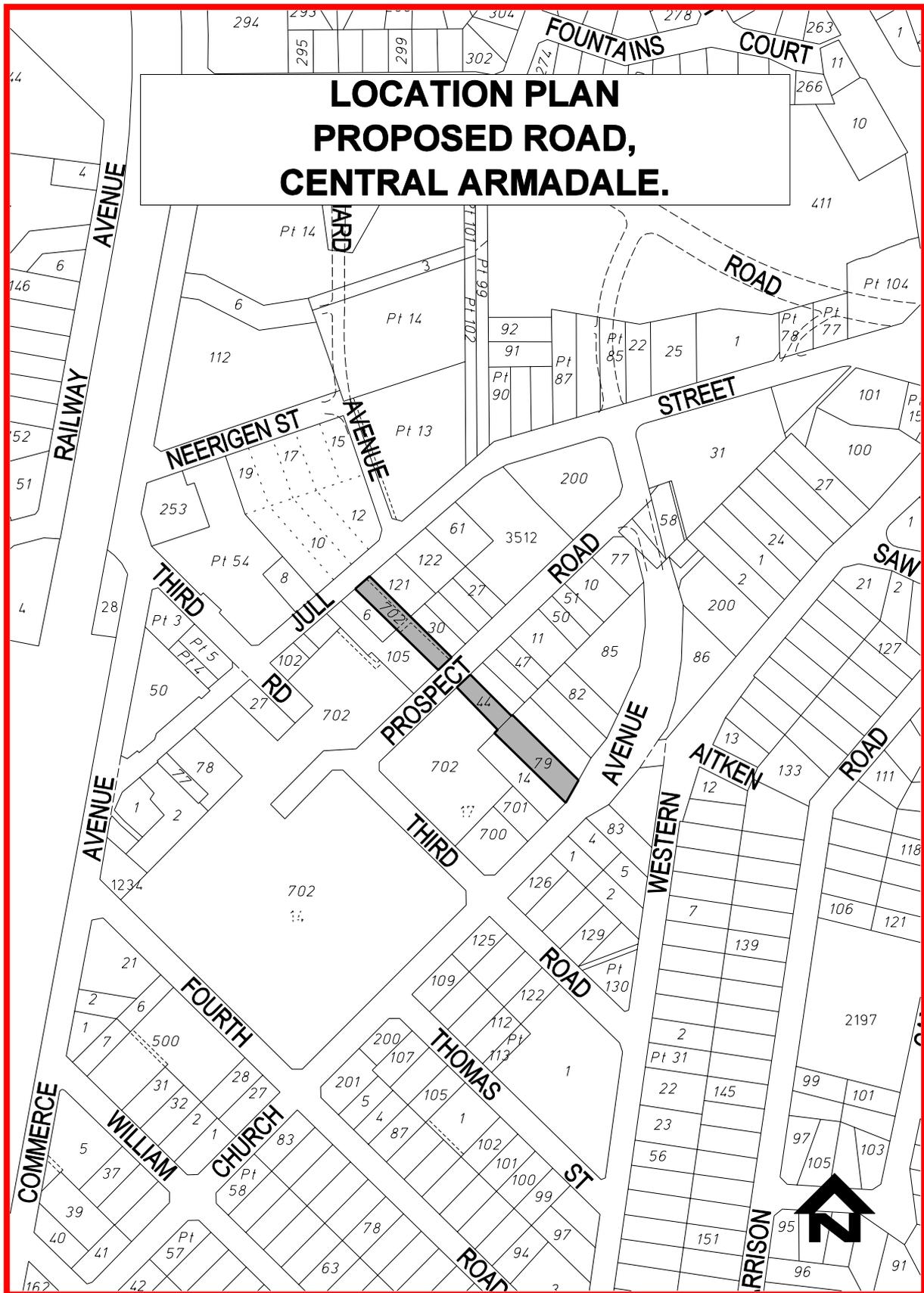
It is recommended that Council adopt Option 2 and not pursue the closure of the PAW and accept the decision of the Department for Planning & Infrastructure not to support closure on the grounds that closure will result in increased walking distances to bus stops and local facilities. The arguments advanced by the respondents with disabilities in favour of keeping the PAW open seem to be stronger than the arguments in favour of closing the PAW. The high cost of closure, including the cost of modifying gas and water mains (approximately \$3,700.00 plus the cost of the PAW land) and the costs of registering easements on Title for both Council and the Water Corporation may not make the closure proposal viable.

### **RECOMMEND**

1. **That Council resolve not to pursue closure and accept the decision of the Department for Planning and Infrastructure not to support the closure of the pedestrian access way (PAW) between Lots 10 (14) and 11 (12) Terrigal Way, Armadale on the grounds that closure of the PAW will result in increased walking distances to bus stops and local facilities.**
2. **That respondents be advised of Council's decision.**

Moved Cr \_\_\_\_\_

Carried/Lost ( )



---

***NAME FOR PROPOSED NEW ROAD IN CENTRAL ARMADALE***

---

WARD : ARMADALE  
FILE REF : NAM/1  
DATE : 17 December 2003  
REF : HC  
RESPONSIBLE : PSM  
MANAGER

**In Brief:-**

- A new road is proposed in Central Armadale linking Church Avenue and Jull Street and passing through the Dorset Hostel site. The City is responsible for proposing a name.
- Consideration could be given to “Dorset Way” or “Whitehead Way” as suitable names for the new road.
- Recommend that Council approach the Geographic Names Committee seeking approval of the name “Dorset Way” for the proposed road in the City Centre Area linking Church Avenue and Jull Street, Armadale and that once approval by the Geographic Names Committee is received, the Armadale Redevelopment Authority be advised of the new name.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

To foster ownership, pride and a supportive and caring community.

**Legislation Implications**

Land Administration Act 1997.

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Nil.

**Consultation**

- ♦ Geographic Names Committee (GNC).

**BACKGROUND**

One of the recommendations of the Armadale Enquiry by Design process in 1999 was the creation of a road linking Church Avenue and Jull Street in the vicinity of Dorset Lodge. This has been further progressed in the Armadale Redevelopment Authority Concept Plan 2004. Prior to the construction of the road, a suitable name is being sought. The City of Armadale, as the local authority, is responsible for proposing a name to the GNC.

## **DETAILS OF PROPOSAL**

It is suggested that the name Dorset Way be considered as suitable for the proposed new road. A further name for consideration may be Whitehead Way.

## **COMMENT**

### **Analysis**

The proposed road is to run from Church Avenue to Jull Street through the Dorset Lodge property. Dorset Lodge has been a feature of the landscape for many years and the Dorset name is worthy of remembrance by the naming of a road in the vicinity.

Dorset Lodge, named after the English county as appears to have been the Mental Health Services' policy, was many years ago the property of Matron Whitehead. First Stage South (by Daphne Popham) indicates that around 1924, Sister (later Matron) Whitehead opened a hospital in her home. She later built a 5-bed cottage hospital at her own expense in Church Avenue (the Dorset Hostel site). She sold the property in 1946 and a hospital Board was set up to manage the hospital.

The original building was demolished and a new hospital building was built on the Church Avenue site and added to over the years. When the Armadale-Kelmescott Memorial Hospital was opened in 1964, the old hospital continued as an annexe accommodating the maternity section while the new hospital treated general cases. In 1971 the old hospital ceased its role and, as Dorset Hostel, began functioning under the authority of the Mental Health Services.

Dorset Way appears to be a suitable name. "Dorset" appears only three times in the current Street Directory. The closest is Dorset Place in Thornlie. "Way" refers to an accessway between two streets. A brief contact with the GNC indicates Dorset Way should meet GNC criteria.

Another consideration would have been to name the road Whitehead Way after Matron Whitehead, to memorialise her name in Armadale. Though the only same name in the current Street Directory is Whitehead Street in Singleton, the GNC suggests the name is too similar to Whiteley Road in Armadale to be acceptable under GNC criteria.

### **Options**

Council appears to have three options:

1. Name the proposed road Dorset Way after the Dorset Hostel;
2. Name the proposed road Whitehead Way after Matron Whitehead;
3. Consider another suitable name for the road.

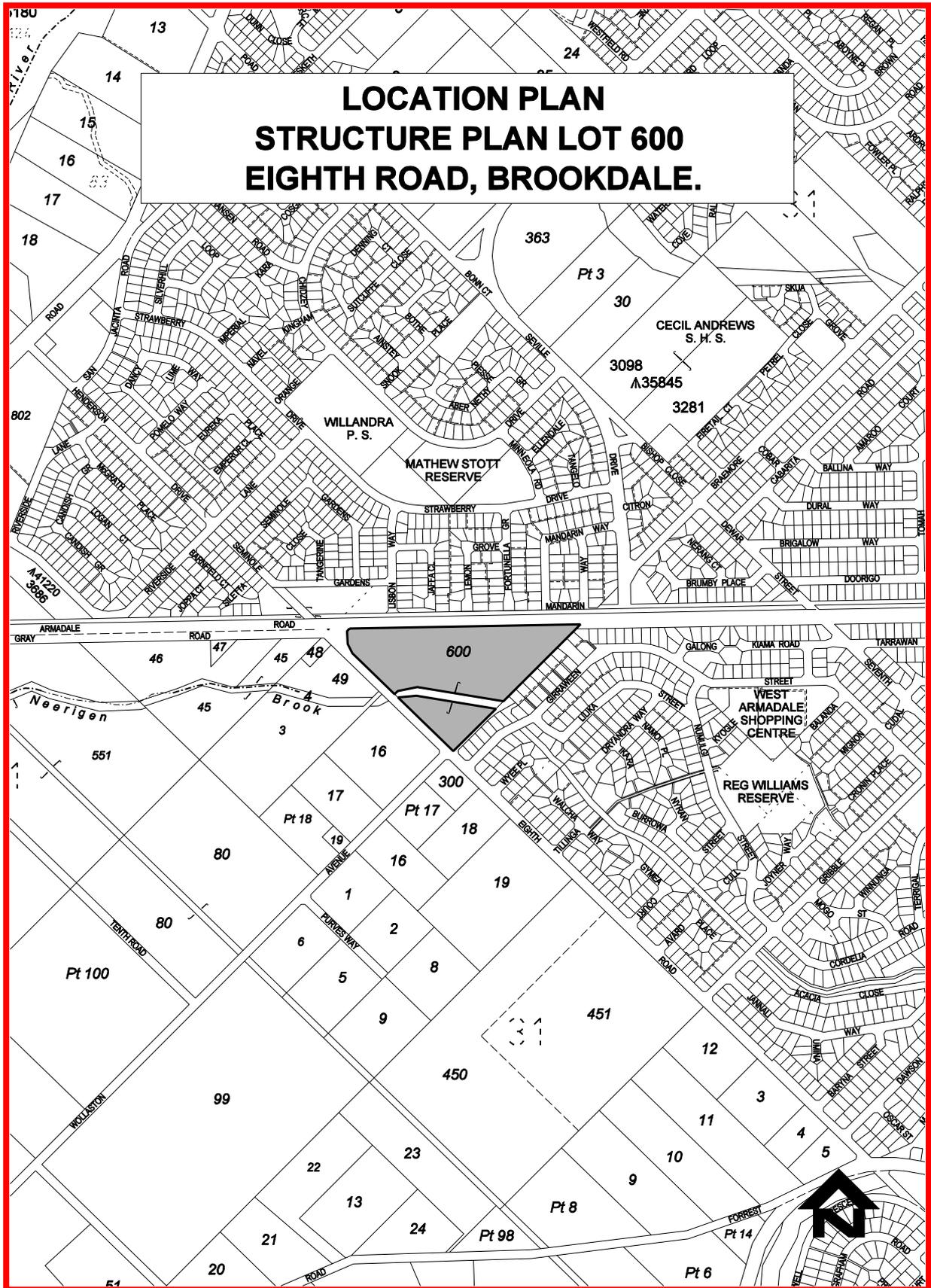
## CONCLUSION

Dorset Way would memorialise the Dorset Hostel building and may be more instantly recognisable for the location. Dorset should meet the GNC criteria. Whilst Whitehead Way would memorialise Matron Whitehead, responsible for starting the original hospital in the area of the proposed new road, the GNC indicates the name is too similar to a nearby road to meet its criteria.

## RECOMMEND

- 1. That Council approach the Geographic Names Committee seeking approval of the name “Dorset Way” for the proposed road in the City Centre Area linking Church Avenue and Jull Street, Armadale.**
- 2. That once approval by the Geographic Names Committee is received, the Armadale Redevelopment Authority be advised of the new name.**

Moved Cr \_\_\_\_\_  
Carried/Lost ( )



***FINAL ADOPTION OF PROPOSED STRUCTURE PLAN –  
PORTION OF LOT 600 EIGHTH ROAD, ARMADALE***

WARD : WEST ARMADALE  
FILE REF : A686  
DATE : 30 December 2003  
REF : GIW  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Koltaz Smith  
LAND OWNER : Neerigen Brook Estate Pty Ltd  
SUBJECT LAND : Lot 600 Eighth Road, Armadale  
Property size 7.8ha  
Map 21.03  
ZONING : Urban / Residential-  
MRS/TPS No.2 Development Area

**In Brief:-**

- At its November 2003 meeting, Council resolved to advertise the proposed Structure Plan for public comment.
- Advertising has been undertaken and Council is now requested to consider public submission received.
- A revised Structure Plan has subsequently been submitted for consideration.
- Recommend that Council adopt the proposed Structure Plan with modifications subject to favourable advice being received from the Western Australian Planning Commission and the closure of the West Armadale Shopping Centre.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Development- “To balance the need of development with sustainable economic, social and environmental objectives”.

**Legislation Implications**

Town Planning & Development Act 1928  
Metropolitan Region Scheme Act 1959  
Town Planning Scheme No.2  
Statement of Planning Policy No.9: Metropolitan Centres Policy (MCP)

**Council Policy / Local Law Implications**

Commercial Strategy  
Retail Hierarchy Review  
Southern River / Forrestdale / Brookdale / Wungong District Structure Plan



### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit (DCU)
- ◆ Armadale Redevelopment Authority (ARA)
- ◆ Technical Services Directorate (TSD)
- ◆ Main Roads Western Australia (MRWA)
- ◆ Department for Planning and Infrastructure (DPI)
- ◆ Surrounding Landowners

### **BACKGROUND**

Council at its meeting held on 17 November 2003 considered the proposed Structure Plan and resolved as follows (D194/11/03):

1. *That Council agree to advertise for public comment the proposed Structure Plan for a period of 21 days in accordance with Town Planning Scheme No.2, subject to the endorsement of the Structure Plan being contingent upon a rationalisation of existing retailing in West Armadale.*
2. *That the applicant liaise with officers to facilitate the retention of the historic archway within the development.*

As advertising has been undertaken Council is now required to consider the submissions received during the public consultation period and to make its determination on the proposal in accordance with Clause 5.8.9 of Town Planning Scheme No.2.

The owner of Lot 600 Eighth Road has entered into a “contract of sale” (unconditional) to purchase the West Armadale Shopping Centre and is prepared to enter into a legal agreement with Council in order to facilitate closure of the existing West Armadale Shopping Centre.

The applicant has also submitted a revised Structure Plan with a reduced retail floorspace to 4,500m<sup>2</sup>.

### **DETAILS OF PROPOSAL**

The original Structure Plan considered by Council at its November 2003 consisted of the following land uses and floor area:

- ◆ Neighbourhood Shopping Centre including a “mini-major” and specialty shops (5200m<sup>2</sup>)  
Service Station (300m<sup>2</sup>)
- ◆ (2) Fast Food Outlets (497m<sup>2</sup>)
- ◆ Medical Centre / Pharmacy (1300m<sup>2</sup>)
- ◆ Restaurant (500m<sup>2</sup>)
- ◆ Retail Garden Centre (1400m<sup>2</sup>)
- ◆ Hardware (568m<sup>2</sup>)
- ◆ Fruit & Vegetable Store (600m<sup>2</sup>)



The revised Structure Plan proposes a similar layout, minus several land uses and a reduced retail shopping floor area including:

- ◆ Neighbourhood Shopping Centre including a supermarket, (4,000m<sup>2</sup>);
- ◆ Service Station and Car Wash (300m<sup>2</sup>);
- ◆ Fast Food Outlet (200m<sup>2</sup>);
- ◆ Medical Centre (1300m<sup>2</sup>)
- ◆ Nursery (1400m<sup>2</sup>);
- ◆ Hardware (568m<sup>2</sup>)
- ◆ Child Care Centre (90 Children)
- ◆ Retention of historical archway

## COMMENT

### *Development Control Unit (DCU)*

DCU at its meeting held on 30 December 2003 recommended that the revised Structure Plan be adopted subject to modifications, including incorporating notifications on the Structure Plan to highlight issues requiring further attention or consideration at the development stage including: traffic management, vehicular access, road widening and upgrading, pedestrian access, management of open space areas and boundary fencing.

### *Technical Services Directorate (TSD)*

TSD previously provided comments and identified several issues requiring further attention as listed below (in italics). These issues would need to be resolved as part of further revisions / modifications to the Structure Plan.

1. *Numerous issues require further investigation and liaison with other external authorities including:*
  - a) *Relocation of the bus stop along Armadale Road (Transperth);*
  - b) *Access off Armadale Road and required left turn / right turn provisions (Main Roads Western Australia);*
  - c) *Landscaping of the drainage reserve (Water Corporation)*

With regard to 1a) a notification should be incorporated on the SP to read as follows: “relocation of bus stop subject to further negotiation and approval of Transperth”.

With regard to 1b) a notification should be incorporated on the SP to read as follows: “Vehicular access onto Armadale to be subject to further negotiation and approval of Main Roads Western Australia”.

With regard to 1c) a notification should be incorporated on the SP to read as follows: “Landscaping of drainage reserve subject to further negotiation and approval of Water Corporation”.

2. *The Structure Plan needs to demonstrate improved pedestrian connectivity between proposed land uses on site;*

The revised Structure Plan now makes provision for pedestrian pathways.

3. *The location of the propose pedestrian crossings over Armadale Road will be subject to further investigation and negotiation;*

The revised Structure Plan does not show a pedestrian crossing along Armadale Road. In this regard, the SP should be modified to show a pedestrian crossing and a notification incorporated to read as follows: “Pedestrian crossing along Armadale Road subject to further negotiation and approval of Main Roads Western Australia”.

4. *Eighth Road and Armadale Road, including the intersection would require upgrading given the anticipated traffic volumes;*

A notification should be incorporated on the SP to read as follows: “Armadale Road and Eight Road, including intersection to be upgraded / widened to the satisfaction of City of Armadale and Main Roads Western Australia”.

5. *The proposed drive-through area associated with the fastfood outlets conflicts with the proposed crossover onto Armadale Road;*

The revised Structure Plan has eliminated this conflict with Armadale Road however the new proposed crossover for the single fast food outlet now conflicts with the Eight Road and Armadale Road intersection. In this regard, a notification should be incorporated on the SP to read as follows: “All vehicular crossovers to be designed and located to the satisfaction of the City of Armadale and Main Roads Western Australia”.

6. *The proposed open space area adjoining the drainage reserve should be maintained by the developer;*

A notification should be incorporated on the SP to read as follows: “A comprehensive landscaping plan for the entire site is to be prepared by the developer to the satisfaction of the City of Armadale. All landscaping including open space areas identified on the SP to be maintained by the developer”.

7. *Approval from the Water Corporation would be required to construct the proposed footbridge and footpath over the drainage reserve;*

A notification should be incorporated on the SP to read as follows: “Footbridge and pedestrian access across the drainage reserve subject to further negotiation and approval of Water Corporation”.

8. *The road widening requirements along Armadale would require further investigation with Main Roads Western Australia;*

This concern has been addressed as per point 4 above.

### ***Main Roads Western Australia***

Main Roads Western Australian raised no objection to the proposal subject to vehicular access being restricted to Eighth Road only. Whilst this current advice precludes access onto Armadale Road, it is recommended that access be subject to further negotiation with MRWA to provide the applicant with an opportunity to demonstrate the feasibility of incorporating access along Armadale Road given the expansive frontage.

### ***Western Australian Planning Commission***

The Western Australian Planning Commission has not provided comment on the proposal to date. It should be noted that their comments must be taken into consideration prior to Council making a determination in accordance with Clause 5.8.9.2 of TPS No.2.

In this regard, it is recommended that if Council is of the view to approve the SP without WAPC's comments, then approval must be conditional on favourable advice being received.

### ***Armadale Redevelopment Authority (ARA)***

The Armadale Redevelopment Authority previously commented on the proposal and advised the following (in summary):

ARA advised that the proposed commercial development is considered appropriate where it replaces the West Armadale Shopping Centre, and where the strategic implication of replacement uses on that site are adequately resolved. It also recommended that the proposal only be assessed at the structure plan level at this stage until the above matters have been resolved.

Notwithstanding the above, ARA also advised that the Southern River, Forrestdale, Brookdale, Wungong District Structure Plan identifies a site for a "neighbourhood" centre immediately to the west of Lot 600. Although that centre could be complementary to the shopping centre proposed for Lot 600, it is more likely to be superfluous and therefore rationalisation of the potential three shopping centres in such close proximity is therefore considered critical.

In addition, if a development application for the proposal should be pursued and assessed on a separate basis, the Authority would wish to provide more detailed comment on the proposal, including such matters as a closer setback to Armadale Road and relocation of the majority of car parking to the rear of the site. Should negotiations for the West Armadale Shopping Centre relocation fail, then alternative "higher and better uses" for the site should be considered as opposed to low residential density.

It should be noted that following the ARA's comments, the revised SP was submitted which indicates a closer setback to Armadale Road. ARA comments will be addressed as part of the detailed design aspects during the development application process.

### ***West Armadale Shopping Centre Owners***

A legal firm acting on behalf of the West Armadale Shopping Centre owners has advised the following:

- ◆ A contract of sale for the West Armadale Shopping Centre has been entered into with the proponent (owners of Lot 600 Eighth Road);
- ◆ Provided the proponent honours and complies with the obligations of the contract, including settlement, the owners of the West Armadale Shopping Centre support the proposed Structure Plan and subsequent planned development;
- ◆ In the event that the proponent fails to fully comply or honour the contract, including settlement, then the owners of the West Armadale Shopping Centre will strenuously oppose the proposed development.

### ***Water Corporation***

The Water Corporation (owner of the adjoining drainage reserve) advised that the proposed development is situated within the floodplain for the 1 in 100 year storm event for the Neerigen Brook Main Drain and recommended that a finished floor level 300mm above the flood level be applied to the proposed development. Water Corporation also recommended that the proposal be referred to the Waters And Rivers Commission to determine the existing flood levels and recommended floor levels.

### ***Surrounding Landowners***

The proposed Structure Plan was advertised for public comment between 27 November 2003 until 5 January 2004 by way of signs on site, letters to surrounding landowners within a 500m catchment of the subject site and an advertisement in the Examiner newspaper.

A total of 67 submissions were received from surrounding landowners including: (12) objections, (15) noting concern and (40) supporting the proposal.

## **ANALYSIS**

### ***Response to Submissions***

#### ***District Structure Planning***

1. *The proposal will compromise the intent of Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (DSP) that identifies a proposed Neighbourhood Shopping Centre on the opposite side of Eight Road and a realignment of Eighth Road / Armadale Road intersection.*

The DSP does identify a local centre on the opposite side of Eight Road. The proposal merely represents a slight deviation in terms of the distribution of retail floorspace and therefore is unlikely to compromise the intent of the DSP. Given the current proposal, it is preferable for the proposed local centre to be relocated more centrally with the future residential precinct to better service its local catchment as opposed to conglomerating it with the adjoining Neighbourhood centre as part of future detailed Structure Planning for the area.

2. *The proposal is ad hoc and contrary to orderly and proper planning as it does not take into consideration the future urban land holdings to the west or surrounding Brookdale area.*

The proposal provides an opportunity to relocate the struggling West Armadale Shopping Centre in accordance with the recommendations of the Armadale Enquiry-by-Design 1999 and to coordinate development on a single landholding in the interest of proper and orderly planning. The proposed centre would be highly accessible to future urban development on the western side of Eight Road.

3. *A proposed amendment to rezone the adjoining parcel of land from “General Rural to Urban” was considered by Council and deferred pending resolution of the Water Cycle Plan to determine the preferred alignment of the Neerigen Brook and other drainage requirements.*

The subject site is situated outside the DSP area and therefore is not affected by the Water Cycle Plan.

#### Retail Policy

4. *The proposal would duplicate existing services already provided at Armadale, Kelmscott, Seville Drive and West Armadale Shopping Centre and adversely impact the economic viability of these centres. Will the proposal replace the West Armadale Shopping Centre?*

The proposal will merely replace/ relocate the existing West Armadale Shopping Centre. A legal agreement between Council and the developer will ensure that the existing West Armadale Centre is rezoned and redeveloped for alternative purposes (i.e. residential). It is acknowledged however that the proposed site has high exposure along Armadale Road and is likely to attract passing trade in addition to its neighbourhood catchment.

