

# CITY OF ARMADALE

## AGENDA

**OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 17 JULY 2018 AT 7PM.**

---

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

**PRESENT:**

**APOLOGIES:** Cr C M Wielinga (Leave of Absence)  
Cr K Busby (Leave of Absence)

**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**

---

*Public Question Time is allocated for the asking of and responding to questions raised by members of the public. Minimum time to be provided – 15 minutes (unless not required).*

*Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>*

*It is also available in the public gallery. The public's cooperation in this regard will be appreciated.*

## **DEPUTATION**

---

## **CONFIRMATION OF MINUTES**

---

## **RECOMMEND**

**Minutes of the Development Services Committee Meeting held on 19 June 2018 be confirmed.**

## **ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 11 - MAY 2018**

---

### **Outstanding Matters & Information Items**

Report on Outstanding Matters - Development Services Committee

Reviews before the State Administrative Tribunal (SAT)

### **Health**

Health Services Manager's Report - June 2018

### **Planning**

Planning Applications Report - June 2018

Town Planning Scheme No.4 - Amendment Action Table

Subdivision Applications - WAPC Approvals/Refusals - June 2018

Subdivision Applications - Report on Lots Registered for 2017/2018

PAW Closure Report - Significant Actions during June 2018

Compliance Officer's Report - June 2018

### **Building**

Building Services Manager's Report - June 2018

Building Health/Compliance Officer's Report - June 2018

Building Applications Monthly Statistics - June 2018

*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.*

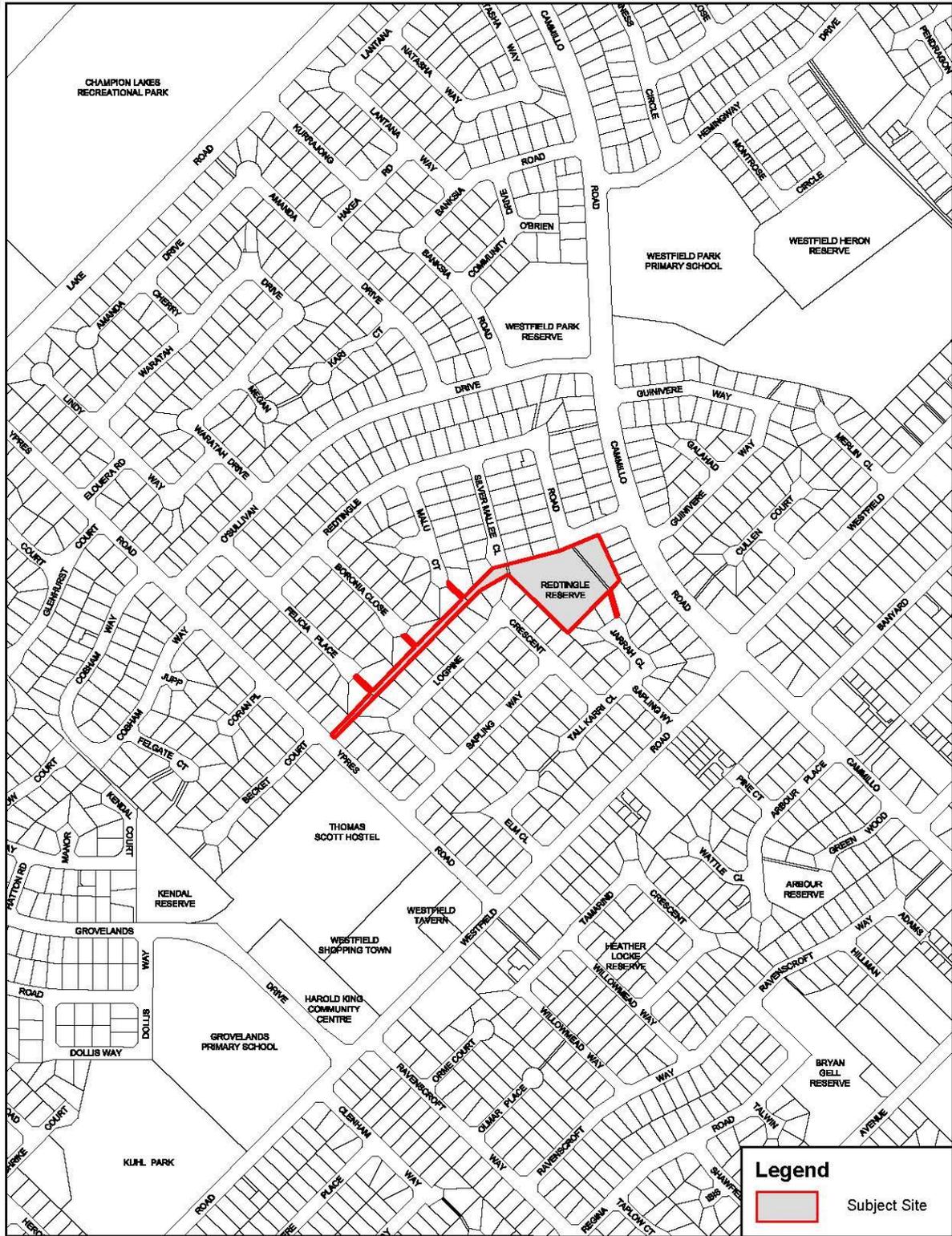
# CONTENTS

## DEVELOPMENT SERVICES COMMITTEE

17 JULY 2018

---

<b>1. PAW CLOSURE/ROW CLOSURE</b>	
1.1 PEDESTRIAN ACCESS WAYS AND RECREATION RESERVES FROM YPRES ROAD TO REDTINGLE PARK, CAMILLO .....	4
<b>2. STRATEGIC PLANNING</b>	
2.1 GREEN PAPER ON MODERNISING WA'S PLANNING SYSTEM .....	14
<b>3. SCHEME AMENDMENTS &amp; STRUCTURE PLANS</b>	
3.1 FINAL ADOPTION - AMENDMENT NO.94 - TPS NO.4 AMENDING LAND USE PERMISSIBILITY IN THE SPECIAL RESIDENTIAL ZONE & OTHER CHANGES TO THE SCHEME MAP AND TEXT .....	24
<b>4. MISCELLANEOUS</b>	
4.1 PIA STATE CONFERENCE - PERTH - 31 AUGUST 2018.....	42
<b>5. COUNCILLORS' ITEMS.....</b>	<b>45</b>
<b>6. EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT</b>	
6.1 SAT UPDATE - LOT 9 (NO.40) BROOKTON HWY, KARRAGULLEN - EXTRACTIVE INDUSTRY (GRAVEL) - STAGE FOUR .....	46
6.2 SAT UPDATE - LOT 20 (NO.43) BUTCHER RD, ROLEYSTONE - CHANGE OF USE TO CONSULTING ROOMS (HYDROTHERAPY) AND USE NOT LISTED - OCCASIONAL DEVELOPMENT TRAINING (HYDROTHERAPY) .....	48
6.3 SAT REVIEW - LOT 4 (NO.15) BAY COURT, CHAMPION LAKES - APPLICATION FOR CARAVAN PARKS AND CAMPING GROUNDS ACT 1995 LICENCE.....	50
<b>SUMMARY OF ATTACHMENTS .....</b>	<b>51</b>



**LOCATION PLAN**  
PAW - Redtingle Park to Ypres Road



SCALE 1 : 8000

**Legend**

Subject Site

DATE 5 July 2018 - REVISION 1701  
p:\autocad\agenda\_drawing\2018\7\_july\ypres\_redtingle\_paw\ypres\_redtingle\_paw.dwg

Based on information provided by and with the permission of the  
Western Australian Land Information Authority (LIDAR) or Landgate (2018).  
Aerial photograph supplied by Landgate, Perth/Supplied by Westpac.



***1.1 - PEDESTRIAN ACCESS WAYS AND RECREATION RESERVES FROM YPRES ROAD TO REDTINGLE PARK, CAMILLO***

WARD : HERON  
FILE No. : - M/382/18  
DATE : 10 July 2018  
REF : KS  
RESPONSIBLE : EDDS  
MANAGER  
LANDOWNER : CROWN  
SUBJECT LAND : Pedestrian access way  
(PAW) and portions of  
Redtingle Park between  
Ypres Road and Redtingle  
Park in Camillo  
ZONING  
MRS / : Urban  
TPS No.4 : Parks and Recreation  
Local

**In Brief:**

- Complaint received from local resident regarding anti-social behaviour in PAW from Ypres Road to Redtingle Park in Camillo.
- A Councillor referral requested the above PAWs be investigated.
- On 18 December 2017, Council resolved to request officers investigate the possible options for the subject PAW and Reserve.
- A number of options have been investigated considering the specific context of this PAW network from Ypres Road to Redtingle Park.
- It is recommended that Council request the installation of infrastructure solutions in order to mitigate and minimise anti-social activity, specifically off-road motorcycle usage.

