

CITY OF ARMADALE

AGENDA

OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 16 FEBRUARY 2016 AT 7.00PM.

A meal will be served at 6:15 p.m.

PRESENT:

APOLOGIES:

OBSERVERS:

IN ATTENDANCE:

PUBLIC:

“For details of Councillor Membership on this Committee, please refer to the City’s website – [www.armadale.wa.gov.au/your council/councillors](http://www.armadale.wa.gov.au/your_council/councillors).”

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

QUESTION TIME

DEPUTATION

CONFIRMATION OF MINUTES

RECOMMEND

**Minutes of the Development Services Committee Meeting held on 19 January 2016
be confirmed.**

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 1 / 2016

- **Outstanding Matters & Information Items**
Report on Outstanding Matters - Development Services Committee
Review before the State Administrative Tribunal (SAT)
- **Health**
Health Services Manager's Report - December 2015
- **Planning**
Planning Applications Report - December 2015
Town Planning Scheme No.4 - Amendment Action Table
Subdivision Applications - WAPC Approvals/Refusals - December 2015
Subdivision Applications - Report on Lots Registered for 2015/2016
PAW Closure Report - Significant Actions during December 2015
Compliance Officer's Report - December 2015
- **Building**
Building Services Manager's Report - December 2015
Building Health/Compliance Officer's Report - December 2015
Building Applications Monthly Statistics - December 2015

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 2 / 2016

- **Outstanding Matters & Information Items**
Report on Outstanding Matters - Development Services Committee
Review before the State Administrative Tribunal (SAT)
- **Health**
Health Services Manager's Report - January 2016
- **Planning**
Planning Applications Report - January 2016
Town Planning Scheme No.4 - Amendment Action Table
Subdivision Applications - WAPC Approvals/Refusals - January 2016
Subdivision Applications - Report on Lots Registered for 2015/2016
PAW Closure Report - Significant Actions during January 2016
Compliance Officer's Report - January 2016
- **Building**
Building Services Manager's Report - January 2016
Building Health/Compliance Officer's Report - January 2016
Building Applications Monthly Statistics - January 2016

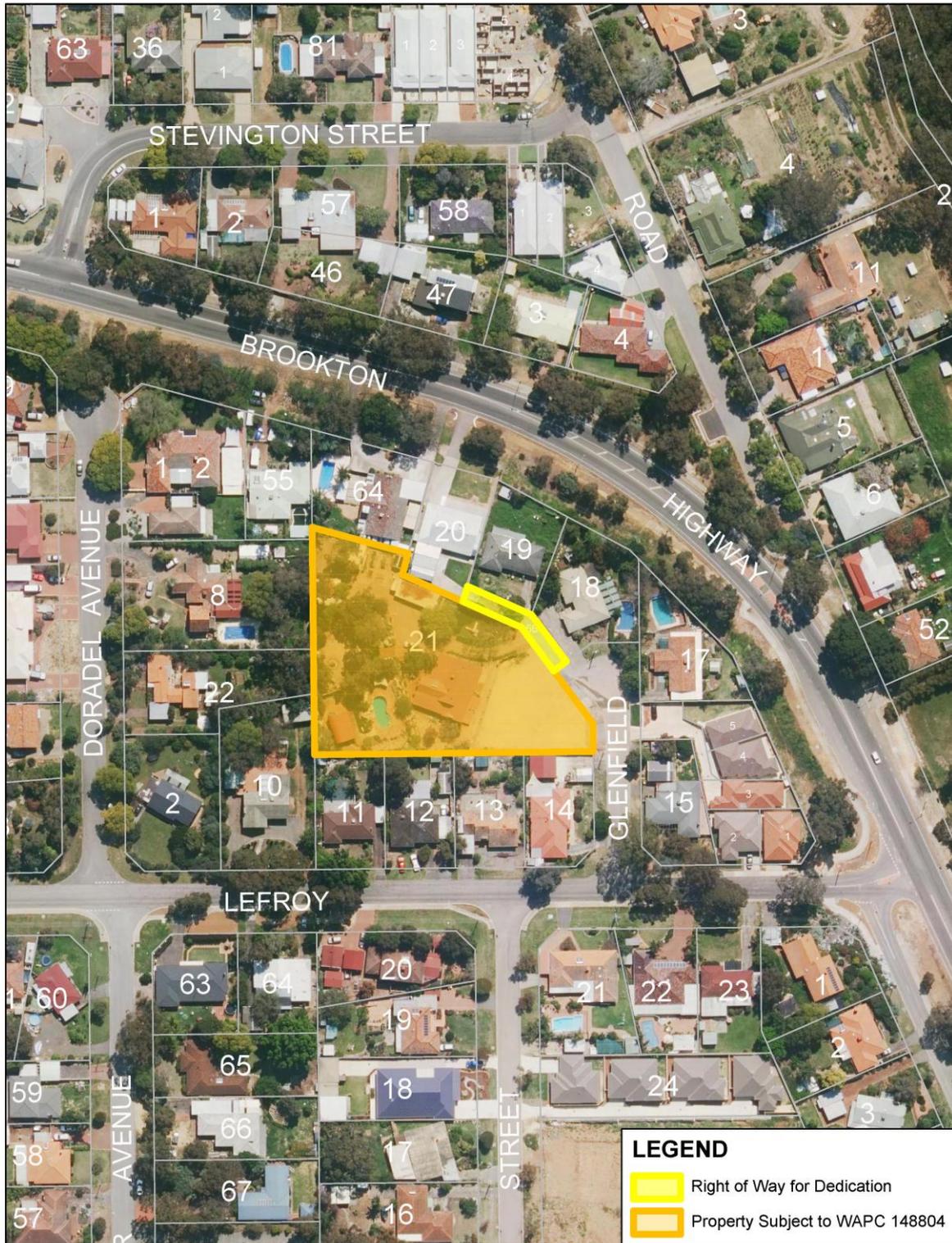
If any of the items listed above require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.

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16 FEBRUARY 2016

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1.1 - DEDICATION OF LOT 66 GLENFIELD PLACE, MOUNT NASURA

WARD : River
FILE No. : M/33/16
DATE : 8 February 2016
REF : HB
RESPONSIBLE : Executive Director
MANAGER : Development Services
APPLICANT : Brook & Marsh Pty Ltd
LANDOWNER : K J Bain & A Bain
SUBJECT LAND : Lot 66 Glenfield Place,
Mount Nasura
ZONING :
MRS / : Right of Way
TPS No.4 :

In Brief:

- The Western Australian Planning Commission granted subdivision approval to Lot 21 (No.4) Glenfield Place, Mount Nasura and imposed conditions for the Right of Way to be dedicated, constructed and ceded to the Crown.
- It is recommended Council support this proposal to dedicate the Right of Way to enable the applicant to clear the Conditions on WAPC approval 148804.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

2.5.1 Provide a safe and efficient movement network including local and arterial roads and associated infrastructure.

4.5.1 Ensure compliance of relevant Council policies and procedures with legislative and organisational requirements.

Legislation Implications

Land Administration Act 1997.

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

- ◆ Public Consultation
- ◆ Technical Services
- ◆ Western Power
- ◆ Water Corporation
- ◆ Telstra
- ◆ ATCO Gas

BACKGROUND

The Western Australian Planning Commission approved the subdivision of Lot 21 (No.4) Glenfield Place to create two (2) lots from one (1) lot on 27 May 2014.

Conditions 6 and 7 on this approval read as follows:

6. *“Adjacent Right of Way (Lot 66 on Diagram 41820) being declared as a road in a Road Dedication (Ministerial) Order lodged and registered against the Crown land title and in accordance with s.56 of the Land Administration Act 1997. (Local Government)”*
7. *“Adjacent Right of Way (Lot 66 on Diagram 41820) being widened to 6 metres wide by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening the adjacent Right of Way. (Local Government)”*

The advice note read as follows:

- C. *In regards to Conditions 6 and 7, the applicant is advised that adjacent Lot 66 (formerly ROW on Diagram 41820 and now owned by the State of WA) is to be dedicated as a public road. The road is to be a minimum width of 6m in accordance with the minimum requirement for laneways in Liveable Neighbourhoods Element 2; Table 4 Function and Characteristics of Local Streets.”*

The applicant has since lodged an application to clear the subdivision conditions. As part of this clearance the City is required to, on behalf of the applicant complete the administrative process to dedicate the Right of Way, described as Lot 66 Glenfield Place, Mount Nasura.

DETAILS OF PROPOSAL

To facilitate the dedication of the unallocated Crown land described as Lot 66 Glenfield Place, Mount Nasura as a public road by completing the following:

- Council resolving to request the Minister for Lands to dedicate the subject land as a public road, pursuant to Section 56 of the Land Administration Act 1997.
- Council indemnifying the Minister for Lands in respect of the proposed road dedication of the unallocated Crown land, described as Lot 66 Glenfield Place, Mount Nasura pursuant to Section 56 (4) of the Land Administration Act 1997.

COMMENT

In essence, Section 56 of the Land Administration Act 1997, among other things, provides as follows:

- 1) If in a district of a local government –
 - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;
 - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –
 - i. the holder of the freehold in that land applies to the local government, requesting it to do so; or
 - ii. those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so; or
 - iii. land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.
- 2) If a local government resolves to make a request under subsection (1), it must –
 - (a) in accordance with the regulations prepare and deliver the request to the Minister; and
 - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- 3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then –
 - (a) subject to subsection (5), by order grant the request;
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- 4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- 5) To be dedicated under subsection (3) (a), land must immediately before the time of dedication be –
 - (a) unallocated Crown land; and
 - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.

ANALYSIS

The proposal was advertised to service agencies, surrounding landowners and in the Examiner and Comment News newspapers between 3 December 2015 and 20 January 2016. No written submissions were received by the public during the advertising period. The comments from service agencies have been outlined below.

Technical Services has no objection to the proposal.

ATCO Gas has no objection to the proposal.

Western Power has no objection to the proposal.

Water Corporation has provided no comments however a recent Dial Before You Dig (DBYD) search did highlight assets within the subject lot. Due to the nature of this proposal it is not expected to affect the safety or maintenance of this infrastructure.

Telstra has provided no comments on the proposal. However a recent DBYD search did highlight assets within the subject lot. Due to the nature of this proposal it is not expected to affect the safety or maintenance of this infrastructure.

Public Advertising

No. of landowners/occupiers notified	:	3
No. of government service agencies notified	:	4
No. of landowners supporting/not objecting to proposal	:	0
No. of landowners objecting to proposal	:	0
No. of government service agencies supporting/not objecting to proposal	:	2
No. of government service agencies objecting to proposal	:	0

OPTIONS

1. Council could resolve to decline the request to dedicate the constructed right of way as public road for reasons it deems appropriate.
2. Council could resolve to facilitate the dedication of the constructed right of way describe as Lot 66 Glenfield Place, Mount Nasura as a public road in accordance with Section 56 of the Land Administration Act 1997 and the subdivision approval.

CONCLUSION

It is recommended that Council adopt Option 2 and resolve to facilitate the dedication of Lot 66 Glenfield Place, Mount Nasura in line with WAPC approval 148804.

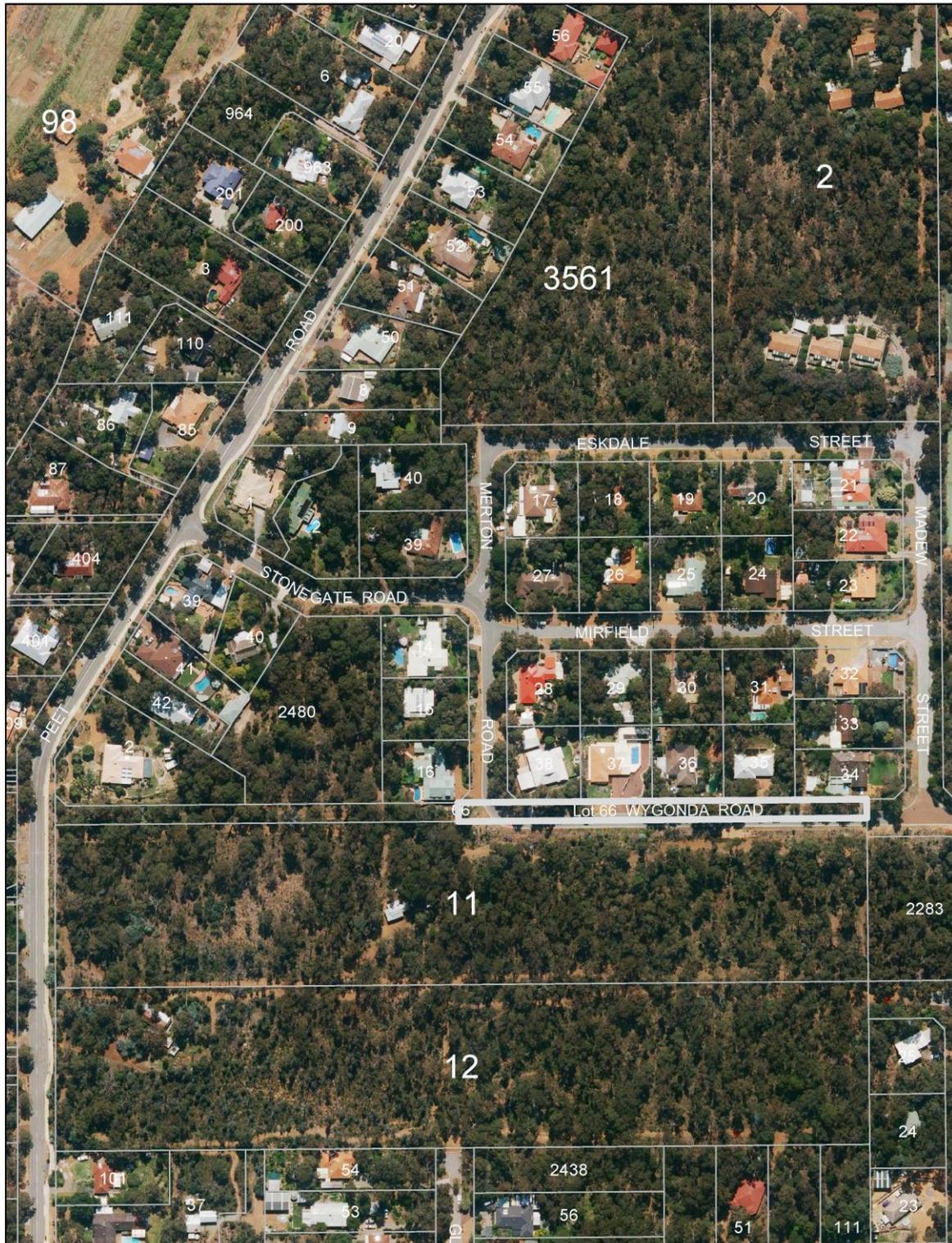
RECOMMEND

That Council:

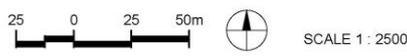
- 1. Requests the Minister for Lands to dedicate as a public road the Right of Way described as Lot 66 Glenfield Place, Mount Nasura pursuant to Section 56 of the Land Administration Act 1997.**
- 2. Indemnifies the Minister of Lands against any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request pursuant to Section 56(4) of the Land Administration Act 1997.**
- 3. Advise the applicant and respondent(s) of Council's decision.**

ATTACHMENTS

There are no attachments for this report.



LOCALITY PLAN
 Lot 66 (PR37014) Wygonda Road,
 ROLEYSTONE



DATE 9 February 2016 - REVISION 1601
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 Aerial photograph supplied by Landgate, Photographs by NearMap.



1.2 - DEDICATION OF THE UNALLOCATED CROWN LAND DESCRIBED AS LOT 66 WYGONDA ROAD, ROLEYSTONE

WARD : Jarrah
FILE No. : M/46/16
DATE : 1 FEBRUARY 2016
REF : HB
RESPONSIBLE MANAGER : Executive Director
Development Services
APPLICANT : City of Armadale
LANDOWNER : State of WA
SUBJECT LAND : Portion of Lot 66
Wygonda Road,
Roleystone
ZONING
MRS / : Unallocated Crown
TPS No.4 : Land/Road Reserve

In Brief:

- Lot 66 Wygonda Road, Roleystone has been identified by the City as undedicated road reserve which requires formalisation.
- A petition with 26 signatures was presented to Council at its meeting on 21st December 2015 with the following prayer:
“We the undersigned respectfully request that the Council reconsider the decision to change the dedication of the existing right of way between Wygonda Road and Peet Road into a public road. We, the undersigned, are not in favour of the proposal.”
- Recommend that Council resolve to request Minister for Lands to dedicate only the constructed portion of the unallocated road reserve as shown and described on the attached locality plan as Public Road.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

2.5.1 Provide a safe and efficient movement network including local and arterial roads and associated infrastructure.

Legislation Implications

Land Administration Act 1997.

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

- ◆ Public Consultation
- ◆ Water Corporation
- ◆ Western Power
- ◆ Telstra
- ◆ ATCO Gas
- ◆ Technical Services Directorate

BACKGROUND

The City recently identified several parcels of Unallocated Crown Land which required dedication as Public Roads. As part of this process the proposal to dedicate Lot 66 Wygonda Road, Roleystone in its entirety was advertised to the surrounding landowners and in the local newspapers.

During the advertising period, a petition with 26 signatures was presented to Council at its meeting dated 21st December 2015 with the following prayer:

“We the undersigned respectfully request that the Council reconsider the decision to change the dedication of the existing right of way between Wygonda Road and Peet Road into a public road. We, the undersigned, are not in favour of the proposal.”