5. *The proposal is inconsistent with Metropolitan Centres Policy in terms of its zoning, location on a major regional road as opposed to a local distributor road and proposed land uses.*

It is acknowledged that the MCP requires appropriate zonings to be in place for such uses, and as such, the existing “Residential-Development Area” guided by a Structure plan provides a mechanism for Council to consider the proposal. Also see point 4 above and “Town Planning Scheme No.2” section of this report.

The land uses proposed, primarily a supermarket is consistent with scope of a Neighbourhood Centre as defined under the MCP. Department stores and other higher order land uses are not considered to be appropriate.

The Structure Plan has been revised to comply with the neighbourhood designation which, subject to the closure of the West Armadale centre, will be consistent with the City’s Retail Hierarchy Policy and the Metropolitan Region Scheme. Please refer to “Western Australian Planning Commission’s Statement of Planning Policy No.9: Metropolitan Centres Policy (MCP)” section of this report.

Notwithstanding the above, the Western Australian Planning Commission who administers the MCP will still need to endorse the Structure Plan and be satisfied that Council has applied the appropriate process.

6. *The existing Tavern at the West Armadale Shopping Centre would not be an appropriate land use to relocate along Armadale Road.*

No tavern is proposed.

7. *The proposed centre will adversely affect the Champion Drive Shopping Centre which is located within 2km from the subject site and contravenes the City's commercial strategy.*

See point 4 above.

#### Detailed Design

8. *The proposal is unsightly and will interrupt views to parks and rural land.*

Whilst the subject site is currently vacant and is possibly perceived as open space, the proposed land is zoned and capable of development. The detailed design, colour and materials of buildings on site will be considered during the development application stage to ensure a relatively high quality of development is achieved.

9. *Sufficient lighting and security should be provided to protect retailers.*

Security and lighting is the responsibility of the developer,

10. *Concern there will be a lack of privacy for residents that back onto the proposed shopping centre development. Concern about the poor quality of the existing "fibro" fence backing onto the proposed development and its unsuitability to protect the privacy and safety of residents.*

Construction of a solid 2.1m high fence (at the developers cost) along the rear property boundary is considered appropriate. A notification should be incorporated on the SP and a condition to this effect imposed on the development approval.

11. The proposal will encourage increased unauthorised pedestrian access through the existing Water corporation reserve adjoining Lot 144 Girrawheen Street. Pedestrians currently climb the side boundary fence of Lot 144 Girrawheen Street to avoid the rear barb wire fence to the reserve.

See point 10 above.

12. *Concern the proposed 10m wide buffer along the rear boundary could be utilised as an "alley way".*

The proposed buffer has been incorporated to provide a separation between the proposed development and the rear boundary of adjoining properties. The buffer will be landscaped to deter pedestrian or vehicle movements.

Traffic

13. *The proposal will generate increased traffic volumes along Armadale and Eighth Road, increase traffic accidents, litter and noise.*

The proposal is likely to increase traffic volumes and therefore appropriate traffic management devices will need to be implemented in consultation with Main Roads Western Australia.

Whilst it is acknowledged that commercial development will produce patronage and a level of refuse, it is the responsibility of individuals and business owners to prevent littering.

Existing traffic travelling along Armadale Road would currently generate a certain level of noise. The subject site is relative expansive and therefore the separations between activities on site and the adjoining properties would mitigate noise. In addition, compliance with the Environmental Protection (Noise) Regulations 1997 will be required.

14. *The proposal compromises the function and safety of Armadale Road. Vehicular access onto Armadale road should not be permitted as per other developments.*

Vehicle access along Armadale Road is subject to Main Roads Western Australia approval. Further negotiation with Main Roads Western Australia would be required in this regard.

15. *A safe pedestrian crossing across Armadale Road to the proposed development needs to be provided.*

A pedestrian crossing will be required to provide accessibility to residents north of Armadale Road. The location and design of a crossing would be subject to further negotiation with Main Roads Western Australia.

16. *A safe and convenient bus stop should be provided along Armadale Road.*

A bus stop is proposed however this would be subject to further negotiation with Transperth.

17. *Traffic lights should be installed along Armadale Road at the intersections of Seville Drive and Eight Road.*

The installation of traffic management devices along Armadale road would require further negotiation with Main Roads Western Australia.

Statutory Planning

18. *Utilising Clause 5.8 and the “Use Not Listed” provisions of Town Planning Scheme No.2 to facilitate the proposal is inappropriate. The proposed scale of the development is inappropriate within the “Residential” zone and could only be considered in the context of a local Scheme amendment.*

Clause 5.8 relating to Development Areas and the “Use Not Listed” provisions of Town Planning Scheme No.2 provide Council with a level of discretion to consider and determine land uses on individual merit, where they are consistent with the objective and intent of the zone or conform to an adopted Structure Plan. Refer to “Town Planning Scheme No.2” section of this report.

19. *It is questionable as to whether a legal agreement between Council and the developer to rationalise the West Armadale Shopping Centre has the ability to extinguish the provisions of the Town Planning Scheme and relinquish development rights. Even if the West Armadale site was rezoned, non-conforming use rights would still apply.*

Council’s solicitor advised that a Deed would provide both parties with a reasonable basis to achieve the accelerated closure of the West Armadale Shopping Centre.

#### Miscellaneous

20. *The proposed shopping centre will encourage loitering, vandalism, dumping of trolleys, increased crime and other unsocial behaviour within the area.*

Whilst it is acknowledged that commercial development will result in a certain level of patronage and that occasional / potential unsocial behaviour is possible, it is the responsibility of business owners, private security and or police to discourage such activities.

21. *Concern that dust will adversely impact residents during construction of the proposed centre.*

It is the responsibility of the developer to mitigate dust and noise emissions during construction and to comply with provisions of the Environmental Protection Act 1986 and relevant regulations.

22. *Where similar businesses within Armadale notified of the proposal?*

Not specifically. The proposal was advertised to surrounding landowners within a 500m catchment and an advert was placed in the Examiner newspaper to inform the wider community.

23. *Is there a possibility of incorporating a Skate Park into the development?*

Such a land use is not currently proposed as part of the development. This would require further negotiation with the developer.

#### **Town Planning Scheme No.2**

##### *Structure Planning Procedures*

The subject site is zoned “Residential” and is designated as a “Development Area” under Town Planning Scheme No.2. Clause 5.8.3 stipulates that subdivision or development of land within a “Development Area” is to be generally in accordance with any Structure Plan that applies to the land.

Clause 5.8.6.3 stipulates that a proposed Structure Plan may, to the extent that it does not conflict with Scheme, impose a classification on the land by reference to reserves, zones or the Residential Design Codes. In this regard, Council is to determine whether the proposed land uses are consistent with the objectives of the “Residential” zone under TPS No.2.

The “Residential” zone objective / intent reads as follows:

“A zone intended primarily for residential living with single dwelling houses on separate lots. Where Council is satisfied that proper servicing and amenity is present, medium density grouped dwellings may be permitted in recognising the varied demand for residential accommodation in the community. Council also recognises that residential living should also include the opportunities for self employment or creative activity provided that those activities do not, in Council’s opinion, prejudice the amenity of the residential environment.”

#### Compatibility of Land Uses

The proposed neighbourhood shopping centre and child minding centre fall within the definition of a “Shop” and “Child Minding Centre” respectively under Town Planning Scheme No.2 and therefore Council could consider these particular land uses. Both land uses are classified as a “SA” Use meaning that the use is not permitted unless Council has exercised its discretion following public consultation in accordance with Clause 7.2.

All other proposed land uses including: the services station, car wash, nursery, medical centre, hardware and fast food outlet are not mentioned within the “Residential” zone of TPS No.2 and therefore Council would need to consider them in accordance with Clause 3.4 “Use Not Listed” provisions of the Scheme. In this regard, Council may either determine that the uses are inconsistent with the objectives and purpose of the zone and refuse to grant approval or determine that the use may be consistent with the zone and advertise the proposal in accordance with Clause 7.2 prior to making a determination.

The appropriateness of each individual land use proposed by the Structure Plan will need to be given further detailed consideration as part of the Development Application procedures as outlined below. Whilst the subject site is not zoned “Shopping” under Town Planning Scheme No.2, the proposed land uses could still be considered on their individual merit in the context of the existing zoning and provided they do not prejudice the amenity of adjoining residential properties.

Clause 5.8.6.4 stipulates that a proposed Structure Plan must, in the opinion of the City, be consistent with proper and orderly planning. In this regard, Council will need to take into consideration the amenity of the surrounding residential area, District Structure Plan and objectives of the Western Australian Planning Commission’s Metropolitan Centres Policy, which guides the distribution and scale of centres with the metropolitan area.

#### Submissions

In accordance with Clause 5.8.9.1, Council is to consider all submissions received during the advertising period and determine whether to adopt the proposed Structure Plan with or without modifications, or refuse to adopt the plan.

*Referral to Western Australian Planning Commission*

If adopted by Council, the SP is to be forwarded to the WAPC for its consideration to finally endorse the plan, unless otherwise advised by the Commission.

***Development Application Procedures***

Once the Western Australian Planning Commission has approved the Structure Plan, Council can determine formal development applications in the context of the adopted plan.

Notwithstanding that the Structure Plan has already been advertised in accordance with Clause 5.8 of the Scheme, each discretionary component of the Development Application is still required to be advertised for public comment in accordance with Clause 7.2 of the Scheme.

***Contextual Overview and Analysis***

The subject site is currently vacant and abuts existing residential development along the south eastern boundary. A drainage reserve (Neerigen Brook) traverses the site in an east to west direction dividing the block into two triangular portions of land. The site has relatively high exposure to passing traffic along Armadale Road and the proposed Structure Plan allows for appropriate buffers to protect the amenity of existing residential development.

An existing neighbourhood centre, the West Armadale Shopping Centre, is situated within relatively close proximity to the subject site (less than 800m). The West Armadale Shopping centre is a 4004m<sup>2</sup> neighbourhood shopping centre consisting of a supermarket and speciality shops. The centre adjoins Reg William Reserve and is situated on Girrawheen Street. This centre was identified during the Armadale Enquiry-by-Design 1999 (AEBD) as a centre in decline for the following reasons:

*The centre was located in accordance with the conventional planning philosophy of the time, of neighbourhood shopping at the centre of a residential catchment (cell)...The centre is failing; it does not have an adequate retail catchment for its size and level of service nor is sufficient passing trade captured, despite being accessible on a bus route...In addition, the predominant cul-de-sac layout of the street has limited safe walkable access to the centre...The owner has indicated that an alternative use for the site may be considered in view of the poor viability of the centre.*

Whilst the viability of the centre is adversely affected by its isolated location, poor accessibility and limited catchment, the EBD workshop acknowledged that the centre still performs a local function. Various options were pursued at the workshop to improve the viability of the centre including:

- ◆ Redesigning the road network and linking cul-de-sacs to improve permeability for vehicular and pedestrian access to the centre;
- ◆ Redeveloping a portion of the site to accommodate business incubators and residential lots;
- ◆ Relocating the centre to the intersection of Gribble Avenue and seventh Road for better exposure to passing trade and provide better access to the surrounding catchment.

The subject site (Lot 600 Eight Road) has an obvious commercial advantage over the West Armadale site in terms of location due to the potential exposure from passing traffic along Armadale Road and provides an opportunity to relocate the existing West Armadale centre in accordance with the recommendations of the Armadale Enquiry-by-Design 1999.

***Council's Commercial Strategy (1999) and Retail Hierarchy Review (2003)***

The subject site is not identified as a potential retail centre under Council's Commercial Strategy or the Retail Hierarchy Review (2003). The proposal would however replace the nearby existing West Armadale Shopping Centre, which is of a comparable size at 4042m<sup>2</sup> and order in the retail hierarchy as a designated Neighbourhood Centre.

The Retail Hierarchy Review (2003) identifies a proposed local centre (250m<sup>2</sup>-600m<sup>2</sup>) on the adjacent parcel of land on the eastern side of Eight Road in keeping with the District Structure Plan. Given the current proposal, it is preferable for the proposed local centre to be relocated more centrally with the future residential precinct to better service its local catchment as opposed to conglomerating it with the adjoining Neighbourhood centre as part of future detailed Structure Planning for the area.

The proposal is not considered to compromise the RHR provided it replaces the existing West Armadale Centre.

***Western Australian Planning Commission's Statement of Planning Policy No.9: Metropolitan Centres Policy (MCP)***

The purpose of the MCP is to define the scope, function and scale of various shopping centres throughout the Metropolitan Region, including Local, Neighbourhood, District, Regional and Strategic Regional centres in terms of desirable land uses and retail floor space. The applicant is applying for the Neighbourhood Centre as defined under the MCP. In the context of the MCP, such centres "*should be promoted as predominantly for convenience retailing and (in larger centres) weekly food and groceries shopping. Provision should also be made for small offices which serve the local community, as well as health, welfare and community facilities*".

SPP No. 9 (MCP) requires that shopping floorspace within Neighbourhood Centres should generally be confined to an area of **4,500m<sup>2</sup>** (Net Lettable Area) unless consistent with a Commission endorsed Local Planning Strategy or centre plan for the area. The Policy also states that Council is unable to grant approval where a proposal is in excess of 4,500m<sup>2</sup> in the absence of an endorsed Local Planning Strategy or centre plan for the area, otherwise endorsement by the Commission is required to enable delegation of development control to local governments under the Metropolitan Region Scheme.

The maximum shopping floor space is based only on land uses defined under Appendix 4 of the MCP. The proposed land uses identified on the revised Structure Plan that are to be included in the overall calculation include: shopping centre, fast food outlet and service station. The total floor area of these land uses (based on the indicative building footprints provided by the applicant) equates to 4,500m<sup>2</sup> in compliance with the MCP.

### ***Proposed Legal Agreement***

The owner of Lot 600 Eighth Road has entered into a “contract of sale” to purchase the West Armadale Shopping Centre and has indicated a willingness to enter into a legal agreement with Council to facilitate the rationalisation / redevelopment of the existing West Armadale Shopping Centre to accommodate residential development up to R40, subject to Council adopting the Structure Plan.

A draft legal agreement has been prepared by the owner. The draft Deed is intended to facilitate the accelerated closure of the West Armadale Centre through the City’s rezoning of this land to Residential R40 or higher. In return the owners of Lot 600 Armadale Road are seeking the Council’s approval of both the Structure Plan by 20 January 2004 and Development Application by February 2004.

*Council’s solicitor advised the following (in summary):*

The Deed does not bind the owners of Lot 600 to the accelerated closure of the Girraween Centre. For example, the Deed does not require the owners of the Girraween Centre to close this centre within say 1 or 2 years of the City’s rezoning of this land to Residential R 40. Hence, the Deed of itself will not guarantee the accelerated closure of the Girraween Centre.

The draft Deed should be amended in a number of areas before the City agrees to its execution. Subject to amendment, the Deed will provide a basis for the parties to reach a reasonable level of agreement regarding the intended accelerated closure of the Girraween Centre.

In this regards, it is recommended that Council authorise the Chief Executive Officer to sign and execute a final legal agreement in accordance with Council’s solicitor’s legal advice.

### **OPTIONS**

1. Council may adopt the Structure Plan with modifications subject to the owner of Lot 600 Eighth Road purchasing the West Armadale Shopping Centre and entering into a legal agreement with the City to assist the rationalisation of the West Armadale Centre.
2. Council may adopt the Structure Plan with modifications. This option is considered to be risky as no guarantee can be provided that the sale of the West Armadale Shopping Centre to the owner of Lot 600 Eighth Road will be finalised. If settlement did not occur, then potentially two shopping centres within close proximity could become operational-contrary to proper and orderly planning.
3. Council may refuse to adopt the Structure Plan if it is of the view that proposal is not consistent with proper and orderly planning.

## CONCLUSION

The existing West Armadale shopping centre already exists and thereby has a place in the Council's retail hierarchy - however, it is acknowledged to be a relatively run-down and relatively inaccessible centre. It may be preferable for a legal agreement to be entered into between Council and the developer of Lot 600 Eighth Road to encourage the phased conversion of the existing centre to other uses in the interest of proper and orderly planning rather than allow another centre to start up and place pressure on the existing centre, which would inevitably become further degraded.

It is acknowledged that the subject site is an appropriate / desirable location for a Neighbourhood Shopping Centre subject to the rationalisation of the existing West Armadale Shopping Centre site being a legal certainty.

The revised Structure Plan is considered to be acceptable subject to modifications relating to traffic management, vehicular access, road widening and upgrading, management of open space areas and boundary fencing, and further negotiation with Main Roads Western Australia to reevaluate vehicular access options onto Armadale Road.

In order to provide both Council and the owner of Lot 600 Eighth Road with a level of security and assurance over the West Armadale Shopping Centre issue, it is suggested that Council adopt the Structure Plan in accordance with Option 1 above.

## RECOMMEND

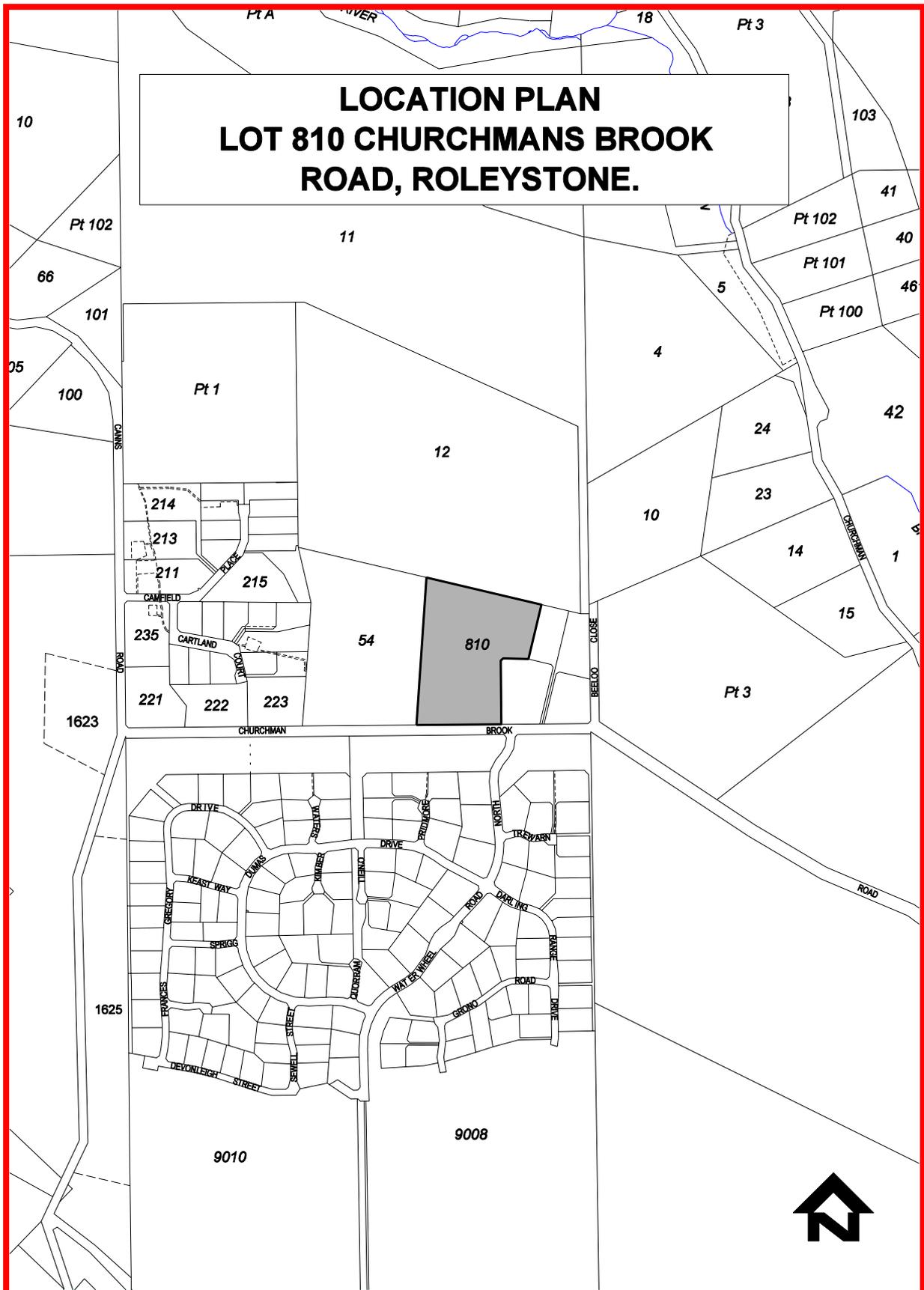
**That subject to favourable advice being received from the Western Australian Planning Commission Council adopt the revised Structure Plan for a portion of Lot 600 Eight Road, Armadale subject to the following requirements and modifications:**

- a) **Arrangements being made to ensure the closure of the West Armadale Shopping Centre to the satisfaction of the Executive Director Development Services;**
- b) **The owner of Lot 600 Eight Road entering into a legal agreement with the City of Armadale to facilitate the rationalisation / redevelopment of the existing West Armadale Shopping Centre to accommodate alternative (i.e. residential) development to the satisfaction of the Executive Director Development Services.**
- c) **Incorporating the following notifications on the Structure Plan:**
  - i. **Provision of a bus stop subject to further negotiation and approval of Transperth.**
  - ii. **Vehicular access onto Armadale to be subject to further negotiation and approval of Main Roads Western Australia.**
  - iii. **Landscaping of drainage reserve subject to further negotiation and approval of Water Corporation.**

- iv. Armadale Road and Eight Road, including intersection to be upgraded / widened to the satisfaction of City of Armadale and Main Roads Western Australia.**
- v. All vehicular crossovers to be designed and located to the satisfaction of the City of Armadale and Main Roads Western Australia.**
- vi. A comprehensive landscaping plan for the entire site is to be prepared by the developer to the satisfaction of the City of Armadale. All landscaping including open space areas identified on the SP to be maintained by the developer.**
- vii. Footbridge and pedestrian access across the drainage reserve subject to further negotiation and approval of Water Corporation.**
- viii. A solid 2.1m high fence (at the developers cost) to be erected along the boundary abutting residential properties to the satisfaction of the City of Armadale.**
- ix. The proposed site is affected by the 1 in 100 year flood levels associated with adjoining the Neerigen Brook Main Drain. Further liaison will be required with Water Corporation and Waters And Rivers Commission to determine adequate finished floor levels for the proposed development.**

Moved Cr \_\_\_\_\_  
Carried/Lost ( )

**PAGE INTENTIONALLY LEFT BLAN**



***PROPOSED REVISION TO SUBDIVISION GUIDE PLAN – LOT 810 AND LOTS 805 TO 808 CHURCHMAN BROOK ROAD, BEDFORDALE (FORMERLY LOT 53 CHURCHMAN BROOK ROAD)***

WARD : ROLEYSTONE  
(& ABUTS ARMADALE)

FILE REF : SCH/2/121

DATE : 29 December 2003

REF : RVD

RESPONSIBLE MANAGER : PSM

APPLICANT : Dykstra & Associates

LAND OWNER : Lot 810 –  
Michael Garvey & Associates

SUBJECT LAND : Lot 810 Churchman Brook  
Road, Bedfordale  
Property size 7.0246ha  
Map 25-03

ZONING : Rural/ Special Use No. 82  
MRS/TPS No.2 Rural Residential/ Cluster

**In Brief:-**

- The City has received a request to revise the Subdivision Guide Plan for the remaining portion of Lot 53 not yet subdivided in accordance with the Plan, namely Lot 810. The revised Subdivision Guide Plan proposes four 8000m<sup>2</sup> lots and two 1.4ha lots to replace four 1.5ha lots.
- Six submissions were received, all from State Government agencies.
- Recommend that subject to relocation of the building envelopes south from the northern boundary, additional annotations concerning fencing, advising prospective purchasers about the Regional Park, fire management and drainage, Council endorse the revised Subdivision Guide Plan and forward it to the Western Australian Planning Commission for adoption.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

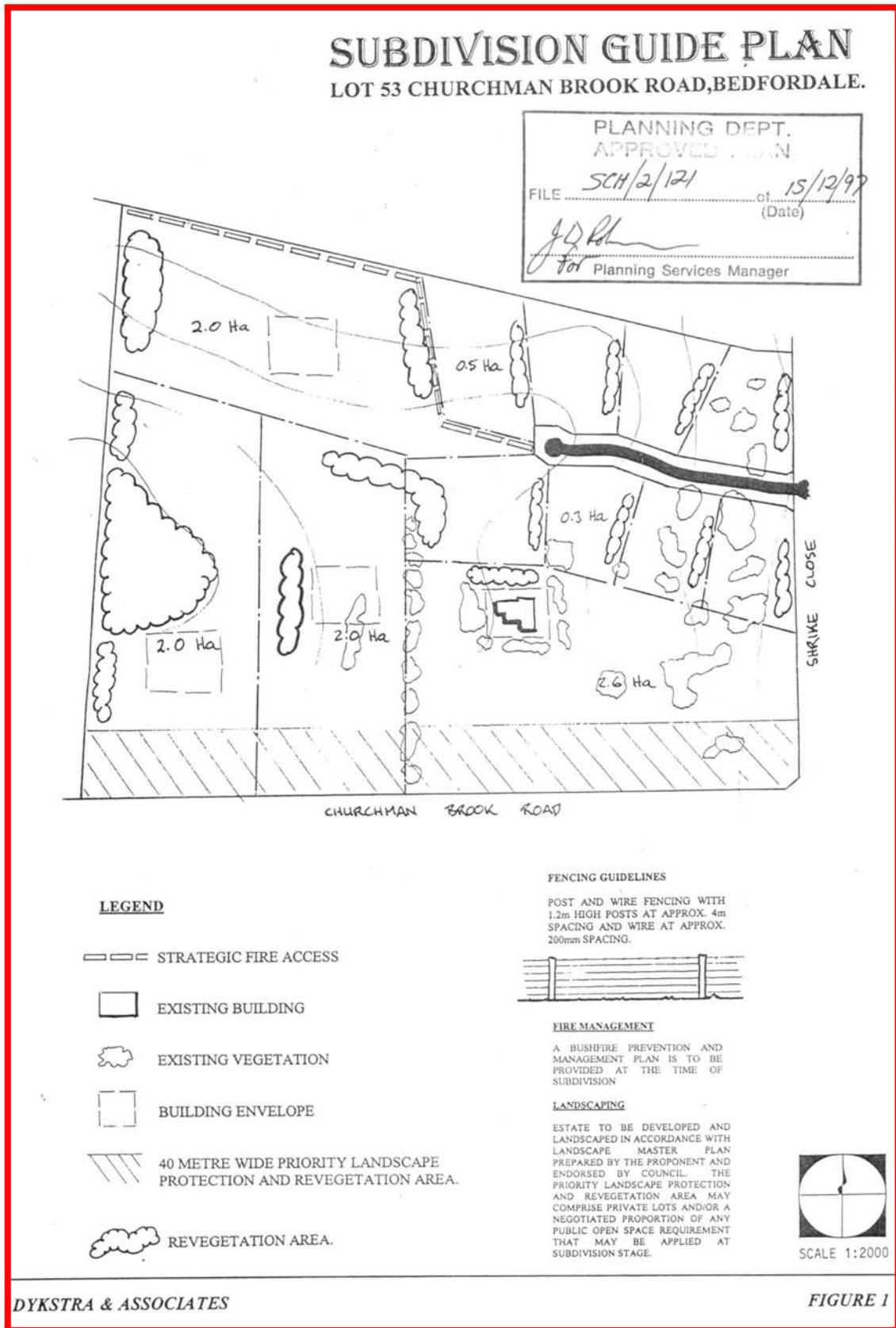
Development - “To balance the need of development with sustainable economic, social and environmental objectives”.