**Tabled Items**

Nil

**Officer Interest Declaration**

Nil

**Strategic Implications**

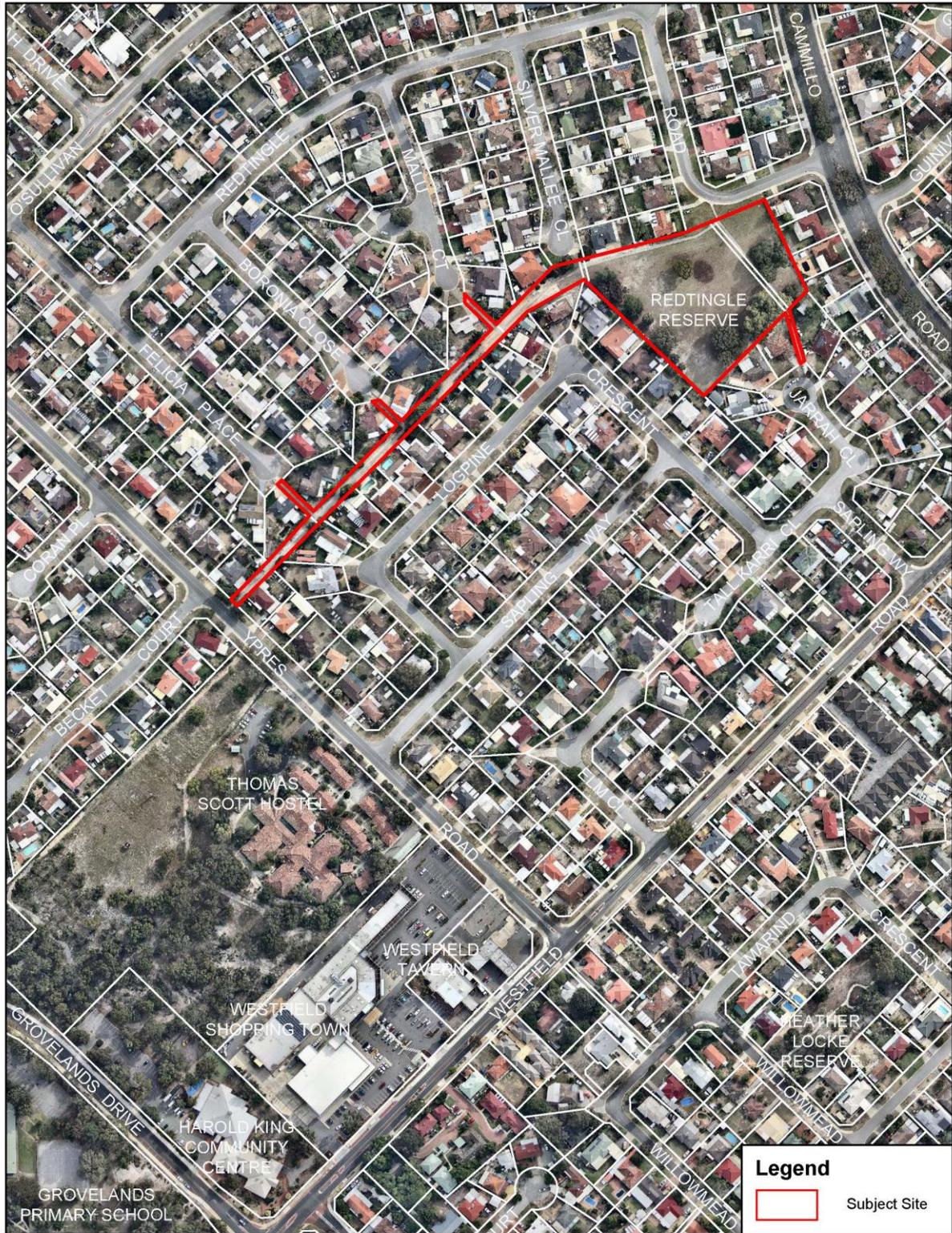
- 2.2.1 Deliver attractive and functional streetscapes, open spaces, City buildings and facilities
- 2.2.2 Protect and enhance the character of the City's spaces and places
- 2.3.4 Develop long term transport network planning

**Legislation Implications**

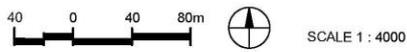
Land Administration Act 1997

Land Administration Regulations 1998

Clause 4.2.4, Part 4 of the City of Armadale Town Planning Scheme No.4 – General Development Requirements



**AERIAL PLAN**  
 PAW - Redtingle Park to Ypres Road



DATE 5 July 2018 - REVISION 1701  
 p:\auccad\agenda\_drawings\2018\7\_july\ypres\_redtingle\_paw\ypres\_redtingle\_paw.dwg

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



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

Technical Services – Policy No.ENG 7 – Public Access Ways - Management.  
Local Planning Policy 3.1 Residential Density Development

### **Budget/Financial Implications**

Discussed in the report.

### **Consultation**

- ◆ Technical Service Directorate
- ◆ Community Service Directorate
- ◆ Armadale Police
- ◆ Department of Planning, Lands and Heritage
- ◆ Water Corporation

## **BACKGROUND**

In response to the referral item from Cr Shaw, Council at the Meeting held 18 December 2018 resolved the following:

*“That Council request officers investigate possible options for the Ypres Road PAW and report back to Development Services Committee.”*

The report outlined the general complexity of PAWs within the City and advised Councillors that further investigation would be undertaken for the PAWs and Recreation Reserves between Ypres Road and Redtingle Park in Camillo.

This report outlines the results of the investigation, including the exploration of possible solutions to mitigate anti-social behaviour.

## **DETAILS OF PROPOSAL**

The City received a complaint of anti-social behaviour within the subject PAW and Recreation Reserve network, specifically the use of off-road motorcycles and associated crime. In the past, the City has received numerous complaints about these PAWs.

The subject area is approximately 300m long and 6-9m wide extending from Ypres Road in the east to Redtingle Park in the west. The subject network has four arterial PAWs connecting the cul-de-sacs of Felicia Place, Boronia Close, Malu Court and Jarrah Close respectively. Additionally, the network also includes the entrance to Redtingle Reserve at Redtingle Road and Silver Mallee Close.

There are currently two ‘U’ rails at the entrance to the arterial PAW on Felicia Place and Jarrah Close as well as a number of bollards at the entrances of Boronia Close, Malu Court and Ypres Road. There are also connected bollards at the entrance of Redtingle Reserve at Silver Mallee Close and Redtingle Road. The majority of this infrastructure does not restrict or impede off-road motorcycles.

## COMMENT

Planning Services has investigated a number of options as per the referral item that may assist in preventing and/or mitigating anti-social activity within the subject PAW and Recreation Reserve from Ypres Road to Redtingle Park.

The following matters have been investigated:

- Existing land dedication and relevant closure processes including the possibility of the City purchasing the land and relevant Department of Planning, Lands and Heritage (DPLH) policies and procedures.
- Closure of the subject PAW and Recreation Reserve including the possible use of easements.
- Development potential and passive surveillance including the establishment of a 'green' corridor.
- Infrastructure solutions to mitigate anti-social behaviour.

In 2007/2008, the State Government commissioned consultants to prepare an Accessible Suburbs Central Westfield Access Design Workshop Outcomes Report. The Report included 5 options that are briefly summarized below:

1. *Landscape and lighting upgrades by adjoining residents or government*  
This option proposed the installation of lighting and landscaping upgrades along the length of the PAW with no other infrastructure.
2. *PAW converted to shared laneway*  
This option proposed the gazettal of the main PAW as a laneway and retention of existing arterial PAWs.
3. *PAW converted to laneway shared*  
Similar to the proposal in option 2, however this involved a new road connection for Logpine Crescent to the south-east and Silver Mallee Close to the north-east. This would involve the acquisition of a number of lots/houses adjacent to Redtingle Park and the gazettal of the remaining PAW as a laneway. Additionally, this proposal included the development of townhouses on the south-east side of Redtingle Park to improve safety.
4. *PAW converted to shared laneway*  
Similar to the proposal in option 2 and 3, however in addition to gazetting the PAW as a laneway, this option also included the development of town houses on the eastern side of Redtingle Park to allow for increased passive surveillance.
5. *PAW closed and new road links created*  
This option included the closure of the PAW and subsequent amalgamation with adjoining lots. The three arterial PAWs along the north-west edge of the main PAW would be widened (by acquisition of adjoining lots/houses) and gazetted as roads connecting to Logpine Crescent to the south east. Silver Mallee Close would also connect to Malu Court. Additionally townhouses would be developed on the eastern side of Redtingle Park to increase passive surveillance.

All of the above options required considerable funds and were likely to have significant implementation difficulties (except for option 1). No funds were provided by the State Government to facilitate any of the options for implementation, nor was there any support from State Government agencies for implementation or service relocation or extension.

## ANALYSIS OF INVESTIGATION

- **Existing Land Dedication and Relevant Closure Processes**

The subject land is owned by the State of Western Australia (Crown) and under the care and control of the City of Armadale. The subject area contains multiple portions of land that have two different dedications/purposes –

1. Pedestrian Accessway; and
2. Reserve for Public Recreation.

This differentiation is displayed on the plan in the Attachments to this report.

The State Government's requirements to close and/or change the purpose of the land are different between PAWs and Reserves, however both processes are time consuming.

In accordance with section 51 of the *Land Administration Act 1997*, "the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve". The WAPC support would normally be required. The City would be required to put forward a proposal to the DPLH including Council resolution and justification for the proposal. In this case, the City would propose an amalgamation of the land with adjoining properties and would therefore require support from the adjoining landowners as per the requirements of section 87 of the *Land Administration Act 1997*.

Similarly, the closure of PAWs requires extensive consultation with relevant authorities and surrounding land owners as per the requirements outlined in the WAPC's Planning Guideline: *Procedure for the Closure of Pedestrian Access Ways*. These guidelines are based on the requirements of section 87 of the *Land Administration Act 1997*.

In both cases, extensive consultation with relevant agencies, support from Council by way of resolution, and continued liaison and support from the WAPC/DPLH is required. Additionally, as a key part of the process is support from adjoining landowners, some landowners generally have to agree to purchase the property and be responsible for all associated costs before the DPLH will agree to permanent closure (including services). In most cases, whilst adjoining landowners wish for the PAW to be closed, they may not be in a position to purchase the land and pay for service relocation costs, preventing the closure from proceeding.

Notwithstanding the above, following a request for closure, the DPLH would consider the specific circumstances and context of the PAW when determining proposed closures, including anti-social behaviour. However, where a PAW is identified as being important to a pedestrian network, the DPLH favours investigation of other viable options before agreeing to closure.