The petition and submissions have been considered for the final assessment and Council's resolution.

DETAILS OF PROPOSAL

The City identified Lot 66 Wygonda Road, Roleystone as requiring dedication as a public road by completing the following:

- Council resolving to request the Minister for Lands to dedicate the constructed portion of the lot as depicted on the attached plan as a public road, pursuant to Section 56 of the Land Administration Act 1997.
- Council indemnifying the Minister for Lands in respect of the proposed road dedication of the unallocated Crown land portion of Lot 66 Wygonda Road pursuant to Section 56 (4) of the Land Administration Act 1997.

COMMENT

In essence, Section 56 of the Land Administration Act 1997, among other things, provides as follows:

- 1) If in a district of a local government –
 - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;
 - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –
 - i. the holder of the freehold in that land applies to the local government, requesting it to do so; or
 - ii. those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so; or
 - iii. land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.
- 2) If a local government resolves to make a request under subsection (1), it must –
 - (a) in accordance with the regulations prepare and deliver the request to the Minister; and
 - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- 3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then –
 - (a) subject to subsection (5), by order grant the request;
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- 4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- 5) To be dedicated under subsection (3) (a), land must immediately before the time of dedication be –
 - (a) unallocated Crown land; and
 - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.

ANALYSIS

The proposal was advertised to service agencies, surrounding landowners and in the Examiner and Comment News newspapers between 3 December 2015 and 20 January 2016. The submissions and notices have been detailed below.

Technical Services has no objection to the proposal.

ATCO Gas has no objection to the proposal.

Western Power has no objection to the proposal.

Water Corporation has no objection to the proposal as it will provide further protection to services located within the road reserve.

Telstra has provided no comments on the proposal. However a recent DBYD search did highlight assets within the subject lot. Due to the nature of this proposal it is not expected to affect the safety or maintenance of this infrastructure.

Public Advertising

No. of landowners/occupiers notified	:	3
No. of government service agencies notified	:	4
No. of landowners supporting/not objecting to proposal	:	0
No. of landowners objecting to proposal	:	0
No. of government service agencies supporting/not objecting to proposal	:	2
No. of government service agencies objecting to proposal	:	0

A petition was presented to Council at its meeting on 21 December 2015 with 26 signatures objecting to the proposal. The concerns and prayer have been outlined below.

Petition Prayer

“We the undersigned respectfully request that the Council reconsider the decision to change the dedication of the existing right of way between Wygonda Road and Peet Road into a public road. We, the undersigned, are not in favour of the proposal.”

A number of issues and objections were raised relating to concerns that the City would be extending and constructing the portion of unconstructed road reserve, including:

- Loss of bushland should the road be constructed.
- Blind spot at the junction of Peet Road and Wygonda Road.
- Increase in already dangerous driving along Wygonda Road.
- Corridor for native flora and fauna.
- Loss of walk trail for public.
- Noise impact with increased traffic flow.
- Decrease safety of area with increase of traffic.
- Unwanted vehicle lights at junction and along Wygonda Road.
- Other road options exist should subdivision occur.

The City has amended the proposal to only dedicate the constructed portion of Wygonda Road, Roleystone as required by the Land Administration Act 1997 (Section 56). The unconstructed portion of road reserve is proposed to be removed from this proposal.

OPTIONS

Council has two options:

1. Decline the request to dedicate the unallocated road reserve of Lot 66 Wygonda Road, Roleystone as a public road for reasons it deems appropriate.
2. Resolve to facilitate the dedication of all or only the constructed portion of unallocated road reserve portion as depicted on the attached plan and described as Lot 66 Wygonda Road, Roleystone as a public road in accordance with Section 56 of the Land Administration Act 1997.

CONCLUSION

It is recommended that Council adopt Option 2 and resolve to facilitate the dedication of only the constructed portion of Lot 66 Wygonda Road, Roleystone as public road.

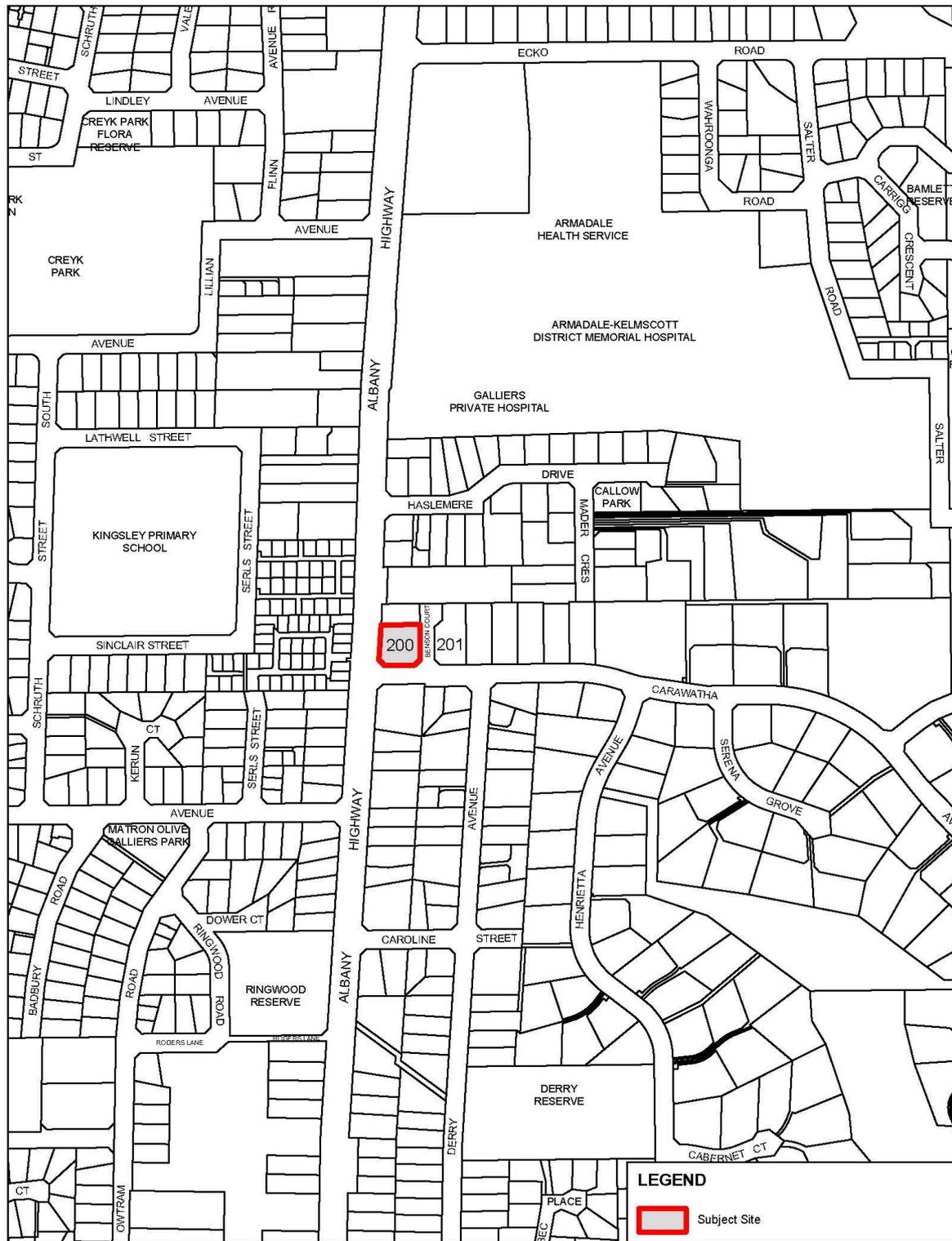
RECOMMEND

That Council:

1. **Requests the Minister for Lands to dedicate as a public road only the constructed portion of Lot 66 Wygonda Road as depicted on the attached Locality Plan, pursuant to Section 56 of the Land Administration Act 1997.**
2. **Indemnifies the Minister of Lands against any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request pursuant to Section 56(4) of the Land Administration Act 1997.**
3. **Advise the organiser of the petition and the submitters of Council's decision in this regard.**

ATTACHMENTS

There are no attachments for this report.

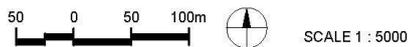


**LOT 200 CARAWATHA AVE
MT NASURA**

Location Plan

DATE 8 February 2016 - REVISION 1601

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SCALE 1 : 5000

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Western Australian Land Information Authority trading as Landgate (2015).
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**2.1 - FINALISATION OF BUSINESS PLAN AND SALE OF LOT 200 (121)
CARAWATHA AVENUE, MOUNT NASURA**

WARD : RIVER
FILE No. : M/1029/15
DATE : 9 February 2016
REF : SW
RESPONSIBLE : Executive Director
MANAGER : Development Services

In Brief:

- Council at its meeting on 29 September 2015 (370/9/15) resolved to advertise a Business Plan which proposed the sale of Lot 200 (121) Carawatha Avenue, Mount Nasura.
- The Business Plan was advertised for a period of 42 days (6 weeks), between 3 October 2015 and 14 November 2015. No submissions were received.
- Recommend that Council adopt the Business Plan and dispose of Lot 200 (121) Carawatha Avenue, Mount Nasura.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

4.2.1 Develop, implement and report on Council's strategic and business plans.

Legislation Implications

Planning and Development Act, 2005

Former Town Planning and Development Act, 1928

Local Government Act, 1995 - Section 3.59 Commercial Enterprises by Local Governments

Local Government (Functions and General) Regulations, 1996

Council Policy/Local Law Implications

N/A

Budget/Financial Implications

The property is vacant at the moment, and as such incurs only minimal maintenance costs.

Historically, the City's 15 Year Plan proposed expenditure of funds from the sale of Lot 200 to occur as a part of the City's 'Freehold Land Sales and Investment Strategy (Strategic Land Asset)'. 70% of the funds raised from the disposal of these strategic land assets are reinvested in revenue producing assets yielding a higher investment return and the remaining 30% is allocated towards major capital projects. That methodology was endorsed at Council's meeting of 20 November 2006 (CS109/11/06).

Consultation

- Relevant City Directorates



**LOT 200 CARAWATHA AVE
MT NASURA**
Aerial Photograph



SCALE 1 : 1500

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Western Australian Land Information Authority trading as Landgate (2012).
Aerial photograph supplied by Landgate. Photographs by NearMap.



BACKGROUND

Site History

Lot 200 was originally part of a 4 hectare lot (Pt. Lot 118) which was acquired for the extraction of gravel in 1909. That long, narrow lot had road frontage to Albany Highway.

The introduction of Town Planning Scheme No.1 (TPS No.1) in 1973 provided for a range of land uses on Pt. Lot 118 including hotel, service station, shops, civic uses, residential and a recreation reserve. A range of commercial, civic and recreational uses continued to be provided for, through an amendment to TPS No.1 in 1978 and the introduction of Town Planning Scheme No.2 (TPS No.2) in 1985. None of these commercial uses were ever implemented, however, by 1986 Pt. Lot 118 had been subdivided into:

- 11 residential lots fronting Carawatha Avenue;
- A Place of Worship site fronting Carawatha Avenue;
- A public open space reserve of 9255m², at the eastern end of the site; and
- A freehold lot of 5037m², fronting both Albany Highway and Carawatha Avenue, which remained in the ownership of the City of Armadale (Lot 60).

At its June 1999 Ordinary Meeting Council determined that Lot 60 was in excess of public open space needs and was not required for that purpose. Amendment No.163 to TPS No.2 was initiated at the June 1999 Ordinary Meeting with the intention of rezoning Lot 60 to Special Use, to provide for a variety of landuses other than public open space. Despite Council's objections at the time, the then Minister for Planning required that Amendment No.163 be modified prior to finalisation, by reserving a 2105m² portion of Lot 60 Parks and Recreation (Local).

Lot 60 has been further subdivided following the gazettal of Amendment No.163, to provide public road frontage to an adjoining lot to the north that only had frontage to Albany Highway. That subdivision involved the construction and dedication of a cul-de-sac called Benson Court and the creation of two lots on either side of that road (Lot 200 (121) and Lot 201 (119) Carawatha Avenue).

Lot 201 is a freehold lot reserved for Parks and Recreation (Local). At the Annual General Meeting of Electors dated 4 December 2013 a question was asked about funding for the development of the Lot 201. The following answer was provided:

“The City will be progressing the sale of the portion of Lot 103 west of Benson Court over the next few years. The City will continue to maintain the portion of Lot 103 east of Benson Court and will consider park development in the light of the revenue received from the land sale.”

Amendment No.54 was an omnibus amendment to Town Planning Scheme No.4 (TPS No.4) which, amongst other things, modified the Additional Use text into the form that is described in more detail in the Property Description section of this report. That amendment was gazetted on 7 February 2012.

Property Description

Lot 200, which is the subject of this report, is located on the corner of Albany Highway, Carawatha Avenue and Benson Court. It is a sloping, vacant lot of 1812m², which is zoned “Residential R15/25” and Additional Use No.17 under Town Planning Scheme No.4 (TPS No.4).

Under normal circumstances Clause 5.2.4 of TPS No.4 makes provision for residential development on split-coded land to take place at the lower of the two nominated density codes, and at a higher density code in certain circumstances. In this case, however, the Additional Use partly supercedes Clause 5.2.4 by making Grouped Dwellings a discretionary use up to the R40 code. The other Additional Use which is a discretionary use, is Medical Centre comprising more than 3 Consulting Rooms.

Application of an Additional Use is subject to a number of provisions, as follows:

- “17.1 Residential subdivision and development shall be in accordance with the Residential Design Codes (R15, or subject to the City’s discretion R40).*
- 17.2 In association with subdivision or development, a comprehensive site plan indicating a proposed landscaping and fencing of the site is to be prepared, submitted and subsequently implemented to the City’s satisfaction. The aspects to be covered include:*
- a) High quality fencing integrated with landscaping.*
- 17.3 Unless otherwise determined by the City, provision shall be made for vehicle traffic access from Carawatha Avenue, to Lot 100, north of the lot, for development or subdivision of the lot. [Note: this has been satisfied by the construction of Benson Court by the developer.]*
- 17.4 No vehicle access shall be provided to Albany Highway.*
- 17.5 A minimum of 16 metres buffer between the existing Water Corporation pump building located on adjoining Pt Lot 58 to any building.*
- 17.6 All other discretionary uses shall meet the following requirements:*
- a) A plot ratio limited to 0.3*
 - b) The overall development of the site should be of a high quality unified architectural design that reflects a level of integration and consistency with the surrounding built environment.*
 - c) Will have the same level of permissibility as listed in the Residential Zone provisions of the Zoning Table;”*

Provision No.17.5 above was first applied by Amendment No.163 to Town Planning Scheme No.2, following a submission from the Water Corporation. The Water Corporation had advised that the buffer was required in order to mitigate potential noise impacts from the water supply pumping station on the adjacent Lot 58.

Amendment No.54 to TPS No.4 was an omnibus amendment which initially proposed the deletion of the buffer required by Condition No.17.5 above. During public advertising the Water Corporation objected to that proposal as it would compromise the function of the water booster pump station, and advised that the buffer is required for noise from pump operation and maintenance. The Minister for Planning subsequently upheld the Water Corporation's submission and required that Amendment No.54 be modified to retain the buffer requirement. This is despite non-residential uses being able to be located within the buffer and without making provision for the application of noise attenuation measures that might bring the proposal into compliance with the Environmental Protection (Noise) Regulations 1997.

DETAILS OF PROPOSAL

The proposal is to dispose of Lot 200 Carawatha Avenue as a residential lot, which also has potential to be developed as a Medical Centre.

COMMENT

Business Plan

The Business Plan includes an overall assessment required to be made by local governments when undertaking a major land transaction. As per Section 3.59(4) of the *Local Government Act, 1995* the Business Plan was advertised for a period of 42 days, ending 14 November 2015.

The legislative requirements relating to the advertising require notice to be given in a State wide newspaper. The City advertised the Business Plan as follows:

- The West Australian state wide newspaper on 3 October 2015;
- The Comment News local newspaper on 6 October 2015;
- At the Kelmscott, Seville Grove and Armadale Libraries and at the City in the front counter; and
- On the City's website in the 'Out for Comment' section.

No submissions were received during the advertising period.

The size and value of this property allows for disposal via public tender or private treaty. Council can either negotiate a sale price directly with a prospective purchaser or through an agent. Section 3.58(3) of the *Local Government Act, 1995* allows Local Governments to sell by private treaty after the details of the property and intention of disposal have been advertised for a period not less than two (2) weeks. Council is then required to consider all submissions and record its decision in the minutes of the meeting.

A copy of the proposed Land Transaction Business Plan is presented in the Attachments to this report.

Disposal/Sale

Section 3.58 of the Local Government Act, 1995 delineates requirements local authorities must abide by when undertaking the disposal of land. These methods of disposal include sale by way of public auction, public tender and private treaty. Section 3.58 of the Local Government Act, 1995 also stipulates the processes required to be engaged for each method of disposal.

In the event Council wishes to proceed with the proposed disposal and endorse the Business Plan, Council have the option of disposing of the property via public auction or the most acceptable tender under 3.58(2) of the Local Government Act, 1995, or by way of private treaty. Section 3.58(3) of the Local Government Act, 1995 allows Local Government to sell land by way of private treaty after the details of the property and consideration of the proposed disposition have been advertised for a period not less than two (2) weeks (referred to as local public notice). Council is then required to consider all submissions and record its decision in the minutes of a Council meeting in the event that the advertising attracts submissions.

Since Benson Court has now been constructed and dedicated, Lot 200 which is now surplus to the City's requirements, may be offered for sale.