**Legislation Implications**

Town Planning Scheme No. 2  
Town Planning and Development Act 1928

**Council Policy / Local Law Implications**

Nil.



ORIGINAL SUBDIVISION GUIDE PLAN  
FORMERLY LOT 53 CHURCHMAN BROOK RD, BEDFORDALE

**Budget / Financial Implications**

Nil.

**Consultation**

Seven surrounding landholders, the Churchman Bushland Association and six State Government agencies were consulted by letter sent on 21 November 2003 with the close of submissions on 19 December 2003. A sign briefly describing the proposal and inviting comment was on-site from 5 December 2003.

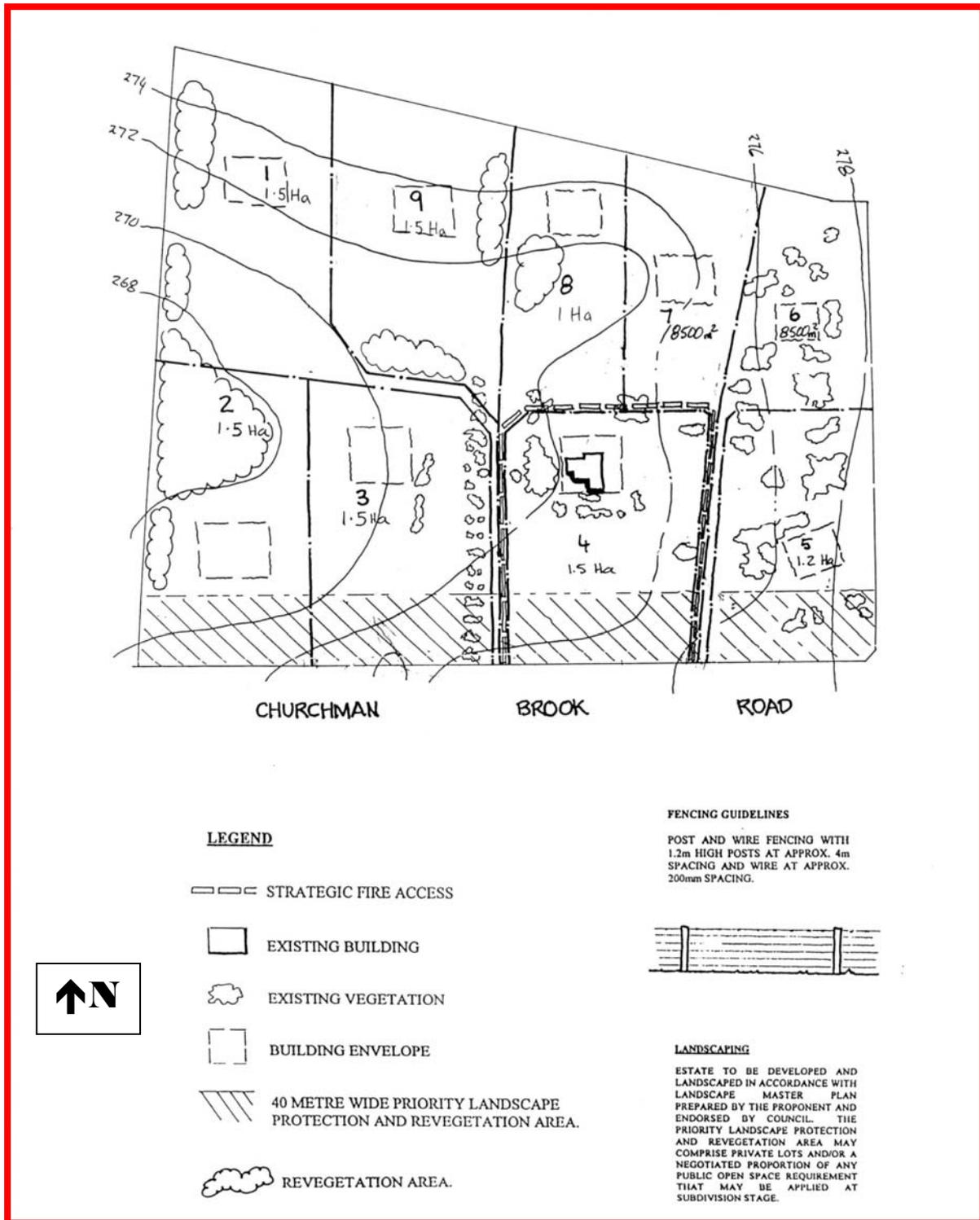
**BACKGROUND**

Special Use Zone No. 82, which covers the former Lots 53 and 56 Churchman Brook Road, Bedfordale requires that subdivision be generally in accordance a Subdivision Guide Plan prepared under Clause 5.2.1 of the Scheme. Lots 53 and 56 are about 260m apart along Churchman Brook Road.

This is the fifth version of the Subdivision Guide Plan for Lot 53 considered by Council. Subdivision Guide Plans were approved in July 1997 (12 lots), March 1999 (8 lots), August 2001 (13 lots) and July 2002 (9 lots). The first plan approved, the currently approved plan and the proposed revised plan are included with this agenda.

The table below describes the key characteristics of each plan approved to date for the former Lot 53.

<b>Date Adopted by Council</b>	<b>Key characteristics</b>	<b>Total No of Lots</b>
July 1997	<ul style="list-style-type: none"> <li>• Cluster of eight mostly 3000m<sup>2</sup> lots in north east corner, one large 2.6ha lot on Churchman Brook Road and three 2ha lots over the remainder of the lot.</li> <li>• Access off a built road from Shrike Close (now known as Beeloo Close) for all but three lots.</li> <li>• Two lots fronting Churchman Brook Road.</li> <li>• No narrow battleaxe legs.</li> </ul>	12
March 1999	<ul style="list-style-type: none"> <li>• Cluster of eight lots replaced with three lots of about 8,500m<sup>2</sup> and the large 2.6ha lot split into two lots. No change to the three 2ha lots.</li> <li>• Access from two battleaxe legs of Churchman Brook Road.</li> <li>• Four lots fronting Churchman Brook Road.</li> </ul>	8
August 2001	<ul style="list-style-type: none"> <li>• Significant change that included 0.5ha lots along the northern boundary, 0.3ha lots south of these lots and larger lots fronting Churchman Brook Road and the north east corner of the lot.</li> <li>• Access to the 0.5 and 0.3ha lots via a constructed road.</li> <li>• Three 1ha and a 1.5ha lot fronting Churchman Brook Road.</li> </ul>	13



**PROPOSED SUBDIVISION GUIDE PLAN  
 FORMERLY LOT 53 CHURCHMAN BROOK RD, BEDFORDALE**

<b>Date Adopted by Council</b>	<b>Key characteristics</b>	<b>Total No of Lots</b>
July 2002	<ul style="list-style-type: none"> <li>• Similar to the March 1999 plan but with the three 2ha lots split into four 1.5ha lots.</li> <li>• No change to access and lots fronting Churchman Brook Road.</li> </ul>	9
Current revision	<ul style="list-style-type: none"> <li>• The four 1.5ha lots split into four 8000m<sup>2</sup> lots and two 1.4ha lots.</li> <li>• Access from three battleaxe legs from Churchman Brook Road.</li> <li>• No change to number of lots fronting Churchman Brook Road.</li> </ul>	11

The former Lot 53 has been subdivided to Lot 810 and Lots 805 to 808 with Lots 805 to 808 conforming to the March 1999 Subdivision Guide Plan. This item deals only with the former Lot 53, focussing on Lot 810 which is not yet subdivided in accordance with the approved Subdivision Guide Plan.

The northern boundary of Lot 810 abuts Churchman Bushland, which is part of the Darling Range Regional Park managed by the Department of Conservation and Land Management.

#### **DETAILS OF PROPOSAL**

The revised Subdivision Guide Plan proposes four lots of 8,000m<sup>2</sup> and two 1.4ha lots on Lot 810 Churchman Brook Road. An additional battleaxe leg is proposed off Churchman Brook Road to provide access to these lots. Revegetation areas have been proposed along the western boundary of the lot and at other strategic locations to reduce visual impacts.

The applicant has proposed the new lot sizes on the grounds that they are more in keeping with residential-rural lifestyle lots currently being sought by the market and the desire to reduce the high cost of servicing.

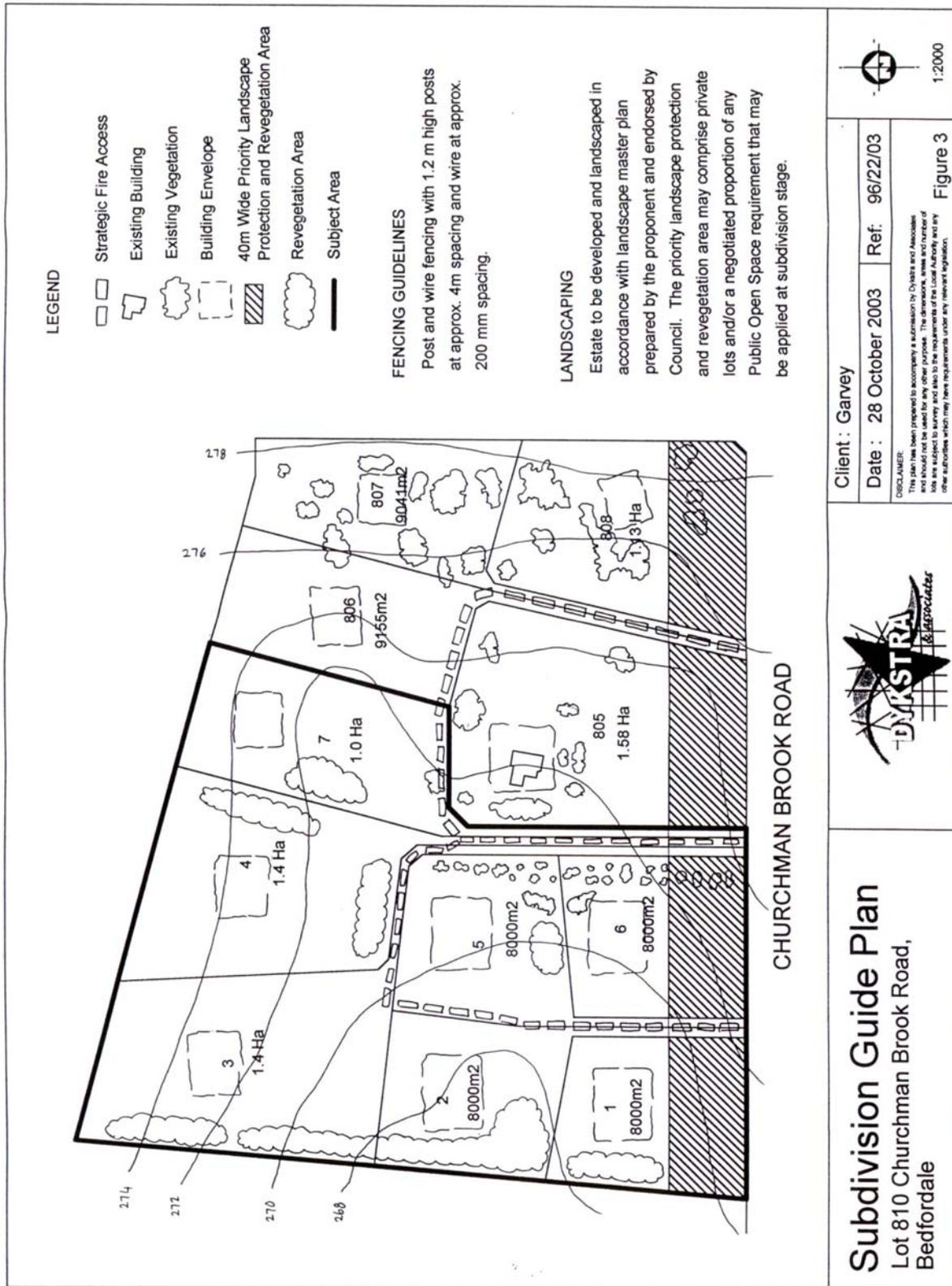
#### **COMMENT**

##### ***Development Control Unit***

The Development Control Unit had no objections to the proposal.

A preference for one battleaxe leg servicing all of the properties on Lot 810 located further westward of the junction of Churchman Brook Road and Waterwheel Road than the nearest battleaxe leg shown on the revised Subdivision Guide Plan was expressed.

The nearest battleaxe leg to junction of Churchman Brook Road and Waterwheel Road is located approximately 25m west of Waterwheel Road in a location approved by the July 2002 Subdivision Guide Plan. It would service three lots, and is not ideal but is acceptable considering the low volume of traffic to be generated from three lots.



PROPOSED SUBDIVISION GUIDE PLAN  
 FORMERLY LOT 53 CHURCHMAN BROOK RD, BEDFORDALE

***Public consultation***

Total number of responses received	:	6
Number opposed	:	0
Number in favour/ no objections/ conditional approval OK	:	6

All submissions were from State Government agencies.

***A copy of the Schedule of Submissions is at Attachment “A7” of the Agenda, refer Summary of Attachments (yellow page).***

**KEY ISSUES RAISED IN SUBMISSIONS**

Issues that have resulted in recommended changes to the Revised Subdivision Guide Plan or which warrant more detailed discussion follow.

***1. Provision of fencing along boundary to Department of Conservation and Land Management estate***

An adequate fence and gate system needs to be constructed between the subdivision and Churchman Bushland to clearly delineate the boundary of the private land, minimise inappropriate access by people and pets (particularly dogs) and to provide access points for fire management and fire fighting activities.

Currently Clause 7 of Special Use Zone No. 72 requires that “All fencing shall be limited to open rural type fencing in accordance with the post and wire or post and rail, rural fencing model/guidelines depicted on the Subdivision Guide Plan unless other wise approved by Council”. However, this clause does not require that a fence is constructed, so private property adjoining Churchman Bushland could remain unfenced for many years.

It seems reasonable for the Department of Conservation and Land Management to have input into an appropriate fence design, and for the fence to be constructed at subdivision. Therefore it is recommended that the following text be added to the revised Subdivision Guide Plan:

*A fence is to be constructed along the northern boundary of Lot 810 to the satisfaction of the City of Armadale on advice of the Department of Conservation and Land Management at the time of subdivision.*

***2. Provision of information to prospective landholders***

The Department of Conservation and Land Management requested that information should be provided to prospective landowners about living next to a Regional Park. This is common practice in many areas and can be achieved by adding the following text to the revised Subdivision Guide Plan:

*Information is to be provided to prospective purchasers outlining the values and expectations of living near a Regional Park.*

3. *Management of drainage from Churchman Bushland*

The Department of Conservation and Land Management noted that surface water runoff from the adjoining park needs to be managed within the subdivision. Requirement No. 4 of Special Use Zone No. 82 specifies that stormwater and drainage management techniques shall incorporate Water Sensitive Design. The need to address surface water from Churchman Bushland should be noted on the revised Subdivision Guide Plan as follows:

*Surface water runoff from Churchman Bushland to be incorporated into drainage design at the time of subdivision.*

4. *Fire management* – refer to discussion under analysis below.

**Analysis**

***Town Planning Scheme No. 2***

Requirement No. 1 of Special Use Zone No. 82 states:

1. *Subdivision and development shall be generally in accordance with the Subdivision Guide Plan prepared in accordance with Clause 5.2.1 of the Scheme, and shall generally observe the following subdivision standards:-*
  - ◆ *overall maximum number of lots being in accordance with the approved Subdivision Guide Plan.*
  - ◆ *minimum lot sizes in clusters 3,000m<sup>2</sup> with an average of 4,000m<sup>2</sup>.*
  - ◆ *minimum lot size outside clusters – 1.5ha.*

Clause 1 provides general guidelines, but there is no requirement that the Subdivision Guide Plan reflects the minimum lot sizes described. A precedent for 8-9,000m<sup>2</sup> lots on the subject land was set when Council adopted the March 1999 revision of the Subdivision Guide Plan.

Under Clause 5.2.1 Council may amend the Subdivision Guide Plan after consideration of submissions, and then shall forward the Subdivision Guide Plan to the Western Australian Planning Commission together with a copy of Council's decision in relation to each submission received.

It is considered that the existing clauses in Special Use Zone No. 82 adequately address a range of issues that arise from subdivision of Lot 810. For example, Special Use Zone No. 82 requires revegetation to be established in accordance with the proposals identified in the Subdivision Guide Plan, construction and maintenance of strategic firebreaks nominated on the Subdivision Guide Plan, and also addresses effluent disposal, stormwater drainage and management, the keeping of horses and the provision of water services.

### ***Land capability***

The intensification of subdivision to 8,000m<sup>2</sup> lots occurs on part of the land with a Yg1 formation soil type which has been assessed as being Class II or “High” capability for rural residential development. Intensification of subdivision on land with a “High” capability for rural residential development is considered acceptable.

### ***Compliance with WAPC Policy DC 2.5***

Western Australian Planning Commission Policy DC 2.5 includes locational, design and servicing requirements for special residential zones which are defined as areas with lot sizes between 2,000m<sup>2</sup> and one hectare. Issues concerning the locational requirements have been dealt with when the original Subdivision Guide Plan was approved.

The design and servicing requirements specified by the policy have generally been met. However attention is drawn to the following points:

- ♦ The policy recommends that as far as practicable direct access to a major road should not be permitted and new subdivisions should be designed so that individual lot access is from minor roads. The term “major road” is not defined in the policy. Churchman Brook Road is a District Distributor B road. District Distributor B roads carry traffic between industrial, commercial and residential areas but with a reduced capacity resulting from access to and parking for adjoining property; and
- ♦ The policy recommends that building setbacks should be varied “to create a more interesting and spacious environment”. The two new lots proposed along Churchman Brook Road have the building envelopes the same distance from the road. However, the building envelope setbacks for the other two lots fronting Churchman Brook Road are each different, creating a variety of building setbacks as recommended by the policy.

### ***Fire Management and WAPC Policy DC 3.7***

Fire management was raised as a key issue by the Department of Conservation and Land Management who requested that *Planning for Bushfire Protection* published by the Western Australian Planning Commission in 2001 be taken into account in the new subdivision and advised that in their view the fire hazard from the adjacent Churchman Bushland was “Extreme”.

*Planning for Bushfire Protection* provides guidance on how the WAPC Policy DC 3.7 *Fire Planning* should be met.

Assessment of the fire hazard as “Extreme” is questioned given that the Churchman Bushland vegetation is not uniform around Lot 53 and is degraded along the northern boundary of Lot 810. A separation of 100m is recommended between “Extreme” fire hazard areas and residences by *Planning for Bushfire Protection*, but separation distances are not provided for other fire hazard ratings. Following discussions with the applicant, it was agreed that the building envelopes could be moved to about 80-100m from the northern boundary without adjusting the proposed pattern of subdivision or affecting revegetation required to reduce visual impacts from Churchman Brook Road.

*Planning for Bushfire Protection* also recommends that passing bays should be available in battleaxe legs that are longer than 200m. One of the battleaxe legs is 230m. This is a detail that can be addressed at subdivision without the need for it to be reflected in the Subdivision Guide Plan.

A Fire Management Plan for Lot 53 was prepared in November 1999 as a condition of subdivision approval. However, the plan will need to be updated in view of recommendations contained in *Planning for Bushfire Protection* and the revised lot layout. It is recommended that this be achieved by adding the following text to the revised Subdivision Guide Plan:

*The Fire Management Plan for the former Lot 53 is to be revised and updated at the time of subdivision.*

The City will ensure that Department of Conservation and Land Management is consulted before approving the revised Fire Management Plan.

## **OPTIONS**

1. Council could decide to support the revised Subdivision Guide Plan, subject to relocation of the building envelopes south from the northern boundary, additional annotations concerning fencing, advising prospective purchasers about the Regional Park, fire management and drainage. If this option is chosen, Council should endorse the plan and forward it to the Western Australian Planning Commission for its adoption.
2. Council could refuse to endorse the proposed modification to the Subdivision Guide Plan and request that subdivision occur in accordance with the currently approved Subdivision Guide Plan.
3. Council could request the Subdivision Guide Plan be amended so that access to the proposed seven lots is via one road, rather than two multiple battleaxe legs.