In some cases, the DPLH will agree to a temporary closure where it can be demonstrated that alternative access may be viable. The concern with temporary closures is that where PAWs are fenced and not amalgamated with adjoining land, the area becomes a hidden, isolated void, often encouraging more anti-social activity. However, in order to assess the long term impacts of closure on pedestrian accessibility, temporary closure of short PAWs may be a feasible option. Similarly, purchasing the subject land may be an option for Council to consider, however whether the land is owned by Council or by the State, the proposed closure would still follow a similar process with similar service relocation costs as outlined later in the report.

- **Closure of the Subject PAW and Recreation Reserve**

In this case, the proposal for possible closure of the PAW from Ypres Road to Redtingle Reserve was forwarded to the Water Corporation for their comments due to the presence of a significant Water Corporation pipe within the subject area.

In some cases, where proposals of this nature are referred to the Water Corporation, they may advise the City that an easement is sufficient to appropriately manage their infrastructure. However in some cases, such as where a high pressure water main exists, the Water Corporation have advised that an easement is not sufficient as the risks associated with their possible failure means that they cannot be located within privately owned land.

Further investigation and consultation with the Water Corporation regarding the costs associated with cutting and capping the subject water mains within this PAW revealed that significant modelling and design would be required. Water Corporation have noted that before considering closing the Ypres Road to Redtingle Park PAW, extensive modelling and design work would need to occur to demonstrate that the existing water flows and water quality would not be impacted if the high pressure water main was to be removed. Initial investigations have revealed that this level of modelling and design work could cost anywhere upwards of \$20,000 - \$30,000 and would not necessarily demonstrate that closure of the water main is achievable.

In the case that the study revealed that closure of the water main could be achieved, initial investigations have revealed that the works required could cost more than \$200,000. This cost is for cutting and capping the pipe, whereas the pipe may need to be removed, thereby increasing the costs. The final costings will not be known until such time that the modelling and design work can occur. Notwithstanding the broad estimations, our Technical Services team and the Water Corporation have advised that the cost would most likely be significantly higher based on their experience. The costs of removal of the path, fencing, etc would be additional to this cost.

- **Development Potential and Passive Surveillance**

Currently, the properties adjoining the subject network from Ypres Road to Redtingle Park are zoned Residential R15/25, potentially allowing for development at the higher coding. Additionally, clause 4.2.4 of the Town Planning Scheme No.4, gives special provisions for properties adjoining PAWs and/or POS to achieve higher density development of up to R40 where it is designed to orientate the subject space and compliance with Policy to increase passive surveillance. The location of houses in the middle of lots, sizes of lots and general house prices is likely to make it financially unviable for landowners to take advantage of this clause. Additionally, it is unlikely that landowners would want to overlook this PAW in its current form as it does not provide amenity.

The PAW is particularly wide (approximately 6-9m) when compared to other PAWs in the City (approximately 3-4m), therefore creating a ‘green’ corridor may be an option in this case which would not necessarily require the acquisition of more land. There may be a number of options for a ‘green’ corridor which would involve costs associated with design, implementation and long term maintenance by the City.

- **Infrastructure Solutions to Mitigate Anti-Social Behaviour**

Alternatively, the use of specific infrastructure has been used throughout the City to minimise anti-social behaviour and has proven effective in many cases.

The City’s Technical Services has provided preliminary estimations of possible infrastructure and upgrade solutions that may be suitable for the Ypres Road to Redtingle Park network. These examples are considered to be relatively basic in terms of infrastructure requirements to address or mitigate concern of anti-social behaviour, specifically off-road motorcycle usage. It should be noted that as these costs are estimations, they are not site specific and as such, more definitive figures would be required for implementation should Council consider any of these options.

	Item	Purpose	Proposed Location	Approximate Cost
1	3 x ‘U’ Rails/Grab Rails	Impede off road bikes but allow pedestrian movement	Malu Ct entrance	\$700.00
			Boronia Ct entrance	\$700.00
			Silver Mallee Cl entrance	\$700.00
			Felicia Pl entrance	\$700.00
			Jarraah Cl entrance	\$700.00
2	~5m x Post & Rail Fencing	Restrict entrance (to be used in conjunction with ‘kissing’ gates)	Ypres Rd entrance	\$275.00
3	~54m x Post & Rail Fencing	Restrict entrance (to be used in conjunction with ‘kissing’ gates and existing boom gate)	Redtingle Rd entrance	\$2,970.00
4	Pedestrian ‘Kissing’ Gates	Impede off-road bikes but allow for pedestrian movement	Ypres Rd entrance	\$1,700.00
			Redtingle Rd entrance	\$1,700.00
<b>Total</b>				<b>\$10,145.00</b>
5	1800mm twin side fencing (~770m)	Concrete fencing between landowner and PAW to minimise damage to property	Along boundary	\$500,000 - \$700,000
		Removal and Disposal of Existing Fencing		\$40,000 - \$80,000
6	Lighting	15 – 30 anti-vandal protected lights	Along entirety of PAW	\$170,000 - \$215,000

*Table 1: Possible infrastructure and upgrade solutions for the Ypres Road to Redtingle Park PAW. Refer to attachments for plan of proposed infrastructure solutions.*

There are a number of design options that could be installed depending on cost and budget allocation. For example, kissing gates could be installed at all PAW entrances however this is more expensive than three 'U' rails and has a similar purpose in impeding off-road motorcycle usage.

Twin side fencing is an option previously applied to a number of shorter PAWs in the City of Armadale and assists in managing anti-social behaviour, however is particularly expensive. In 2012, 2.10m high twin side fencing was installed along the PAW joining Jarrah Close to Redtingle Park.

In this case, the existing boundary fencing could be replaced by the standard 1800mm concrete panels for the entire length of the PAW which equates to approximately 770m. The figure in Table 1 does account for the extra 300mm of extra height (some existing fencing is higher than 1800mm).

Similarly, lighting can be an effective tool to discourage anti-social behaviour however can be quite expensive and is not always favoured by surrounding landowners. Initial investigations by Technical Services have revealed that lighting is generally spaced every 10 – 20 metres so for this particular PAW, 15 – 30 lights are required. The recommended lights which include anti-vandal protection are estimated at \$3,000 each which would equate to a total of \$45,000 - \$90,000. This would not include the associated electrical installation costs which are estimated at \$125,000.

## **OPTIONS**

Council could:

1. Request the installation of infrastructure to mitigate anti-social behaviour in the subject PAW and Recreation Reserve network from Ypres Road to Redtingle Park.
2. List the cost of investigating the possible relocation of the Water Corporation's infrastructure for the next review of the City's 15 year plan.
3. Take no further action.

## **CONCLUSION**

Given the occurrence of anti-social behaviour and that infrastructure can be installed within a reasonable timeframe to assist in resolving the matter, Option 1 is recommended.

The other options will not address resident's concerns in the short to medium term.

## **RECOMMEND**

### **That Council:**

- 1. Request the installation of items 1 to 4 in Table 1 in accordance with the proposed plan attached to this report to assist in addressing anti-social behaviour in the pedestrian access ways and Recreation Reserves from Ypres Road to Redtingle Park.**

## **ATTACHMENTS**

1. Existing Land Dedication - PAW - Redtingle Park to Ypres Road
2. Proposed Infrastructure / Upgrade Solutions - PAW - Redtingle Park to Ypres Road
3. Photograph 1 - PAW - Redtingle Park to Ypres Road
4. Photograph 2 - PAW - Redtingle Park to Ypres Road
5. Photograph 3 - PAW - Redtingle Park to Ypres Road
6. Photograph 4 - PAW - Redtingle Park to Ypres Road
7. Photograph 5 - PAW - Redtingle Park to Ypres Road
8. Photograph 6 - PAW - Redtingle Park to Ypres Road

---

***2.1 - GREEN PAPER ON MODERNISING WA'S PLANNING SYSTEM***

---

WARD : ALL  
FILE No. : M/366/18  
DATE : 10 July 2018  
REF : SW  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:**

- The Minister for Transport, Planning & Lands has commissioned an independent review of the state's planning system, to make recommendations aimed at making that system more efficient, open and understandable.
- The findings and recommendations of the review have been published in a green paper which is released for public comment until 20 July 2018.
- Recommend that Council note that a submission on the Green Paper has been made, following the Development Services Committee of 17 July 2018, based upon the 'City Comment' section of this report, and the comments contained in the attached table.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.

**Legislation Implications**

Planning and Development Act 2005  
Town Planning Scheme No.4

**Council Policy/Local Law Implications**

Local Planning Strategy  
All Local Planning Policies

**Budget/Financial Implications**

If the City opts, or is required to provide additional planning services as a result of the review, there will have to be appropriate funding/budgeting to support those services if they are beyond the current capacity.

**Consultation**

Nil.

## **BACKGROUND**

The state's planning system has been the subject of a number of reviews over time, including the following recent examples:

- The 2009 review of the Town Planning Regulations 1967 and Model Scheme Text, which resulted in the 2010 amendment of the Planning and Development Act 2005: this would facilitate further amendments to the Town Planning Regulations 1967 including the introduction of a head of power for model provisions and deemed provisions, which the Minister could prepare through regulations; and
- The 2014 discussion paper on amending the Town Planning Regulations 1967 and Model Scheme Text, which resulted in the Planning and Development (Local Planning Schemes) Regulations 2015.

In December 2017, the Minister for Transport, Planning & Lands commissioned an independent review of the planning system. The outcome of that review is contained in the Green Paper which is the subject of this report.