Use of Funds

As mentioned above, it was indicated at the Annual General Meeting of Electors dated 4 December 2013 that the City could consider using part of the funds received from the sale of Lot 200 to develop Lot 201 as a park. It is considered unlikely that Lot 201 will be developed as a park, given that the current provision of public open space in the Mt Nasura locality already exceeds the 10% standard required by the State Government.

The City's Parks Department have considered whether Lot 201 is suitable for a park and advised that:

Park Size

- The City wants to avoid the proliferation of small, high maintenance 'pocket parks', which are ineffective parcels of land that are often unused. The City has been undertaking a strategic rationalisation of small parks through the POS Strategy.
- The City's Park Facilities Strategy (2013) instead advocates a network of larger, connected open space areas. Monies raised through POS Strategy land sales have funded the provision of infrastructure in many of these larger parks.
- Lot 201 is too small to be an effective area of POS: it is below the threshold size nominated in the Park Facilities Strategy.

Park Location

- Albany Highway, which is 60 metres away, forms a barrier that would prevent residents to the west from using Lot 201 as a park.
- The adjoining grouped dwelling development at 8 Benson Court is another barrier which would prevent residents to the north from using Lot 201 as a park.
- In summary, the location of Lot 201 is not suitable for a park because it is unlikely to be accessed by residents from either the west or the north.

Existing Parks

- There is a good distribution of existing public open space within walking distance of Lot 201.
- Those existing open spaces, including Derry Reserve and Reserve 28248 on the corner of Rushton Terrace and Carawatha Avenue, are larger than Lot 201 and therefore provide greater opportunities to be upgraded and utilised.
- As Derry Reserve and Reserve 28248 are more centrally located within the Mount Nasura POS catchment, they are not adjacent to the barriers which Lot 201 abuts.
- Lot 201 is not required as public open space, as there are larger and better located parks within close proximity.

Precinct H of the City's POS Strategy will further consider POS upgrades in this area, when all the land sales are completed.

In the event that the Business Plan is adopted, it is therefore recommended the proceeds from the sale will be used as part of the City's 'Freehold Land Sales and Investment Strategy (Strategic Land Asset)'. 70% of the funds raised from the disposal of these strategic land assets are reinvested in revenue producing assets yielding a higher investment return and the remaining 30% is allocated towards major capital projects.

OPTIONS

1. Council could resolve to proceed with the sale of Lot 200 (121) Carawatha Avenue, Mount Nasura.
2. Council could retain Lot 200 (121) Carawatha Avenue, Mount Nasura.

CONCLUSION

The City (then "Road Board") came into ownership of the subject land in 1909. Following completion of Benson Court it is now surplus to requirements.

In the event that the Business Plan is adopted, the proceeds from the sale will be used as part of the City's 'Freehold Land Sales and Investment Strategy (Strategic Land Asset)'.

Given the above, Option One is recommended.

RECOMMEND

That Council:

- 1. Note that no submissions had been received by the closing date for receipt of public submissions in response to the advertised Business Plan (refer to Attachment) for the sale of Lot 200 (121) Carawatha Avenue, Mount Nasura.**
- 2. Pursuant to Section 3.59 (5) of the Local Government Act 1995, agrees to proceed with the sale of Lot 200 (121) Carawatha Avenue, Mount Nasura, by way of private treaty or public tender utilizing the services of a member of the City's Real Estate Agent Panel, and noting that this course of action is consistent with the terms of the advertised Business Plan for the sale of the lot.**

(No.2 - ABSOLUTE MAJORITY RESOLUTION REQUIRED)

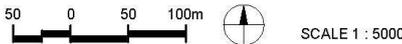
ATTACHMENTS

1. Land Transaction Business Plan - Lot 103 - 121 Carawatha Avenue, Mt Nasura
2. TPS Map - Lot 200 Carawatha Ave, Mt Nasura

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**LOT 200 CHURCH STREET
KELMSCOTT**
Locality



SCALE 1 : 5000

Based on information provided by and with the permission of the
Western Australian Land Information Authority (Trading as Landgate 2015).
Aerial photograph supplied by Landgate, Photomaps by NeaMap.



**3.1 - FINAL ADOPTION - AMENDMENT NO.80 - TOWN PLANNING SCHEME NO.4
REZONING OF LOT 200 (4) CHURCH STREET, KELMSCOTT**

WARD : River
FILE No. : M/2/16
DATE : 9 February 2016
REF : GW
RESPONSIBLE : Executive Director
MANAGER : Development Services
APPLICANT : Rowe Group
LANDOWNER : Daly & Shaw Pty Ltd
SUBJECT LAND : Lot 200 (4) Church Street
Kelmescott
ZONING :
MRS / : Urban
TPS No.4 : District Centre

In Brief:

- At its 18 August 2015 meeting, Council initiated an amendment to rezone Lot 200 (4) Church Street Kelmescott.
- The amendment was advertised for public comment for 42 days and attracted 90 submissions.
- Recommended item to enable applicant to submit additional information.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption.
- Recommend that Council adopt the amendment with modification and request that the Hon Minister for Planning grant final approval to the amendment.

Tabled Items

Nil.

Officer Interest Declaration

Nil

Strategic Implications

- 2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.
- 2.1.1 Review, update and implement the City's Town Planning Scheme, taking into account the Local Biodiversity Strategy and other environmental considerations.

Legislation Implications

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme (TPS) No.4

Council Policy/Local Law Implications

Local Planning Strategy 2005

Budget/Financial Implications

Nil.



**LOT 200 CHURCH STREET
KELMSCOTT**
Aerial Photograph



SCALE 1 : 2000

Based on information provided by and with the permission of the
Western Australian Land Information Authority trading as Landgate (2012).
Aerial photograph supplied by Landgate. Photomaps by NearMap.

DATE 9 December 2015 - REVISION 1502
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Consultation

- ◆ Development Control Unit.
- ◆ The Environmental Protection Authority (EPA) advised that the amendment did not warrant an environmental assessment.
- ◆ The WAPC's consent to advertise the amendment was not required.
- ◆ Advertised for public comment for 42 days.

BACKGROUND

At its 18 August 2015 meeting, Council initiated an amendment to rezone Lot 200 (4) Church Street Kelmscott.

The scheme amendment request has been made in order to facilitate development of the site for commercial purposes, primarily a Service Station/ Convenience Store and Fast Food Outlet. The site is zoned District Centre with the additional zoning provisions detailed in Schedule 3 of the City's Town Planning Scheme 4 (TPS4) as Restricted Use No.1 (RU1).

The site is located on the corner of Church Street and Albany Highway. The current zoning is RU1 which restricts the permitted use and this zone runs from Fancote Street to the north, extending south to the corner of Brookton Highway and includes the lots on the western side of Albany Highway opposite Church Street.

The subject site is currently vacant, having been previously occupied by three dwellings, which were demolished in December 2007 and has remained undeveloped since that date. Development approval was granted in June 2008 for 'Offices and Showrooms' however this was not implemented.

Recommitted

The amendment was considered by Development Services Committee at its 15 December 2016 meeting (D66/12/15) for final adoption. DSC supported the amendment as proposed subject to several modifications to clarify that egress from the site is via Church Street. The second dot point of Condition 11.3 of Schedule 3 was amended accordingly.

A summary of DSC's discussion on the item was as follows:

Committee discussed concerns raised regarding traffic, lack of active involvement by Main Roads WA in traffic matters in Kelmscott, potential impacts of trucks on local roads, the need for intersection upgrades, impact on street trees and the need for replacement trees, potential impacts on the school and pedestrian crossings, streetscape and landscaping as part of any future development, the uses that are currently permitted by the zoning/TPS No.4 and their potential traffic impacts, location of the land within the District Town Centre and the future development application process.

Following DSC's recommendation, the applicant formally requested Council consider deferring the matter to allow for:

- Additional information to be provided to assist Council in its deliberations in respect to the potential for, and restriction of, truck movements to and from the subject site.
- A further review of Traffic Impact Assessment in light of comments made at the Development Services Committee.

Council subsequently resolved at its Ordinary Meeting on 21 December to defer the matter as follows:

That Council -

- 1. Not adopt Recommendation D66/12/15 and recommit the matter back to the Development Services Committee for further consideration.*
- 2. Request the Western Australian Planning Commission grant an extension of time to the consideration period until 22 February 2016 to enable the applicant to submit additional information (as per their letter dated 18 December 2015) for further consideration.*

The WAPC subsequently granted the City an extension of time to the consideration period until 7 March 2016.

The applicant has since provided further arguments in support of their proposal, which are summarised in the section below. ***A copy of the applicant's additional supporting arguments (letter dated 29 January 2016) is presented in the Attachments to this report.***

The amendment is being recommitted for final consideration in accordance with regulation 50 (3) of the *Planning & Development (Local Planning Schemes) Regulations 2015* in this regard.

DETAILS OF PROPOSAL

The proposed scheme amendment seeks to delete the current 'Restricted Use No.1' provisions of TPS4 and replace them with new 'Restricted Use' provisions to facilitate development of the site potentially as a Service Station / Convenience Store, Fast Food Outlet and / or Medical Centre with Pharmacy.

The below table outlines the current land uses that are either ***not permitted*** or ***permitted*** within the Restricted Use No.1 zone for this portion of the Kelmscott Townsite:

Land uses <i>not</i> permitted (X uses)	Land uses permitted (P, D or A uses)
Amusement Parlour	Aged or Dependent Persons Dwelling
Auction Mart	Betting Agency
Car Park;	Civic Use
Cinema / Theatre	Club Premises
Commercial Vehicle Parking	Community Purpose
Convenience Store	Consulting Rooms
Fast Food Outlet	Educational Establishment

Liquor Store - Small	Exhibition Centre
Liquor Store - Large	Funeral Chapel
Lunch Bar	Funeral Parlour
Market	Garden Centre - Retail
Motor Vehicle Repair	Grouped Dwelling
Motor Vehicle Wash	Holiday Accommodation
Night Club	Home Business
Restricted Premises	Home Occupation
Service Station	Home Office
Shop	Hospital
Small Bar	Hotel
Tavern	Industry - Cottage
	Industry - Service
	Medical Centre
	Motel
	Motor Vehicle, Boat & Caravan Sales
	Multiple Dwelling
	Occasional Uses
	Office
	Place of Worship
	Reception Centre
	Recreation - Private
	Recreation - Public
	Residential Building
	Restaurant
	Showroom
	Single Bedroom Dwelling
	Single House
	Telecommunications Infrastructure
	Trade Display
	Veterinary Centre

The proposed amendment seeks to enable the following currently *not permitted* uses to be *permitted* uses on the subject site:

- Convenience Store;
- Fast Food Outlet;
- Liquor Store – Small;
- Lunch Bar;
- Motor Vehicle Wash;
- Service Station;
- Shop (for the development of a Pharmacy associated with a Medical Centre).

Indicative development plans have been submitted with the application to illustrate how the site could be developed should the scheme amendment be supported (*Refer to the Draft Concept Plans presented in the Attachments to this report*).

The applicant's justification for the proposal is summarised as follows:

- (i) The inclusion of the uses is not considered to undermine the intent of the Restricted Use zoning, as the key activities of the Town Centre will remain prohibited on the subject site;
- (ii) The proposed amendment to the Restricted Use provisions is consistent with the City's intent to allow limited expansion of the range of uses to accommodate predominantly car based activities;
- (iii) The provision of a convenience store offering sale of fuel will provide the opportunity to purchase fuel on the eastern, south bound side of Albany Highway which is not currently available in Kelmscott;
- (iv) The provision of a fast food outlet will also provide an opportunity which is currently only available on the western, north bound side of Albany Highway; and
- (v) Other uses such as medical centre and pharmacy could also be considered as illustrated on the indicative development plans.

In addition, the applicant has submitted a Traffic Impact Assessment and has consulted with Main Roads WA. Following advice from MRWA and the City, a revised Traffic Impact Assessment has been submitted, which was considered by Development Services Committee at its meeting 15 December 2015.

Applicant's additional supporting information

A summary of the applicant's additional further justification is outlined below:

- (i) It is important to acknowledge that notwithstanding the proposed Scheme Amendment the subject site can already be developed for commercial purposes. In particular, the subject site can be developed for commercial uses that generate commercial traffic movements.
- (ii) The accuracy of the Traffic Impact and Parking Assessment (TIA) was questioned. As advised at the DSC meeting the objector was incorrectly referencing the original TIA lodged with the Scheme Amendment. As advised, the TIA was updated and is based on relevant and correct data taking into account the following:
 - Advice received from Main Roads WA.
 - Traffic volume data received from the City. This included an update to the SIDRA analysis for the intersection of Church Street and Albany Highway.
 - School "pick up" and "drop off" times.
- (iii) In relation to concerns raised regarding the potential for large trucks refuelling at the subject site to access the local road network to the east (e.g. River Road) to regain northbound access to Albany Highway, it is concluded that large trucks are unlikely to utilise the subject site for the following reasons:
 - The physical configuration of a Petrol Station can be altered to discourage 12.5 metre and semi-trailer vehicles utilising the subject site. The applicant is amenable to an appropriate Condition being inserted into Schedule 3 to address this issue.

- Signage can be utilised to alert truck drivers that the subject site is not suitable for their use.
- High flow diesel is not proposed to be provided on the subject site. Truck drivers will seek alternative sites with high flow diesel in preference to the subject site.
- Statistics provided by the proposed Petrol Station operator confirms that of sampled stores only 2.97 transactions per day was diesel purchases over 100 litres. There are typically 67 diesel transactions per day. Therefore, any truck movements to and from the subject site are likely to be minimal.
- Northbound trucks will utilise the adjoining BP Petrol Station rather than cross Albany Highway to access the subject site.

A copy of the applicant's additional supporting arguments (letter dated 29 January 2016) is presented in the Attachments to this report.

Public Advertising of the Amendment

The proposed amendment was advertised for 42 days, closing on 2 November 2015. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, advertisements in the "West Australian" newspaper, City's website and local community newspaper and letters to affected and nearby landowners.

Total No. of submissions received	:	82
No. of submissions of conditional support/no objection	:	55
No. of submissions of objection	:	23
One non compliant petition of 76 signatures	:	1
No. of submissions from government agencies –		
No objection	:	2
Objection (resolved post advertising)	:	1

Refer to Confidential Attachment of the Agenda for location plan of submitters.

The issues raised by the submissions have been summarised in the Attachment and responded to as described below.

The main issues raised in the submissions, together with a comment on each issue are outlined below.

Key Issues

Issue 1 – Traffic – concerns have been raised relating to the increase in volume causing problems with queuing on Church Street and Albany Highway, conflict when traversing Albany Highway to travel north, danger to pedestrians, impact on the local road network and Main Roads objection to the left in/left out on Albany Highway.

Comment

The proposed Scheme Amendment is intended to facilitate development of the subject site, which has been vacant since 2007 and the applicant has advised that the earlier approval for office and showrooms was not implemented due to a lack of market demand.

The application is accompanied by a Traffic Impact Assessment stating the proposed uses will result in an increase in the amount of traffic accessing Church Street. This can be attributed to the site being developed and also the requirement by Main Roads WA that all egress from the site must be via Church Street.

Some of the submissions have supported development of the site, but have suggested that other uses would be more suitable as they would create less additional traffic.

The Scheme Amendment seeks to determine whether there is a fatal flaw in the proposed uses and does not seek to address the level of detail which would be required at the development application stage of the process.

The Traffic Impact Assessment has been updated by the applicant to include reference to school peak hour times and concludes that the road network is capable of accommodating the increase in traffic volume and the intersection can also accommodate the increase without an unacceptable queuing time on either Albany Highway or Church Street. The City considers that in view of the additional traffic, there may be a requirement for an intersection upgrade to ensure that there is road width to accommodate vehicles entering the site from Church Street as well as those progressing east along Church Street. The same principle may apply on the southern side of Church Street, however this is also a matter which can be more accurately assessed at the detailed design stage. It is recommended therefore that this will be assessed when a development application is submitted and that it should be accompanied by a detailed intersection upgrade design. In light of the recent concerns raised about truck movements, it is considered reasonable to highlight that any necessary upgrade or widening of the intersection, including portion of Church Street abutting the site will be taken into consideration as part of any future development application. Condition 11.3 (second dot point) has been amended accordingly.

It is acknowledged that the increase in traffic and queuing times may result in an increase in traffic utilizing the local road network such as River Road and Page Road to access Albany Highway. Some of the submissions have referred to this and raised concern that it is not an acceptable outcome, however it is considered that the local road network has sufficient capacity to accommodate the increase.

Issues relating to highway safety and potential accidents has been raised through the referral process and the Traffic Impact Assessment addresses this. The number of recorded accidents for the Church Street / Albany Highway intersection during 2010-2014 is 7, which the report considered to be a low figure in comparison with the overall traffic volumes. The City considers that in view of the increased traffic volumes there may be an increase in the possibility of accidents in the future and that at the development application stage further information and assessment will be required to ensure appropriate access and intersection design upgrading. Concern has also be raised in relation to pedestrian safety at the crossover point of the subject site and Church Street which is frequented by numerous school children on their way to and from school. Whilst it is accepted that pedestrian safety is critical, it is considered that there are appropriate mechanisms at the development application stage to ensure that the access is designed safely in terms of both vehicular and pedestrian movement. Appropriate sight lines can be achieved for vehicles and pedestrians around the proposed crossover.