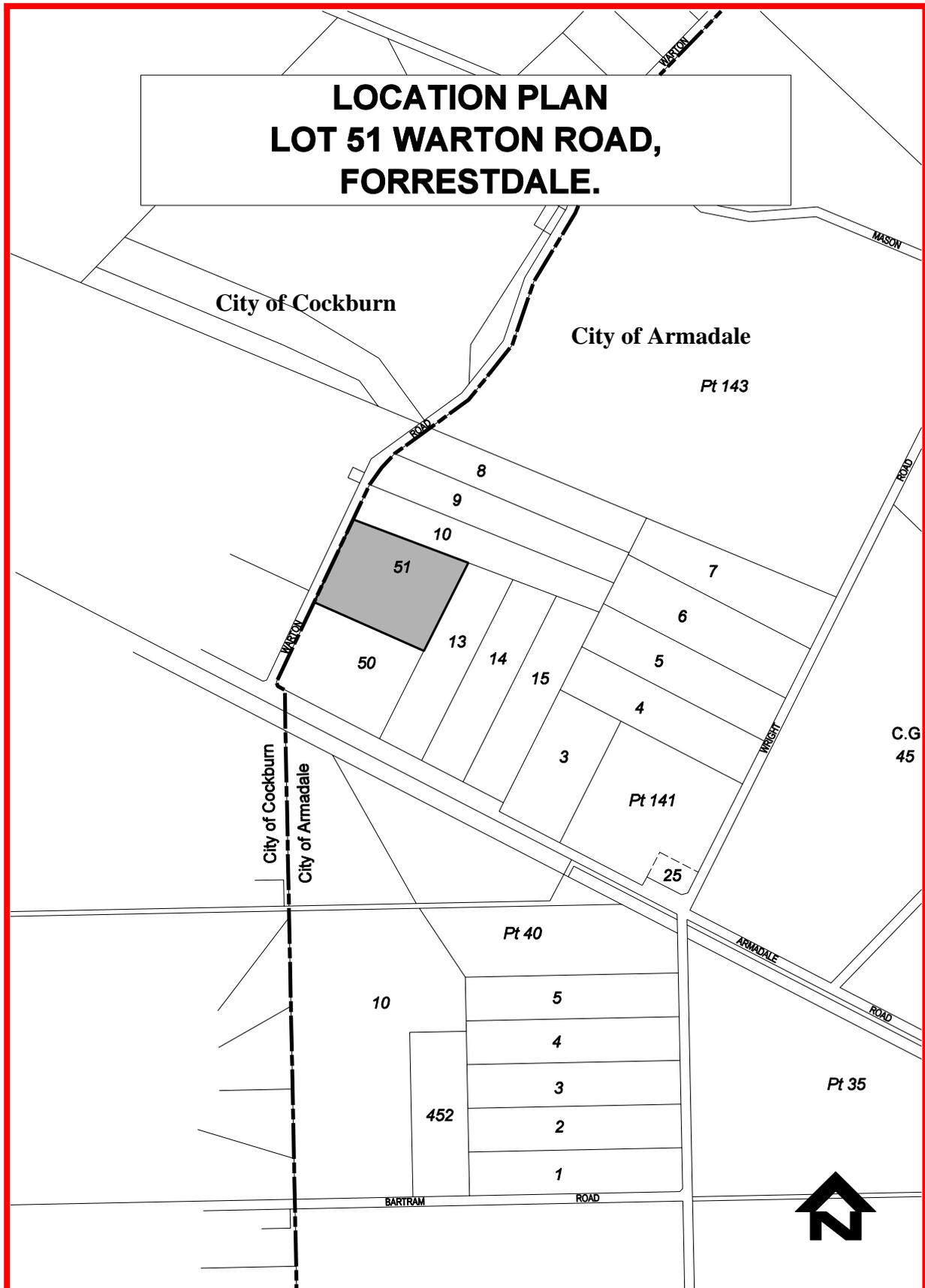
## **CONCLUSION**

The proposed revised Subdivision Guide Plan is acceptable. All of the major concerns have been addressed or reduced to minor points of difference. Therefore it is recommended that the revised Subdivision Guide Plan be endorsed and forwarded to the Western Australian Planning Commission for its adoption following changes to the Plan as recommended below.

**RECOMMEND**

- 1. That Council endorse the revised Subdivision Guide Plan, subject to relocation of the building envelopes on lots 3, 4 and 7 to 80-100m from the northern boundary and addition of the following text on the Plan:**
  - a) A fence is to be constructed along the northern boundary of Lot 810 to the satisfaction of the City of Armadale on advice of the Department of Conservation and Land Management at the time of subdivision.**
  - b) Information is to be provided to prospective purchasers outlining the values and expectations of living near a Regional Park.**
  - c) Surface water runoff from Churchman Bushland to be incorporated into drainage design at the time of subdivision.**
  - d) The Fire Management Plan for the former Lot 53 is to be revised and updated at the time of subdivision.**
  
- 2. That Council forward the revised Subdivision Guide Plan and the Schedule of Submissions to the Western Australian Planning Commission and request the Commission to adopt the Subdivision Guide Plan as the basis for approval of subdivision applications within the area covered by the plan.**

Moved Cr \_\_\_\_\_  
Carried/Lost ( )



***PROPOSED SCHEME AMENDMENT –  
LOT 51 (897) WARTON ROAD, FORRESTDALE***

WARD : FORREST  
FILE REF : A028343  
DATE : 23 December 2003  
REF : RVD  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : Allerding Burgess  
LAND OWNER : C & TA Zerafa  
SUBJECT LAND : Lot 51 (897) Warton Rd  
Property size 5.0007ha  
Map 16-05  
ZONING : Rural – Water Protection /  
MRS/TPS No.2 Rural – Groundwater Protection

**In Brief:-**

- Proposal for a Scheme Amendment for a Special Use zone on Lot 51 (897) Warton Road to permit continued use of a Depot that is currently subject to action by the City's compliance officer.
- Recommend that Council decline to initiate the Scheme Amendment on the grounds that it is incompatible with the objectives and character of the surrounding Rural – Groundwater Protection zone, incompatible with the objectives and desirable land uses specified in the City's Rural Strategy, would contradict the intent of Clause 3.4 (b) of the Scheme, and is a land use that would be more appropriate within the General Industry zone.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Development - "To balance the needs of development with sustainable economic, social and environmental objectives".

**Legislation Implications**

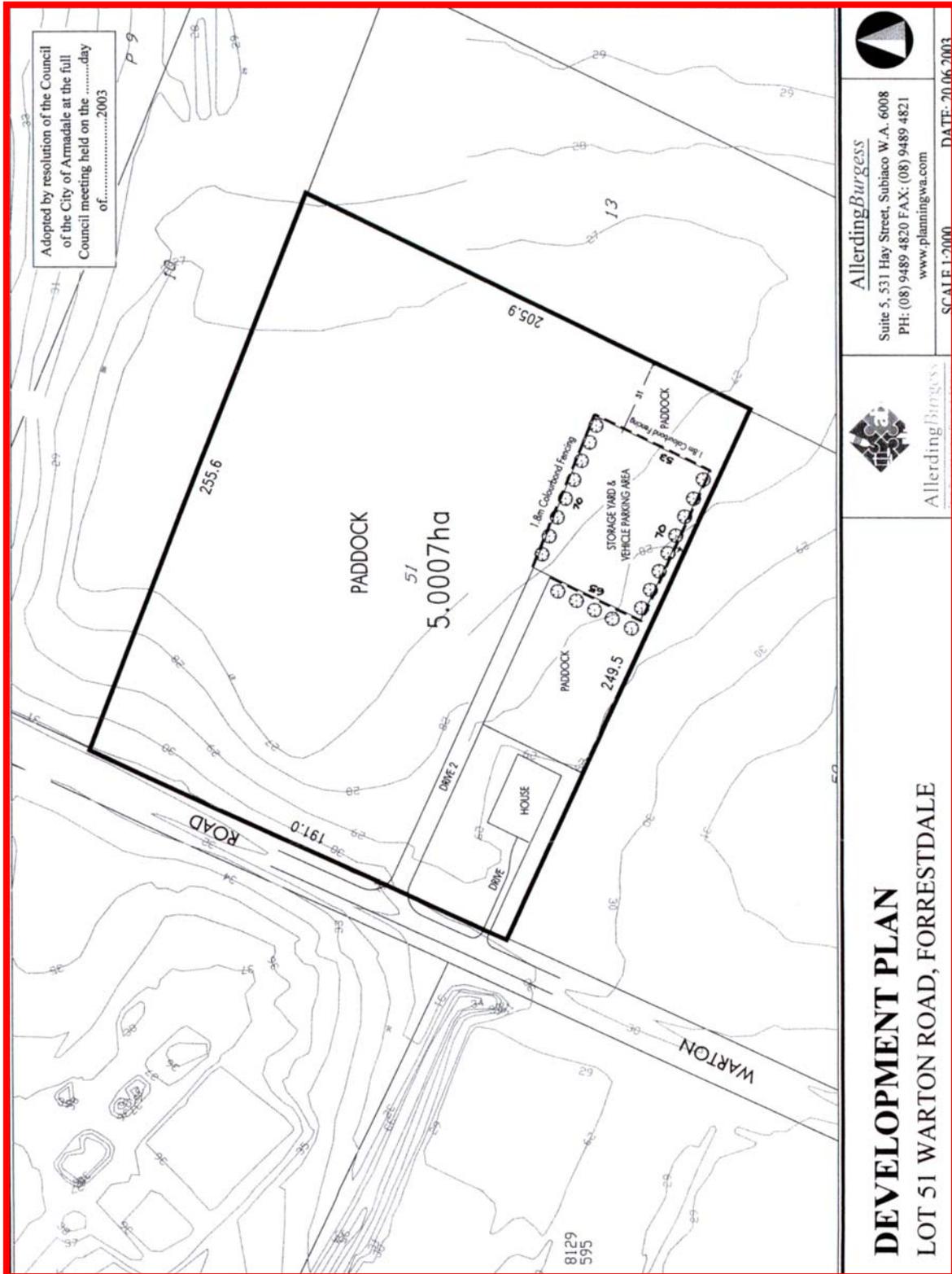
Town Planning and Development Act 1928  
Town Planning Scheme No. 2.  
Metropolitan Region Town Planning Scheme Act 1959

**Council Policy / Local Law Implications**

City of Armadale Rural Strategy

**Budget / Financial Implications**

Nil.



SITE PLAN  
LOT 51 WARTON ROAD, FORRESTDALE

### **Consultation**

- ◆ Department of Environment
- ◆ Development Control Unit

### **BACKGROUND**

In April 2003 the City's Compliance Officer initiated investigations relating to four trucks, four low loaders, four men working on-site, a quantity of power poles and a multitude of other materials being stored at Lot 51 (879) Warton Road, Forrestdale observed within an area cordoned off by a green colourbond fence.

Subsequent investigations concluded that the use being carried out on the land would be classified as a "Depot" under Town Planning Scheme No. 2, which is a use not listed in the class of uses table for the Rural – Groundwater Protection zone. In the Rural – Groundwater Protection zone non-listed uses are not permitted.

In May 2003 the landowner was advised that the use of the land for a Depot was illegal and should cease. The landholder contacted a planning consultant who wrote to the City requesting initiation of a Scheme Amendment for the subject land. The landholder and planning consultant subsequently met with City officers to discuss the proposal.

The City wrote to the planning consultant in June 2003 advising that:

- ◆ The proposal is more consistent with the objective of a light industry zone and should be located there;
- ◆ The proposal is inconsistent with the objective of the Rural – Groundwater Protection zone;
- ◆ Spot zoning was not favoured because it would set a precedent that other landholders would also then wish to pursue;
- ◆ If advice was received from the Department of Environment that the area in the vicinity bore J80 was suitable for a wider range of land-uses, then proposals for Depot uses could be reconsidered.

In September 2003 the planning consultant forwarded a letter from the Department of Environment stating that the nearby Public Water Supply Bore J80 had been decommissioned due to groundwater contamination and the proposal described by the consultant would be acceptable at Lot 51 (879) Warton Road, Forrestdale.

The City of Armadale then wrote to the Department of Environment seeking advice on whether Depot uses would be acceptable in the vicinity of Public Water Supply Bore J80 or the Jandakot Underground Water Pollution Control Area generally. The Department of Environment's response, received in November 2003, included the following concluding comment:

*"Therefore, the Department would not support a scheme amendment for the broad approval of all depots within the Jandakot Public Drinking Water Source Area. The correspondence to Allerding Burgess was advice only and the City of Armadale has the right to decline the application if "the City does not support spot zonings".*



AERIAL PHOTO  
LOT 51 WARTON ROAD, FORRESTDAL

## DETAILS OF PROPOSAL

The applicant proposes a Special Use zone over Lot 51 (879) Warton Road, Forrestdale, as described in the following table.

Prescribed Special Use	Requirements	Particulars of land
<p>Uses per the Rural Groundwater Protection zone</p> <p>and:</p> <p>Electrical Pylon Storage Facility</p>	<p><u>Uses per the Rural Groundwater Protection zone</u></p> <ol style="list-style-type: none"> <li>1. The use and development standards of the Rural – Groundwater Protection zone apply, except as otherwise provided below.</li> </ol> <p><u>Electrical Pylon Storage Facility</u></p> <ol style="list-style-type: none"> <li>1. Use and Development shall generally be in accordance with a Development Guide Plan with has been adopted by Council and signed by the Chief Executive Officer.</li> <li>2. No more than 7 vehicles (with a tare weight greater than 1 tonne) associated with the proposed use are to be parked on the property at any one time.</li> <li>3. No servicing or repair of vehicles is to occur on-site.</li> <li>4. Hours of operation to be between 7:30am and 3:30pm except for callout emergency events.</li> <li>5. Landscaping to be provided in accordance with an adopted Development Guide Plan.</li> </ol>	<p>Lot 51 (879) Warton Rd, Forrestdale</p>

The applicant notes that the Depot covers 4000m<sup>2</sup> of the 5ha property.

The applicant has suggested that the Scheme Amendment could include a sunset clause so that the use expires after five years.

## COMMENT

### Analysis

#### *Town Planning Scheme No. 2 and Statement of Planning Policy No. 2.3 Jandakot Groundwater Protection*

Currently the subject land and the land surrounding it is zoned Rural – Groundwater Protection under Town Planning Scheme No. 2.

An Electrical Pylon Storage Facility would be considered to be a Depot under Town Planning Scheme No. 2, and the remainder of this report refers to the Electrical Pylon Storage Facility as a Depot. A Depot is a permitted use in the General Industry zone and is not listed as a use for the Light Industry zone.

As summarised in the Background section above, a Depot is not a use listed in Table 4.1 of Town Planning Scheme No. 2 that lists land uses that can be considered in the Rural – Groundwater Protection zone and Clause 3.4 (b) of the Scheme states that “no additional land uses are permitted other than those listed in Table 4.1”. A spot zoning to permit a Depot on the subject land would contradict the intent of Clause 3.4 (b).

The objectives for the Rural – Groundwater Protection zone are the same as the objectives for Statement of Planning Policy No. 2.3 Jandakot Groundwater Protection which are:

- a) *to ensure that all changes to land use are compatible with long-term protection and maintenance of groundwater for public supply and maintenance of associated ecosystems;*
- b) *to prevent land uses likely to result in contamination of groundwater through nutrient or contamination export;*
- c) *to balance environmental protection with the economic viability of the existing land uses;*
- d) *to maintain or increase natural vegetation cover; and*
- e) *protect groundwater quality and quantity in order to maintain the ecological integrity of important wetlands hydraulically connected to that groundwater, including wetlands outside the zone.*

Objectives (a), (b) and (e) apply to the subject land in relation to Forrestdale Lake and a Depot would not be compatible with the objectives of either the Rural Groundwater Protection zone or Statement of Planning Policy No. 2.3.

#### ***Forrestdale Lake Environmental Management Area and potential for site contamination***

Although advice from the Department of Environment notes that groundwater protection is no longer a concern for the subject lot from a public water supply viewpoint, the subject lot is within the Forrestdale Lake Environmental Management Area. Therefore any contaminated groundwater from this lot is considered likely to flow to Forrestdale Lake, which is a wetland of international significance listed under the Ramsar Convention that should be protected from contamination.

The Environmental Planner has advised that groundwater contamination could arise from:

- ◆ leaching of chemicals used to prevent white ant attack on power pylons, particularly from the older pylons;
- ◆ contaminated soil associated with the pylons;
- ◆ parking of heavy vehicles on-site which can lead to hydrocarbon contamination, particularly if machinery is parked in the open. Vehicle repair or servicing on site can lead to hydrocarbon soil contamination from leakage, spillages or inappropriate disposal of used products.

The proposed Scheme Amendment prohibits servicing or repair of vehicles on-site. However, ensuring that vehicles are not serviced or repaired on-site is almost impossible to police, as is the inappropriate disposal of liquid hydrocarbon wastes.

Therefore the risk of unacceptable groundwater contamination associated with such a use is unacceptably high.

### ***Local Rural Strategy and land use compatibility***

The Principal Policy Objective for the Forrestdale Rural Planning Area is “*To protect the water resources, wetlands and remnant vegetation whilst encouraging landscape enhancement, maintenance of rural character and good land management practices to allow the land to be used to its highest potential*”

The protection of water resources has been discussed above. A Depot use is not considered to be consistent with maintenance of rural character, being more suited to the General Industry zone.

The Local Rural Strategy lists desirable/ conditional land uses for the Forrestdale Rural Planning Area as rural residential, grazing, recreation, tourist (farm stays, farm restaurants), tree farming and floriculture. Operation of a Depot would be incompatible with several of the desirable/ conditional land uses for the Planning Area. In particular the proposal would be incompatible with rural residential development because most people living in rural residential developments have an expectation of peace and quiet.

### ***Boundary setbacks***

Currently the electrical pylon storage facility (i.e. the Depot) is enclosed by a fence located approximately 4m from the boundary between Lot 51 and Lot 50 to the south, about 30m from the boundary of Lot 13 to the east, and approximately 75m from the nearest building. Whenever boundary setbacks are specified for land use classes in the Rural – Groundwater Protection zone, they are set at 15m from the front, rear and side boundaries. Therefore it is considered that the existing Depot fence at 4m from the boundary is considered to be too close to the side boundary in view of the 15m setback typical of the Rural – Groundwater zone.

### ***Desirability of spot zoning***

A spot zoning is not favoured for this proposal because:

- ◆ it would represent an ad-hoc decision to accommodate a land use incompatible with the objectives of the surrounding zone;
- ◆ it would set an undesirable precedent for other landholders to seek spot zonings to accommodate a range of other land uses; and
- ◆ it would contradict Clause 3.4 (b) of Town Planning Scheme No. 2 that no additional land uses are permitted in the Rural – Groundwater Protection zone other than those listed in Table 4.1 of the Scheme.

## OPTIONS

1. Council may decline to initiate a scheme amendment on the grounds that it would be incompatible with the objectives, character and land uses envisaged by the surrounding Rural – Groundwater Protection zone and the City’s Rural Strategy, and would be ad-hoc decision making that would set an undesirable precedent contracting the intent of Scheme Clause 3.4 (b).
2. Council may consider initiating a spot zoning with a sunset clause or seek to initiate a zoning that cover the portion of the Jandakot Groundwater Mound affected by the shutdown of Bore J80.

## CONCLUSION

The proposal is not supported because it is contrary to the objectives of the surrounding Rural – Groundwater Protection zone, contradicts the intent of Clause 3.4 (b) of Town Planning Scheme No. 2 and represents ad-hoc decision making. If a Scheme Amendment was contemplated the existing Depot also would not comply with setbacks typical for the Rural-Groundwater Protection zone.

The type of land use sought by the applicant is a permitted use in the General Industry zone and should be relocated to an appropriately zoned area.

Therefore it is recommended that Council decline to initiate a scheme amendment for Lot 51 Warton Road, Forrestdale.

## RECOMMEND

**That Council decline to initiate the proposed Scheme amendment to rezone Lot 51 Warton Road, Forrestdale to Special Use to permit the operation of a Depot (Electrical Pylon Storage Facility) for the following reasons:**

- a) **the proposal is incompatible with the objectives and character of the surrounding Rural – Groundwater Protection zone;**
- b) **the proposal is incompatible with the objectives and desirable land uses for the Forrestdale Rural Planning Area as specified in the City’s Rural Strategy;**
- c) **the proposal would contradict the intent of Clause 3.4 (b) of Town Planning Scheme No. 2 and would establish an undesirable precedent for other proposals and land uses, and;**
- d) **the land use sought by the applicant would be more appropriate within a General Industry zone.**

Moved Cr \_\_\_\_\_  
Carried/Lost ( )

***ARMADALE REDEVELOPMENT AUTHORITY –  
DRAFT PLANNING POLICIES FOR PRELIMINARY COMMENTS***

WARD : FORREST;  
SEVILLE and  
ARMADALE

FILE REF : PSC/38

DATE : 7<sup>th</sup> January 2004

REF : JR

RESPONSIBLE : EDDS  
MANAGER

APPLICANT : Armadale Redevelopment  
Authority

LAND OWNERS : Various

SUBJECT LAND : Land Subject to Armadale  
Redevelopment Scheme

ZONING : **MRS:** Urban, Urban Deferred &  
MRS/TPS No.2 Central City Area Zones &  
Various Reservations.  
**TPS No 2:** Residential, Rural,  
General Rural & Special Use  
Zones, & Various Reservations.  
**TPS No 3:** City Centre Deferred  
& Commercial Zones.

**In Brief:-**

- The Armadale Redevelopment Authority has provided its draft Planning Policies to the City for preliminary review and comment prior to their release for full public comment.
- Policies are arranged as either General Planning Policies or Precinct Planning Policies for the specific Armadale Redevelopment Authority project areas.
- Recommend that Council propose modifications reflecting the issues of concern that were previously identified in Council's October submission on the preliminary Armadale Redevelopment Concept Plan and also, that the Authority revise the policies to create a more concise, practical and useful document.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

- ♦ *City of Armadale Strategic Plan* – 1. Promote employment and residential growth, encouraging the economic well-being of the community.  
1.3 Complete the structure plans for Brookdale and Forrestdale, focussing on provisions for high quality residential development.
- ♦ *WAPC Southern River Forrestdale Brookdale Wungong District Structure Plan (January 2001).*
- ♦ *Urban Water Management Strategy (2002).*

### **Legislation Implications**

- ◆ Town Planning and Development Act 1928 & Town Planning Regulations 1967
- ◆ Armadale Redevelopment Act 2001
- ◆ Armadale Redevelopment (Interim) Scheme 2003 & Armadale Redevelopment Regulations 2003
- ◆ Environmental Protection Act 1986
- ◆ Metropolitan Region Town Planning Scheme Act 1962
- ◆ Swan – Canning Catchment Environmental Protection Policy & draft Riverplan: (Comprehensive Management Plan and Implementation Strategy for the Swan-Canning Rivers EPP) 2003
- ◆ The WA State Sustainability Strategy 2003

### **Council Policy / Local Law Implications**

- ◆ Armadale Enquiry-By-Design Workshop Report 2000
- ◆ Town Planning Scheme No 2 and No 3
- ◆ Memorandum of Understanding between the ARA and City of Armadale
- ◆ Draft Town Planning Scheme No 4
- ◆ Local Laws, including those relating to Signs and activities in Public Thoroughfares

### **Budget / Financial Implications**

Nil.

### **Consultation**

The draft ARA Planning Policies document has been circulated to elected members with this agenda (please note that blank pages have not been reproduced in the photocopy to avoid waste and hence page numbering is not always consecutive). The drafts of the Armadale Redevelopment Scheme and associated Concept Plan document currently open for public submissions will be circulated prior to the February round of meetings at which an agenda report will be presented to Council (draft documents are available for viewing and downloading on the ARA website at [www.ara.wa.gov.au](http://www.ara.wa.gov.au)).

- ◆ There is currently close liaison and working arrangements with ARA at various levels including elected member representatives on the ARA board, Chief Executive Officer and other officers of the City.
- ◆ A Memorandum of Understanding (MOU) has been prepared to address more technical aspects of local government functions and development controlled by the new Authority.
- ◆ The current preliminary referral of the Policies to the City for comment is the first of two (2) formal referral periods for the draft Planning Policies. The next referral will be at the public submissions stage, wherein Council will have a second opportunity to comment.

## **BACKGROUND**

The broad aims of the Armadale Redevelopment Authority and its Redevelopment Scheme are to aid the revitalisation of Armadale as a strategic regional centre and stimulate development building a more sustainable economic base for the region.

The “interim” Armadale Redevelopment Scheme (2003) was Gazetted on 29 August 2003 and has been in effect since that date. The interim Scheme provides the ARA with approval authority over the first four (4) sites of its eventual Scheme Area including:

- ◆ land in the Armadale City Centre;
- ◆ the CALM land on Albany Highway; and
- ◆ the two (2) sites on Champion Drive (former High School and TAFE sites).

The public comment period for the draft “final” Armadale Redevelopment Scheme (2004) commenced on 17<sup>th</sup> December 2003 and will be open for public submissions until 20<sup>th</sup> February. The areas subject to the 2004 Scheme includes the Champion Lakes Regional Recreation Facility site, the Forrestdale Industrial Business Park site and part of the South Armadale Industrial Area extending to include the Armadale Senior High School site, which it abuts.

Several new areas recently incorporated into the area of ARA jurisdiction are not yet subject to the current draft Armadale Redevelopment Scheme (2004) but will be added to the Scheme via a forthcoming separate Scheme Amendment process, these areas include approximately 1,476ha in Brookdale and Wungong, 13ha in Seville Grove located immediately between the TAFE and High School sites on Champion Drive, and 5ha in the Armadale City Centre and bounded by Forrest Road, Fifth Road and Green Avenue.

## **DETAILS OF PROPOSAL**

The Armadale Redevelopment Authority has submitted its draft Planning Policies for Council’s preliminary comments. The ARA will then revise the policies and prepare a final draft to be advertised for public comment anticipated for March/April 2004. During the formal public review period Council will have a further opportunity to provide feedback comments to the ARA.

## **COMMENT**

The ARA’s draft Planning Policies complement the ARA Concept Plans, describing the intended development outcomes for the various ARA redevelopment sites. The discretionary nature of the Planning Policies also allows the Authority maximum flexibility in dealing with applications and responding to emerging issues and opportunities as these areas develop. In this way the policies function much the same to policies under Council’s own Town Planning Schemes No 2 and 3.