## **DETAILS OF PROPOSAL**

The Green Paper, which is released for comment until 20 July 2018, summarises the findings of the review which was commissioned by the Minister. It outlines the challenges in the planning system and proposes five key reform areas (with 81 recommendations) under the headings of *Strategically-led*, *Legible*, *Transparent*, *Efficient* and *Delivering smart growth*. One of the main intentions is that greater emphasis should be placed upon strategic planning,

*“...so that important issues are resolved before development proposals and rezoning requests, which will improve the quality and timeliness of development assessment”.*

The Green Paper is contained in the Attachments.

It is recommended that, given the timing of the deadline, the City will need to make a submission based upon the outcome of the Development Services Committee Meeting to be held on 17 July 2018. The WAPC advises that feedback received will help inform the preparation of a White Paper that will be provided to the State Government for consideration.

## **ANALYSIS**

Many of the issues addressed in the Green Paper are not particularly applicable to the City because it has been diligent in undertaking its statutory and strategic obligations such as preparing Scheme Reviews, a Local Planning Strategy, Local Housing Strategy, etc and also because it has pursued process improvement measures where possible. For example, the City already carries out performance monitoring both internally and as part its participation in WALGA's Local Government Performance Monitoring Project.

Several recommendations outlined in the Green Paper may not be relevant if the existing requirements and guidelines contained in the State Government's planning framework were being adhered to. It is noted that the State Government could be more diligent in enforcing its own requirements, and examples of that will be discussed below and included in the City's submission.

The following section of the report provides detailed comment on those recommendations which are likely to have the greatest impact upon, or are most relevant to, the City's planning functions. All of the Green Paper's recommendations are addressed in the table contained in the Attachments.

**Recommendation 1.1.3:** *Provide in the LPS Regulations that a complex scheme amendment must be accompanied by a proposed amendment to the Local Planning Strategy (in the form of a report).*

Amending the Local Planning Strategy (LPS) is a task that consumes a large amount of resources and therefore, shouldn't be carried out without good reason. The resources (staff) and costs required to amend a LPS is also likely to increase, if the Green Paper's recommendation that an LPS, Local Planning Scheme and Local Planning Policies be published as a single document called a "Comprehensive Local Planning Scheme" is implemented.

Section 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out five criteria for determining that a scheme amendment is complex, rather than basic or standard, and one of those criteria is that the amendment is not consistent with the LPS. In that case, it makes perfect sense to amend the LPS so that it remains consistent with the Local Planning Scheme.

There are, however, four other criteria in Section 34 by which a scheme amendment may be determined to be both complex and not inconsistent with the LPS. In the case of those amendments, it may be a significant waste of time and resources (for Local Government and applicants) to also amend the LPS. Recommendation 1.1.3 should therefore be amended to account for the fact that there will be scheme amendments deemed to be complex under Section 34, which are not inconsistent with the LSP and should not trigger an amendment to the LPS.

Also, the Green Paper does not specify that the cost of amending the LPS would be borne by the party proposing the Scheme Amendment, and this is another issue that Recommendation 1.1.3 should address.

**Recommendation 2.4.1:** *Require that a local planning scheme be published with the inclusion of the local planning strategy (in the form of a local strategic statement) and local planning policies in a document to be called a "Comprehensive Local Planning Scheme".*

This proposal is intended to make the connections between a LPS, Local Planning Scheme and Local Planning Policies much more apparent, and bring all requirements into one consolidated document. In itself, that is not considered to be an issue (as all of the documents are usually listed together) however it is also proposed that the Local Planning Policies which comprise part of that document should be referred to the Department of Planning, Lands and Heritage (DPLH) and approved by the Minister for Transport, Planning & Lands, in order to ensure use of a consistent format and content that does not conflict with State Planning Policies.

The following comments are made regarding that aspect of the proposal:

- The City has no concerns regarding the introduction of a standardised format for Local Planning Policies, assuming the format is workable;
- The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* already require that where a draft Local Planning Policy is inconsistent with a SPP it should be referred to the Commission, so the mandatory check for consistency is (in theory) superfluous and will require additional resources at DPLH and delay policy finalisation;
- The requirement for Ministerial approval of Local Planning Policies involves the addition of significant ‘red tape’, with no applicable timeframes, or consideration given to how minor amendments to an approved Local Planning Policy could avoid this process or be expedited through it.

It should be noted that the WAPC/DPLH already take significant time to assess town planning scheme amendments and the addition of local planning policies is unlikely to improve their processing times. The WAPC/DPLH are not acknowledging that this is an existing problem.

**Recommendation 2.7.3:** *Provide in the LPS Regulations that there are deemed provisions which set out standardised zones, land uses and land use permissibility which:*

- group like-land uses into themes for which common development standards can be prepared;*
- identify low risk land use proposals by including suitable parameters for which a streamlined planning process apply; and*
- are mandatory for local government to adopt within their municipalities through the next scheme review or omnibus amendment.*

The model scheme text provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* already set out standardized zones and corresponding objectives, which the Planning and Development Act 2005 requires to be incorporated into a local planning scheme prepared or adopted by a local government (unless otherwise approved by the Minister). This proposal is therefore seen as giving effect to something that should already occur as part of the next scheme review or omnibus amendment.

The standardization of zones can simplify the planning framework in ways that may be counterproductive. The City’s Town Planning Scheme No.4, for example, contains separate zonings for three different levels of commercial centre within the relevant hierarchy: Local Centre, District Centre and Strategic Regional Centre. This arrangement provides a reasonable level of control over the suitable distribution of certain commercial uses within the hierarchy, which would not exist where there is only one commercial zone.

The proposal to group like-land uses by theme has substantial implications. An example provided in the Green Paper is that land uses such as an ‘amusement parlour’, ‘cinema/theatre’, ‘small bar’ and ‘restaurant/café’ could be grouped into an entertainment theme (i.e. Use Class), and a single permissibility and set of development standards could then be applied to that ‘theme’. Operators would then have flexibility to configure spaces as required, without the need to seek a change of use.

The problem is that, while some land uses may share a theme, they can also have very distinct, individual characteristics and impacts which do not lend themselves to being ‘lumped’ together when determining development standards. For example:

- The potential amenity impacts of a small bar, which can serve alcohol until midnight, are different to that of a cinema; and
- A cinema is not a use that should be contemplated outside of higher order commercial centres whereas a restaurant/cafe is a use that is appropriate in a local, district or regional centre, but if you roll them into the same use class, that type of distinction cannot be made when drafting the use class table.

It is unclear exactly how the recommendation would be implemented, as it refers to deemed provisions that would be mandatory for inclusion at the next scheme review or omnibus amendment. Typically a deemed provision becomes part of the Scheme automatically upon an amendment of the regulations, across all local authorities, whereas the model scheme text is implemented individually as part of a scheme review or omnibus amendment.

In any case another concern is that would be that no scope provided for modification of the ‘model’ land use classifications, and that something which may be inappropriate to the local character or planning framework is mandated. For example, the Activity Centre Plan which is being prepared for the Armadale Strategic Metropolitan Centre makes a number of recommendations with regard to land use in different precincts but those recommendations could not be implemented under a mandated land use classification regime.

Therefore it is recommended that limited support be provided to this proposal, for the abovementioned reasons.

**Recommendation 4.1.3:** *Increase delegations from WAPC to DPLH and local government, for the purpose of the WAPC focussing on the State policy framework and regional strategic planning.*

The authors of the Green Paper have concluded that capacity needs to be created for the WAPC to undertake strategic planning tasks, by delegating statutory functions for matters that are not of regional or State strategic planning significance to the DPLH and local government. The proposal with regard to Local Government is that it may obtain an accreditation (and a delegation of authority) which would allow it to:

- determine small infill subdivision and subdivision in accordance with an approved local structure plan; and
- potentially be the sole determining authority for development applications of a value which previously would have put them into the “Optional DAP applications” category specified within the DAP Regulations.

It is not clear from the Green Paper that the accreditation process and delegation to determine subdivisions would be optional, or that it would only apply to the local government’s own area, however it is assumed that would be the case. It is unknown at this stage if the City would be eligible for accreditation, or would seek accreditation to determine subdivision applications, however this proposal needs to be brought to Council’s attention.

Having a number of different authorities determining subdivisions would reduce the WAPC's workload, but it would also add some complexity and clear consistency would be required.

Local Governments dealing with State Government service and referral agencies may also require attention, as the Green Paper did acknowledge the difficulties some Local Governments and applicants are having with State Government referral issues on development applications, particularly Main Roads WA and DFES.

**Recommendation 4.2.6:** *Provide in the LPS Regulations that a local government must advise an applicant within 10 business days of receipt of a development application whether additional information is required.*

This recommendation is intended to respond to concerns raised regarding inconsistencies in the way planning authorities request further information and the timeframes in which they do that. However, it would be very difficult to provide final advice on the information requirements for all planning applications within 10 business days, for the following reasons:

- The application would have to be received, allocated, fully reviewed by all of the relevant internal departments and then correspondence issued within 10 business days;
- Some applications contain extensive supplementary reports on subjects such as traffic, environment, drainage, bushfire, noise, etc;
- The timeframe makes no allowance for comments which may be received either during a public consultation period or from a service authority in response to a referral: these comments usually necessitate a response of some sort from the applicant and/or additional information.

If this requirement were to be implemented it is likely that an applicant would be obliged to lodge an application with far more information than they currently do, in order to ensure that there is no further information required. More detailed engagement on applications would be required prior to lodgment to ensure documents are lodged more correctly.

**Recommendation 4.2.8:** *Provide in the PD Act that the implementation section (part one) of approved structure plans and activity centre plans are to be read as part of the scheme and have the "force and effect" of the scheme.*

The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* require that decision-makers have due regard to, but are not bound by, a structure plan when determining an application. As a result structure plans have lost much of their statutory 'weight' and that has created substantial uncertainty in the industry. The proposal that approved structure plans and activity centre plans are to be read as part of the scheme and have the "force and effect" of the scheme is strongly supported and the City has previously made submissions and advocated the WAPC on this point.