Main Roads WA had previously raised an objection to the proposal as it illustrated a left in/left out onto Albany Highway. The applicant has updated the Traffic Impact Assessment to reflect these concerns and has agreed to a left in only from Albany Highway. In addition, it has been acknowledged that a median will be required to be constructed to prevent access to the site by traffic travelling in a north bound direction along Albany Highway. Main Roads WA has advised that they no longer object to the scheme amendment subject to the conditions requiring a median to be constructed and all signage applications are to be referred to them for comment.

Recommendation

That the issue is not supported.

Issue 2 - All of the uses proposed already exist in Kelmscott including existing lunch bars, convenience stores, fast food outlets and liquor stores. The uses are not appropriate in a residential area and no evidence has been provided to ensure the proposal will not have a negative impact on the retail core of the Kelmscott District Centre.

Comment

It is noted that there are already two service stations, a number of fast food outlets, liquor store, a pharmacy and a medical centre in Kelmscott. The role of the planning system is not to determine the commercial viability of an enterprise which is largely addressed by commercial competition. The planning system controls and guides land use and development and manages land uses so as to minimise conflicts between otherwise incompatible uses.

The subject site is zoned 'District Centre' and forms part of the commercial precinct on Albany Highway and as such it is anticipated that the site will be developed. The scheme provisions permit both commercial and residential development and the scheme amendment does not seek to alter this, but rather to increase the range of uses to enable the site to be developed and contribute to the economic growth and viability of the District Centre.

The applicant has advised that a Retail Sustainability Analysis was not required, because the proposed uses do not constitute retail floor space as set out in the Department of Planning's Western Australian Standard Land Use Classification. The City has sought the advice of its retail consultant who has confirmed that the economic impact of a convenience store on food and grocery outlets in the Kelmscott retail core would be negligible. Comment was also provided in relation to a wider review of the restricted use zone, which it is understood is likely to be addressed by the City and the Metropolitan Redevelopment Authority as part of the boundary review of the Kelmscott Town Centre.

Recommendation

That the issue is not supported.

Issue 3 – Heritage, trees and environment. Submitters have raised concerns regarding the impact of the development on the Heritage Precinct, loss of trees which will impact on visual amenity and wildlife habitat and potential groundwater contamination.

Comment

The subject site is situated on the corner of Albany Highway and Church Street and visually relates to both locations. Church Street provides the entry point to the River Road Heritage Precinct; it is predominantly residential, with dwellings having significant setbacks and the street benefits from a significant number of trees on the northern and southern sides. The District Centre zoning of the subject site clearly anticipates future development; the objectives of the District Centre and provisions of the scheme amendment include controls relating to the built form outcome to ensure that it integrates appropriately into its surroundings. The design aspect is not an issue for the scheme amendment as it will be addressed through the submission and assessment of a development application. It is therefore considered that whilst the visual amenity of Church Street is a relevant consideration in the development application process, it is not a deterrent for supporting the scheme amendment. It should also be noted the site is capable of commercial development under its current zoning.

The loss of trees has been raised by submitters and is acknowledged by the applicant. The proposed crossover will result in the removal of one box tree and one Marri tree. The applicant has confirmed that the box tree will be replaced with a suitably mature specimen to minimize the impact of the loss of the tree in question. The City's Environment officer has undertaken a review of the Marri tree which may be lost due to the width of the access; the advice concludes that the tree is in good health, contributes to the streetscape and may provide some habitat value. However, the tree is not significant in terms of the value it currently contributes to habitat for cockatoos.

Concerns regarding the possible contamination of water have been raised due to the proximity of the site to the Water Corporation drain to the east which leads into the Canning River system. It is acknowledged that the service station is likely to have surface contaminants which will need to be managed appropriately. However it is considered that the development application process will ensure that the necessary management plans and controls are assessed and required to be implemented to minimize the risk of damage to the drain and associated water courses.

The heritage, trees and environment issues are issues that are normally considered in detail as part of the development application process. The current location of the proposed access will result in the loss of trees which the City considers worthy of retention and it is suggested that an alternative will need to be explored at the relevant stage of the planning process, however it does not preclude support for the scheme amendment. Retention of existing street trees and the addition of new street trees is consistent with the objectives of the City's Urban Forest Strategy, however where this is not possible, the developer should be required to replace the trees adjoining the site and /or fund trees in alternative locations.

Recommendation

That the issue is not supported.

Issue 4 – Residential amenity. *Concerns have been expressed regarding the impact of the proposed uses on the residential amenity in terms of noise, antisocial behavior and odour.*

Comment

The site abuts residential development to the north and east, with the eastern properties being separated from the subject property by a Water Corporation drain approximately 15 metres in width.

The scheme amendment proposes uses which could potentially operate 24 hours a day and which are likely to operate outside office hours of 8.30am to 5pm. In addition, the proposed uses have the potential to generate noise and odour which may also impact on the amenity of adjoining residential properties; which will need to be managed appropriately.

Noise has the potential to impact on residential amenity and the Environmental Protection (Noise) Regulations (1997) are the primary legislative control. The submission of a development application will need to be accompanied by an acoustic assessment to determine the levels of noise to be generated by a particular use and determine whether they are acceptable or capable of being appropriately controlled or mitigated. Whilst it is acknowledged that noise is a relevant factor to be considered in assessing a development application, the proposed uses are not considered inappropriate in the District Centre location and do not prevent support for the scheme amendment.

Antisocial behavior has been raised as a potential issue in relation to ‘hooning’ and also in relation to a liquor store. ‘Hooning’ is something which can arise in any location and is a matter for the Police to resolve.

The development of a liquor store will require the approval of a development application and also requires a licence under the Liquor Control Act (1988). Whilst the planning system seeks to assess the land use aspect, the social aspect is primarily addressed through the Department of Racing, Gaming and Liquor’s licensing process.

Recommendation

That the issue is not supported.

COMMENT

Local Planning Strategy (2005)

The Local Commercial Strategy – Retail Hierarchy Review (2004) is one of the suites of documents comprising the Local Planning Strategy. In developing the Local Commercial Strategy, a detailed analysis of the Armadale City Centre and the Kelmscott Centre was undertaken with the assistance of the Department for Planning and Infrastructure in Enquiry by Design Workshops conducted in 1999 and 2002 respectively.

The Retail Hierarchy Review recognizes the need for some redevelopment of the Kelmscott Centre, specifically detailing that it should be undertaken in a manner which will retain the functionality of the Kelmscott District Centre and not jeopardize the development and growth of Armadale as a Strategic Regional Centre.

The Kelmscott Enquiry by Design, Clause 5.3 - Town Centre Outcomes advised '*Restricting car-oriented uses such as fast-food outlets, service stations and bulky goods retailing to the southern portion of Albany Highway (generally, south of Davis Road) rather than in the town centre.*'

The proposed scheme amendment is consistent with these findings in relation to the Fast Food outlet, Motor Vehicle Wash and Service Station component, however it also proposes a convenience store and the City has sought advice to determine whether this will have an impact on the District Centre. The advice of the City's consultant concluded that the convenience store use would not have any significant detrimental impact on the District Centre and is therefore capable of being supported.

Town Planning Scheme No.4

The subject site is zoned District Centre, the objectives of which are identified in Clause 4.2.6 of the City's TPS4:

- (a) To provide for an extended range of shopping, commercial and community services to meet the weekly needs of neighbourhood groupings, and contribute towards the employment needs of the local workforce.
- (b) To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community with the service area.

The provisions of the Restricted Use No.1 zone state:

The District Centre Zone – Restricted Use Area (R) acknowledges that the location and accessibility characteristics of the Albany Highway frontages adjacent to the Kelmscott Town Centre allow discretionary consideration of applications for a range of mixed business uses, which are generally supportive of, however, which do not represent a dispersal of the major Kelmscott Town Centre functions as a District Retail Commercial Centre.

The intent of restricting permissible land uses is to maintain the central retail Town Centre functions located within the unrestricted central area of the District Centre Zone, preventing their diffusion into an adjacent linear restricted area.'

Overall, the provisions of the District Centre zone are to create a retail core with appropriate additional uses outside the core to support the District Centre.

Definitions of Proposed uses

The uses proposed to be included in the new Restricted Use zone are defined in TPS4 as follows:

Convenience Store means

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
- (b) operated during hours which include, but may extend beyond, normal trading hours;
- (c) which provide associated parking; and
- (d) the floor area of which does not exceed 300 square metres net lettable area.

Fast Food Outlet means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar.

Liquor Store - Small means any land or buildings the subject of a liquor store licence granted under the provisions of the Liquor Control Act 1988 (as amended) where the net leasable area does not exceed 300m².

Lunch Bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

Motor Vehicle Wash means premises where the primary use is the washing of motor vehicles.

Service Station means premises used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

Shop means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet; liquor store - small or liquor store – large.

Permissibility of proposed uses

Clause 4.3.1 of TPS4 sets out that the permissibility of proposed uses can be determined by cross referencing a use with the respective zone in the zoning table. The symbols in the zoning table are as follows:

‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

‘D’ means that the use is not permitted unless the City has exercised its discretion by granting planning approval;

‘A’ means that the use is not permitted unless the City has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

‘X’ means a use that is not permitted by the Scheme.

The proposed scheme amendment seeks to change the permissibility of ‘Convenience Store’ and ‘Service Station’; both these uses are listed as ‘A’ which requires a development application to be advertised in accordance with Clause 9.4 of TPS4. The applicant was requesting this is changed to a ‘D’ use meaning a development application will not need to be advertised.

The justification given by the applicant is that the scheme amendment will have been advertised, therefore the advertising of a development application is duplication of process. However, the purpose of the scheme amendment is to determine whether alternative uses can be considered on the subject site, it does not determine specific design or technical details which require a degree of assessment and discretion at the Development Application stage.

The scheme amendment is proposing to include seven uses which are currently not permitted to be considered and it is not certain which of these uses will ultimately be developed on the site. In addition, the specific configuration including (but not limited to) design, setbacks, parking and landscaping is not being determined at this stage in the statutory process and therefore the requirement to advertise these should be retained to maintain consistency with the provisions of the scheme.

This matter was considered by Council on 18 August 2015 at the initiation stage and there has been no change in circumstances. It is not therefore recommended that the permissibility is supported and the proposed uses should remain ‘A’ requiring them to be advertised.

Development Control Unit (DCU)

The City’s Technical Services comments identified that the left in /left out crossover to access the site from Albany Highway would need the support of Main Roads WA and sought clarification on the impact of the crossover on the bus embayment situated on Albany Highway.

The applicant provided an updated Traffic Impact Assessment amending the access from Albany Highway to left in only; Main Roads have reviewed the document and advised of their support for this approach.

The City considers that the scheme amendment does not create any significant issues from an access or traffic volumes perspective. It will be necessary for additional data to be provided in support of a detailed design at the development application stage but this does not prevent support of the scheme amendment.

Advice has been received from Parks and Reserves and Environment Departments in respect of the box tree and Marri trees. The advice states the trees are in good health and provide some habitat value, however they are not significant in terms of their habitat contribution to red tailed cockatoos. The applicant has advised that they will provide a suitably sized replacement box tree, however the Marri tree is also considered of significance and further consideration will be required at the development application stage regarding its retention, the possible relocation of the access or replacement of the Marri tree by the developer.

ANALYSIS

The applicant has provided justification that *‘inclusion of the above uses is not considered to undermine the intent of the Restricted Use Zoning, as the development of key activities within the Town Centre will still remain prohibited on the site, such as retail development, market, small bar, Tavern and Liquor Store – Large’*.

The assessment of the proposed uses is considered as follows:

Convenience Store

In view of the ‘retail’ component of this use, advice on the potential impact of a convenience store was sought from the City’s retail consultant. The advice concluded that the impact of a convenience store on the subject land on food and grocery outlets in the district centre retail core would be negligible.

The City’s retail consultant also advised that it may be appropriate to consider a wider review of the scheme provisions and it is understood that this is something which will be addressed by the City and the Metropolitan Redevelopment Authority when the review of boundaries of the Kelmscott Town Centre is undertaken.

Hours of operation may have the potential to impact on residential amenity, especially given the site is currently vacant; however this is considered to be capable of appropriate management at the development application stage of the process and does not preclude support for the scheme amendment.

Fast Food Outlet

The proposed inclusion of fast food outlet has been the source of concern amongst a number of submissions, on the grounds that they are already sufficient in the locality, the use results in antisocial behavior and encourages unhealthy lifestyles.

The volume of any particular service within a given location is something generally considered to be controlled by market forces and commercial competition. The provision of a diverse range of uses in a centre is considered important and is consistent with the objectives of the District Centre zone; the district centre services the population of the town but also the traffic en route to another destination and multiple outlets is not considered unreasonable. It is acknowledged that a proliferation of a single use at the expense of other uses would not be a good outcome, but there is a variety of other uses in the locality and therefore this is not considered to be a significant negative issue.

In terms of antisocial behavior the development application process can require the submission, assessment and implementation of management plans to manage such issues. From a health perspective the applicant has advised that a tenant has not yet been identified and fast food outlets can include healthy options.

Liquor Store – small

During the advertising period a number of submissions raised concerns relating to the suitability of a liquor store on the subject site. The main concerns highlighted the existence of a number of liquor stores in Kelmscott therefore indicating further provision is not required. The issue of antisocial behavior and health concerns was also raised.

The location of the site on Albany Highway and its District Centre zoning are considered to be the most suitable location for such premises. The City is generally not supportive of new applications for premises in residential areas; it would also not be advisable to be supportive of a concentration of liquor stores in close proximity. In light of concerns raised and also to discourage additional stores being established, it is considered appropriate to restrict the establishment of a liquor store on the subject site on the proviso it represents a relocation of an existing (already established) liquor store from another site within the City. An amended condition 11.5 has been added accordingly.

The proposed liquor store will be limited to 300m² and is likely to primarily benefit vehicular traffic. The intent is not for alcohol to be consumed on site. On this basis it is not considered that it will have a significant detrimental impact on residential amenity and is unlikely to result in significant issues in relation to antisocial behavior. In addition the site is likely to be primarily developed as a service station and it is considered that the frequency and volume of service station customers will also be a deterrent in terms of onsite consumption of alcohol. The principle mechanism for dealing with such issues is the Liquor Licensing Act 1988, however it would be appropriate to request a management plan to accompany a development application for any liquor store to address matters including, but not limited to, a Public Interests Assessment, trading hours, queue management, noise management, public safety, security and complaint and reporting procedures.

Lunch Bar

In view of the existence of a number of small Lunch Bar enterprises within the District Centre, advice was sought to establish whether the development of a small Lunch Bar on the subject site would have an effect on the District Centre. The advice concluded that the development of a small Lunch Bar on the subject site would not have any perceptible economic impact on the viability of land uses in the retail core of the Kelmscott District Centre. It is considered preferable that the development of a lunch bar on the subject site is integrated with other supporting uses.

The proposed use is therefore supported in the scheme amendment.

Motor Vehicle Wash

In considering the inclusion of a Motor Vehicle Wash, the main issues raised by submitters relate to amenity impacts on adjoining residential properties in relation to noise. The location in the District Centre is considered to be appropriate and consistent with the statutory framework; the issue of noise would need to be assessed at the development application stage and subject to suitable location, operation type, operating hours and appropriate management and mitigation measures may be capable of support.

The proposed use is therefore supported in the scheme amendment.

Service Station

The provision of a service station in this location is consistent with the Retail Hierarchy Review which identified car based uses were appropriate in this location. The definition includes the provision of a retail component, but as with Convenience Store this is considered to have a negligible effect on the District Centre and is therefore capable of support. It would also be difficult to argue against a service station land use on this site, given an existing service station is located directly opposite, unless there were other significant issues.

Shop (Pharmacy)

The intent of the current restricted use provisions is to ensure the integrity of the retail core is maintained and development does not become fragmented. Whilst the proposed amendment includes the provision of a shop, its sole purpose is to facilitate the development of a pharmacy in connection with a future medical centre, with a floor space restriction of 200m². It is considered that combining the two uses is beneficial in a land use context as it prevents the need for additional travel to a pharmacy in another location.

The proposed use is therefore supported, with restrictions.

Modifications to Amendment after advertising

The following modifications to Condition 11.3 of Schedule 3 have been undertaken:

1. The second dot point was modified by Development Service Committee at its 15 December 2016 meeting (D66/12/15) to clarify that egress from the site is to be via Church Street due to the fact that access via Albany Highway is 'left in' only. DSC discussed amending the condition to also include upgrading of the Albany Highway/Church Street intersection, however it was noted at the time that this could be imposed at the Development Application stage. In light of the recent concerns raised about truck movements, it is considered reasonable to highlight that any necessary upgrade or widening of the intersection, including portion of Church Street abutting the site will be taken into consideration as part of any future development application. The condition has been amended to read as follows:
 - *vehicular access to the site including access from Albany Highway and access and egress to and from Church Street and Albany Highway shall be to the satisfaction of Main Roads Western Australia and / or City, including any necessary upgrades or widening to the Albany Highway/Church Street intersection and Church Street where it abuts the subject site;*
2. In response to the applicant's justification to address and restrict large truck access (vehicles larger than 12.5m in length) on the subject site associated with a Service Station, a new sixth dot point has been added as follows:
 - *the restriction of vehicular access and refueling of vehicles greater than 12.5m in length, including (but not limited to) the installation of appropriate signage, traffic calming devices and prohibiting high flow diesel pumps/bowsers in respect to Service Station.*

It should be noted that 12.5m is the maximum length of a motor vehicle permitted under the *Road Traffic (Vehicles) Regulations 2014*. Vehicles exceeding 12.5m are generally classed as 'heavy vehicles' or 'Restricted Access Vehicles (RAV)', such as a prime mover with semi-trailer, B-double, road train or vehicle carriers for example. Such vehicles are only permitted on Albany Highway regardless and are more suited to purpose built trucks stop facilities.