The provisions of the Armadale Redevelopment Scheme requires the Authority to have regard to any relevant planning policy it has adopted, in assessing and determining applications for development approval.

The ARA's draft Planning Policies are arranged as either General Planning Policies or Precinct Planning Policies. Some General Planning Policies set the principles of the approach that the ARA will take to all development eg the Policy on Sustainable Development is an example of this type. Others will describe the ARA's position on a particular type or class of development eg Policy on Advertising Signs.

### **General Planning Policies**

The General Planning Policies include the following:

*Policy 1.1 on Planning Principles* - describes how the Authority will regulate development according to its overall charter for the economic, social and environmental development of Armadale through implementing the provisions of the various Precinct Policies for discrete ARA project areas, the Concept Plan and the Redevelopment Scheme.

*Policy 1.2 on Sustainable Development* - describes how the ARA views the implementation of sustainability through the developments under its control as an opportunity to achieve longer term environmental, social and economic benefits, rather than simply being an obligation. It proposes to build on Armadale's existing "sense of place" and establish Armadale as a centre of excellence for urban and industrial development. Sustainability criteria will be applied to both the developments undertaken by the authority as well as developments under the control of the Armadale Redevelopment Scheme. Sustainability is defined as development which meets "*the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity*". Development proposals will be assessed against Local Area Implementation Plans and a Sustainability Audit.

Other General Planning Policies include:

- ◆ *Policy 1.3 Environmental Planning and Management – to ensure the protection and management of the natural environment;*
- ◆ *Policy 1.4 Economic Development to provide new employment and business opportunities;*
- ◆ *Policy 1.5 Community Development – to identify, facilitate and coordinate the provision of services and facilities to meet community needs;*
- ◆ *Policy 1.6 Residential Design to ensure that new residential development areas provides high quality neighbourhoods and more diverse and better standards of housing and that the social pressures and problems in some existing neighbourhoods are addressed with additional resources;*
- ◆ *Policy 1.7 Inner City Housing – to stimulate and extend the hours, range of activities and liveliness of the Armadale City Centre by encouraging residential building while taking into account the somewhat different circumstances applying to housing in the City Centre than in more suburban locations;*
- ◆ *Policy 1.8 Urban Design, Open Space and Landscape – to ensure that new neighbourhoods are constructed from the start with best practices standards of urban design and principles of "Liveable Neighbourhoods" for efficient, community oriented and desirable places to live and invest;*

- ◆ *Policy 1.9 Movement – to ensure that Armadale develops an urban system that encourages movement by pedestrians, bicycles and public transport and minimise the necessity for trips to be by private car;*
- ◆ *Policy 1.10 Car Parking – to ensure that new developments are equipped with adequate levels of car parking while also applying principles of “travel demand-management” to encourage non-car movements of pedestrians, bicycles and public transport;*
- ◆ *Policy 1.11 Cultural Heritage – to maintain and build upon Armadale’s existing cultural heritage values;*
- ◆ *Policy 1.12 Public Art – to enrich the culture and urban fabric by undertaking community art projects and building community artworks and designs into new buildings and places, particularly to reflect and express locally significant factors and meanings;*
- ◆ *Policy 1.13 Signs – to create effective public signage giving visitors to Armadale the information they require to locate and access facilities while also managing the use of private advertising signage to ensure streetscapes are visually uncluttered and coherent;*
- ◆ *Policy 1.14 – Telecommunications and Roof Mounted Structures – to ensure that the proliferation of modern telecommunications technologies and infrastructure are managed to protect the architectural qualities of buildings and landscapes, and health of the community including phone towers, antennae, dishes and solar collectors and air conditioners.*

### **Analysis**

The General Planning Policies are somewhat discursive and in practice may be difficult to apply as policies per se. There is much written about what planning can do and there is not enough focus how the Authority would deal with a specific development application. Many of the statements relate mainly to how the Authority will do its planning and do not provide sufficient advice about how it would react to applications for planning consent. The policies should amplify and add to the provisions of the Scheme and not just set out a work programme.

It is not until page 19 of the policy document that a policy is provided that is specific enough to be practically applicable. This policy (No 1.7 Inner City Housing) is thorough and will provide the necessary guidance to the ARA.

Where the draft policies can be used as policies, it would assist the user if they were worded more concisely rather than included in large paragraphs – normally paragraph numbering or at least dot pointing enables policies to be more explicitly stated. Policy No 18 – Urban Design is a good example of a policy that contains important policy guidance but which could be improved with editing.

### **Precinct Planning Policies**

The more detailed Precinct Planning Policies will build on the relatively simple Scheme provisions contained in the Redevelopment Scheme itself. They will often also be associated with Local Area Implementation Plans for sustainability and design guidelines.

The Precinct Planning Policies will set out the desired characters, preferred land uses and functions for each of the redevelopment areas or “precincts” under the planning authority of the ARA. For each precinct, the Policy describes the aims and objectives according to the following heading structure:

- The Intended Future (outcomes) of the Precinct;
- Development Pattern;
- Land Uses; and
- Development Forms;

The Precincts, which have their own policies include:

- ◆ *Precinct 1.1: City Centre Retail Precinct - to provide a central node where the expansion, consolidation and infill development of commercial retail and service functions will be encouraged around a pedestrian oriented core main street shopping precinct focussed on Jull Street. Major proposals for the street pattern include;*
  - *A new road on the eastern side of the Armadale Shopping City site, linking Church Avenue and Jull Street;*
  - *The closure of Neerigen Street east of the railway, to create a major consolidated development site with Jull St frontage and its replacement with a new public road link north of that site, between Orchard Avenue and a northwards extension of Commerce Avenue;*
  - *The opening of the Jull Street mall to one-way through-traffic movements westbound, in a slow-speed shared pedestrian/traffic environment that retains the existing character of the street while allowing it to function in a limited way as part of the street network of the City centre;*
  - *Restoring two-way traffic in Third Road.*
- ◆ *Precinct 1.2: City Centre Civic and Cultural Precinct – to maintain and build on the existing attractions of the area, which focus on civic and cultural buildings set in pleasant public spaces and to improve passive recreation and access opportunities. The proposed development pattern focuses on:*
  - *Orchard Avenue and Church Avenue are reinforced as major entries to the City centre from Armadale Road, with “boulevard” landscaping and new “bridges” over the Neerigen Brook water course;*
  - *Minnawarra Park is made more accessible to encourage increased general community use, with new pedestrian connections and new slow-speed “frontage road” between the park and Council Administration Offices and extending the water-based character of the park to the existing open space west of Orchard Avenue;*
  - *A new internal “street system” is proposed within the City offices and Court House areas, to rationalise the existing parking facilities and improve general legibility and convenience for visitors to those activities;*
  - *Infill development in keeping with the heritage character of the area is proposed to reinforce the eastern end of Jull Street, with an improved pedestrian connection to areas east of the South West Highway.*

- ◆ *Precinct 1.3: City Centre Rail Station Precinct – to coordinate public transport uses and facilities in precinct which includes a broad range of other uses including retail and commercial developments on Commerce Avenue and residential development/mixed use on both sides of the corridor;*
- ◆ *Precinct 1.4: City Centre South West Highway Precinct – to facilitate infill residential development and mixed use developments on larger sites such as the site of the relocating St Francis Xavier Primary School;*
- ◆ *Precinct 1.5: City Centre West of Railway Precinct - to maintain the residential character of the area while allowing for medium density housing and mixed use on major road frontages and within walking distance of the train station;*
- ◆ *Precinct 2.1: Champion Lakes Recreation Precinct – to provide for an international standard rowing course and facilities for more general water-based recreational and cultural uses such as a white-water park, Aboriginal cultural interpretive centre, short term accommodation;*
- ◆ *Precinct 2.2: Champion Lakes Residential Precinct – to provide for primarily single dwellings but also some medium density, group housing and apartment style developments to create more diversity in housing types and in proximity to a major aquatic recreational facility;*
- ◆ *Precinct 3: Champion Drive Precinct to provide primarily for residential development of mainly single dwellings but with medium density in proximity to open spaces and local facilities and a small business incubation centre at the corner of Champion and Gillam Drives to foster local enterprise;*
- ◆ *Precinct 4: Forrestdale Business Park Precinct – to provide for a wide range of industrial and business uses including service commercial, highway service, mixed business, industrial enterprise and light and general industry and located with good access to the regional road system;*
- ◆ *Precinct 5: South Armadale Precinct – to provide for redevelopment of former brickworks land as a high profile southern gateway employment precinct focussed around the service sector and small and emerging new businesses supporting business/commercial and light/service industrial functions with some showroom and service uses on the South West Highway frontage and some potential redevelopment of the high school land; and*
- ◆ *Precinct 6: Albany Highway Precinct – to provide for a mixture of residential and commercial development on the former CALM site.*

### **Analysis**

While the Precinct Planning Policies are more focussed than the General Planning Policies, to a large extent they repeat statements already made in the draft Concept Plan. More significantly perhaps, the preliminary draft policies may not adequately reflect Council's previous stated position on various City Centre matters included in the preliminary draft Concept Plan (CS61/10/03), including the Jull Street mall and the new low-speed "frontage road" between Minnowarra Park and the City Administration Office.

## CONCLUSION

Both the General and the Precinct Policies would benefit from revision to create a more focussed series of policies dealing only with those matters the ARA will require guidance on, in making its statutory decisions. The policies should undergo a general edit to create more concise policies, which provide more practical policy guidance to applicants rather than being the broad discursive document with inherent difficulties, as described in the body of the report above. This would result in a shorter document, which would be more accessible to developers and the public.

The Policies and the Precinct Concept Plans therein are generally non-binding and major formal statutory planning applications or project proposals will require detailed plans and project rationales to be submitted to the City for comment under the consultation commitment contained in the Memorandum of Understanding between the City and the Redevelopment Authority.

Notwithstanding, there should be a general consensus between the two authorities regarding the intended vision of the final future outcomes, particularly for the Armadale City Centre Precinct. Accordingly Council may wish to consider reiterating and reinforcing the positions previously taken on various City Centre issues in the preliminary draft Concept Plan, including the Jull Street mall and the new low-speed “frontage road” between Minnowarra Park and the City Administration Office, by seeking similar modifications to the preliminary draft policies document, prior to its release to the public for comment.

In other respects the policy document generally acknowledges the matters in which the City of Armadale plays a significant role such as in the management of public domain including streets and public car parking and the issuing of sign licenses. The ARA makes the commitment in the policy document to work closely with the City in addressing issues of joint concern such as car parking provision.

## RECOMMEND

**That Council advise the Armadale Redevelopment Authority that Council recommends the Armadale Redevelopment Scheme 2004 be suitably modified in accordance with the following matters, prior to advertising the Scheme draft for wide public comment:**

- 1. Under Precinct 1.1 – City Centre Retail Precinct Policy, the policy should make reference to the opening up of the Jull Street mall to accommodate low-speed one-way traffic, being dependant on the outcomes of further assessment of the impacts of prioritised changes to the road network in the City Centre and a full and detailed assessment of the merits of introducing vehicles to the mall in conjunction with further consultation with the community;**
- 2. Under Policy 1.10 – Car Parking Policy, the policy should make a commitment to preparing a car parking strategy in conjunction with the City of Armadale;**

3. **Under Policy 1.13 – Signs, the policy should note that sign proposals located within the area of ARA jurisdiction will still be required to comply with Council’s Local Laws.**
4. **Under Precinct 1.2 – City Centre Civic and Cultural Precinct Policy the following changes are recommended in accordance with Council’s previous stated positions (CS61/10/03);**
  - a) **the reference to making Minnawarra Park more accessible to encourage increased general community use, inter alia by a new slow-speed “frontage road” between the park and Council Administration Offices, should be deleted;**
  - b) **a new reference to the preservation of direct parking for users of Minnawarra Park should be included;**
  - c) **a new reference to the development of a cultural centre in the Civic and Cultural Precinct should be included;**
2. **The policies should make appropriate references to the following matters:**
  - a) **the status of the City of Armadale Municipal Heritage Inventory as a guide to the heritage status of buildings and places;**
  - b) **the recognition of Minnawarra Park and also Memorial Park as the cultural “heart” of the community and the paramount priority of protecting the ambience and status of these major community places;**
3. **The policies should undergo a general editorial review to create more concise policies, which provide more practical policy guidance to applicants and replacing the broad discursive format of the current document.**

Moved Cr \_\_\_\_\_  
Carried/Lost ( )

---

***PUBLIC OPEN SPACE STRATEGY – FINALISATION OF STAGES 4 AND 5***

---

WARD : KELMSCOTT  
ROLEYSTONE

FILE REF : POS/1

DATE : 5 January 2004

REF : CRG

RESPONSIBLE : EDDS  
MANAGER

**In Brief:-**

- Public consultation regarding Stage 4 & 5 of the public open space strategy is complete, with the receipt of 34 public submissions.
- Recommend that Council support the recommendations for those reserves in which public submissions were received.
- Recommend that Council cancel and dispose of Reserves 28627, 29994 and 31189.
- Recommend that Council amend draft Town Planning Scheme 4 to show Reserve 33126 as P&R (local).

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Social Infrastructure Item 2.3 *Develop a Strategic Plan for the provision of recreation services and facilities*

**Legislation Implications**

Land Administration Act 1997  
Town Planning and Development Act 1928  
Town Planning Scheme No 2

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Recommendations for the disposal and acceptance of the vesting of areas will have financial implications for parks management. 2. 2399 hectares of land are proposed to be disposed, and 7.9521 hectares accepted for vesting, as an outcome of the public consultation phases of stage 4 and 5.

This results in a net gain of approximately 5.7 hectares of reserve areas for management by the Parks and Reserves Department. Costs for managing minor passive reserves are about \$1,600 per hectare, so an increase in the Parks and Reserves Maintenance budget in the order of \$9,000 would be needed when the administrative processes are complete.

### **Consultation**

Public consultation consistent with Department for Planning and Infrastructure (Land Asset Management) guidelines for the administration of Section 20A reserves has taken place for reserves for stages 4 & 5 of the Public Open Space Strategy (hereafter referred to as the POS Strategy). For a reserve to be cancelled, Council needs to demonstrate to the Minister for Lands the level of citizen's support.

Consultation involved writing to all landholders within 100m walking distance of each reserve, signposting affected reserves, and newspaper advertising. Submissions were open from 16 May 2003 to 27 June 2003.

Thirty-Four submissions for stage 4 and stage 5 were received (11 and 23 submissions respectively). These submissions related to a total of six different areas. ***Attachment "A1" provides a summary and description of submissions. Attachment "A2" provides a table of reserves that were included in stages 4 and 5 of the POS Strategy, for which no submissions were received.***

Submissions relating to the use of funds raised from the sale of public open space are presented in the Analysis section of this Council item.

### **BACKGROUND**

At its meeting of 21 October 2002 Council resolved (CS86/02):

*"That Council commence public consultation for the Canning River and Foothills Precinct (2) and Coastal Plain South Precinct (3) consistent with the Department of Land Administration Guidelines for administration of Section 20A Public Recreation Reserves..."*

This Council resolution related to stage 4 of the POS Strategy. Stage 5 of the POS Strategy was initiated when at its meeting of 11 March 2003 Council resolved (CS/10/3/03):

*"That Council commence public consultation for the Canning River and Foothills (1) precincts consistent with the Department of Land Administration Guidelines for administration of Section 20A Public Recreation Reserves..."*

***The public consultation period for stages 4 and 5 of the POS Strategy are now complete, with submissions received for six reserves.***

### **DETAILS OF PROPOSAL**

This report addresses those reserves for which no public submissions were received first, followed by a detailed consideration of those reserves for which public submissions were received.

Maps illustrating the locations of reserves within each Precinct, and recommendations for each of the reserves (recommendations of this Council item) are included for Council reference.

1. *Canning River and Foothills Precinct (1) Map – Attachment “A5”*
2. *Canning River and Foothills Precinct (2) Map – Attachment “A4”*
3. *Coastal Plain South Precinct (3) Map - Attachment “A3”*
4. *Hills North (2) Precinct Map – Attachment “A6”*

**RESERVES FOR WHICH NO PUBLIC SUBMISSIONS WERE RECIEVED**

*Canning River and Foothills (1) Precinct (Stage 5)*

At the commencement of stage 5, Council resolved to accept vesting of a number of reserves in the Canning River and Foothills (1) Precinct, if during the public consultation period, no adverse comment was received.

(CS/10/3/03) - *“That subject to no adverse comment being received regarding reserves to be accepted listed under Part 1 above during the public consultation period, Council accept vesting of those reserves”*

Those reserves which are referred to in the above resolution (CS/10/3/03), and for which no public submissions were received, are shown in Table 1.

Table 1: Reserves referred to in Council resolution CS/10/3/03.

Map No	Reserve	Location	Recommendation
1	37779	Canning River (west bank) one lot south of Centre Road, Kelmscott	▪ Accept vesting
2	44836	Wright Brook from Greener Way to Canning River, Kelmscott	▪ Accept vesting
4	33954	Wright Brook from Connell Ave to Greener Way, Kelmscott	▪ Accept vesting
9	33953	Next to 15 Meyer Cl, Kelmscott	▪ Accept vesting
15	24883	Canning River at 34 Gilwell Avenue, Kelmscott	▪ Accept vesting
19	30184	Frye Park, Kelmscott	▪ Accept vesting
25	26755	Canning River (west bank) from Lefroy Rd north about 260m, Kelmscott	▪ Accept vesting
26	36741	Canning River (east bank) south from Orlando St Kelmscott	▪ Accept vesting
27	31189	8 Haimlee St, Kelmscott	▪ Cancel & sell
32	45382	Canning River (east bank) one lot north of Bernard St, Kelmscott	▪ Accept vesting
33	27708	12-18 Possum Pl Kelmscott	▪ Accept vesting
36	33647	North bank of Canning River (north bank) east of Armstrong Rd/ Rockview Pl alignment Kelmscott	▪ Accept vesting

The vesting of these areas will now be accepted in light of this previous Council resolution.

Reserve 31189 was included in this Council Resolution (CS/10/3/03), which stated that the vesting of those reserves listed would be accepted. However, it was recommended that Reserve 31189 (8 Haimlee St, Kelmscott) be cancelled and sold. Verification of Council’s intent to Cancel and Sell this reserve is now sought.

Reserves for which leasing opportunities are sought

Reserves 37779 and 45382 were included in this council resolution (CS/10/3/03), which resolves to accept vesting of listed reserves in light on no public submissions being received. However, Council also resolved to investigate the opportunities of leasing these areas before considering accepting vesting.

Council resolution (CS/10/3/03): *“officers investigate the possibility of leasing the following reserves to adjacent landowners prior to council considering whether or not to accept vesting”.*

The reserves referred to in Council resolution (CS/10/3/03) are illustrated in Table 2.

Table 2: Reserves referred to in Council resolution CS/10/3/03 for which leasing is to be investigated.

Precinct	Map No	Reserve	Location
Canning River & Foothills (1)	1	37779	Canning River (west bank) one lot south of Centre Rd, Kelmscott
Canning River & Foothills (1)	32	45382	Canning River (east bank) one lot north of Bernard St, Kelmscott
Hills North (2)	1	27572	Canning River (north bank) rear 15 & 33 Croyden Ave, Roleystone

Note that the third reserve identified in Table 2 (Reserve 27572) falls within the Hills North (2) Precinct. However, Reserve 27575 will be considered in this section (Canning River and Foothills Precinct (1)) as similar leasing opportunities apply, and these reserves have previously been considered in the one Council resolution.

An investigation of the possibility of leasing these three reserves to adjacent land owners/managers will now occur in light of this Council resolution (CS/10/3/03), and the lack of public submissions received in the public consultation process. Consideration of the acceptance of vesting of these will subsequently follow based on the outcomes of these investigations.

Changes in zoning and reservations recommended for the reserves in the Canning River and Foothills Precinct (1) were included in the draft Town Planning Scheme 4 (TPS4), as per Council resolution (11 March 2003). No changes to the draft TPS4 are required in light of Canning River and Foothills Precinct (1) submissions.

***Canning River and Foothills (2) Precinct (Stage 4)***

At its meeting 21 October 2002, Council resolved (CS86/02):

*“That council commence public consultation for the Canning River and Foothills Precinct (2) and Coastal Plain South Precinct (3) consistent with the Department of Land Administration Guidelines for administration of Section 20A Public Recreation Reserves...”*

No submissions were received for areas indicated in Table 3 below. Recommendations should now be implemented.

Table 3: Reserves referred to in Council resolution CS86/02, and for which no public submissions were received.

Map No	Reserve Details	Recommendation
3.	Reserve No: 28627 Area: (1090m <sup>2</sup> ) 42 Schruth Street Kelmscott	<ul style="list-style-type: none"> <li>• Cancel/ Dispose</li> </ul>
12.	Reserve No 29994 Area: (908 m <sup>2</sup> ) 8 Serles Street Armadale	<ul style="list-style-type: none"> <li>• Cancel/ Dispose</li> </ul>

***Coastal Plain South (3) Precinct (Stage 4) and Hills North (2) Precinct (Stage 5)***

Previous Council resolutions (15 October 2002) have addressed the Coastal Plain South (3) Precinct, and the Hills North (2) Precinct (11 March 2003). No further considerations are required for those reserves within the precinct, for which no public submissions were received. No public submissions were received for the Hills North (2) Precinct, and those received for the Coastal Plain South (3) Precinct are considered in the subsequent section (reserves which require detailed consideration).

**RESERVES WHICH REQUIRE DETAILED CONSIDERATION**

The following reserves require detailed consideration based on public submissions in the public consultation process. The merits of submissions are discussed in following sections.

***Attachment “A1”*** summarises submissions for reserves advertised in stage 4 and 5 of the Public Open Space Strategy. Numbers indicated in brackets (ie: #1), denote a unique submission number which was allocated.

***Canning River and Foothills Precinct (1)***

Reserve 30173 - 14-16 Weston Tce Kelmscott (1647 m<sup>2</sup>). Map Number 20.

Submission - One resident expressed concerns about the ability of the block to be developed with respect to an underground spring (#1).

Response: It has been advised by Building Services that, in event of the occurrence of a natural spring, engineering solutions would enable the property to be developed.

**Recommendation: Cancel, subdivide and sell the reserve.**

Reserve 27739 - 37-39 Buckingham Rd, Kelmscott (1647 m<sup>2</sup>). Map Number 28.

Submission - One opposed to proposal received. Submission suggests that the reserve is the only flat area within reasonable distance from residents housing which allows the use of bikes and prams. Playground used by local residents (#2).

Response: Local parks are located in close proximity to the area (within 200m) and there is a school site on Marmion Street which would be suitable for bike use, and the pushing of prams.

**Recommendation: Cancel, Rezone to R10 and sell.**

Reserve 29842 - Opposite 34 & 38 Arbuthnot St, Kelmscott (911 m<sup>2</sup>). Map Number 29.

Submission – One opposed to proposal, as sale may result in loss of views, and diminish property values. Submission identifies that Council previously resolved not to sell area (#3).

Response: The loss of views of one property needs to be considered against the economic burden on Council of maintaining a land parcel of only 911 m<sup>2</sup>. There has been past interest in purchase of the property from property owners adjoining the reserve (correspondence December 1999). These property owners have also expressed interest in the lease of the reserve from the Council (correspondence May 1999).

No Council resolution that relates to the retention of the reserve has been found in records that date back eleven years.

**Recommendation: Cancel, Rezone to R10 and sell.**

Reserve 29468 - 8 Boondi Place Kelmscott (3442 m<sup>2</sup>). Map Number 35.

Submissions – Ten opposed to the sale of the land were received.

Response: Four submissions expressed concerns that adjacent areas for recreating are not accessible without crossing major roads. Parks at Possum Place (proposed for accepting vesting) are accessible for two of the submitters without the crossing of major roads, however two submitters (residents of Canning Mills Road) can only access the closest area (Lloyd Hughes Park) by crossing Canning Mills Road.

Five submitters identified that the sale and development of the land may affect their views and property values. Two submitters would not be affected, however the views from the properties of three submitters may be affected. Site visits have indicated that the views from existing dwellings would not be affected by any future development on the reserve. This conclusion however, is based on a visual assessment from the reserve itself, and without access to surrounding private properties. Figures 1 and 2 illustrate the nature of the reserve. Figure 3 illustrates the location of residents properties which may be effected (through the loss of views) by any future development of the property.

Eight submissions identified the area as a refuge for native flora and fauna. Native plant species are identified on the property however, the understory is degraded (Figure 2). Whilst the area may be valued by residents as a native refuge, the size and degraded nature of the reserve indicates that there is little conservation value in retention of the reserve.