**Recommendation 4.2.10:** *Provide for development contribution plan (DCP) cost and cost contributions schedules to be included as a schedule in local planning schemes.*

There is a concern that some local governments change the scope of DCPs without following due process and the intention behind this recommendation is therefore to increase transparency by publishing both costs and cost contributions in a schedule in the Local Planning Scheme.

In theory that situation is not possible as:

- Appendix 2 in the WAPC's State Planning Policy 3.6 (SPP3.6) - Development Contributions for Infrastructure sets out model scheme text provisions for development contribution plans, which include a Schedule for each DCP area that sets out in detail the items to be funded and method for calculating contributions; and
- s.72 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that the preparation or amendment of a DCP be undertaken as a complex amendment to the local planning scheme.

SPP3.6 and its model text also make provision for landowners and developers to seek a review by an independent third party if they believe that the calculation of the developer contributions is not reasonable.

The proposed addition of costs to the scheme text is problematic as the estimated costs are required to be reviewed annually, and that would likely necessitate a complex scheme amendment every 12 months. That would necessitate a substantial amount of work and in any case would be superfluous if the requirements and processes outlined above were being applied correctly. The costs wouldn't be up to date.

The City's Scheme Text is consistent with the requirements outlined above because it details the common infrastructure items to be funded in the North Forrestdale (Piara Waters and Harrisdale) Urban Development Area and the method for calculating developer contributions. In addition, the City maintains a suite of other documentation on its website including:

- the current Infrastructure Cost Schedule (ICS) which contains the cost estimates and fixed costs for infrastructure and calculates the cost contribution per lot;
- information about the prefunding process for specified common infrastructure items; and
- information about the acquisition of land for common infrastructure works and the associated valuation process.

**Recommendation 4.2.14:** *Provide in the LPS Regulations and R-Codes a fast-track 30-day planning approval process for single house applications that require only minor variations to the R-Codes.*

This proposal is intended to prevent the situation where a building permit is lodged and a variation to the R-Codes is discovered, which in turn triggers a requirement for planning approval, within a 60-day statutory timeframe.

The City has already established an informal fast-track process which deals with applications of this type, so it has no concerns about the process as proposed. The following is noted, however:

- It should be referred to as a determination process, rather than an approval process, as that presumes that any application containing an R-Code variation will be approved;
- The process and timeframe outlined in the Green Paper will, in effect, create a further layer of deemed-to-comply provisions as certain variations which are determined to be minor and will not require referral to neighbours.

**Recommendation 5.6.1:** *The Metropolitan Region Scheme be updated to include “Urban Corridor” as a category of Reserved Roads based on Perth and Peel @ 3.5 Million, with the Department of Transport being made responsible for coordinating a whole of transport portfolio response to planning proposals along the corridor.*

The WAPC’s Perth and Peel @3.5 million document identified 10 urban consolidation principles for guiding infill development, and one of those principles was the creation of ‘Urban Corridors’. Those Urban Corridors would be a focus for higher-density residential development, located along transit corridors and promoted as attractive places to live. The more detailed South Metropolitan Peel Sub-regional Planning Framework, which was released at the same time, identified Armadale Road, Ranford Road and the Perth to Armadale Railway Line and its extension to Byford as Transit Corridors which would, in turn, become Urban Corridors.

The portions of South Western Highway and Albany Highway abutting the Armadale Activity Centre should also be designated as Urban Corridors.

The recommendation in the Green Paper seeks to give those corridors a different categorisation in the Metropolitan Region Scheme and to grant the Department of Transport a ‘whole of transport portfolio’ responsibility for responding to, and implementing, planning proposals in those areas. This proposal is supported as it will promote a more holistic approach to planning these areas and the influence of Main Roads WA will be balanced against other town centre, planning and transport objectives.

### **Further Suggestions**

Consideration has also been given to making some suggestions which align with the reform principles of efficiency, and the following suggestions are being given priority for consideration:

- There has been no amendment to the local government fees contained in the *Planning and Development Regulations 2009* since 2013, and these urgently need to be reviewed and at a minimum linked to CPI (it is noted that the DAP fees are being increased by 23.2% at the start of the 2018/2019 financial year, and the WAPC’s subdivision fees are reviewed annually to assist with cost recovery);

- The *Planning and Development Act 2005* should be amended so that a Directions Notice can be issued for differing time frames, such as 30 days for a minor breach of the Local Planning Scheme and 60 days for a more significant breach (which is the current minimum timeframe);
- Include a Planning Infringement Notice of \$750 for more significant matters of non-compliance;
- Delegate approval of Public Open Space cash-in-lieu expenditure from the Minister/WAPC to Local Government, as per standard WAPC requirements and where expenditure could occur within a specified distance of where the funds were collected (i.e. 500-800 metres), subject to an audit of expenditure upon completion of works as per the normal processes. All other proposals would follow current Public Open Space cash-in-lieu approval processes;
- The standard of grouped dwelling design being produced under the R-Codes is sub-standard and the relevant R-Code provisions should be superseded by new suite of provisions similar to Design WA design guidelines;
- The inclusion of landscape swales and environmental works within permitted Public Open Space cash-in-lieu expenditure proposals in WAPC Policy;
- The Department to appoint a Specialist Customer Service Team to provide expert advice on key WAPC documents such as the R-Codes, Statement of Planning Policies, Policies, etc. It is difficult to obtain clear advice on their key documents from the WAPC.

## OPTIONS

Council can decide to choose one of three options:

1. Support the recommendations of the Green Paper and provide feedback;
2. Provide further advice to improve the recommendations of the Green Paper; or
3. Not support the recommendations of the Green Paper and provide feedback.

## CONCLUSION

There are many suggestions in the Green Paper which have the potential to improve the State's planning framework, while others appear to add "red tape". Some recommendations have the potential to affect the City's Planning Services, while many are already being implemented by the City as a result of adhering to existing requirements and applying best practice. The City is generally supportive of the efforts being made, and where it has reservations/concerns those are noted in the 'City Comment' section of this report and the comments contained in the table attached.

Option 2 is recommended.

## **RECOMMEND**

### **That Council:**

- 1. Note that a submission on the Green Paper has been made, following the Development Services Committee of 17 July 2018, based upon the 'City Comment' section of this report, and the comments contained in the attachment to this report.**

## **ATTACHMENTS**

- 1. Green Paper Report - May 2018 - see separate attachment**
- 2. Attachment to Green Paper Report - May 2018 - see separate attachment**

**3.1 - FINAL ADOPTION - AMENDMENT NO.94 - TPS NO.4 AMENDING LAND USE PERMISSIBILITY IN THE SPECIAL RESIDENTIAL ZONE & OTHER CHANGES TO THE SCHEME MAP AND TEXT**

WARD : All

FILE No. : - M/327/18

DATE : 10 July 2018

REF : CC

RESPONSIBLE MANAGER : Executive Director  
Development Services

APPLICANT : NA

LANDOWNER : NA

SUBJECT LAND : All land zoned Special Residential

ZONING MRS / TPS No.4 : Urban and Rural  
Special Residential

**In Brief:**

- At its February 2018 meeting, Council initiated Amendment No.94 to implement the City's review of permissible land uses in the Special Residential zone:
- The amendment proposes to:
  - modify the permissibility of 10 land uses from 'D' or 'A' (discretionary) uses to 'X' (not permitted) uses in the Special Residential zone;
  - add 2 additional uses to the Araluen Golf Course Schedule 2 - Additional Use No.30 area in the Scheme text to maintain existing land use permissibility;
  - remove Schedule 3 - Restricted Use No.5 area (Observation Circle, Bedforddale Estate) from the Scheme text and map entirely; and,
  - Reclassify local parkland in Bedforddale from Special Residential zone to Parks and Recreation (Local) reservation on the Scheme Map.
- The amendment was advertised for public comment for 42 days and attracted 111 submissions.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption.
- The proposal should be supported as it is consistent with the objectives of the Special Residential zone and would prevent incompatible developments establishing in this zone.
- Recommend that Council adopt the amendment with modifications and request that the Hon Minister for Transport, Planning & Lands grant final approval to the amendment.

**Tabled Items**

Nil

**Officer Interest Declaration**

Nil

**Strategic Implications**

2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes

### **Legislation Implications**

Planning and Development Act 2005  
Planning and Development (Local Planning Schemes) Regulations, 2015  
Metropolitan Region Scheme  
Statement of Planning Policy 2.5 Rural Planning, 2016  
Statement of Planning Policy 3.7 Planning in Bushfire Prone Areas, 2015  
Town Planning Scheme (TPS) No.4  
Perth and Peel @ 3.5 Million Planning Framework

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

Local Planning Strategy, 2016  
Economic Development Strategy  
Tourism Destination Strategy, 2015-2019 Tourist Strategy 3.1

### **Budget/Financial Implications**

Nil.

### **Consultation**

- Development Control Unit.
- The Environmental Protection Authority (EPA) advised that the amendment did not warrant an environmental assessment.
- The consent of the Western Australian Planning Commission (WAPC) to advertise the amendment was not required.
- Advertised for public comment for 42 days in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.

## **BACKGROUND**

At its February 2018 meeting, Council initiated Amendment No.94 to TPS No.4 to implement proposed changes to the permissibility of land uses (development types) in the Special Residential zone.