With regard to trucks smaller than 12.5m, the applicant argues...*it is not considered practicable to design a service station layout in such a manner to exclude trade vehicle size trucks. Smaller sized trucks are not the target market for the subject site, however are manoeuvrable and are common place on the road network. These types of trucks are expected to be utilised for "pick up" and "delivery of goods" associated with commercial operations such as that already extant on Albany Highway...The conceptual design of the service station aims to exclude the potential movement of "large trucks" through the subject site. It is unusual to specifically design a Service Station that limits the movement of certain "sized" vehicles. Notwithstanding, our Client has undertaken measures to discourage trucks from entering the site to assist in addressing concerns.* It is acknowledged that the final design will also need to accommodate a fuel tanker (up to 19m in length) and therefore it would be impracticable to design out and completely prevent all trucks accessing the site.

3. A new seventh dot point has been added to address the management of any service delivery vehicles to ensure they exit the site via a 'right turn only' movement onto Church Street regardless of the land use, as follows:
 - *the traffic management of all service delivery vehicles (including fuel tankers relating to Service Station) to permit 'right turn only' movements onto Church Street.*
4. A new Condition 11.5 has been added to restrict the establishment of a Liquor Store-Small on the proviso it involves the relocation of the existing store from another site within the City, as follows:
 - *11.5 Liquor Store- Small shall only be permissible where it can be demonstrated to the satisfaction of the City that it involves a relocation of an existing liquor store from another site within the City.*

OPTIONS

1. Council may adopt the amendment with or without modifications and request that the Hon Minister for Planning grant final approval to the amendment.
2. Council may resolve to not adopt the amendment giving reasons and request that the Hon Minister for Planning refuse to approve the amendment.

CONCLUSION

It is considered that the main issues raised by submitters are capable of being managed through assessment of the development application process and do not preclude support for the scheme amendment.

It is recommended that Council resolve to adopt the amendment with modification in accordance with Option 1 above.

RECOMMEND

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, with modification, Amendment No.80 to Town Planning Scheme No.4 to:

- a) Insert a new entry in Schedule 3 – Restricted Uses as follows:

No.	Description of Land	Restricted Use	Conditions
11	Lot 200 (4) Church Street, Kelmscott	<p>The following uses potentially permissible in the retail commercial core of the District Centre zone shall be uses that are Not Permitted (X) in the Restricted Use Area:</p> <ul style="list-style-type: none"> • Amusement Parlour • Auction Mart • Car Park • Cinema / Theatre • Commercial Vehicle Parking • Liquor Store Large • Market • Motor Vehicle Repair • Night Club • Restricted Premises • Small Bar • Tavern 	<p>11.1 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing and potential uses of the site.</p> <p>11.2 Where proposed development interfaces with existing or proposed residential development, special design consideration shall be required for the screening, separation or noise attenuation of adjacent premises.</p> <p>11.3 The City may impose conditions and require proposed developments to specifically address the following issues:</p> <ul style="list-style-type: none"> • a high quality unified architectural design and overall development of the site that reflects a level of integration and consistency with the surrounding built environment; • vehicular access to the site including access from Albany Highway and access and egress to and

			<p>from Church Street and Albany Highway shall be to the satisfaction of Main Roads Western Australia and / or City, including any appropriate upgrades or widening to the Albany Highway/Church Street intersection and Church Street where it abuts the subject site;</p> <ul style="list-style-type: none"> • the amalgamation of lots or provision of reciprocal rights of access where appropriate; • the screening and/or landscaping of car parking areas from adjacent residential uses; • the precluding of overnight accommodation of animals in respect to Veterinary Centres; • the restriction of vehicular access and refueling of vehicles greater than 12.5m in length, including (but not limited to) the installation of appropriate signage, traffic calming devices and prohibiting high flow diesel pumps/bowsers in respect to Service Station; • the traffic management of all service delivery vehicles (including fuel tankers relating to the Service Station) to permit 'right turn only' movements onto Church Street. <p>11.4 The development of 'shop' floorspace shall not exceed 200m² and be limited to use by a Pharmacy only in conjunction with the development of a Medical Centre on the site.</p> <p>11.5 Liquor Store- Small shall only be permissible where it can be demonstrated to the satisfaction of the City that it involves a relocation of an existing liquor store from another site within the City.</p>
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- a) **Delete former Lot 61 (4) and Lot 23 (6) (Lot 200 Church Street) from the Schedule 3 Restricted Use No.1 and Description of lands, and**
 - b) **Amend the Scheme maps accordingly.**
2. **Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.**
 3. **Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning grant final approval to the amendment.**
 4. **Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.**
 5. **Advise the submitters and the applicant of its decision.**

ATTACHMENTS

1. TPS Map - Amendment No.80
2. Lot 200 Church Street - Draft Concept 1
3. Lot 200 Church Street - Draft Concept 2
4. CONFIDENTIAL - Submittee Plan - Amendment No.80 - Church Street Kelmscott - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*
5. CONFIDENTIAL - Schedule of submissions - Amendment No.80 - Church Street KELMSCOTT - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*
6. Applicant's Additional Information (Letter dated 29 Janaury 2016)

COUNCILLORS' ITEMS

Items to be submitted.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

***5.1 - BUSHFIRE-PRONE LAND AND RELATED BUILDING AND PLANNING
REGULATORY REFORMS***

On the 7 December 2015 the Government gazetted a final package of planning and building regulatory reforms which address recommendations of the Keelty Report into the 2011 Perth Hills bushfires, which included devastating fire impacts in the Kelmscott and Roleystone areas. The reform measures seek to improve the protection of people and property against the threat of bushfires by careful assessment of risk levels as part of statutory assessments in planning new developments and for new building constructions.

The new regulatory regime includes:

- *Map of Bushfire-Prone Areas* to designate areas as Bushfire-Prone by the order of the Fire and Emergency Services (FES) Commissioner;
- *Building Amendment Regulations (No.3) 2015* to establish a four month transition period until 8th April 2015 for the application of the bush fire construction requirements of the Building Code of Australia (BCA) to particular residential buildings (BCA invokes a requirement for building plans to comply with *Australian Standard AS3959-2009 – Construction of buildings in bushfire-prone areas*); and
- *Planning and Development (Local Planning Scheme) Amendment Regulations 2015* to establish deemed provisions relating to bushfire risk management within all local planning schemes (including TPS No.4).

It is important to note that these requirements are applicable to all local authorities and the below mentioned guidelines and supporting documents provide extensive information to assist and inform applicants/landowners on bushfire planning matters. The key guiding documents include:

- a new *State Planning Policy 3.7: Planning in Bushfire Prone Areas*; and
- revised *Guidelines for Planning in Bushfire-Prone Areas*.

The Department of Planning has also prepared a *Planning Bulletin No 111/2015 - Planning in Bushfire-Prone Areas* and a number of *Fact Sheets* and *FAQs* are available to assist in understanding the implementation of these reforms. These documents are available by following the web links below to the Departments of Planning, Fire and Emergency Services and the Building Commission:

www.planning.wa.gov.au/bushfire
www.dfes.wa.gov.au/regulationandcompliance/bushfireproneareas
www.dfes.wa.gov.au
www.commerce.wa.gov.au/building-commission

The Map of Bush Fire Prone Areas, *State Planning Policy 3.7* and supporting *Guidelines for Planning in Bushfire Prone Areas* are already operational for any new strategic planning proposal, subdivision or development application in the published designated Bushfire-Prone Area. These will need to be assessed against State Planning Policy 3.7. In summary, these proposals will need to be accompanied by a Bushfire Hazard Level assessment, a BAL Contour Map or a site BAL Assessment, in accordance with the policy and guidelines.

The statutory requirements under both the *Planning and Development (Local Planning Scheme) Amendment Regulations 2015* and BCA will take statutory effect from 8 April 2016. Therefore from 8 April 2016, in a designated Bushfire-Prone area any new proposal to build a single house or ancillary dwelling on a site equal to or greater than 1,100m², a habitable building or other buildings as specified by the policy guidelines, will require a BAL Assessment for planning and/or building purposes (unless a BAL Contour Map has already been prepared for the site in prior planning processes).

Draft Map of Bushfire-Prone Land

The Map of Bushfire-Prone Land is the central statutory component of the new the Bushfire assessment regime and identifies a large proportion of the City of Armadale as Bushfire-Prone. In summary Bushfire-Prone land either has existing vegetation deemed as Bushfire-Prone, or is within a 100 metre fire impact zone of such vegetation. Bushfire-Prone vegetation may be forests, bushland or shrub-land or may simply be areas cleared of perennial vegetation, but nevertheless potentially subject to annual weed growth and consequently an elevated fire risk. A BAL (Bushfire Attack Level) greater than the trigger 12.5 rating scale is deemed as Bushfire-Prone for the purposes of building and planning legislation.

OBRM recently published the draft State Bushfire-Prone Area Map for public viewing and invited local governments to undertake a final review of the mapping and suggest final changes and updates to the Bushfire-Prone area prior to its formal gazettal. Gazettal will then trigger all the new statutory assessment processes for building homes and land use planning within all the designated Bushfire-Prone areas identified on the gazetted map. The map is currently available for viewing at the following link: <https://maps.slip.wa.gov.au/landgate/bushfireprone/>

OBRM strongly recommends local governments adopt a precautionary approach to identifying any vegetation or areas potentially Bushfire-Prone, irrespective of whether complete certainty exists or not. Whilst it has formulated an updated Mapping Standard guideline document to help in this final review period, OBRM appreciates that local governments have large areas of land with potential bushfire risk and does not necessarily have the technical skills, expertise and resources at hand to carry out detailed or on-ground assessments, particularly in the short review timeframe provided by the State Government for the local government review. OBRM notes that, if necessary, subsequent refinements can be made to update the Map in annual review processes.

In that regard OBRM also requests any landowners or developers seeking to have land removed from the Map of Bushfire-Prone Areas, to contact the planning or building section of the local government in the first instance. OBRM will provide the executive oversight and final decision-making authority on any changes proposed (ie valid changes can be implemented in the annual review).

Request for local governments to review the OBRM Bushfire-Prone Map

OBRM has requested local governments undertake a review and provide feedback on the final draft Map of Bushfire-Prone Areas by 18 March 2016. Relevant officers from the City's Ranger & Emergency Services, Planning and Parks Departments are reviewing potentially Bushfire-Prone land. Any changes suggested by the working group will be collated and provided as feedback to OBRM requesting it suitably update the final statutory Map. The final statutory Map is expected to be gazetted by the Fire and Emergency Services (FES) Commissioner in March-April 2016.

OBRM will thereafter do an annual update to the statutory published Map of Bushfire-Prone Land and proposes that local governments monitor and review it annually. OBRM states that public and industry petitioning for changes to the Bushfire-Prone will only be allowed to be lodged with the relevant local government. Any valid changes in fuel loading identified or that come to notice in the previous 12 months will allow OBRM to map the updated Bushfire-Prone area.

The City is of the view that OBRM should undertake review updates of the Map of Bushfire-Prone Land in rapidly developing areas such as Armadale much more frequently than annually (the City previously suggested quarterly reviews as a minimum). The State Government has recently emphasised the desirability of reducing red tape in building and development. Yet the yearly process will inevitably create a drag on the efficiencies and costs land developers and home builders will need to bear in undertaking BAL and Hazard assessments that in some cases may be required by the year-old mapping and yet be unnecessary due to on-ground fuel reduction and/or site management that has been put in place in the interim. The City will bear additional costs and queries. The City should reiterate that the time delay in publishing a Map of Bushfire-Prone Land from a yearly review should not be acceptable.

ATTACHMENTS

There are no attachments for this report.

5.2 - STRATEGIC ASSESSMENT AND DRAFT PERTH AND PEEL GREEN GROWTH PLAN FOR 3.5 MILLION FOR THE PERTH PEEL REGION

In July 2011, the Western Australian Government and the Commonwealth Minister for the Environment agreed to undertake a strategic assessment of the Peel and Peel regions under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). On 17th December 2015, the State Government released the strategic assessment documentation outlining a series of major reforms, including reductions in red tape for environmental impact assessment and land developments in the Perth Peel Region. The strategic assessment of the Perth Peel Region (SAPPR) has been underway for several years and is now open for public submissions until 8 April, 2016.

In July 2015, Council considered the draft *Perth and Peel @ 3.5million and the South Metropolitan Peel Sub-Regional Planning Frame-work* documents and endorsed a submission furthering the interests and continued economic development of the Armadale community (D39/7/15).

The package of SAPPR reforms foreshadow significant changes to land use planning and environmental outcomes. Major changes include processes to provide more certainty for development by securing Federal environmental approvals early in the planning process (rather than the current uncertainty and high costs of project by project assessments). The documents relate to and should be read in conjunction with the finalised Perth at 3.5 Million Sub-regional Structure Plans (currently being prepared for release by the WAPC following the public submissions period held on the draft Sub-regional Planning Frameworks in late 2015). The reforms also seek to secure conservation outcomes for the next 30 years as development of the Perth and Peel regions proceeds.

The full suite of draft documents for Perth and Peel Green Growth Plan for 3.5 million are available to download from the Department of the Premier and Cabinet's website at <http://www.dpc.wa.gov.au/greengrowthplan> (*a brief Summary document is provided in the Agenda attachments*).

The Perth and Peel regions are projected to grow to 3.5 million people by 2050 – a 70% per cent increase in population, much of which as in South-East/ South-West (Southern) and Peel subregions. The draft Perth and Peel Green Growth Plan for 3.5 million has been prepared to meet the twin-challenge of delivering an efficient and liveable City while also protecting our unique natural environment.

In summary the Strategic Assessment, together with the Environment Protection Authority's draft Section 16e advice on the WAPC's related Perth and Peel@3.5 suite of Subregional Planning Frameworks, seek to deliver the following key outcomes:

- Upfront Federal environmental approval (EPBC Act) for future urban, industrial, rural-residential and infrastructure developments and the extraction of the Basic Raw Materials required to support the growing Perth and Peel regional populations;
- Harvesting and removal of the Gngangara, Pinjar and Yanchep pine plantations;
- Streamlined state approval processes under the EP Act;

- Preferred development and environmental outcomes, including:
 - o Improved access to strategic deposits of BRM; significant sequential land use and greater co-location of infrastructure corridors; and reduced fragmentation of environmental values;
 - o Setting aside 170,000 hectares of new parks and reserves in Perth and Peel and surrounds;
 - o Establishing the Peel Regional Park and resolving tenure, ownership and management arrangements for Bush Forever sites;
 - o Providing for the protection of threatened species, wetlands of international significance and threatened ecological communities;
 - o Commitment to maintaining the long term health of the Peel-Harvey and Swan-Canning estuaries;
 - o Reduced delays and the related cost pressures of clumsy and bureaucratic environmental approval processes.

The 2016 Strategic Assessment is the next major reform aimed at systemic improvements in process and outcomes. In effect it seeks the integration of the Planning and Development process at State level with the Federal Environment and Biodiversity Conservation Act.

The SAPPR documentation comprises of:

- A plan to protect both Matters of National Environmental Significance and State environmental values (the draft *Perth and Peel Green Growth Plan for 3.5 million (Green Growth Plan)*);
- a draft *Strategic Impact Assessment Report*; and
- A range of 'Action Plans' related to five classes of urban development.

These documents and the WAPC's Perth and Peel @3.5 project outline the landscape scale planning intended for the Perth and Peel regions over an approximate 30 year planning horizon.

The City will attend the planner/environmental officer workshop planned through WALGA and prepare a submission for lodgement with the Department of the Premier and Cabinet by the due date.

ATTACHMENTS

1. Strategic Assessment Summary

MEETING DECLARED CLOSED AT _____

DEVELOPMENT SERVICES COMMITTEE		
SUMMARY OF "A" ATTACHMENTS		
16 FEBRUARY 2016		
ATT NO.	SUBJECT	PAGE
2.1 FINALISATION OF BUSINESS PLAN AND SALE OF LOT 200 (121) CARAWATHA AVENUE, MOUNT NASURA		
2.1.1	Land Transaction Business Plan - Lot 103 - 121 Carawatha Avenue, Mt Nasura	56
2.1.2	TPS Map - Lot 200 Carawatha Ave, Mt Nasura	62
3.1 FINAL ADOPTION - AMENDMENT NO.80 - TOWN PLANNING SCHEME NO.4 REZONING OF LOT 200 (4) CHURCH STREET, KELMSCOTT		
3.1.1	TPS Map - Amendment No.80	63
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3.1.6	Applicant's Additional Information (Letter dated 29 January 2016)	66
5.2 STRATEGIC ASSESSMENT AND DRAFT PERTH AND PEEL GREEN GROWTH PLAN FOR 3.5 MILLION FOR THE PERTH PEEL REGION		
5.2.1	Strategic Assessment Summary	73



Land Transaction Business Plan

Covering the Land Parcel:



Lot 200 (121) Carawatha Avenue, Mount Nasura WA 6112

Proposal to Sell

Prepared pursuant to sections 3.58 and 3.59 of the Local Government Act 1995

Proposal

The City holds the freehold ownership of the following land parcel:

Lot No	Street Address	Approx. Land Area	Certificate of Title Details	Zoning/Code	Sewer Connection Capability
200	Carawatha Avenue, Mt Nasura WA 6112	1812m ²	Volume: 2879 Folio: 383	“Residential R15/25” with the Potential to develop at a density of “R30” as per Clause 5.2.4 (a) (ii) of TPS No.4	Yes

Lot 200 Carawatha Avenue, Mount Nasura is a freehold property which has been owned by the City on a number of different titles since 1909. In 2015 a subdivision of the preceding Lot 103 was approved, which dedicated Benson Court and created Lots 200 and 201. Lot 201 is not subject to this business plan.