Submitters identified the low maintenance costs of the reserve. Costs for managing minor passive reserves are about \$1,600 per hectare (annually). This equates to approximately \$550 annually for Reserve 29468.

One submission identified that a loss of privacy may result if the reserve was developed for housing. This relates to their perception of the rural lifestyle being altered.

The nature of the reserve restricts access and provides low visibility. The access point is very steep, and may be a danger to those recreating.

*Recommendation: Cancel and sell.*



***Figure 1: Street frontage of Reserve 29468***



***Figure 2: Remnant Canopy of trees at Reserve 29468***

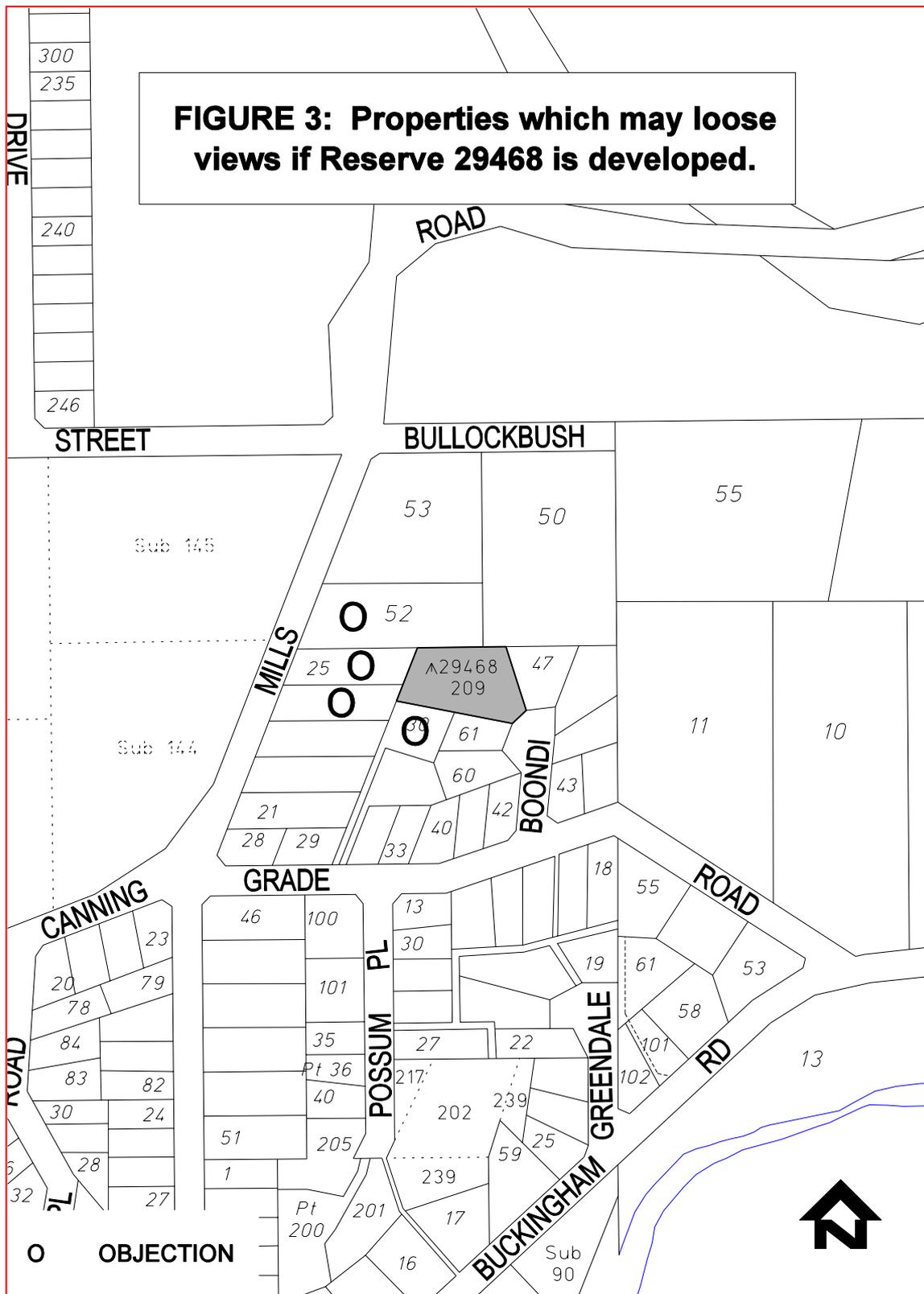


Figure 3: Properties that may lose views if Reserve 29468 is developed.

***Canning River and Foothills (2) Precinct***

Reserve 27571 - Between 107 & 115 Owtram Road Armadale (2456 m<sup>2</sup>). Map Number 16.

Submissions – Two submissions were received supporting the proposal, and 7 letters opposing it.

Response: A clear outcome of the submissions was a conflict in community values with regards to housing units. Two submissions supported the sale of the land for residential developments such as units, whilst one opposed residential developments such as units. Three residents expressed concerns of increased break-ins if development of the land was to proceed, or increased traffic.

One submission requested the development of the area, for the purpose of elderly recreation. This is not considered desirable as there are no formal paths and the land is degraded with tall weeds. Safety would be of key concern. Figure 4 illustrates the weedy nature of the reserve.

One submission was received suggesting the re-establishment of the reserve as a natural area (for example through tree planting) for environmental purposes. Actions of this nature would not yield significant environmental gains for expenditure.

The lack of open space in the area was of key concern to submitters. The closest open space is located on the corner of Owtram and Galliers Avenue. Currently, 8.4% of the residential area is POS, however the resultant portion of POS in the residential area if recommendations of this report go ahead, will reduce to 7.8%. Whilst this is lower than the conventional 10% reservation, the reserve currently has little recreational values, and would require substantial further development to achieve the proposals suggested by the submitters.

The area has been identified by one resident as valuable for local children recreating. This open space currently has a fence across the front, and would be an undesirable play area for children as a result of the tall weeds and lack of shade. The upgrade of surrounding areas may provide a more suitable area for children's recreation. Figure 4 and 5 illustrate the unshaded and weedy nature of the existing reserve, and the fence limiting access to the reserve.

There may be an opportunity to find better quality vacant land in the vicinity that would provide replacement public open space. For example, the vacant block on the corner of Owtram Rd and Clarence Road has a retained canopy of trees, and is less weed infested (potentially lower maintenance costs) than the existing POS area (reserve 27571). This would also address concerns over the lack of natural areas for recreation.

***Recommendation: Council investigate opportunities to purchase more suitable open space in the vicinity of Owtram Road (such as the vacant block on the corner of Owtram Rd and Clarence Rd).***



*Figure 4 – Reserve 27572*



*Figure 5 – Reserve 27572*

### ***Coastal Plain South (3) Precinct***

#### Reserve 33126 - 37 Amethyst Cr Armadale (1407m<sup>2</sup>). Map Number 1.

Submissions – 9 opposed to the proposed sale of the land were received. One letter suggesting the use of funds raised was also received.

Response: Three submissions identified the area as an important conservation resource. Whilst the reserve has remnant trees, and may provide habitat for native birds species, the size of the parcel would not be a significant conservation resource. The area was also described as a natural setting with valuable native flora and fauna. Whilst the reserve is not a viable natural area, it does contain native trees which provide aesthetic values. This is illustrated in Figure 6.

The lack of close recreational areas was addressed in two submissions. The closest area for children to play is on Emerald Place (approximately 300m further), or Carwick Road (approximately 500m further). However, the access of these areas involves the ascent and descent of steep hills.

The vacant land does provide a forum for children to recreate in a natural area (ie: without the provision of facilities). This was recognised in one submission.

Three submissions recognised the value of the reserve for access to Petalite Place. Alternative access to Petalite Place is via the road (step ascent). The existence of the PAW holds significant merit in the retention of the reserve.

One submitter identified the perception that there is little remaining free space in the area. The precinct currently has 12.5% POS of the residential area, and if the recommendations are implemented, 12.4% of the residential area will remain POS.

One submission suggested the funds raised if the reserve is sold, to be used for reserve 35613 (within the same precinct). This reserve is far larger (runs along the Nerrigin Brook) and would be an economical, environmental and functional alternative to the Amethyst Crescent Reserve.

The reserve is currently vested in the City of Armadale for public recreation. It is recommended that it be retained for this purpose because:

- Other open space is difficult to access as a result of the terrain
- The open space provides access to Petalite Street, providing neighbourhood permeability, and
- The reserve provides sheltered (shade) POS, through its canopy of native trees.

The decision to retain the reserve will require a change to the draft Town Planning Scheme 4 in light of previous council resolutions (see below).

(CS/10/3/03): *“That Council reflect the resolutions made in respect to Stages 2 to 4 inclusive in draft Town Planning Scheme No 4.”*

**Recommendation: Retain Reserve 33126 for public recreation, and amend draft TPS4 to show the reserve as P&R (local).**



Figure 6 – Reserve 33126

## COMMENT

### Analysis

Suggestions for the expenditure of money as a result of the reserve disposal process were limited.

The Department for Planning and Infrastructure (Land Asset Management) guidelines require that when Council seeks cancellation of reserves, it provide a business plan detailing how the funds raised are to be spent. This will be the subject of a separate report to Council following the close of submissions for the scheme amendments required to rezone the reserves.

Two submissions relating the use of funds were received. These are detailed below:

1. Use of funds raised (from the proposed sale of Reserve 22316) for upgrades to Reserve 35613 (runs along the Neerigin Brook) in the Coastal Plain South (3) Precinct including;
  - a) weed control
  - b) removal of illegal fencing

- c) realignment of the creek to it's original position
  - d) access improvement (restore path which was damaged)
  - e) removal of illegal water pipes
  - f) development of a trail
  - g) interpretive sign installation
2. Submission from a legal representative of the original subdivider of land suggesting the 'giving back' of the land to the subdivider as it is no longer to be used for public purposes. The City of Armadale has responded to this correspondence indicating that the administrative procedures associated with the cancellation and sale of the land ensure the public benefit to the district is preserved.

No submissions were received for the expenditure of money raised in the Canning River and Foothills (2) Precinct, Hills North (2) Precinct, or the Canning River and Foothills (1) Precinct.

### **OPTIONS**

1. Proceed in accordance of the recommendations of this report.
2. Council can re-consider recommendations in regard to acceptance, cancellation/disposal or transfer of reserves.

### **CONCLUSION**

Public submissions were received in response to the stages 4 and 5 of the City of Armadale POS Strategy. Public submissions related to six areas, which have been discussed in detail within this report.

In light of previous Council resolutions, a number of reserves will now be accepted or disposed of in the Canning River and Foothills Precinct (1). Reserves for which Council previously resolved to investigate leasing opportunities (Council Resolution 11 March 2003) occur in both the Canning River and Foothills Precinct (1) and the Hills North (2) Precinct. In light of the lack of public submissions relating to these three areas in the public consultation process, leasing opportunities will now be investigated.

Public submissions for a number of reserves in the Canning River and Foothills (2) and Coastal Plain South (3) Precincts, were not received. Recommendations of the Public Open Space Strategy should now be implemented as detailed in this Council item.

Detailed consideration is required for reserves in the Canning River and Foothills (1) and (2) Precinct and the Coastal Plain South (3) Precinct, for which public submissions were received. Summaries of submissions and officer recommendations have been presented for Council consideration. Council has the options of proceeding with these recommendations, or reconsidering the recommendations of this report with regards to the acceptance, disposal or transfer of reserves.

**RECOMMEND**

1. That Council implement the following actions for the following reserves

Precinct	Map No	Reserve Details	Action
Canning River and Foothills (1)	20	Reserve No 30173 Area (1647m <sup>2</sup> ) 14-16 Weston Tce, Kelmscott	• Cancel, subdivide and sell
Canning River and Foothills (1)	28	Reserve No 27739 Area: (1467 m <sup>2</sup> ) 37-39 Buckingham Rd, Kelmscott	• Cancel, rezone to R10 & sell
Canning River and Foothills (1)	29	Reserve No 29842 Area: (911 m <sup>2</sup> ) Opposite 34 & 38 Arbuthnot St Kelmscott	• Cancel, rezone to R10 & sell
Canning River and Foothills (1)	35	Reserve No 29468 Area: (3442 m <sup>2</sup> ) 8 Boondi Place, Kelmscott	• Cancel and sell.
Canning River and Foothills (2)	16	Reserve No 27571 Area: (2456 m <sup>2</sup> ) Between 107 & 115 Owtram Rd, Armadale	• Investigate opportunities to purchase replacement open space in the vicinity.
Coastal Plain South (3) Precinct	1	Reserve No 33126 Area: (1407m <sup>2</sup> ) 37 Amethyst Cr, Armadale	• Retain - no action

2. That Council cancel and dispose of the following reserves

Precinct	Map No	Reserve Details
Canning River and Foothills (2)	3	Reserve No 28627 42 Schruth Street, Kelmscott
Canning River and Foothills (2)	12	Reserve 29994 8 Serles Street, Armadale
Canning River and Foothills (1)	27	Reserve 31189 8 Hamilee St, Kelmscott

3. That Council amend draft Town Planning Scheme 4 to show Reserve 33126 (37 Amethyst Cr Armadale, Coastal Plain South 3 Precinct) as P&R (local), in light of Coastal Plain South (3) submissions.

**\* ABSOLUTE MAJORITY REQUIRED**

Moved Cr \_\_\_\_\_  
 Carried/Lost ( )

**PAGE INTENTIONALLY LEFT BLANK**



**COMMERCIAL VEHICLE PARKING – LOT 328 (11) GUINIVERE WAY, WESTFIELD**

WARD : WESTFIELD  
FILE REF : A147440  
DATE : 23 December 2003  
REF : YP  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : B Instance  
LANDOWNER : B Instance  
SUBJECT LAND : Lot 328 Guinivere Way,  
Westfield  
Property size 680m<sup>2</sup>;  
Map 22.07  
ZONING : Urban/Residential ‘R15’  
MRS / TPS No.2

**In Brief:-**

- Request to park a 3.5 tonne truck on the property.
- Length of vehicle does not comply with the Town Planning Scheme.
- Recommendation that the application be approved.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

To balance the needs of development with suitable economic, social and environmental objectives.

**Legislation Implications**

Commercial vehicle parking provisions of Town Planning Scheme No. 2.

**Council Policy / Local Law Implications**

Council Policy 4.4.6 Commercial Vehicle Parking  
City of Armadale Health Local Laws 2002

**Budget / Financial Implications**

Nil.



AERIAL PHOTO  
LOT 328 GUINIVERE WAY, WESTFIELD

### **Consultation**

Property owners in the immediate vicinity of the subject site.

### **BACKGROUND**

A complaint was made to Ranger services on the 14<sup>th</sup> May 2003 in relation to the applicant parking a truck on the verge of his property. As a result an application for approval to park the same Hino truck has been received.

### **DETAILS OF PROPOSAL**

The applicant proposes to park a 3.5 tonne Hino tray top truck on the premises between the hours of 5pm to 6.00am. The vehicle will remain parked over the weekends at the premises and not be used until Monday morning.

The vehicle is 7 m in length and 2 m in height and is to be parked behind the front building setback line in the driveway of the residence.

### **COMMENT**

#### **Analysis**

#### ***Town Planning Scheme No.2***

The specifications of the truck do not comply with the commercial vehicle parking provisions of the Town Planning Scheme, insomuch that 6 m. is the maximum length permitted on a lot of less than 1000 m<sup>2</sup>. The vehicle exceeds the maximum length by 1 m.

#### ***City of Armadale Health Local Laws 2002***

The applicant indicated that he would be leaving for work at 6.00am Monday to Friday. This does not comply with the requirements of the City of Armadale Health Local Laws 2002 relating to Truck Noise from residential land. “ *A person shall not start or drive a truck on any lot adjoining land zoned, approved or used for residential purposes in compliance with the requirements of the City’s Town Planning Scheme between the hours of 10pm on any day and 7.00am on the following day, or, where the following day is a Sunday or a public holiday, 9.00am on that day.*”

The street in which the applicant resides, Guinivere Way, is not a through road for traffic-only the residents living in the street predominately utilise the road.

Council has the discretion under clause 7.6 of the Scheme to relax a standard or requirement where Council is satisfied that approval would be consistent with the orderly and proper planning of the locality and the non-compliance will not have an adverse effect upon the inhabitants or amenity of the area.

### ***Results of Advertising***

Number of residents canvassed	14
Number of responses received	2
Number not objecting	1
Number of objections received	1

### ***Reasons for Objecting***

*Noise at 5.30am in the morning (when applicant leaves for work).*

The residents of the area have a right to expect the quiet enjoyment of their property. A commercial vehicle, in proximity to their homes is likely to be a factor in increasing the level of noise currently experienced by the residents. The submittee indicated however, that if the applicant leaves for work at 7am there would be no objection.

### **OPTIONS**

1. Given that the length of the vehicle does not comply with the Scheme provisions, in terms of the total length, Council may refuse the application.
2. Council can decide to approve the application and should the applicant fail to comply with the provisions of the Scheme or substantiated complaints are received, Council has the discretion to revoke the approval or decline the annual renewal.

### **CONCLUSION**

It would appear that due to the lack of response to the proposal being advertised, most residents in the street do not object to the application. The length of the vehicle would not seem to adversely impact on the surrounding neighbours and approval of the application should not have a detrimental affect on the amenity of the area once the access and egress of the vehicle complies with the Health Local Laws (i.e.: the vehicle does not access or egress the property between 10pm and 7am).

### **RECOMMEND**

1. **That in this instance, Council invoke clause 7.6 of Town Planning Scheme No. 2 and relax the requirement that a commercial vehicle must not exceed a maximum length of 6m parking on residential premises with a land area of less than 1000m<sup>2</sup>.**
2. **That Council approve the application for the parking of a commercial vehicle at Lot 328 (11) Guinivere Way, Westfield subject to the following conditions:**
  - a) **on-site provision for housing the vehicle in a garage or parking of the vehicle behind the front building setback line is to be made in a manner satisfactory to the Executive Director Development Services;**

- b) where the lot on which the vehicle is to be parked is less than 1000m<sup>2</sup>, the vehicle and it's load shall not exceed 3m in height;
  - c) maintenance to be limited to oil and grease and change of wheels and tyres; no panel beating, spray-painting or removal of body or engine parts; maintenance only permitted between the hours 8.00am and 8.00pm Monday to Friday and 9.00am and 6.00pm Saturday and Sunday;
  - d) a Management Plan is to be prepared to address the means for collection and disposal of fuel, filters and lubricants to the satisfaction of Executive Director Development Services. All disposals to be in accordance with the approved Plan.
  - f) any noise created by the vehicle shall not exceed the standards for the relevant area set out in the "Noise Provisions of the Environmental Protection Act 1986";
  - g) the amenity of the neighbourhood shall not be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust;
  - h) the vehicle shall not be laden with or used for the transportation of livestock or laden with an operating refrigeration unit or units;
  - i) if, in the opinion of the Council, a nuisance or annoyance to the owners or occupiers of land in the neighbourhood is caused, the Council may revoke or refuse to renew it's approval;
  - j) the approval shall be valid for 12 months only but may be renewed annually at the discretion of the Council;
  - k) any other conditions the Council thinks necessary or desirable.
3. The applicant is advised that the use of the vehicle must at all times comply with the City of Armadale Health Local Laws 2002.

Moved Cr \_\_\_\_\_  
Carried/Lost ( )



---

***PROPOSED CANCELLATION OF RESERVE 34252 – BRIGADE ROAD,  
FORRESTDALE – FORRESTDALE INDUSTRIAL BUSINESS PARK***

---

WARD : FORREST  
FILE REF : A183472  
DATE : 6 January 2004  
REF : MF  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : Council  
LAND OWNER : Crown  
SUBJECT LAND : Property size 997m<sup>2</sup>  
Map 20-03  
ZONING : Industrial /  
MRS/TPS No.2 Industrial Business  
Development

**In Brief:**

- Council resolved to support cancellation of Reserve 34252 as part of the proposed realignment of boundaries and roads within the Forrestdale Industrial Business Park.
- The Department for Planning & Infrastructure (DPI) – Land Asset Management Services has offered the land for purchase by Council conditional upon Council establishing a Trust Fund to ensure that the sale proceeds go towards capital improvements to other recreation reserves within the general locality.
- Recommend that Council allocate appropriate funds to purchase reserve land from DPI.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Fits with the long-term strategic planning aim to complete the preliminary planning requirement for the Forrestdale Industrial Business Park.

**Legislation Implications**

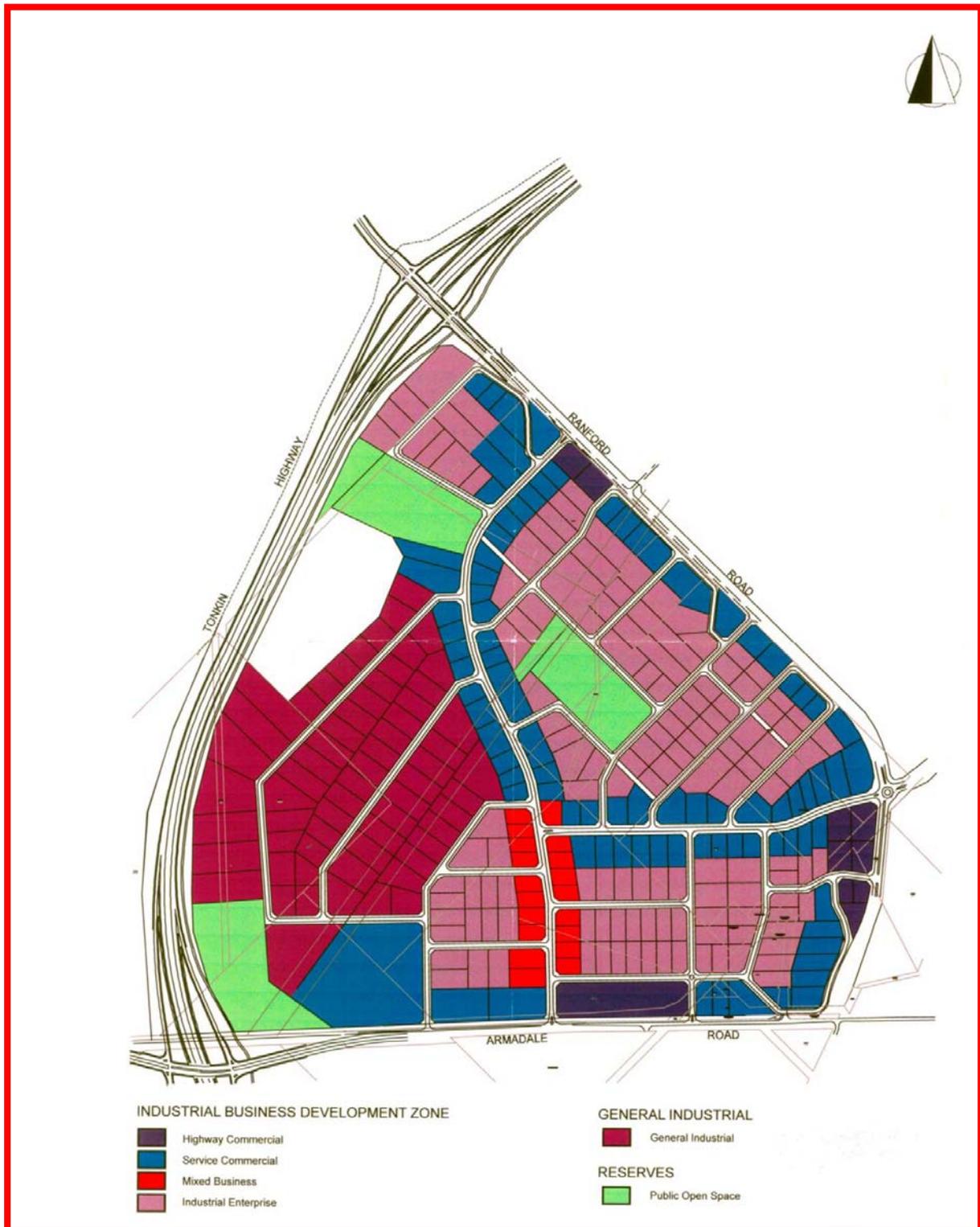
Land Administration Act 1997  
Town Planning & Development Act 1928

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Sale of property will contribute towards Cash-in-Lieu of POS Trust Funds. Purchase of reserve from DPI will attract a total cost of \$550.00 to Council.



POLICY PRECINCTS  
FORRESDALE INDUSTRIAL BUSINESS PARK

### **Consultation**

- ◆ Department for Planning & Infrastructure – Land Asset Management Services

### **BACKGROUND**

At its meeting of 28 April 2003 Council resolved to support the cancellation of Reserve No. 34252 Brigade Road, Forrestdale to progress the Forrestdale Industrial Business Park and advise the Department for Planning & Infrastructure (DPI) – Land Asset Management Services accordingly.