### ***Refer to Attachments for Special Residential Zone Location Plan.***

The proposed land use permissibility changes in Amendment No.94 stem from a broader review of land use permissibility for the rural based zones of TPS No.4, and actions of the City's Local Planning Strategy (LPS) for protection of rural landscapes. Separate scheme amendments are also being progressed for the Rural Living and General Rural zones to implement the outcomes of the review in these 2 zones. The review was prompted by concerns that some 'P' (permitted) and 'D' or 'A' (discretionary) land uses that could be approved in these three zones have the potential to result in unacceptable amenity impacts in the form of traffic, noise, vegetation clearing and bushfire risk and/or that the uses were more appropriately located in other zones of TPS No.4 such as the Residential and Centre zones.

A Councillor's workshop briefing was held in August 2017 and survey feedback forms were provided to all Councillors. Comments received in completed feedback forms were considered in preparing proposed Scheme Amendment No.94 (Special Residential zone), Amendment No.95 (General Rural zone) and Amendment No.97 (Rural Living and Proposed Special Rural zones). All these amendments propose changes to the permissibility of land uses for each zone.

The review of land use permissibility for the Special Residential zone assessed current permitted and discretionary land uses for the zone against a set of planning and development criteria including:

- the Scheme objectives for the zone;
- the intent of the City's LPS;
- State planning policies including the WAPC's Rural Planning Policy 2.5 (SPP 2.5) and Perth and Peel @ 3.5 million (proposals for future urbanisation);
- known occurrences of the land uses in the zone;
- the permissibility for relevant land uses in other Scheme zones; and,
- the likely development impact on the Special Residential zone if land uses were to establish in the zone.

It was determined that ten (10) land uses were not compatible development types in the Special Residential zone and should no longer be either permitted or discretionary land uses in the zone. Amendment No.94 was initiated to implement changes to the permissibility of the 10 land uses in TPS No.4 as well as other associated Scheme text and map changes arising from the review.

Scheme Amendments No.95 and No.97 which proposed changes to land use permissibility in the General Rural and Rural Living zones were also initiated by the Council at its meetings of January and April 2018 respectively. Amendment No.95 was adopted for final approval by Council without modification at its meeting in May 2018 and has been referred to the Western Australian Planning Commission and Hon. Minister for Planning, Land and Heritage for final approval. Amendment No.97 is currently being advertised with the date for lodgement of submissions extended by the City until 10 August 2018.

Amendment No.94 for the Special Residential zone has completed public advertising as required under the Planning and Development (Local Planning Schemes) Regulations 2015, and is now referred to Council for consideration of final adoption.

### ***Special Residential Zone Localities***

The Special Residential zones are made up of both planned estates and some areas of historic subdivision brought under the Special Residential zone in the transition from Town Planning Scheme No.2 (TPS No.2) to TPS No.4 in 2005. Planned Estates are as follows.

#### **Brookwood Estate, Hilbert Special Residential Zone**

Brookwood Estate in Hilbert comprises 131 housing lots. The estate exhibits a strong single residential character with substantial Single House developments. The surrounding context of Brookwood Estate is changing from rural to urban/residential as adjoining land in the Metropolitan Redevelopment Authority's 'Wungong Urban Water Master Plan' area is being planned for residential. The Department of Planning, Lands and Heritage has verbally advised the City that it is considering an Urban zone for the Brookwood Estate area under the Metropolitan Region Scheme (MRS).

*Araluen Golf Course Estate Special Residential Zone*

The Araluen Golf Course Estate comprises 284 housing lots set around a private golf course development site. The estate exhibits a strong single residential character with substantial Single Houses set amongst remnant vegetation. The estate is also subject to Schedule 2-Additional Uses No.30 area under TPS No.4 which adds Shop-Kiosk, Restaurant, Reception Centre, Caretaker's House and extraction of ground water as 'P' (permitted) uses, but restricted to the golf course super-lot. The development of up to 50 chalets (Holiday Accommodation) units on the golf course land is provided for in restrictions/conditions of Additional Use No.30 area but no units have been developed yet. The Araluen Golf Course is identified in the City's LPS a strategically significant special use site contributing to the growth of tourism in the Armadale hills.

*Bedforddale Estates Special Residential Zone*

The Bedforddale Estates Special Residential zone comprises 616 housing lots created in a number of separate development areas via scheme amendments including Churchman Brook and Waterwheel Ridge estates and other such estate developments. These estates exhibit a strong single residential character with substantial Single Houses set amongst remnant vegetation on the lots.

There is a Schedule 2-Additional Uses area and a Schedule 3-Restricted Uses area in TPS No.4 over land in the Bedforddale Estates Special Residential zone. Additional Use No.42 area adds Convenience Store as a 'P' (permitted) use and Shop as a 'D' (discretionary) use for Lot 409 Waterwheel Way, a small commercial development adjacent to the Churchman Brook Community Centre site.

The Schedule 3-Restricted Use No.5 area covers 43 lots serviced by Observation Circle, Bedforddale, a former quarry and landfill site now separated on its own land title in the estate. The following land uses are 'X' (not permitted) uses in Restricted Use No.5 area: Child Care Premises, Civic Use, Club Premises, Community Purpose, Consulting Rooms, Convenience Store, Educational Establishment, Exhibition Centre, Occasional Uses, Place of Worship, Recreation-Private, Residential Building, Industry-Cottage and Holiday Accommodation. As these restricted uses closely match those proposed to be designated 'X' (not permitted) uses under Amendment No.94, Restricted Use No.5 area is proposed to be deleted from TPS No.4 map and text.

The 43 lots serviced by Observation Circle would then be subject to land use permissibility of Table 1 (Zoning Table) only and in this regard the following uses that were restricted would become discretionary uses: Industry-Cottage, Occasional Uses and Residential Building by way of Amendment No.94. Further discussion of these land uses is provided in the 'Public Advertising of the Amendment' and 'Analysis/Comments' sections of this report.

Historic subdivision areas in the Special Residential zones are as follows –

Champion Lakes Special Residential Zone

The Champion Lakes Special Residential zone comprises 84 lots. There is a commercial chicken hatchery at No.41 Lake Road, and No.49 Lake Road is subject to Schedule 2-Additional Uses No.10 area which adds Caravan Park, Shop and Restaurant as ‘P’ (permitted) uses that allow for the existing development on the lot. This zoned Rural in the Metropolitan Region Scheme (MRS) and is subject to Schedule 8-Development (Structure Planning) No.12 area in TPS No.4 which indicates the need for structure planning to guide subdivision and development. At the Council’s meeting in June 2009 the Council considered feedback from a public meeting and a survey questionnaire of landowners’ views and the Council confirmed urban/residential use for Champion Lakes Special Residential zone subject to necessary studies being undertaken to justify MRS and TPS No.4 rezonings.

Karragullen (town site) Special Residential Zone

The Karragullen (town site) Special Residential zone comprises 28 lots. The town site is not serviced with reticulated water or sewer. A large allotment in the zone is subject to Schedule 2-Additional Use No.16 area which adds Warehouse and Incidental Car Park as ‘P’ (permitted) uses. This site is developed with Karragullen Cool Storage facility which provides packaging, cool room and distribution facilities for orchards.

Gilwell Avenue, Kelmscott Special Residential Zone

The Gilwell Avenue, Kelmscott Special Residential zone comprises 18 lots. These lots, and adjacent land areas in the Urban Development zone of TPS No.4, are currently unsewered. A rezoning to Residential zone may be considered in the future once planning and servicing issues are resolved.

Barnes Road, Roleystone Special Residential Zone

The Barnes Road, Roleystone Special Residential zone comprises only 4 lots at the boundary of the Residential R5 and Rural Living zones of TPS No.4.

**DETAILS OF PROPOSAL**

This report proposes the final adoption of Amendment No.94 subject to a minor modification to item B ii) detailed below, to delete the land use Holiday Accommodation from the proposed amendment provision B ii) as the land use is already mentioned in the Conditions and Requirements column for Additional Uses No.30 area. The modification is reflected in the Recommendation to Council. The proposals of Amendment No.94 are as follows:

- A. Modify the permissibility symbols of land uses in the Special Residential zone column of Table 1 (Zoning Table) as follows:
  - i) civic use and display home centre from ‘D’ (discretionary) to ‘X’ (not permitted); and,
  - ii) child care premises, club premises, consulting rooms, community purpose, education establishment, exhibition centre, holiday accommodation, and recreation-private from ‘A’ (discretionary) to ‘X’ (not permitted).

- B. Modify Schedule 2 - Additional Uses, No.30 area (Araluen Golf Course land) by:
- i) adding to the Additional Use column the following:  
Discretionary (D) Uses:
    - holiday accommodation; and
    - recreation-private,and;
  - ii) adding to the Conditions and Requirements column under 30.1 the following:
    - holiday accommodation (Note: Deleted in Recommendation to Council, below)
    - recreation-private.

(Note: B. above, is to address the changes proposed in A, as they relate to Araluen Golf Course land to reflect currently permissible land uses.)

- C. Delete Restricted Uses No.5 from Schedule 3-Restricted Uses of Scheme Text and Map.

(Note: C. above, is to remove restricted uses impacting lots on Observation Circle, Bedforddale that are no longer relevant in the light of the land use permissibility review for the Special Residential zone and land use permissibility changes proposed in A, above.)

- D. Amend the TPS No.4 Map by reclassifying from Special Residential zone to Parks and Recreation (Local) reservation the following:

Lots 4000, 4001 and 4002 Darling Range Drive, Bedforddale;  
Lots 188, 3000, 4005 and 4009 Waterwheel Road, Bedforddale;  
Lots 4000, 4001, 4002, 4003 and 4004 Grieve Way, Bedforddale;  
Lot 4010 Devonleigh Street, Bedforddale;  
Lot 4007 Aulini Drive, Bedforddale;  
Lot 4003 and 4004 Fyfield Way, Bedforddale;  
Lot 500 Vellender Road, Bedforddale;  
Lot 3000 Aviemore Drive, Bedforddale; and  
Lot 4006 and 4008 Blissett Drive, Bedforddale.