Historically, the City’s 15 Year Plan proposed expenditure of funds from the sale of Lot 200 to occur as a part of the City’s ‘Freehold Land Sales and Investment Strategy (Strategic Land Asset)’. 70% of the funds raised from the disposal of these strategic land assets is reinvested in revenue producing assets yielding a higher investment return, and the remaining 30% is allocated towards major capital projects. That methodology was endorsed at Council’s meeting of 20th November 2006 (CS109/11/06).

Property

Lot 200 Carawatha Avenue, Mount Nasura

The property is located within Mount Nasura, approximately 30km south east of the Perth CBD. More specifically the property is situated on the eastern side of Albany Highway, on the corner of Albany Highway, Carawatha Avenue and Benson Court. The site comprises a vacant residential site with an area of approximately 1812m².



Image of Lot 200 taken looking from Carawatha Avenue: Monday 6th July 2015

The subject lot is zoned “Residential R15/25” and Additional Use under Town Planning Scheme No. 4 (TPS No. 4).

Under normal circumstances Clause 5.2.4 of TPS No. 4 makes provision for residential development on split-coded land to take place at the higher of the two nominated density codes, and at a higher density code in certain circumstances. In this case, however, the Additional Use partly supercedes Clause 5.2.4 by making Grouped Dwellings a discretionary use up to the R40 code. The other Additional Use which is a discretionary use, is Medical Centre comprising more than 3 Consulting Rooms. Application of an Additional Use is subject to a number of conditions, as follows:

- “17.1 Residential subdivision and development shall be in accordance with the Residential Design Codes (R15, or subject to the City’s discretion R40).*
- 17.2 In association with subdivision or development, a comprehensive site plan indicating a proposed landscaping and fencing of the site is to be prepared, submitted and subsequently implemented to the City’s satisfaction. The aspects to be covered include:*
- a) High quality fencing integrated with landscaping.*
- 17.3 Unless otherwise determined by the City, provision shall be made for vehicle traffic access from Carawatha Avenue, to Lot 100, north of the lot, for development or subdivision of the lot.*
- 17.4 No vehicle access shall be provided to Albany Highway.*
- 17.5 A minimum of 16 metres buffer between the existing Water Corporation pump building located on adjoining Pt Lot 58 to any building.*
- 17.6 All other discretionary uses shall meet the following requirements:*
- a) A plot ratio limited to 0.3*
- b) The overall development of the site should be of a high quality unified architectural design that reflects a level of integration and consistency with the surrounding built environment.*
- c) Will have the same level of permissibility as listed in the Residential Zone provisions of the Zoning Table;”*

Considerations

Expected effect on the provision of facilities and services by the City (Section 3.59(3)(a))

The subject land is vacant land owned in fee simple by the City of Armadale. As the City does not provide any services or facilities using the land, its sale would have no potential negative effects upon the provision of facilities and services to the community. 30% of the funds derived from the sale would be directed towards large-scale capital projects, which will ultimately provide a facility and/or service to the community.

Expected effect on other persons providing facilities and services in the district (Section 3.59(3)(b))

The subject land is vacant land owned in fee simple by the City of Armadale. As there are no persons providing services or facilities using the land, its sale would have no potential negative effects upon the provision of facilities and services to the community.

Expected financial effect on the City of Armadale (Section 3.59(3)(c))

A valuation will be obtained for the property and the sale will be executed by suitable qualified experts. Expenditure incurred as a part of the sale will be absorbed by the Planning Services budget.

70% of the funds raised from the disposal of Lot 200 would be reinvested into revenue producing assets yielding a higher investment return, and the remaining 30% is allocated to towards major capital projects.

There is a likelihood that the parcel of land will be redeveloped following its sale and hence provide additional rate revenue for the City without creation of any new assets, such as roads and hence additional on-going expenditure.

Expected effect on matters contained in the City's Strategic Community Plan 2013 - 2028 (Section 3.59 (3)(d))

The City's Strategic Community Plan 2013-2028 contains the following initiatives:

4.2.1 Develop, implement and report on Council's strategic and business plans.

The ability of the city to manage the transaction (section 3.59(3)(e))

The City ordinarily administers large-scale financial undertakings in its day-to-day business as a Local Government entity. The City will engage appropriately qualified consultants to provide goods and services such as Licensed Valuations, Real Estate and Settlement Services, to ensure the disposal is executed correctly and effectively.

Other matters (Section 3.59(3)(f))

Nil.

Method of Disposal

The disposal/sale of the subject site comprising this transaction and the subject of the Business Plan will be accordance with Section 3.58 (2) and (3) of the Local Government Act 1995.

These sections 3.58 (2) and (3) provide the following options for disposal of property:

- 3.58 (2) a. to the highest bidder at public auction; or
 b. to the person who at public tender makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender; or
- 3.58 (3) a. by a private treaty giving local public notice of the proposed disposition:
 i) by describing the property concerned;
 ii) giving details of the proposed disposition; and
 iii) inviting submission to be made to the local government before the date specified.

Comments on this Business Plan

This business plan is being advertised for a period of 42 days from the date of notifications in The West Australian newspaper, with the advertising period closing on 16 November 2015.

The Business Plan can be inspected:

- At the Administration Centre of the City of Armadale between the hours of 8:15am to 4:45pm Monday to Friday; and/or
- At the City's Public Libraries located in Armadale, Kelmscott and Seville Grove between the following hours;

Copies of the Business Plan can be obtained by:

- Contacting the City's Special Projects Officer, Steve Walker on (08) 9399 0628; or
- By downloading the documents from the City's website at www.armadale.wa.gov.au

Submissions on the Business Plan are to be made in writing and to be received no later than 16 November 2015.

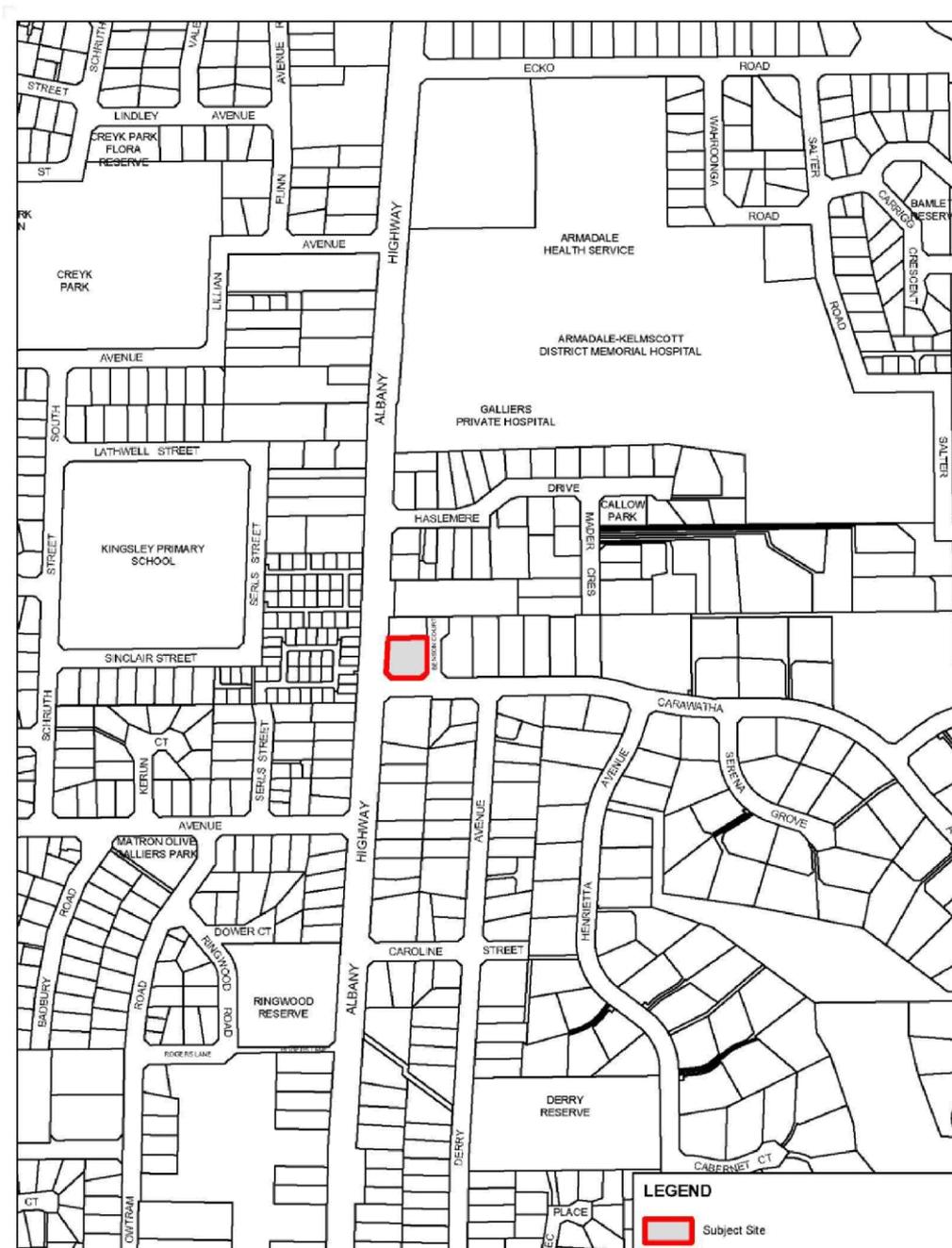
Submissions to be addressed to:

**Chief Executive Officer
City of Armadale
Locked Bag 2
ARMADALE WA 6992
Attention: Steve Walker (Special Projects Officer)**

Process Following Public Advertising

Following the public advertising period the Council will consider all submissions and may decide (by absolute majority) to proceed with the Land Transaction as described in this plan in accordance with the provisions of the *Local Government Act 1995*.

Appendix A – Diagram / Location of Lot 200 Carawatha Avenue, Mount Nasura



**LOT 200 CARAWATHA AVE
MT NASURA**
Location Plan

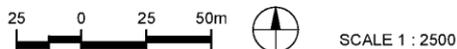


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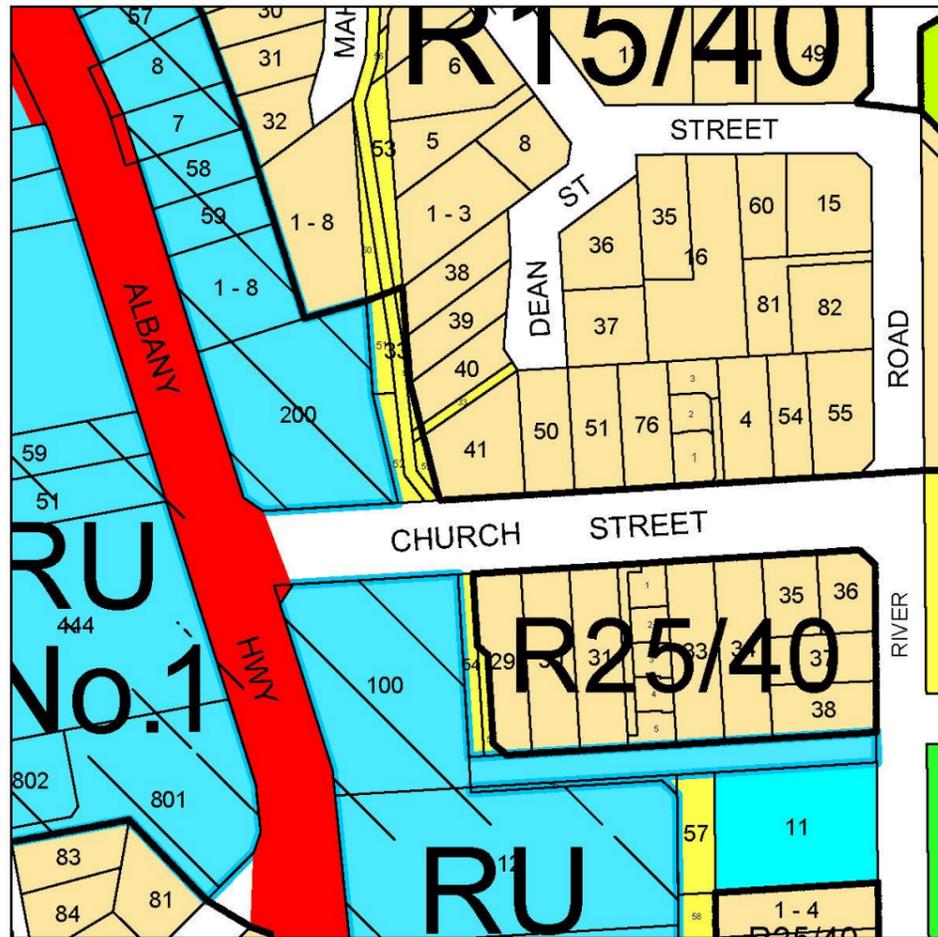
**LOT 200 CARAWATHA AVE
MT NASURA**
Town Planning Scheme No. 4



Based on information provided by and with the permission of the Western Australian Land Information Authority (Landscape 2012). Aerial photograph supplied by Landsat, Photomaps by NearMap.



CITY OF ARMADALE TOWN PLANNING SCHEME No. 4 AMENDMENT No. 80



EXISTING CODING



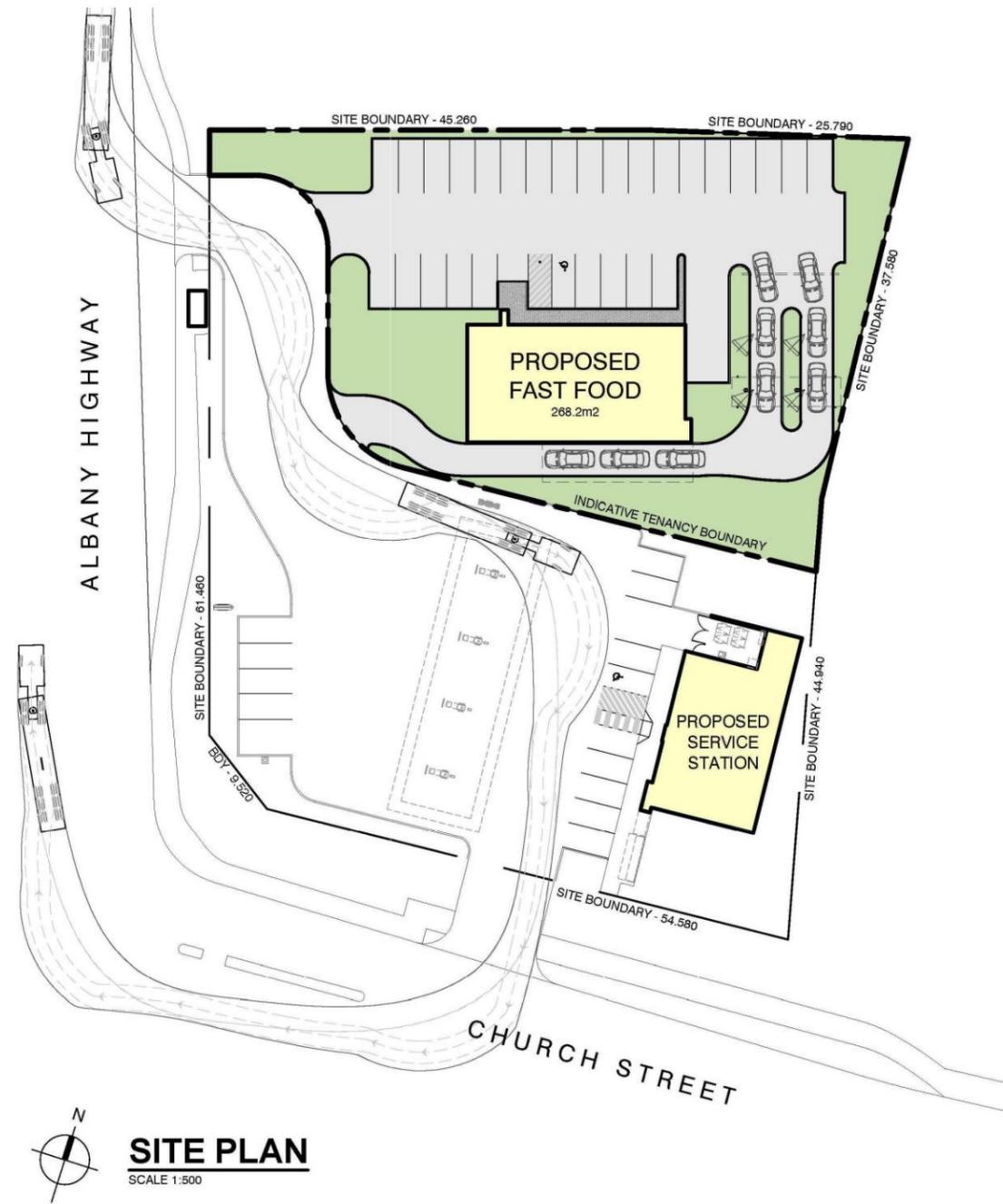
SCALE
1 : 2 500



PROPOSED CODING

ZONES			RESERVATIONS		
<ul style="list-style-type: none"> RESIDENTIAL Including Residential Planning Density Codes URBAN DEVELOPMENT ZONE RURAL LIVING - 1,2,4,10,20,X GENERAL RURAL SPECIAL RESIDENTIAL 	<ul style="list-style-type: none"> MIXED BUSINESS / RESIDENTIAL DISTRICT CENTRE LOCAL CENTRE GENERAL INDUSTRY INDUSTRIAL BUSINESS 	<ul style="list-style-type: none"> No.1 SPECIAL USE No.7 ADDITIONAL USE RU No.2 RESTRICTED USE OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING OUTER EDGE OF SCHEME 	<ul style="list-style-type: none"> MRS PARKS & RECREATION (Region) PARKS & RECREATION (Local) RAILWAYS STATE FOREST WATERWAYS WATER CATCHMENTS 	<ul style="list-style-type: none"> PRIMARY REGIONAL ROADS OTHER REGIONAL ROADS (MRS) PUBLIC PURPOSE (Region) PUBLIC PURPOSE (Local) 	<p>PUBLIC PURPOSE MISCELLANEOUS SUB CATEGORIES</p> <ul style="list-style-type: none"> CG Commonwealth Government TS Technical School HS High School PS Primary School H Hospital WSD Water Authority of WA SU Special Use SEC State Energy Commission T Telstra

NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from DPI.