A letter was sent requesting the DPI – Land Asset Management Services at Midland to give consideration to the possibility of Council allocating funds for other purposes i.e. infrastructure cost sharing arrangements within the Forrestdale Industrial Business Park rather than Trust Funds for Public Open Space.

The response received from the DPI – Land Asset Management Services has stated that there are no circumstances under which consideration can be given to allocating funds elsewhere.

### **DETAILS OF PROPOSAL**

The DPI – Land Asset Management Services has now advised that in accordance with the current Section 20A guidelines the reserve can be made available to Council for the purchase price of \$500.00 plus \$50.00 GST and associated fees.

Upon receipt of Council's acceptance of these costs and confirmation of the establishment of the required Trust Fund, action to process the transfer will proceed.

### **COMMENT**

Reserve 34252 is required to be closed to enable redistribution of property boundaries to accommodate the proposed structure plan for the Forrestdale Industrial Business Park

### **OPTIONS**

Council supported the cancellation of Reserve 34252 Brigade Road, Forrestdale at its Meeting on 28 April 2003 and therefore the process should be completed by allocating suitable funds from Council's Municipal Fund.

### **CONCLUSION**

It is recommended that Council resolve to allocate funds to purchase the reserve from the DPI. Any subsequent sale of the reserve will enable sale monies to be used for capital improvements to other recreation reserves in the general locality of the Forrestdale Business Park. The surplus to be allocated to Restricted Assets POS.

**RECOMMEND**

**That Council:**

- a) Pursuant to Section 6.8 of the Local Government Act 1995, authorise the following expenditure:

- Purchase of land	\$500.00
- Add GST	\$50.00
- Add associated fees	

- b) Amend the 2003 – 2004 Annual Budget as follows:

**Expenditure**

New Account – Purchase of Reserve land - POS	\$700.00
--	----------

**Revenue**

Sale of Land Revenue	\$700.00
----------------------	----------

- c) Advise the Department for Planning & Infrastructure – Land Asset Management Services of the establishment of the required Trust Fund and to process the transfer as appropriate.

**\* ABSOLUTE MAJORITY REQUIRED**

Moved Cr \_\_\_\_\_  
Carried/Lost ( )

---

***TRADING PERMITS AND SHOPS IN RURAL ZONES***

---

WARD : ALL  
FILE REF : PSC/18  
DATE : 17 December 2003  
REF : IM  
RESPONSIBLE : EDDS  
MANAGER  
APPLICANT : N/A  
LAND OWNER : N/A  
SUBJECT LAND : N/A  
ZONING : N/A  
MRS/TPS No.2

**In Brief:-**

- Officers were requested to report on the means of providing equity between rural land users and sellers of produce from roadside stalls.
- Trader's Permits are issued periodically by the City on roads where traffic conflict will not occur. Few opportunities exist for such stalls.
- There is potential for a perceived inequity between shop owners and wayside stall owners.
- Recommend that the Wayside Stalls be determined as planning applications and that the Activities and Trading in Thoroughfares and Public Places Local Law be reviewed in.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Nil.

**Legislation Implications**

Local Government Act 1995 – Section 3.5 – Legislative Power of Local Governments.

**Council Policy / Local Law Implications**

Activities and Trading in Thoroughfares and Public Places Local Law.

**Budget / Financial Implications**

Minor revenue from issue of traders permits.

**Consultation**

- ♦ Administrative officer dealing with processing traders permit applications. Development Services Committee.

**BACKGROUND**

At the meeting of 15 December 2003 Council resolved to request officers to report on the means of providing equity between rural land users and sellers of produce from roadside stalls. The issue arose over the request for the sale of produce grown off-site from a rural zoned property in Brookdale. Council eventually resolved to permit limited sales of stock – restricted to no more than 25% of the stock – to be sourced off-site.

## **THE STATUTORY PROCESS**

Where a landowner seeks to establish a use that is not automatically permitted under the town planning scheme a development application is required to be submitted for the approval of Council. A retail facility, or to be precise a “shop”, is a use requiring approval of Council in all zones (other than the Shopping Zone) either because it is listed as a use class requiring special approval or as a use not listed in which case the Council may consider the use as a “Use Not Listed” if it fits in with the objective of the zone. In the case of the General Rural Zone, “Shop” is not a listed use therefore it can only be favourably considered if it is consistent with the objectives of the zone.

In the case of Wayside Stalls, these generally occur within public road reserves and are not considered under the Town Planning Scheme. However, it is noted that for some reason not readily apparent Stall-wayside is a use that may be granted special approval by Council in the Rural – Groundwater Protection zone. All development on reserved land, other than an erection of a boundary fence, requires approval of the Council.

It is possible that all requests for Wayside Stalls could be processed as planning applications as they could be seen as falling within the definition of “Development” under the *Town Planning and Development Act*. While this has not been the course followed in the past, it could be argued that as the definition of “development” includes the “use” of land, Wayside Stalls could be required to seek planning approval.

In the past the City has dealt with applications for Wayside Stalls as impermanent structures not requiring planning approval, but requiring the issue of a permit to trade. The process is guided by the *Activities and Trading in Thoroughfares and Public Places Local Law*. Under the local law a Trader’s Permit may be issued and conditions applied relating to such matters as the structure of the stall, the place where it can be located, the time of trading, the matters to be traded and the period of permit validity. The selling of food or ice cream would need to meet the additional hygiene requirements under the *Health Act*.

Trader’s Permits are issued annually or for a lesser period. Normally applications for such permits are dealt with on the basis of safety, in the light of advice from Technical Services in respect of road safety and the potential for an increase in traffic accidents. The wider planning issues associated with a gradual proliferation of retail activities and the general desire to provide retail facilities within defined centres may well be overlooked.

Applications for development or a change of use are submitted through the Development Services Committee while applications for a Trader’s Permit are submitted through the Community Services Committee. Normally advice on an application for a Trader’s Permit is sought from the Technical Services Directorate, rarely from Development Services.

## **COMMENT**

It is quite possible that as a consequence of the varying approaches between the approval of retailing on zoned land and wayside stalls on reserves, an activity which results in retailing would be dealt with differently depending upon whether it was considered through the planning or permit processes.

It is noted that upon the grant of a permit to operate a stall a fee is payable. Such a fee (\$40 for the issue of the permit and \$500 for the annual charge) would be considerably less than the costs associated with running a shop.

Only three Trader's Permits are currently valid within the City. One on Ranford Road near Warton Road (which is on 30 days notice), one on the corner of Rowley and Nicholson Roads and one on Armadale Road (subject to Main Roads concurrence). These are all for the sale of cut flowers.

Wayside Stalls can be appropriate in certain locations where a service to the community would be welcomed but where a permanent structure is not warranted. Ice cream vans near regional parks or flower stalls on Sundays are examples of stalls that could be acceptable. In both of the examples the stalls would be temporary and would not result in any fixtures or infrastructure. In both cases conflict with traditional shops would be minimal in that in the case of the ice cream van a shop would not be allowed in the regional park and in the case of the flower stall it would be open generally when shops were closed.

The problem arises when stalls become semi-permanent, with a permit to open every day in locations proximate to urban areas where shops are available. In such cases they can be seen as commercial enterprises likely to compete with traditional traders on unfair terms in view of the lower overheads. They could also result in traffic and other conflicts not planned for.

### **Analysis**

There is potential for planning issues not to be taken into account in Council's issue of Trader's Permits in view of the normal internal consultation being between Corporate Services and Technical Services. While matters of traffic safety may be adequately covered, the planning concerns relating to the proliferation of shopping facilities may be overlooked.

While few Trader's Permits are issued, their high visibility creates an expectation of potential vendors and raises perceptions of favouritism.

In view of the possibility that a strict interpretation of the Scheme would require uses such as those permitted by the issue of Trader's Permits to require planning approval, it would be appropriate to consider them through the planning process and through the Development Services Committee. In the event of this occurring there would be no need for the Local Law, which could be reviewed or deleted. However, until the deletion of the Local Law an applicant would have to seek two approvals – for planning approval and for approval of a Trader's Permit.

### **Options**

1. Council could continue with its current practice of addressing retailing issues predominantly through the planning process with the occasional granting of Trader's Permits through Local Laws.
2. Council could require all applications for Wayside Stalls to seek planning approval for the use of the land.

## CONCLUSION

It is acknowledged that there is potential for at least a perception of inequity to arise from the operation of Council's approval processes that restrict shops from Rural zones on planning grounds while grant Trader's Permits on reserves through Local Laws. Relatively few Trader's Permits are issued and there are limited opportunities for additional ones, however, it would be consistent with the Scheme and generally with the approach adopted for the processing of other development applications to require sales from Wayside Stalls to require planning approval. Accordingly Option 2 is preferred.

## RECOMMEND

- 1. That Council resolve to require that applications for Wayside Stalls be determined as planning applications through the Development Services Committee and for the need for the Activities and Trading in Thoroughfares and Public Places Local Law to be reviewed in the next review of local laws.**

Moved Cr \_\_\_\_\_

Carried/Lost ( )

***ODP PROPOSAL***

---

The matter of advice to residents on the Amendment to the A14 Outline Development Plan (ODP) proposal in Seville Grove was referred to Development Services Committee by Council at its meeting of 15<sup>th</sup> December 2003, on request by Councillor Everts.

*Councillor Everts to be invited to provide further information to Committee.*

**RECOMMEND**

***LATE ITEMS***

---

***COUNCILLORS' ITEMS***

---

***EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS***

---

In view of likely confidential aspects of this Report, public and staff in attendance, other than Chief Executive Officer and Executive Director Development Services, may be requested to retire from the meeting.

**MEETING DECLARED CLOSED AT \_\_\_\_\_**





DEVELOPMENT SERVICES COMMITTEE

SUMMARY OF “A” ATTACHMENTS

12<sup>TH</sup> JANUARY 2004

ATT NO.	SUBJECT	PAGE
<b>BUILDING</b>		
<b>HEALTH</b>		
<b>PLANNING</b>		
A1	PUBLIC OPEN SPACE STRATEGY – FINALISATION OF STAGES 4 AND 5 - SUMMARY AND DESCRIPTION OF SUBMISSIONS	149
A2	PUBLIC OPEN SPACE STRATEGY – FINALISATION OF STAGES 4 AND 5 - TABLE OF RESERVES THAT WERE INCLUDED IN STAGES 4 AND 5 OF THE POS STRATEGY, FOR WHICH NO SUBMISSIONS WERE RECEIVED	150
A3	PUBLIC OPEN SPACE STRATEGY – FINALISATION OF STAGES 4 AND 5 - COASTAL PLAIN SOUTH PRECINCT (3) MAP	152
A4	PUBLIC OPEN SPACE STRATEGY – FINALISATION OF STAGES 4 AND 5 - CANNING RIVER AND FOOTHILLS PRECINCT (2) MAP	153
A5	PUBLIC OPEN SPACE STRATEGY – FINALISATION OF STAGES 4 AND 5 - CANNING RIVER AND FOOTHILLS PRECINCT (1) MAP	154
A6	PUBLIC OPEN SPACE STRATEGY – FINALISATION OF STAGES 4 AND 5 - HILLS NORTH (2) PRECINCT MAP	155
A7	SCHEDULE OF SUBMISSIONS – TPS NO.2 – AMENDMENT NO.121	156



<b>SCHEDULE OF SUBMISSIONS</b> <b>SUBDIVISION GUIDE PLAN – LOT 810 AND LOTS 805 TO 808 CHURCHMAN BROOK ROAD, BEDFORDALE</b> <b>TOWN PLANNING SCHEME NO. 2 SPECIAL USE ZONE No. 82</b>			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
1	Department of Conservation and Land Management, Perth Hills District		<ol style="list-style-type: none"> <li>1. Department opposes lot size of less than 1ha adjacent to Department of Conservation and Land Management estate, and building envelopes should be at least 15m from the estate.</li> <li>2. Remnant vegetation including single trees should be protected.</li> <li>3. Invasive species should not be used in landscaping/ revegetation.</li> <li>4. According to <i>Planning for Bushfire Protection</i> published by the Western Australian Planning Commission, the forest surrounding the subdivision is an "Extreme" bush fire hazard. When planning improvements on the new lots the <i>Planning for Bushfire Protection</i> document should be taken into consideration.</li> <li>5. Fire management needs to be addressed through preparation of a Fire Management Plan including strategic firebreaks to the satisfaction of Department of Conservation and Land Management and the Fire and Emergency Services Authority.</li> <li>6. The proponent should be required to erect a fence along the subdivision/ conservation estate boundary in accordance with Department of Conservation and Land Management instructions.</li> <li>7. Information should be provided to prospective landowners outlining the values of living next to a Regional Park and the Department's expectations of living next door to a Regional Park.</li> </ol>
			<ol style="list-style-type: none"> <li>1. Supported. Lots adjacent to Department of Conservation and Land Management estate are proposed to be 1.4ha in area. Building envelopes will be moved to about 80m from the park (see development envelopes is protected).</li> <li>2. Supported. Under Special Use Zone No. 82 vegetation outside of development envelopes is protected.</li> <li>3. Supported. The City of Armadale has Landscaping Guidelines – Plants to Avoid, which are used when landscaping proposals are considered.</li> <li>4. Supported in part. The forest surrounding the Subdivision Guide Plan area is not uniform and the rating of "Extreme" is questioned for area along the northern boundary of Lot 810. However, it is proposed to shift building envelopes south within the proposed pattern of subdivision to maximise the fire hazard separation distance. Other aspects of the Planning for Bushfire Protection document will be taken into consideration.</li> <li>5. Supported. It is proposed that the November 1999 Fire Management Plan be revised and updated at the time of subdivision, and this will be noted as a requirement on the revised Subdivision Guide Plan.</li> <li>6. Supported. However, this is a matter that would be dealt with at subdivision, and will be noted on the revised Subdivision Guide Plan.</li> <li>7. Supported. However, this is a matter that would be dealt with at subdivision, and will be noted on the revised Subdivision Guide Plan.</li> </ol>

<b>SCHEDULE OF SUBMISSIONS</b> <b>SUBDIVISION GUIDE PLAN - LOT 810 AND LOTS 805 TO 808 CHURCHMAN BROOK ROAD, BEDFORDALE</b> <b>TOWN PLANNING SCHEME NO. 2 SPECIAL USE ZONE No. 82</b>				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUME OF SUBMISSION	RECOMMENDATION
2	Department of Conservation and Land Management, Regional Parks Unit		<ol style="list-style-type: none"> <li>The proponent should be required to provide the necessary infrastructure within the subdivision to manage surface water runoff that emanates from the adjoining park.</li> <li>Comments 3, 4 and 6 from Department of Conservation and Land Management Perth Hills Branch are repeated.</li> </ol>	<ol style="list-style-type: none"> <li>Supported. Clause 4 of Special Use Zone No. 82 specifies that stormwater and drainage management techniques incorporate Water Sensitive Design. The need to address surface water will be noted on the revised Subdivision Guide Plan.</li> <li>See responses to 3, 4 &amp; 6 above.</li> </ol>
3.	Fire and Emergency Services Authority		<ol style="list-style-type: none"> <li>The Fire and Emergency Services Authority believes fire protection requirements administered by the City of Armadale will be sufficient.</li> </ol>	<ol style="list-style-type: none"> <li>Noted.</li> </ol>
4.	Water Corporation		<ol style="list-style-type: none"> <li>A supply of reticulated water is available for this area, at the developer's cost. However the site is remote from sewerage and onsite disposal should be in accordance with Health Department and City of Armadale requirements.</li> </ol>	<ol style="list-style-type: none"> <li>Noted. Clause 3 of Special Use Zone No. 86 requires all lots to be provided with reticulated water supply.</li> </ol>
5.	Department of Health		<ol style="list-style-type: none"> <li>No objection, based on advice from the City's Health Department that on-site effluent disposal is achievable on the lots proposed.</li> </ol>	<ol style="list-style-type: none"> <li>Noted.</li> </ol>
6.	Department of Environment		<ol style="list-style-type: none"> <li>No objection.</li> </ol>	<ol style="list-style-type: none"> <li>Noted.</li> </ol>