(Note: D above, is to rationalise TPS No.4 map designations in the Churchman Brook estate to reflect parks and recreation that has been ceded through the Structure Plan/Subdivision Processes.)

The permissibility symbols are defined in Clause 3.3.2 of the TPS No.4, as specified below:

*‘3.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings —*

*‘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 local government has exercised its discretion by granting development approval;*

*‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the Deemed Provisions;*

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

***Refer to Attachments for:***

- ***TPS No.4 Relevant Land Uses Definitions;***
- ***Proposed Zoning Table of TPS No.4 (detailing all the proposed land use permissibility changes for the General Rural, Special Residential, Rural Living and Proposed Special Rural zones); and***
- ***Proposed TPS No.4 Scheme Amendment No.94 Maps.***

**Public Advertising of the Amendment**

Amendment No.94 was advertised for the normal 42 days consultation period, closing on 25 May 2018. This advertising was carried out by way of letters to relevant Government agencies and all Special Residential zone landowners and advertisements in the 'West Australian' newspaper, a local community newspaper and on the City's website.

**Submissions**

Total no. submissions received: 111

Referral agencies that support/no objection: 7

Referral agencies that object: 0

Landowners that support all or some proposals: 44

Landowners that object to all or some proposals: 28

Landowners that object and support the proposals in part: 32

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

***The issues raised in the submissions and the City's recommendation on each submission is in Attachment and responded to as described under Analysis below.***

***Government Agencies Comments***

The amendment was referred to 11 government agencies/service providers and submissions were received from the following 7 agencies/service providers: Department of Fire and Emergency Services (DFES), Main Roads Western Australia (MRWA), Department of Health (DH), Department of Biodiversity, Conservation and Attractions (DBCA), Metronet, ATCO Gas (ATCO) and the Water Corporation (WC). The agencies/service providers' submissions either supported or raised no objections to the proposed land use permissibility and zoning changes of Amendment No.94.

***Landowner/Public Comments & Issues***

Letters were also sent to all 1,225 Special Residential zone landowners and 104 landowners lodged a submission. Of these 44 submitters supported all or some of the amendment proposals and 28 submitters objected to all or some of the amendment proposals. A further 32 submitters provided mixed submissions supporting and objecting to various parts of the amendment proposals. It is noteworthy that the vast majority of landowners in the Special Residential zone did not lodge submissions. No submissions were received from landowners in the Special Residential zone localities on Gilwell Avenue (Kelmescott), Barnes Road (Roleystone) and Karragullen (Townsite).

Most submissions received generally did not provide specific reasons for objecting to or supporting the specific proposals of Amendment No.94.

Some of the general comments in the submissions include:

- *'do not want to see the quietness of the areas spoiled;*
- *changes to land use/zoning should be voted upon by people living in the immediate vicinity; and,*
- *the land should be kept as Special Residential that's why we bought here.'*

The following analyses and comments on the key issues raised in submissions in regard to the specific proposals of Amendment No.94.

**Proposal A – Modify the permissibility of 10 land uses from 'D' or 'A' (discretionary) uses to 'X' (not permitted) uses in the Special Residential zone.**

There are 41 submissions supporting all and 31 submissions objecting to all of the proposed land use permissibility modifications in Proposal A, and there are 15 mixed submissions supporting and objecting to specific land use permissibility modifications. Several of the submissions supporting Proposal A did so on grounds of reducing traffic and noise impacts.

Six (6) submissions objecting to Proposal A raise the following issues.

*Issue 1 – Institutional and social service development types such as Civic Use, Child Care Centres, Club Premises, Community Purpose and Educational Establishments can benefit the local communities in the Special Residential zones and should be retained as permissible in the zone.*

Comment

The City in its review of land use permissibility in the rural based zones (General Rural, Special Residential and Rural Living zones) considered the availability and potential for institutional and social service development types in other zones of TPS No.4 to ensure that the communities in the Special Residential zone localities and the Armadale community in general would not be deprived of important services. The land uses identified above in *Issue 1* remain as discretionary land uses in other zones nearby to the Special Residential zone localities and it is considered more appropriate such uses not impact the Special Residential zone in the future.

The main reason for designating institutional and social service development types as 'X' (not permitted) uses in the Special Residential zone is that they are considered inconsistent with the zone's objectives for low density residential in natural settings and that these development types if approved would likely result in amenity impacts – traffic, noise, vegetation clearing and built form which would be disruptive to the quiet lifestyle, residential character and visual amenity of the Special Residential zone. It is important to acknowledge the unique nature of the Special Residential zones in the City that are of a permanent nature.

If Amendment No.94 proceeds to final approval (gazettal) and the above mentioned institutional and social service uses become 'X' (not permitted) uses in the Special Residential zone, the Council could still consider an addition use scheme amendment to TPS No.4 for development of these land uses as a special consideration or if special circumstances warranted.

### Recommendation

That the issue is not supported.

*Issue 2 - The Holiday Accommodation land use should be retained as permissible in the zone to allow people to experience the rural settings and in the case of the Champion Lakes Special Rural zone locality as a supporting development type to the Champion Lakes Regatta Centre. Depending on location the number of guests may need to be limited.*

### Comment

Holiday Accommodation developments typically cater for multiple accommodation units and common facilities i.e. recreation facilities and a car park, and often a reception building and/or a restaurant. Most lots in the Special Rural zone localities are considered too small to contain such developments. The above discussion under the *Issue 1 - Comments* section regarding zone objectives and amenity impacts would also apply to Holiday Accommodation developments in the Special Residential zone localities.

Importantly the Bed and Breakfast land use development type is retained as a 'D' (discretionary) use in the Special Residential zone which can provide for low impact tourist accommodation in association with the residential use in the zone. It is noted that under Amendment No.94 the Holiday Accommodation land use would be retained as a 'D' discretionary use on the golf course land of the Araluen Golf Course Estate Special Residential zone, but would not be permitted on the housing lots in the Estate. This is discussed further under *Proposal 3 Comments* section, below.

In regard to potential Holiday Accommodation developments in the Champion Lakes Special Residential zone locality particularly around the lake side, this could be contemplated as part of future rezoning and structure planning proposals under the Metropolitan Region Scheme (MRS) and TPS No.4 to transition this locality from Rural/Special Residential zoning to Urban/Residential and/or other local zoning to accommodate any special uses or developments that are compatible with the land's intended use of medium density residential under the WAPC Perth and Peel @ 3.5 million and the City's LPS.

Under the current Special Residential zoning for the locality the use is considered incompatible development due to potential amenity impacts –traffic, noise, land clearing and built form. Further, the establishment of incompatible development types in this locality prior to rezoning and comprehensive structure planning is likely hinder the locality's transition to a Urban/Residential zoning, including the economical provision of service infrastructure.

Future development of the Champion Lakes Special Residential zone locality for medium density residential is dependent on landowner/developer driven rezonings to Urban/Residential zones under the MRS and TPS No.4, and associated structure planning as required under Schedule 8 – Development and (Structure Plan) No.12 area of TPS No.4 which indicates the need for structure planning to guide subdivision and development.

Recommendation

That the issue is not supported.

*Issue 3 - The land use proposed to be designated 'X' (not permitted) are already 'D' or 'A' (discretionary) uses, therefore the City doesn't have to ban them.*

Comment

The land use permissibility review for the Special Residential zone consider the suitability of the land uses proposed to be designated 'X' (not permitted) uses against a broad set of planning and development criteria as detailed in the 'Background' section of this report and with regard to the character of each Special Residential zone locality and it was determined that there are no locations in the Special Residential zone localities suitable for the land uses proposed to designated 'X' (not permitted) uses. Accordingly, it would not be appropriate to maintain the uses as 'D' or 'A' (discretionary) uses in the zone.

Recommendation

That the issue is not supported.

*Issue 4 - Consulting rooms would have a low impact and could benefit the local community.*

Consulting Rooms are business premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care. A Consulting Rooms development in the Special Residential zone would likely result in a number of impacts including land clearing and streetscape issues from a commercial built form and signage. A Consulting Rooms development would also result in additional traffic associated with the regular comings and goings throughout the day of patients' vehicles. This additional traffic on quieter local roads in the Special Residential zones, would be detrimental to the quiet amenity generally present in the zone's localities. The Consulting Rooms development type is considered to be more appropriate in Residential and Centre zones of TPS No.4 where the use is a permitted or discretionary use, as these zones are closer to population catchments and close to or are centres of commercial and social activity.

Recommendation

That the issue is not supported.

**Proposal B - Add the land uses Holiday Accommodation and Recreation-Private as 'D' (discretionary) land uses to Additional Use No.30 area (Araluen Golf Course Estate)**

There are 37 submissions supporting and 30 submissions objecting to Proposal B. Two (2) of the submitters who support Proposal B commented that additional and/or diversified recreation facilities at Araluen Golf Course would be beneficial to the local community and improve the viability of the golf course development. The City generally supports this view, with qualifications discussed below.

*Issue 5 – Amenity, Environmental and Safety Concerns*

Eight (8) submitters who object to Proposal B raised the following issues:

- *increase in traffic from further development in the estate disrupting quite amenity;*
- *potential anti-social behavior from Holiday Accommodation guests;*
- *loss of fauna habitat from further development of the golf course land;*
- *the estate should be retained for residential use and holiday accommodation is not supported; and,*
- *fire safety issues associate with limited road access to the estate.*

Comment

Proposal B is to reintroduce the Holiday Accommodation and Recreation-Private land use into Schedule 2 – Additional Use No.30 area for only the Araluen Golf Course land as these uses are proposed to become ‘X’ (not permitted) under Proposal A of Amendment No.94 in the Special Residential zone which applies to the land. These two land uses have formed part of the Araluen Golf Course Estate development concept since its inception and should continue to be permissible development types.