PROPOSED DEVELOPMENT
For Elton Swarts
Lot 200 Albany Highway, KELMSCOTT

DRAWN	M.Silburn	DATE	June 2015	SCALE	1:500 @ A3	PROJECT No.	0486	DRAWING No.	Sheet 1	REV.	SK01
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MULDER KAMPMAN
DESIGN

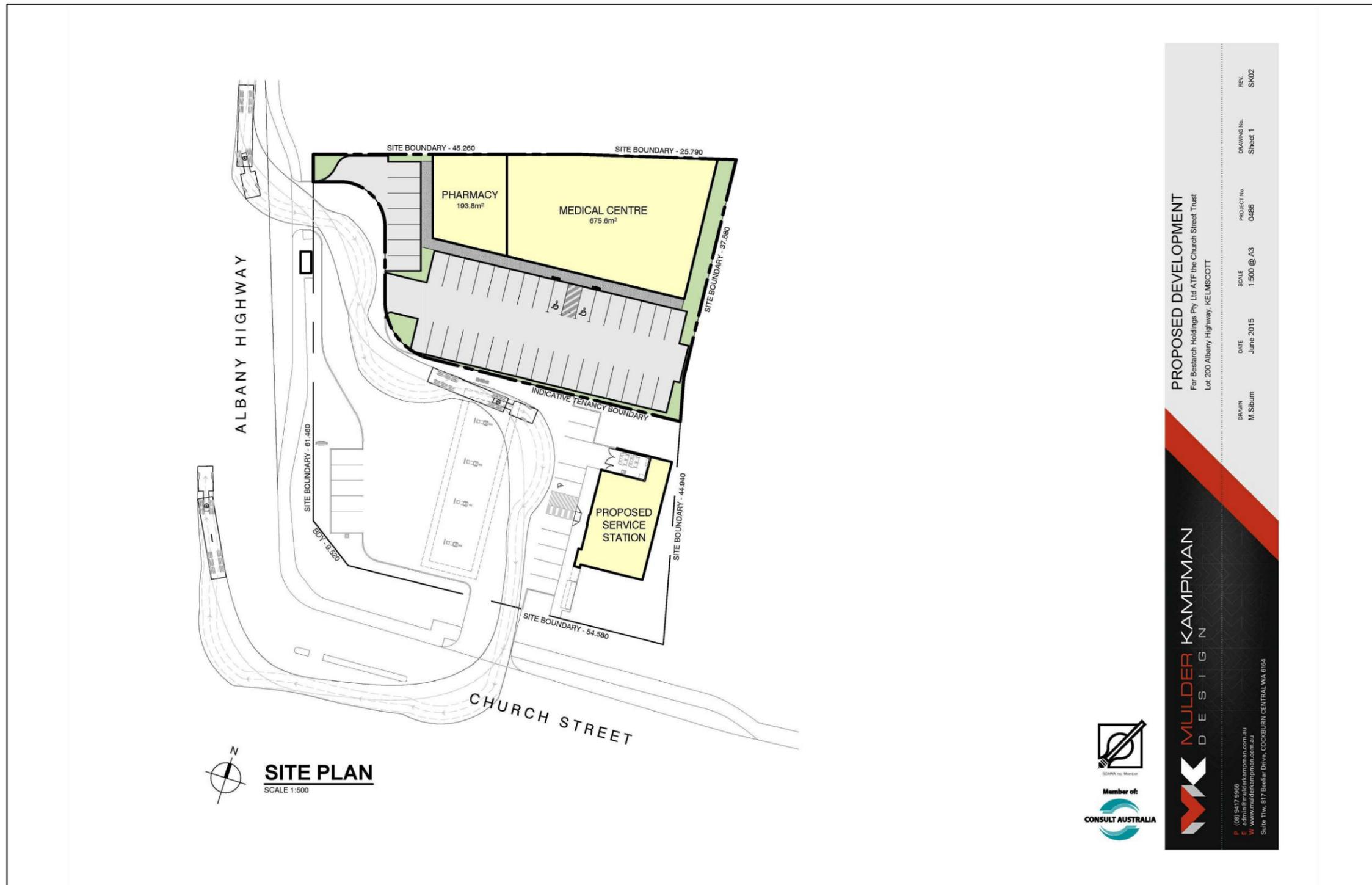
P (08) 9417 9966
E info@mulderkampman.com.au
W www.mulderkampman.com.au
Suite 11w, 317 Brellier Drive, COCKBURN CENTRAL WA 6164

**LOT 200 CHURCH STREET
KELMSCOTT**
DRAFT CONCEPT PLAN 1: SERVICE STATION AND FAST FOOD OUTLET

DATE 9 December 2015 - REVISION 1502
p:\autocad\agenda_drawings\2015\12\december\200_church\lot200_church.dwg

NOT TO SCALE
Based on information provided by and with the permission of the Western Australian Land Information Authority trading as Landgate (2012). Aerial photograph supplied by Landgate. Photos by NearMap.





**LOT 200 CHURCH STREET
KELMSCOTT**
DRAFT CONCEPT PLAN 2: SERVICE STATION, MEDICAL CENTRE AND PHARMACY

DATE 9 December 2015 - REVISION 1502
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NOT TO SCALE

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Western Australian Land Information Authority trading as Landgate (2015).
Aerial photograph supplied by Landgate, Photoshops by NewMap.





ROWEGROUP

Job Ref: 8349
29 January 2016

Chief Executive Officer
City of Armadale
7 Orchard Avenue
ARMADALE WA 6112

Attention: Mr Glen Windass: A\Executive Director Development Services

Dear Sir

**Scheme Amendment No.80 to Town Planning Scheme No.4
Lot 200 Church Street Kelmscott**

We refer to our letter dated 18 December 2016 requesting deferment of consideration of the above-mentioned matter from the Council Meeting of 21 December 2015.

The deferment was requested to allow for the Applicant to provide additional information in respect to the potential for, and restriction of, truck movements to and from the subject site.

Council consented to the requested deferment at the meeting of 21 December 2015. The following additional information is provided as a result of the deferment request.

Site Context

It is important to acknowledge that notwithstanding the proposed Scheme Amendment the subject site can already developed for commercial purposes. In particular, the subject site can be developed for commercial uses that generate commercial traffic movements.

As the subject site is already zoned "District Centre" with Restrictive Uses (R1) there is an expectation provided for in Town Planning Scheme No.4 (TPS4) that in the future commercial development of the subject site will result.

The decision that commercial development may be appropriate adjoining residential zone land to the east is already enshrined in TPS4. In addition, there are already provisions contained with Schedule 3 of TPS4 that

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ROWEGROUP

address the interface of the "District Centre" (R1) and residential zoned land. These are not proposed to be altered by the Scheme Amendment.

Commercial development abutting residential zone land is already extant in the locality and such commercial uses provide an appropriate transition from Albany Highway into the adjoining residential zone.

Given the zoning allows for commercial development there is an expectation that there will be some additional traffic movements beyond that experienced in a purely residential zone because the subject site and adjoining residential development forms a transition zone from Albany Highway to residential land further to the east.

Truck Access and Egress

Concerns were raised by some Councillors that trucks would frequent the subject site to visit the proposed Petrol Station and utilise the adjoining local road network to the east. To address this concern we have considered the likelihood of truck movements and restriction of access in consultation with Shawmac.

Similar to the advice previously provided to Council Shawmac have advised that:

It is considered unlikely that large (12.5m single unit trucks and above) would choose to refuel at the proposed site as they would generally be expected to preferably use sites with high flow diesel pumps.

Notwithstanding the above, Shawmac have advised that the forecourt area of the proposed Petrol Station could be configured so as to physically restrict access and egress to pump positions accommodating smaller vehicles, but excluding larger vehicles (refer to the attached Technical Note from Shawmac). Furthermore, signage could be utilised to discourage trucks utilising the Petrol Station for refuelling.

Shawmac has advised that only one diesel pump would be accessible to 12.5 metre or semi trailer vehicles. The pump would be accessible to semi-trailers as a semi trailer (tanker truck) is required to access the subject site to refuel the Petrol Station. Therefore, access cannot be restricted to this type of vehicle. The tanker truck however would only visit the subject site 1 to 2 times per week. This limits any potential impact that the tanker truck on the existing road network.

Having regard to the advice from Shawmac, the layout of the Petrol Station could be configured in such a manner to discourage trucks from utilising the subject site. The configuration of the layout of the Petrol Station would be determined at the detailed design stage, noting that the proposal before the City at this juncture is a Scheme Amendment. However, our Client is will to accept a condition, to be contained within Schedule 3 of Town Planning Scheme No.4 (TPS4) which requires the physical restriction of access for trucks as outlined above. We proposed to discuss the content of any such condition with the City.



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Diesel Sales

The proposed Petrol Station operator has confirmed that diesel fuel sales for trucks from the subject site are not a target market. The proposed operators market is fuel sales to passenger vehicles and the sale of associated convenience goods. As the proposed Petrol Station operator does not directly target sale of diesel fuel to trucks this further reduces the likelihood of trucks utilising the premises. Moreover, high flow diesel pumps are not proposed to be provided by the proposed Petrol Station operator. This further discourages trucks from utilising the subject site as the time taken to refuel large diesel tanks becomes excessive.

Further to the above, statistics provided by the Petrol Station operator confirms that of sampled stores in that only 2.97 transactions per store were diesel purchases over 100 litres. There are typically 67 diesel transactions per day. Diesel fuel sales over 100 litres indicate sales to vehicles larger than passenger vehicles.

This statistics confirm that it is unlikely that trucks will utilise the subject site to purchase diesel fuel given the low percentage of overall sales of diesel fuels over 100 litres.

Northbound Traffic

Specific concerns were raised that any large trucks refuelling at the subject site would access the local road network to the east (e.g. River Road) to regain northbound access to Albany Highway after refuelling.

In this regard it is considered that any trucks heading northbound would utilise the BP Petrol Station located on the western side of Albany Highway. Using the BP Petrol Station would negate the need to cross Albany Highway.

Shawmac TIA

At the Development Services Committee (DSC) Meeting of 7 December 2015 the veracity of the Shawmac Traffic Impact and Parking Assessment (TIA) was questioned by objectors. As advised at the DSC Meeting the objector was incorrectly referencing to the original TIA lodged with the Scheme Amendment Request. As discussed the TIA was updated to address:

- Advice received from Main Roads WA.
- Traffic volume data received from the City. This included an update to the SIDRA analysis for the intersection of Church Street and Albany Highway.
- School "pick up" and "drop off" times

Having regard to the above, it is considered that the TIA is based upon relevant and correct data.



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Conclusion

It is understood that some Councillors are concerned that the proposed Petrol Station associated with the Scheme Amendment will attract large trucks, and these truck may utilise the adjoining local road network to the east of the subject site.

It is concluded that large trucks are unlikely to utilise the subject site as:

- The physical configuration of a Petrol Station can be altered to discourage 12.5 metre and semi trailer vehicles utilising the subject site.
- Signage can be utilised to alert truck drivers that the subject site is not suitable for their use.
- High flow diesel is not proposed to be provided on the subject site. Truck drivers will seek alternative sites with high flow diesel in preference to the subject site.
- Statistics provided by the proposed Petrol Station operator confirms that of sampled stores only 2.97 transactions per day was diesel purchases over 100 litres. There are typically 67 diesel transactions per day. Therefore, any truck movements to and from the subject site are likely to be minimal.
- Northbound trucks will utilise the adjoining BP Petrol Station rather than cross Albany Highway to access the subject site

Having regard to the matters raised in this advice it is considered that trucks are unlikely to utilise the subject site, and therefore the adjoining local road network to the east.

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

Yours faithfully,

Aaron Lohman

Rowe Group



ROWEGROUP

Attachment One

Shawmac Technical Note



TECHNICAL NOTE

Subject: Truck access – Church Street Development

Date: 12/01/16

Author: Tony Shaw

Attention: Aaron Lohman

Further to recent discussions regarding the potential for truck access to the proposed fuel dispenser locations on the proposed service station forecourt area, the following comments are made.

It is considered unlikely that large (12.5m single unit trucks and above) would choose to refuel at the proposed site as they would generally be expected to preferably use sites with high flow diesel pumps.

Notwithstanding this, the forecourt area of the site could be configured so as to physically restrict access and egress to pump positions accommodating smaller vehicles (up to 8.8 m service vehicles) but excluding larger vehicles. Figure 1 indicates a concept layout that based on turning path templates provides the following access and egress movements.

Passenger and service vehicles up to 8.8 m	Unrestricted access and egress
12.5 m single unit vehicles	Access and egress to the northernmost pump only
19m semitrailer (tanker)	Access to filling point and northernmost pump only

There are possibly a range of configurations that would achieve the control desired whilst not adversely impacting on operations; this would be subject to liaison with the operators of the site and further detailed design.

The restrictions could be further reinforced by appropriate signage.

Consulting Traffic & Civil Engineers, Risk Managers.

1st Floor, 908 Albany Highway, East Victoria Park, WA 6101.

P +61 8 9355 1300, F +61 8 9 355 1922, E admin@shawmac.com.au

Z:\Jobs Active 2015\T&T - Traffic and Parking\Elton Swartz Church Street\Report\Access_Notes V1.docx

Doc #: CM-01-00

Rev: 0

Revision Date: 21 Aug 2013

Page: 1 of 2



Consulting Civil and Traffic Engineers, Risk Managers.

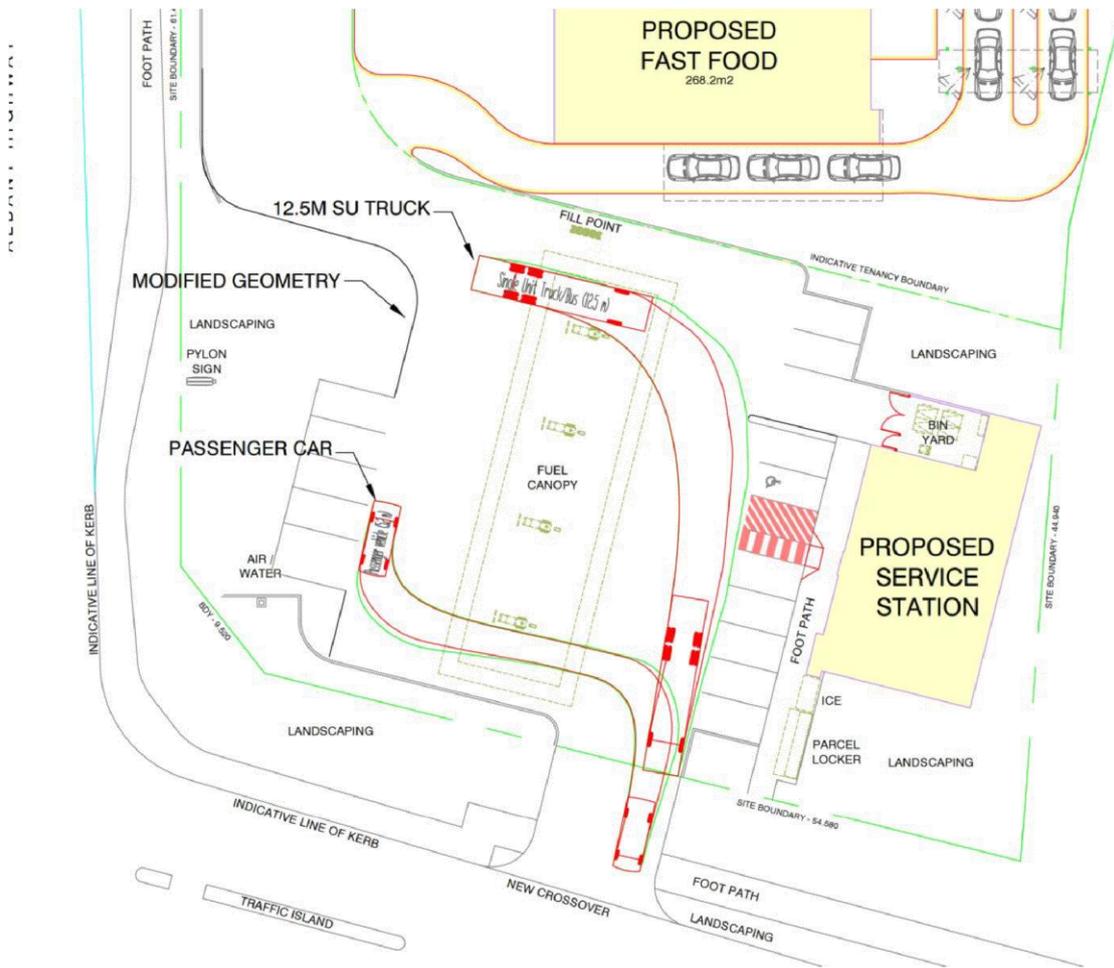


Figure 1 - Forecourt Configuration



Summary



Perth and Peel Green Growth Plan for 3.5 million

December 2015

Background

What is it?