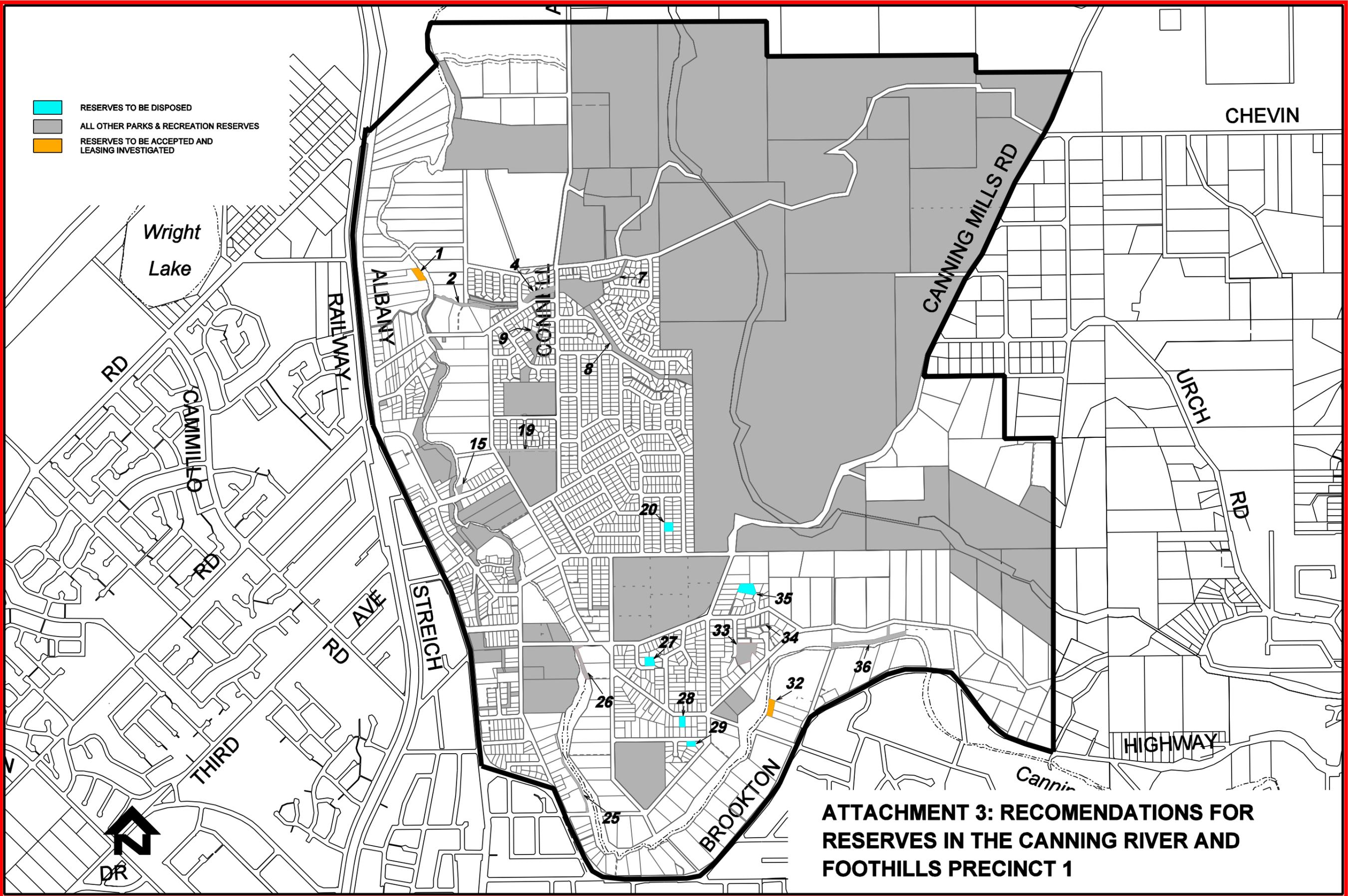




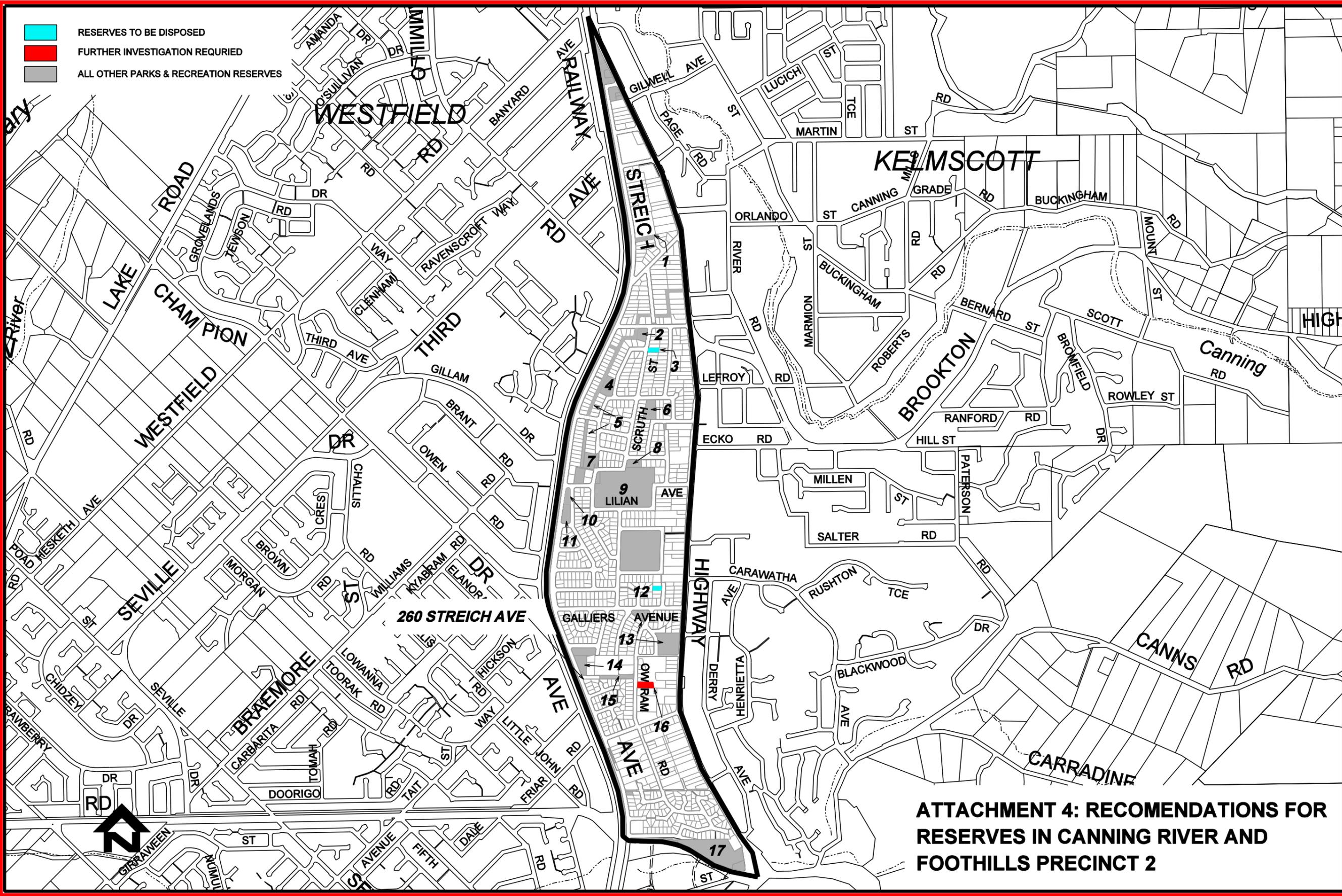
Precinct	Map Number	Reserve Details	Category	POS Criteria	Meets Criteria Y/ N	Comments	Submissions (# denotes a unique number allocated to each submission)
<b>CANNING RIVER AND FOOTHILLS (1)</b>	20	Reserve No 30173 Area (1647m <sup>2</sup> ) 14-16 Weston Tce Kelmscott	Local	Functional & environmental Economic	N N	<ul style="list-style-type: none"> <li>uneconomic size to maintain</li> <li>moderate surveillance and access</li> <li>looks like two vacant residential lots</li> <li>Reserve purpose – Public Recreation, Vested in the City of Armadale</li> <li>Scheme No 2 shows as R15</li> </ul>	<ul style="list-style-type: none"> <li>Resident expressed concerns about the ability of the block to be developed with respect to an underground spring (#1)</li> </ul>
	28	Reserve No 27739 Area: (1467 m <sup>2</sup> ) 37-39 Buckingham Rd, Kelmscott	Local	Functional & environmental Economic	Y N	<ul style="list-style-type: none"> <li>park development includes water fountain, bollards, large log, two rocks and some large trees. Barren appearance.</li> <li>poor surveillance and access</li> <li>other local parks within 200m</li> <li>uneconomic to maintain</li> <li>secondary landscape quality area in Rural Strategy</li> <li>Reserve purpose – Public Recreation; Vested in City of Armadale.</li> <li>Scheme No 2 shows as P&amp;R (Local) and adjacent zoning R10</li> </ul>	<ul style="list-style-type: none"> <li>Opposition to proposal – only flat area within reasonable distance from residents housing which allows the use of bikes and prams. Playground used by local residents (#2)</li> </ul>
	29	Reserve No 29842 Area: (911 m <sup>2</sup> ) Opposite 34 & 38 Arbuthnot St, Kelmscott	Local	Functional & environmental Economic	Y N	<ul style="list-style-type: none"> <li>is like a house-block – currently overgrown</li> <li>poor surveillance and access</li> <li>secondary landscape quality area in Rural Strategy</li> <li>wide road frontage but narrow depth</li> <li>uneconomic maintenance size</li> <li>Reserve purpose – Public Recreation; S20A Unvested</li> <li>Scheme No 2 shows as P&amp;R (Local) and adjacent zoning as R10</li> </ul>	<ul style="list-style-type: none"> <li>Opposition to proposal – sale may result in loss of views, and diminish property values. Council previously resolved not to sell area (#3)</li> </ul>
	35	Reserve No 29468 Area: (3442 m <sup>2</sup> ) 8 Boondi Place Kelmscott	Local	Functional & environmental Economic	Y N	<ul style="list-style-type: none"> <li>poor surveillance and access</li> <li>uneconomic size to maintain</li> <li>limited alternative use options. Very steep access at cul-de-sac head – may be difficult to develop</li> <li>secondary landscape quality in Rural Strategy</li> <li>understorey degraded</li> <li>Reserve purpose – Public Recreation; S20A Unvested</li> <li>Scheme No 2 shows as P&amp;R (Local) and adjacent zoning as R10</li> </ul>	<ul style="list-style-type: none"> <li>10 oppositions to proposal received</li> <li>Popular location for children to play (#4, 5, 6, 7, 8, 9, 10)</li> <li>Adjacent areas not accessible without crossing major roads (# 4,6,8,10)</li> <li>Valued as a safe neighbourhood park for children to utilise. Parents comfortable with child safety (#5, 6, 7, 8, 10, 12)</li> <li>Adjacent property values may diminish if land developed for housing associated with a loss of views (#5, 6, 7, 8, 9)</li> <li>Valued as a refuge for native fauna and fauna (#4, 5, 6, 8, 9, 10, 12, 14) and identified by community as a conservation area (#12).</li> <li>Valued tranquillity values of living near bushland (#12, 14)</li> <li>Community perception of low maintenance costs of the reserve (#5, 6, 7, 8, 10).</li> <li>Fear of loss of privacy if reserve developed into residential block (#9)</li> <li>Easement runs through reserve to adjacent property (#11)</li> <li>Value of bushland as important learning experience for children (#4)</li> <li>Valued for maintaining a rural presence in an urban area (#14)</li> </ul>
<b>CANNING RIVER AND FOOTHILLS (2)</b>	16.	Reserve No 27571 Area: (2456 m <sup>2</sup> ) Between 107 & 115 Owtram Road Armadale	L	Functional & Environmental Economic	N N	<ul style="list-style-type: none"> <li>many parks in immediate vicinity</li> <li>uneconomic size to maintain</li> <li>poor surveillance and access</li> </ul>	<ul style="list-style-type: none"> <li>Two letters supporting the proposal with one suggesting use for villas received (#26), and the other suggesting use for the funds raised if sold (#27)</li> <li>7 letters received opposing the proposal (# 28 – 34)</li> <li>Valued by community for the use by local children for recreation (#28)</li> <li>Belief that open space is scarce in the area and valued by community (#29, 33, 34).</li> <li>Believe the area should be developed as a natural area (#30 &amp; 32) and believes more funds should be input for tree planting (#34).</li> <li>Valued for a future recreational area for many elderly people in the area (# 31, 32) and believes the fence should be removed to increase access (#31, 32).</li> <li>Fear of increased break-ins if developed for further housing in the area (#32, 33)</li> <li>Fear increased traffic associated with another house if reserve is developed (#31, 32)</li> <li>General dislike for possibility of more units in the area (#34)</li> </ul>
<b>COASTAL PLAIN SOUTH (3)</b>	1	Reserve No 33126 Area: (1407m <sup>2</sup> ) 37 Amethyst Cr Armadale	L	Functional & Environmental Economic	N N	<ul style="list-style-type: none"> <li>uneconomic size to maintain</li> <li>poor surveillance and access</li> <li>appearance of single residential lot</li> <li>is connected to sewerage</li> </ul>	<ul style="list-style-type: none"> <li>9 oppositions to the proposal received (#15 – 22, 24)</li> <li>Community value of natural bushland interspersing suburban housing (#15, 16)</li> <li>Valued as a conservation area for fauna and flora values (#16, 17, 19)</li> <li>Valued as an area for children to recreate (#18, 22) with no similar area within walking distance (#22). Fears if sold, children will recreate on the road (#18)</li> <li>General passive recreational area (#20, 22) including elderly people (#22)</li> <li>Valued for the 'nature experience' for children (#24, 18)</li> <li>Area utilised for local community social events (#20, 22)</li> <li>Valued as access route to Petalite Street (#20, 22, 24)</li> <li>Community perception of 'little remaining free space' (#21)</li> <li>Community have in past, contributed to the maintenance of the area (#22)</li> <li>One letter received suggesting the use of funds raised from sale of this land, used for Reserve 35613</li> </ul>

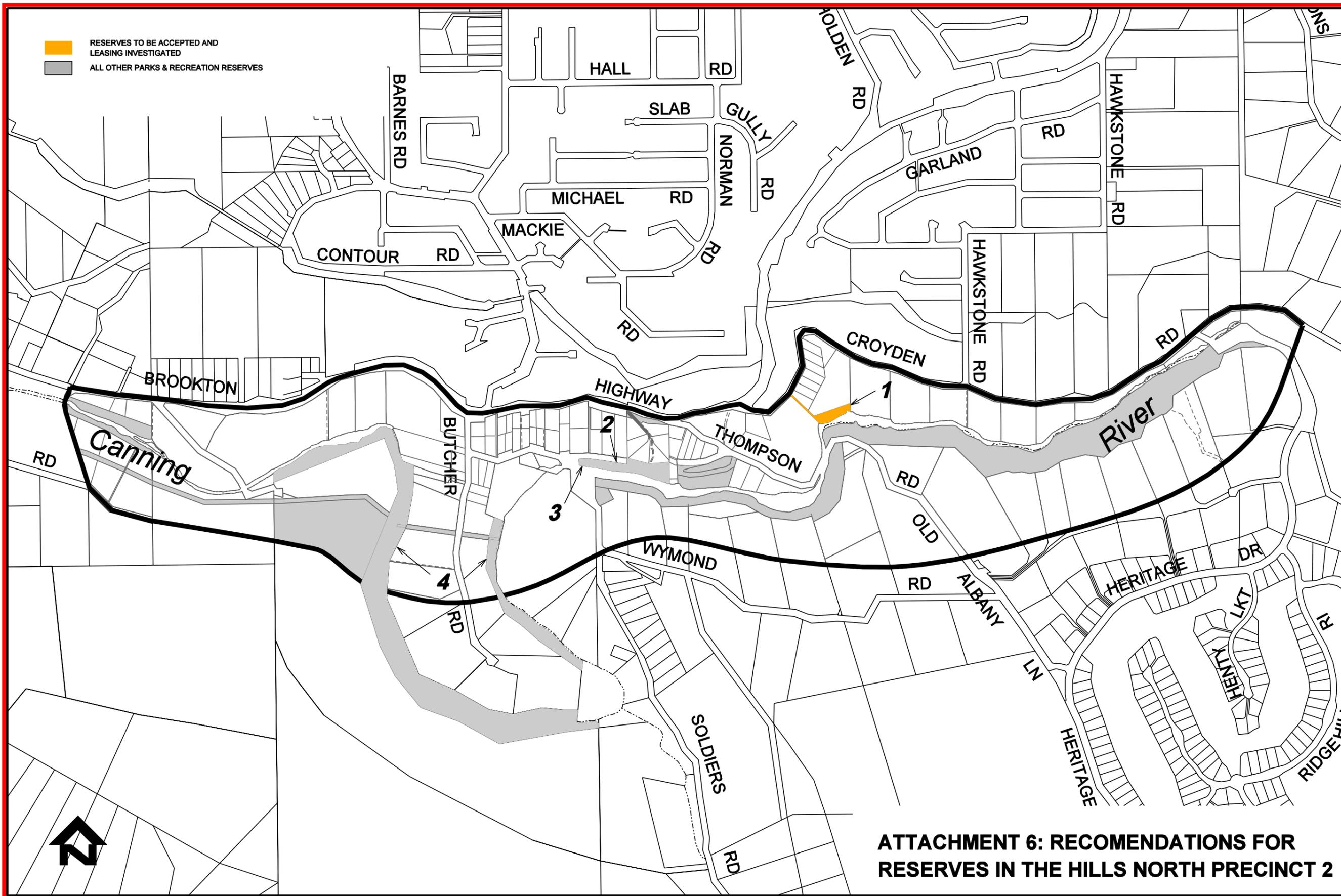
Map No	Reserve Details	Category of POS	POS Criteria	Meets criteria Yes/ No	Comments & information	Submissions	Recommendation
1	Reserve No 37779 Area: (2050m <sup>2</sup> ) Canning River (west bank) one lot south of Centre Road, Kelmscott	Local	Functional & environmental Economic	Y  N	<ul style="list-style-type: none"> <li>of regional significance Bush Forever Site 246</li> <li>no road access</li> <li>has some (secondary) landscape quality and therefore social significance</li> <li>linear park potential</li> <li>Reserve purpose – Reserve for Recreation; S20A Unvested.</li> <li>Scheme 2 shows P&amp;R (Local)</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Consider accepting vesting after investigation of leasing possibility</li> </ul>
2	Reserve No 44836 Area: (4700m <sup>2</sup> ) Wright Brook from Greener Way to Canning River, Kelmscott	Drain Reserve useful as POS	Functional & environmental Economic	Y  Y	<ul style="list-style-type: none"> <li>moderate access</li> <li>poor surveillance</li> <li>secondary landscape quality area in Rural Strategy</li> <li>contributes to local recreation</li> <li>potential trail route linking to Canning River</li> <li>potential for wider reserve with future subdivision</li> <li>joins City vested Reserve 36382 (site 3)</li> <li>Reserve purpose – Drainage; S20A Unvested.</li> <li>Scheme 2 shows Public Purpose.</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Accept vesting</li> <li>Amalgamate with Reserve36382</li> <li>Reserve as P&amp;R (Local)</li> </ul>
4	Reserve No 33954 Area: (4117m <sup>2</sup> ) Wright Brook from Connell Ave to Greener Way, Kelmscott	Drain Reserve useful as POS	Functional & environmental Economic	Y  N	<ul style="list-style-type: none"> <li>good access</li> <li>moderate surveillance</li> <li>secondary landscape quality area in Rural Strategy</li> <li>potential short trail route</li> <li>joins City vested Reserve 33976</li> <li>Reserve purpose – Drainage; S20A Unvested.</li> <li>Scheme 2 shows Public Purpose.</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Accept vesting</li> <li>Amalgamate with Reserve 33976</li> <li>Reserve as P&amp;R (Local)</li> </ul>
9	Reserve No 33953 Area: (107m <sup>2</sup> ) Next to 15 Meyer Cl, Kelmscott	Drain Reserve useful as POS	Functional & environmental Economic	Y  Y	<ul style="list-style-type: none"> <li>small, 3m wide drain reserve</li> <li>no evidence of drainage works on surface – currently a slab path over the reserve and visually appears to be part of Reserve 33364.</li> <li>secondary landscape quality area in Rural Strategy</li> <li>Reserve purpose – Drainage; S20A Unvested.</li> <li>Scheme 2 shows Public Purpose.</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Accept vesting</li> <li>Amalgamate with Reserve 33364</li> </ul>
15	Reserve No 24883 Area: (1024m <sup>2</sup> ) Canning River at 34 Gilwell Avenue, Kelmscott	Local	Functional & environmental Economic	Y  A	<ul style="list-style-type: none"> <li>regionally significant (Bush Forever Site 246)</li> <li>secondary landscape quality are in Rural Strategy</li> <li>ultimately part of Canning River linear park</li> <li>Reserve purpose – Recreation</li> <li>Scheme No 2 shows as P &amp; R (Local)</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Accept vesting</li> <li>Amalgamate with Reserve 27073</li> </ul>
19	Reserve No 30184 Area: (2888m <sup>2</sup> ) Frye Park, Kelmscott	Drain Reserve useful as POS	Functional & environmental Economic	Y  Y	<ul style="list-style-type: none"> <li>10m wide reserve on northern boundary of Frye Park</li> <li>no evidence of drainage works on surface – currently a concrete path over the reserve and visually appears to be part of Reserve 30183.</li> <li>good surveillance and access.</li> <li>Reserve purpose – Drainage; S20A Unvested</li> <li>Scheme No 2 shows as P&amp;R (Local)</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Accept vesting</li> <li>Amalgamate with Reserve 30183</li> </ul>
25	Reserve No 26755 Area: (2139m <sup>2</sup> ) Canning River (west bank) from Lefroy Rd north about 260m Kelmscott	Local	Functional & environmental Economic	Y  N	<ul style="list-style-type: none"> <li>Reserve is only 8m wide but adjoins river which is vacant crown land.</li> <li>poor surveillance and access</li> <li>secondary landscape quality area in Rural Strategy</li> <li>potential fauna link</li> <li>Reserve purpose – Public Recreation; S20A Unvested</li> <li>Scheme No 2 shows as P&amp;R (Local)</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Accept vesting</li> </ul>
26	Reserve No 36741 Area: (2583 m <sup>2</sup> ) Canning River (east bank) south from Orlando St Kelmscott	Local	Functional & environmental Economic	Y  N	<ul style="list-style-type: none"> <li>poor surveillance and access</li> <li>secondary landscape quality area in Rural Strategy</li> <li>potential fauna link</li> <li>Reserve purpose – Public Recreation; S20A Unvested</li> <li>Scheme No 2 shows as P&amp;R (Local)</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Accept vesting</li> </ul>
27	Reserve No 31189 Area: (1760 m <sup>2</sup> ) 8 Haimlee St, Kelmscott	Local	Functional & environmental Economic	Y  N	<ul style="list-style-type: none"> <li>poor surveillance and access</li> <li>like two house-blocks and is mostly cleared</li> <li>uneconomic size to maintain</li> <li>Reserve purpose – Recreation; Unvested</li> <li>Scheme No 2 shows as P&amp;R (Local) and adjacent zoning as R10</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Cancel, rezone to R10 &amp; sell</li> </ul>

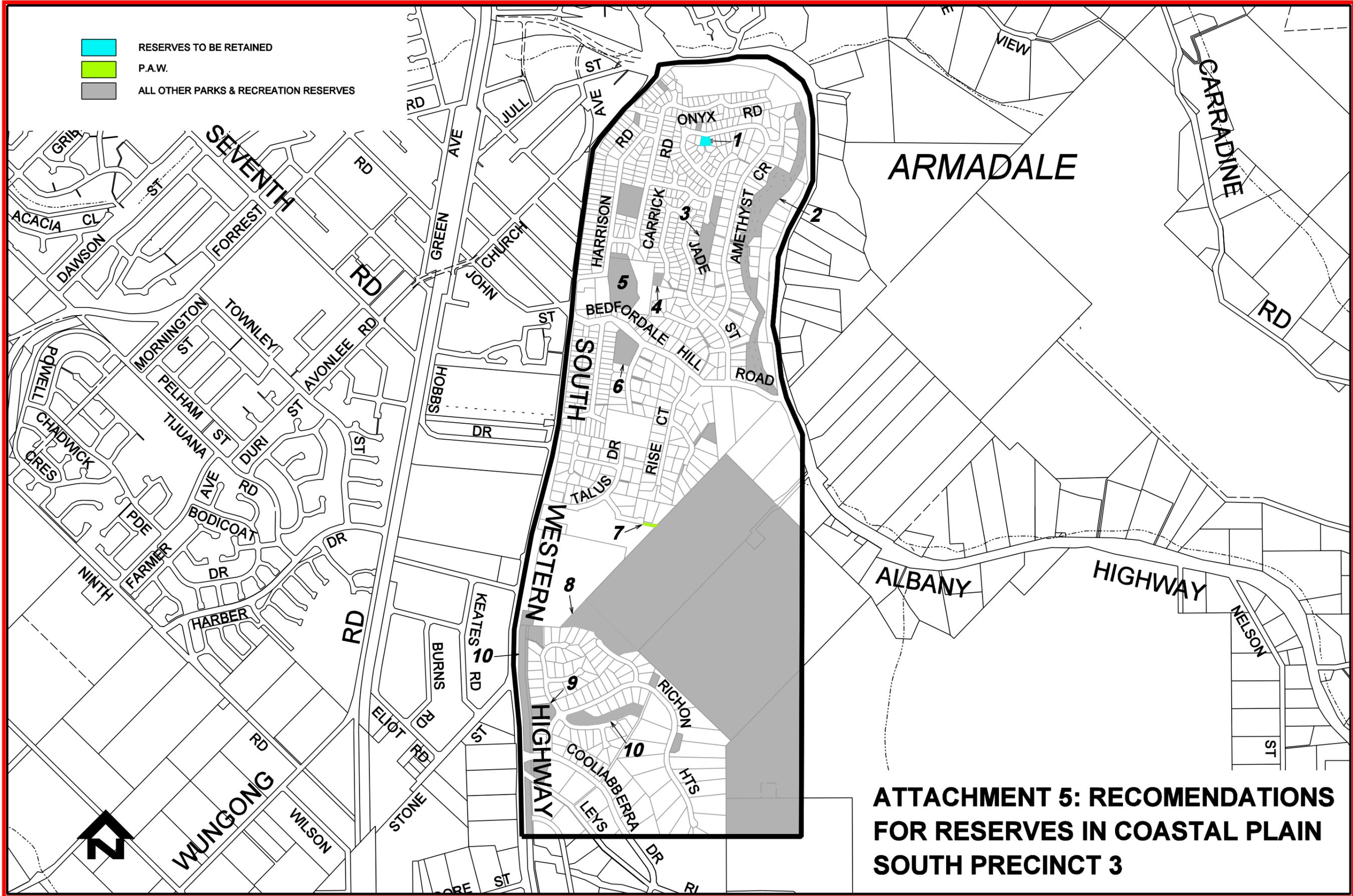
Map No	Reserve Details	Category of POS	POS Criteria	Meets criteria Yes/ No	Comments & information	Submissions	Recommendation
32	Reserve No 45382 Area: (2100 m <sup>2</sup> ) Canning River (east bank) one lot north of Bernard St, Kelmscott	Local	Functional & environmental Economic	Y N	<ul style="list-style-type: none"> <li>has many trees</li> <li>secondary landscape quality area in Rural Strategy</li> <li>no road access</li> <li>ultimately part of linear park along Canning River</li> <li>Reserve purpose – Public Recreation; S20A Unvested</li> <li>Scheme No 2 shows as P&amp;R (Local)</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	• Nil	<ul style="list-style-type: none"> <li>Consider accepting vesting after investigation of leasing possibility</li> </ul>
33	Reserve No 27708 Area: (5865 m <sup>2</sup> ) 12-18 Possum Pl Kelmscott	Neighbourhood	Functional & environmental Economic	Y N	<ul style="list-style-type: none"> <li>poor surveillance and access</li> <li>secondary landscape quality area in Rural Strategy</li> <li>moderate slope, understorey degraded but lots of trees.</li> <li>economic size to maintain</li> <li>Reserve purpose – Public Recreation; S20A Unvested</li> <li>Scheme No 2 shows as P&amp;R (Local)</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	• Nil	<ul style="list-style-type: none"> <li>Accept vesting</li> </ul>
36	Reserve No 33647 Area: (7865 m <sup>2</sup> ) North bank of Canning River (north bank) east of Armstrong Rd/ Rockview Pl alignment Kelmscott	Neighbourhood	Functional & environmental Economic	Y N	<ul style="list-style-type: none"> <li>primary landscape quality</li> <li>adjoins Canning River</li> <li>linear POS</li> <li>Reserve purpose – Public Recreation; S20A Unvested</li> <li>Scheme No 2 shows as P&amp;R (Local)</li> <li>Canning River and Foothills (1) Precinct</li> </ul>	• Nil	<ul style="list-style-type: none"> <li>Accept vesting</li> </ul>
1	Reserve No: 27572 Area: (3910m <sup>2</sup> ) Canning River (north bank) rear 15 & 33 Croyden Ave, Roleystone	Regional Reserve	Functional & environmental Economic	Y N	<ul style="list-style-type: none"> <li>dense understorey</li> <li>poor access (from a 3m wide access next to 15 Croyden Rd) and surveillance</li> <li>secondary landscape quality area in Rural Strategy</li> <li>Reserve purpose – Reserve for Recreation S20A unvested</li> <li>Scheme No 2 shows as P&amp;R (Regional)</li> <li>Hills North (2) Precinct</li> </ul>	• Nil	<ul style="list-style-type: none"> <li>Consider accepting vesting after investigation of leasing possibility</li> </ul>
2	Reserve No: 28353 Area: (1.1018ha) Caning River (north bank) Roley Pool entrance, Soldiers Rd, Roleystone	Neighbourhood	Functional & environmental Economic	Y N	<ul style="list-style-type: none"> <li>dense understorey</li> <li>good access and surveillance</li> <li>Roley Pool Reserve 28293 on south bank</li> <li>Reserve purpose – Public Recreation; S20A unvested</li> <li>Scheme No 2 shows as P&amp;R (Local)</li> <li>Hills North (2) Precinct</li> </ul>	• Nil	<ul style="list-style-type: none"> <li>Accept vesting</li> <li>Amalgamate with Reserve 28293</li> </ul>
3	Reserve No: 29834 Area: (754m <sup>2</sup> ) Caning River (north bank) Roley Pool entrance, Soldiers Rd, Roleystone	Local	Functional & environmental Economic	Y Y	<ul style="list-style-type: none"> <li>dense understorey</li> <li>good access and surveillance</li> <li>economic to maintain if amalgamated</li> <li>adjoins Reserve 28353 (site 2)</li> <li>Roley Pool Reserve 28293 on south bank</li> <li>Reserve purpose – Public Recreation; S20A unvested</li> <li>Scheme No 2 shows as P&amp;R (Local)</li> <li>Hills North (2) Precinct</li> </ul>	• Nil	<ul style="list-style-type: none"> <li>Accept vesting</li> <li>Amalgamate with Reserve 28293</li> </ul>
4	Reserve No: 30245 Area: (12.2519ha including eastern portion of 2.1263ha) Canning River, near Butcher Rd, Roleystone	Regional Reserve	Functional & environmental Economic	Y N	<ul style="list-style-type: none"> <li>secondary landscape quality</li> <li>in two separate parcels, both linear</li> <li>contained in Regional Reservation</li> <li>contains portion of Canning River</li> <li>Reserve purpose – Public Recreation; S20A unvested</li> <li>Scheme No 2 shows as P&amp;R (Regional)</li> <li>Hills North (2) Precinct</li> </ul>	• Nil	<ul style="list-style-type: none"> <li>Transfer portion that abuts Churchmans Bushland to CALM</li> <li>Accept vesting of easternmost portion of Reserve 30245</li> </ul>
3.	Reserve No: 28627 Area: (1090m <sup>2</sup> ) 42 Schruth Street Kelmscott	L	Functional & Environmental Economic	N N	<ul style="list-style-type: none"> <li>poor surveillance and access</li> <li>uneconomic size to maintain</li> <li>within 50m of another local POS</li> <li>has appearance of single residential lot</li> <li>Canning River and Foothill (2) Precinct</li> </ul>	• Nil	<ul style="list-style-type: none"> <li>Cancel/ Dispose</li> </ul>
12.	Reserve No 29994 Area: (908 m <sup>2</sup> ) 8 Serles Street Armadale	L	Functional & Environmental Economic	N N	<ul style="list-style-type: none"> <li>uneconomic maintenance size</li> <li>poor surveillance and access</li> <li>has appearance of vacant residential lot</li> <li>no practical POS use</li> <li>Canning River and Foothill (2) Precinct</li> </ul>	• Nil	<ul style="list-style-type: none"> <li>Cancel/ Dispose</li> </ul>



**ATTACHMENT 3: RECOMENDATIONS FOR  
RESERVES IN THE CANNING RIVER AND  
FOOTHILLS PRECINCT 1**







**ATTACHMENT 5: RECOMENDATIONS  
FOR RESERVES IN COASTAL PLAIN  
SOUTH PRECINCT 3**