The Perth and Peel regions are projected to grow to 3.5 million people by 2050 – an increase of almost 70 per cent on our current population. Supporting this growth and delivering an efficient and liveable city while protecting our unique natural environment is a significant challenge.

The State Government has prepared the draft *Perth and Peel Green Growth Plan for 3.5 million* to meet this challenge.

In this context the draft plan delivers two critical outcomes:

- Cutting red tape by securing upfront Commonwealth environmental approval and streamlining State environmental approvals for the development required to support growth to 3.5 million people; and
- Unprecedented protection of our bushland, rivers, wildlife and wetlands through implementation of a comprehensive plan to protect our environment.

The draft plan is a 21st century approach to integrating environmental protection and land use planning and is based on the largest urban-based environmental assessment ever undertaken in Australia. It has allowed the cumulative environmental impacts of growth to 3.5 million people to be considered and minimised at an early stage and will deliver a long-term and comprehensive program of conservation actions at a landscape scale.

Improving certainty is at the core of the draft plan. It provides certainty in relation to the environmental outcomes that will be delivered, the areas where development can be contemplated and the environmental obligations that will apply in terms of avoidance, mitigation and conservation actions.

Relationship with *Perth and Peel@3.5million* and the Environmental Protection Authority's related Interim Strategic Advice

The draft *Perth and Peel Green Growth Plan for 3.5 million* is a whole of government initiative and has been developed in collaboration with the Western Australian Planning Commission's (WAPC) draft *Perth and Peel@3.5million* sub-regional planning frameworks, which were released for public comment in May 2015.

This collaboration has involved an unparalleled effort across State Government agencies to optimise development and environmental outcomes, including addressing environmental impacts in the very early stages of land use planning and resolving conflicting future demands for land at a strategic scale. This integrated and long-term planning is critical to delivering a compact, liveable and consolidated city and effective environmental protection.

The Environmental Protection Authority's (EPA) Interim Strategic Advice on *Perth and Peel@3.5 million: Environmental impacts, risks and remedies* was released in August 2015 and contains recommendations that will inform the finalisation of the planning frameworks and address the environmental impacts of growth to 3.5 million people. These recommendations have also informed the conservation and environmental commitments set out in the draft *Perth and Peel Green Growth Plan for 3.5 million's* draft Strategic Conservation Plan and draft Action Plans G and H.

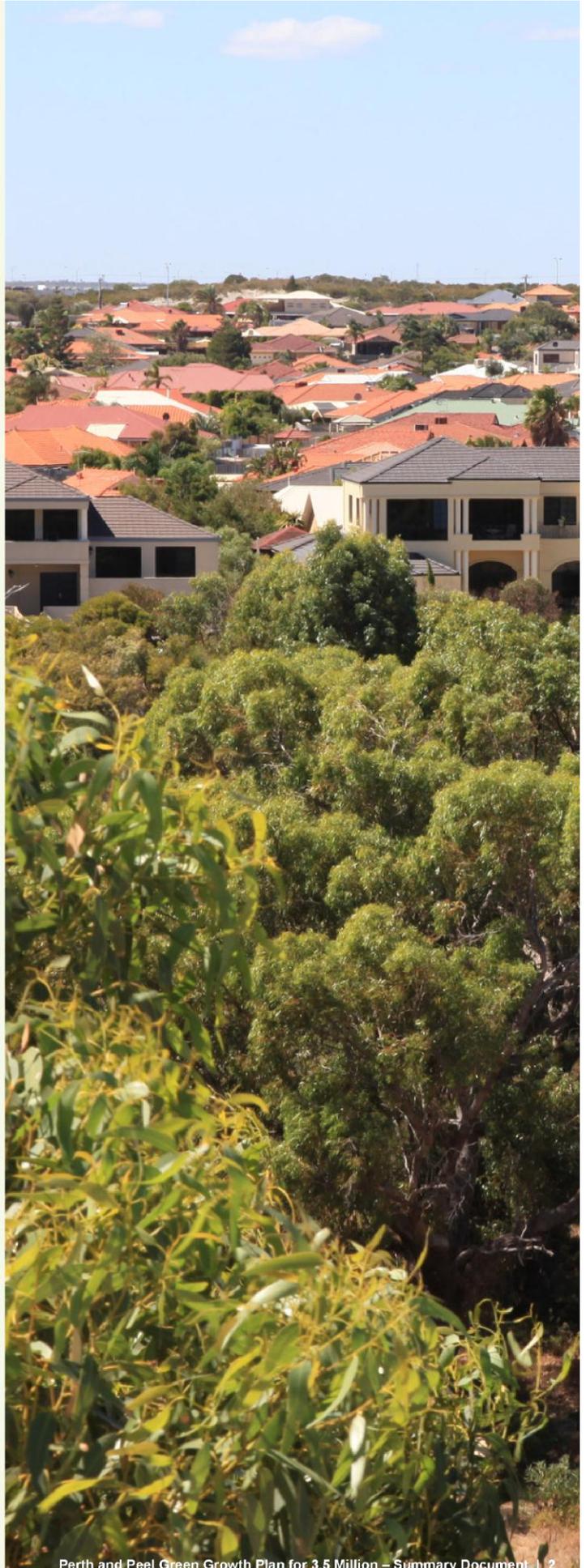
What is being approved under the *Perth and Peel Green Growth Plan for 3.5 million?*

The draft *Perth and Peel Green Growth Plan for 3.5 million* seeks to secure approval under Part 10 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and deliver streamlined approvals processes under the Western Australian *Environmental Protection Act 1986 (EP Act)* for the following development actions or 'classes of action':

- Urban and industrial development;
- Rural residential development;
- Infrastructure development;
- Basic raw materials extraction; and
- Harvesting of pine plantations.

The above 'classes of action' are defined in the draft *Perth and Peel Green Growth Plan for 3.5 million's* Strategic Conservation Plan.

future
population of
3.5 million
people



How does it protect the environment?

Avoidance of environmental impacts

Avoidance of environmental impacts has been a key consideration in the development of the draft *Perth and Peel Green Growth Plan for 3.5 million*, with major reductions in potential environmental impacts in comparison with development contemplated through the WAPC's *Directions 2031 and Beyond* draft Sub-regional strategies (August 2010), the *Economic and Employment Lands Strategy: non-heavy industrial* (April 2012) and the regionally significant basic raw materials mapping (Department of Mines and Petroleum, June 2012 and January 2013).

To further avoid environmental impacts within the areas of the classes of action, the draft plan's Action Plans F and G set out conservation and environmental commitments to avoid environmental impacts on a site by site basis as development occurs over the coming decades. This includes commitments such as the retention of Bush Forever sites and important populations of threatened species and ecological communities.

To date population growth in the Perth and Peel regions to 2.1 million people has resulted in the clearing of 71 per cent of the native vegetation on the Swan Coastal Plain. In contrast, through its emphasis on avoidance of environmental impacts, the draft *Perth and Peel Green Growth Plan for 3.5 million* will support the population growing by almost 70 per cent with clearing of only a further three per cent of the coastal plain and further clearing of less than one per cent east of the Darling scarp.

Commitment to a long-term conservation program

The draft *Perth and Peel Green Growth Plan for 3.5 million* delivers a comprehensive Conservation Program to ensure the long-term protection of the regions' unique environment. The Conservation Program is set out in the draft Strategic Conservation Plan and draft Action Plan H and includes:

- 170,000 hectares of new and expanded conservation reserves in the Perth and Peel regions and surrounds (see map). Once the Strategic Conservation Plan is endorsed, this will deliver an immediate 50 per cent increase in the area of conservation reserves in the Perth and Peel regions;
- Implementation of critical steps to cut nutrient run-off into the Swan Canning and Peel–Harvey estuaries and ensure the health of these systems over the long-term; and
- Implementation of a program of on-ground management to improve the protection and management of threatened species, wetlands and threatened ecological communities.

The 170,000 hectares of new conservation reserves includes establishing secure tenure and management arrangements for Bush Forever sites and establishing the Peel Regional Park, as well as major expansions to existing national parks and nature reserves. In addition, a marine management area will be established for the Peel–Harvey estuary and its major tributaries, to improve protection of this internationally renowned wetland system and its extensive and diverse birdlife while continuing to support recreational and commercial fishing.

Reducing nutrient inflow into the Swan Canning and Peel-Harvey estuaries is essential to improving the long-term health of these systems. The draft plan commits to the introduction of targeted mandatory soil testing for agricultural properties of 40 hectares or greater in size in the Swan Canning and Peel-Harvey coastal plain catchments, as well as long-term drainage intervention programs in both systems and a suite of other high priority measures to improve water quality.

On ground management measures form a significant part of the draft plan's Conservation Program. These measures will be implemented in partnership with local governments and community groups and include:

- Revegetation and rehabilitation focused on improving habitat quality for multiple species and restoring and improving habitat connectivity across the landscape; and
- Management actions to address threats such as weeds, disease, uncontrolled access, fire and feral animals for the purpose of improving habitat condition and quality.

Conservation Category Wetlands will continue to be protected and a revised wetland buffer policy will be developed and implemented through the land use planning process.

Protecting Carnaby's cockatoo is also a central focus and commitments include:

- Minimum of 116,000 hectares of the new conservation reserves will contain Carnaby's cockatoo habitat;
- Replanting of 5,000 hectares of pines primarily for the purpose of cockatoo foraging habitat;
- Revegetation and rehabilitation focused on improving feeding and breeding habitat for Carnaby's cockatoo; and
- Research and monitoring measures to improve knowledge about the species and inform adaptation of the conservation framework.



How will it work?

At the centre of the draft *Perth and Peel Green Growth Plan for 3.5 million* is the Strategic Conservation Plan, which sets out the conservation outcomes and objectives that will be achieved over its 30 year lifespan.

These conservation outcomes and objectives will be delivered through the implementation of:

- The avoidance, mitigation and rehabilitation requirements that will be implemented through the processes set out in Action Plans A to E; and
- The conservation framework, which includes the specific conservation and environmental commitments set out in Action Plans F and G and the Conservation Program set out in the Strategic Conservation Plan and Action Plan H.

The final *Perth and Peel Green Growth Plan for 3.5 million* will take effect following endorsement of the Strategic Conservation Plan and approval of the 'classes of action' by the Commonwealth Minister for the Environment.

Following this, where a development proposal falls within the definition of a 'class of action', the streamlined environmental approval processes detailed in Action Plans A to D will apply and referral under Part 9 of the EPBC Act will no longer be required and cannot occur. In order for an environmental approval to be granted, proponents will be required to meet the relevant conservation and environmental commitments set out in Action Plans F and G and contribute towards implementation of the Conservation Program described in the Strategic Conservation Plan and Action Plan H.

Where a development proposal falls within a 'class of action' but does not meet the relevant conservation and environmental commitments set out in Action Plans F and G, environmental approval will not be granted.

Where a development proposal does not fall within one of the 'classes of action', existing environmental approval processes under Part 9 of the EPBC Act and Parts IV and V of the EP Act will apply.

The Assurance Framework set out in Action Plan I details the monitoring, reporting and compliance activities that will be undertaken to ensure the conservation outcomes, objectives and commitments are delivered over the life time of the *Perth and Peel Green Growth Plan for 3.5 million*.



What is the alternative to the draft Perth and Peel Green Growth Plan for 3.5 million?

Currently, environmental assessment in the Perth and Peel regions occurs on an incremental and fragmented basis. Under the Commonwealth EPBC Act the assessment of environmental impacts and their acceptability occur on a project by project basis. In parallel to this, the environmental impacts of development are also assessed under the Western Australian EP Act through a number of processes, including assessment of clearing permits and assessment of planning scheme amendments.

Continuation of this approach is likely to result in sub-optimal environment and development outcomes, with environmental impacts often being considered late in the process where limited flexibility remains. In the absence of long-term certainty of environmental outcomes as provided for under the draft *Perth and*

Peel Green Growth Plan for 3.5 million, environmental assessments will become more complex as cumulative impacts and risks to key environmental values escalate.

In contrast to the draft *Perth and Peel Green Growth Plan for 3.5 million*, current environmental assessment processes do not allow for conservation planning and decision making at a landscape scale and can only address environmental impacts on a project by project basis.



How to make a submission

The State Government is seeking public comment on the draft *Perth and Peel Green Growth Plan for 3.5 million*. The draft documents are available for public comment from 17 December 2015 to 8 April 2016.

All submissions received will be considered by the State Government prior to the preparation of the final documents in 2016. When making a submission please make sure you:

- identify which document your comments relate to
- include the section or page number
- clearly state your opinion and the reasons for your opinion
- where relevant or possible, outline alternatives or solutions to your identified issues
- provide any additional information to support your comments

Copies of the draft documents are available at:

www.dpc.wa.gov.au/greengrowthplan

Written submissions should be sent via post or email to:

Draft *Perth and Peel Green Growth Plan for 3.5 million*
Department of the Premier and Cabinet
Locked Bag 3001
WEST PERTH WA 6872

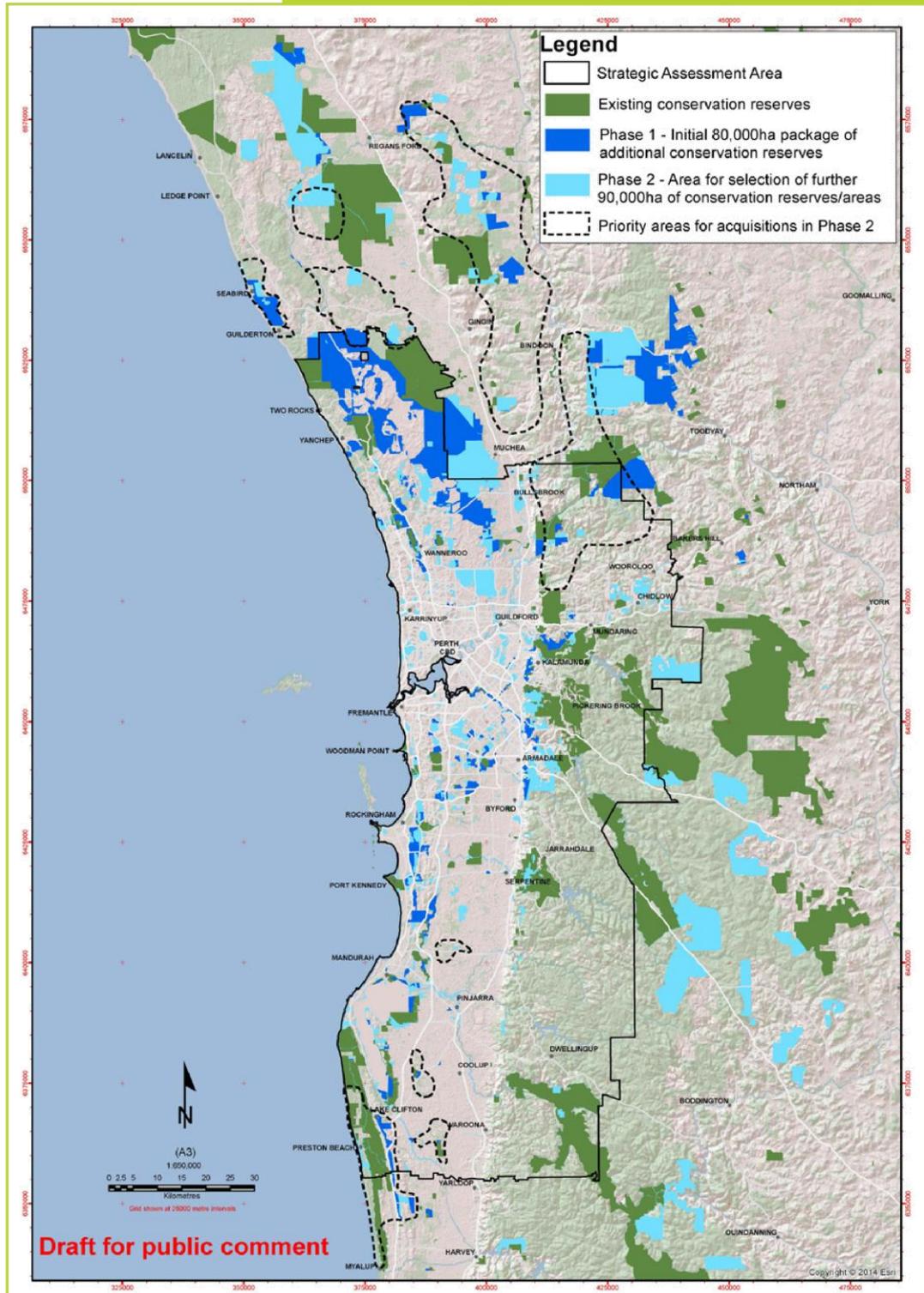
Email: consultation@dpc.wa.gov.au

For more information on making a submission and all other enquiries, please contact greengrowthplan@dpc.wa.gov.au or (08) 6552 5151.

All submissions must be received by 5pm on Friday 8 April 2016.

Late submissions will not be considered.

Map of the Perth and Peel regions



© Government of Western Australia
Department of the Premier and Cabinet
Dumas House
2 Havelock Street
West Perth WA 6005

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Published December 2015