The Araluen Golf Course Estate is a master planned estate and developed in accordance with an adopted Structure Plan (Revised Subdivision Guide Plan) which details existing, as well as proposed development in the Estate. The Revised Subdivision Guide Plan contains further development of stages for single housing lots, as well as larger development sites for chalets units (Holiday Accommodation) which is limited to 50 chalets under Schedule 2 – Additional Use No. 30 area of TPS No.4. The issue put forward that the estate should be preserved for residential use (single houses) is not supported given that Holiday Accommodation is provided for in the Revised Subdivision Guide Plan and up to 50 chalets is specified in Schedule 2 – Additional Use No.30 area.

Further development in accordance with the Revised Subdivision Guide Plan will result in some additional traffic on the estate roads and clearing of vegetation to make way for new roads and development envelopes. It is noted that under the most recent subdivision approval (WAPC Ref. 151283) to create the Holiday Accommodation development sites a condition has been imposed that the landowner/develop is to retain significant trees on site to the satisfaction of the City of Armadale. Significant areas of natural bushland are also retained on the golf course land adjacent to the fairways as buffers to the residential lots.

The issue of fire safety has and will continue to be addressed in the Revised Subdivision Guide Plan and the associated subdivisions and development approvals for the Estate through the requirement for bushfire management plans. Strategic fire breaks which include perimeter roads of the Estate as well as the reticulate water supply are existing structural responses to fire safety.

In regard to the potential issue of anti-social behavior of future Holiday Accommodation development guests, the future owner/operator of such a development will be responsible for ensuring guest’s behavior is appropriately managed. Residents in the Araluen estate could report instances of anti-social behavior to the owner/operator and/or other authorities as deemed necessary.

It is important to note that Amendment No.94 does not propose new land use permissibility for the golf course complex rather only moves the relevant text from one part of the City's scheme text to another part a result of the need to safeguard low density residential amenity in all Special Residential zones.

Recommendation

That the issue is not supported.

**Proposal C – Delete Restricted Uses No.5 (impacting lots on Observation Circle in Bedforddale) from Schedule 2 – list of Restricted Uses in the Scheme Text and on the Map**

There are 21 submissions supporting and 16 submissions objecting to Proposal C. None of the submitters provide any further comments or reasons for supporting or objecting to Proposal C.

Comment

Restricted Use No.5 area impacts a group of 43 lots serviced by Observation Circle in Bedforddale. The land uses restricted or prohibited under Schedule 2 - Restricted Use No.5 area are principally the same as those land uses proposed to be designated 'X' (not permitted) in the Special Rural zone under Amendment No.94 with the exception of Residential Building, Occasional Uses and Industry-Cottage land uses. In the land use permissibility review for the Special Residential zone, the 3 aforementioned land uses were determined to be consistent with the Special Residential zone's objectives as they were residential or incidental to residential land use on site. Restricted Use No.5 area would become redundant given the findings of the land use permissibility review for the Special Residential zone and the proposal to designate 10 land uses 'X' (not permitted) in the Special Rural zone. Restricted Use No.5 area and should therefore be deleted from TPS No.4.

Recommendation

The objections are not supported.

**Proposal D – Reclassifying existing drainage/recreation reserves in Churhman Brook Bedforddale estates on the Scheme map from Special Residential to Parks and Recreation (Local)**

There are 41 submissions supporting and 15 submissions objecting to Proposal D with most submitters not providing any further comments.

*Issue 6 – One (1) submission qualified their support for Proposal D subject to the reclassification not resulting in noisy pursuits such as trail bike riding.*

Comment

Trial bike riding is not permitted in the City's Parks and Recreation (local) reservations. Under existing local laws local parks are intended for passive recreation and environmental amenity. The proposal to reserve the land for Parks and Recreation (Local) in TPS No.4 is consistent with the lands reservation status under the land titles system and Council's decision to retain the land for recreation and conservation purposes.

### Recommendation

The noise concern is noted.

### **ANALYSIS/COMMENT**

As discussed in the 'Background' section of this report, the land use permissibility review for the Special Residential zone assessed current permitted and discretionary land uses for the zone against a set of planning and development criteria. The following reiterates key discussions and considerations of the criteria that was reported to the Council in the February 2018 agenda report to initiate Amendment No.94.

#### ***TPS No.4 - Special Residential Zone Objectives***

The objectives of the Special Residential zone under clause 3.2.2 of the TPS No.4, are as follows:

- '(a) To provide for low density residential development in a rural setting, in which natural environmental values are conserved as far as possible for the enjoyment of residents as well as the maintenance of ecological and landscape values.*
- (b) To ensure development is sited and designed to achieve an integrated and harmonious character within each of the estates.'*

Amendment No.94 does not compromise the intent of the zone objectives as the fundamental residential land uses including single house, residential building and ancillary accommodation, will continue to be permitted/discretionary uses in the Special Residential zone. Land uses that are undertaken incidental to residential use and/or are generally restricted to the owner/occupier of a house also continue to be permitted/discretionary uses in the zone, including: Bed and Breakfast, Commercial Vehicle Parking, Family Day Care, Home Business/Occupation/Office, Industry-Cottage and Recreation-Domestic.

Other land uses that are considered to be compatible with the zone objects are Occasional Uses and Recreation-Public. The land use Occasional Uses provides for infrequent activities i.e. swap meet, market, cake stall and artistic performance that do not compromise a locality's amenity. Such activities when undertaken infrequently can enliven neighbourhoods and strengthen community bonds. The Recreation-Public land use is mostly provided by the State and local government and includes local parks, which is a compatible land use in all Residential zones. Accordingly, these two land use are to continue as discretionary uses in the Special Residential zone.

The land uses proposed to be designated 'X' (not permitted) uses are considered to be inconsistent with the zone objectives as they are not low density residential land use and if some of these land uses were approved their impacts could compromise the zone's residential, environmental/ecological and landscape objectives. Although amenity impacts would be dependent on the scale of development proposed and vary from site to site land uses such as Civic Use, Club Premises, Education Establishment, Holiday Accommodation, and Recreation-Private are often developed in a large format for economies of scale and/or to service a catchment larger than the local area.

The development footprints (buildings, car parks, communal facilities etc.) of these land uses would be greater than those of the Single House land use and would likely result in less open space provision, and/or clearing of remnant site vegetation, especially in the Special Residential zones in the Armadale hills area.

### ***Local Planning Strategy 2016 (LPS)***

The LPS includes a number of references to the Special Residential zones that can be used as a general guide in the review and consideration of changes to land use permissibility in the zone. The LPS 'Strategic Plan' indicates that Special Residential zones will continue to play a role in the land use planning framework of the City. Under the LPS 'Rural Hills Visual Landscape Strategy' the protection of visual landscapes in the Armadale hills is a high priority and that a local planning policy should be developed to assess and manage visual impacts of development including that of individual buildings. A planning policy is being developed and will be presented to Council once scheme amendments to implement the land use permissibility review are substantially progressed or finalised. The LPS strategy to protect rural hills visual landscapes, 'mirrors' TPS No.4 Special Residential zone objectives therefore, the comments provided above regarding the zone objectives would equally apply to consideration under the LPS.

As discussed, Araluen Golf Course Estate is identified under the LPS as a strategically significant special use site contributing towards tourism to the Armadale hills. The Golf Course is also a significant recreation asset. Amendment No.94 ensures the ongoing role of Araluen Golf Course Estate by including Holiday Accommodation and Recreation-Private land uses into Schedule 2-Addition Use No.30 area applicable to the golf course land, given these uses are proposed to be designated 'X' (not permitted) use in the Special Residential zone.

The lack of reticulated sewer and a pump station is identified in the LPS as infrastructure constraints to the development of Champion Lakes for more intensive land use. The intrusion of non-residential land uses like the land uses proposed to be designated 'X' (not permitted) can, in some instances, hinder structure planning for more intensive development (including the economical provision of service infrastructure) by landowners seeking to progress applications to the WAPC to rezone land to Urban in the MRS and Urban Development/Residential in TPS No.4.

### ***Development Control Policy 2.5 Special Residential zones (DCP 2.5)***

The WAPC's DCP 2.5 provides guidance for development of Special Residential zones. The implementation provisions of DCP 2.5, includes provision d) which states: "*that permitted uses should be confined to those which are consistent with maintaining the amenity of the residential environment.*" The land uses proposed to be designated 'X' (not permitted) uses are considered to be inconsistent with maintaining the zones 'residential environment' by reason of the potential for land clearing, built form, traffic and/or noise impacts in the zone.

It is noted that a new Draft of DCP 2.5 was released for public comment and includes the same implementation provision discussed above. The City has made a written submission to the WAPC in support of this policy and its provisions.

***Statement of Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) & Guidelines for Planning in Bushfire Prone Areas (Guidelines)***

The proposed changes to land use permissibility have had regard to the SPP 3.7 and the associated Guidelines. The Special Residential zones for the most part are identified as bushfire prone areas. Whilst many of the land uses proposed to be designated 'X' (not permitted) use are, or are likely to be vulnerable land uses in bush fire prone areas, there is no requirement for local governments under SPP 3.7 to prohibit vulnerable land uses in bush fire prone areas. The acceptability or otherwise of land use and development in bush fire prone areas is subject to a satisfactory bushfire assessment and management in accordance with SPP 3.7. It is noted that SPP 3.7 is subject to regular updates by the WAPC to address changing circumstances in bushfire planning.

***Permissibility in other Scheme Zones***

The land uses proposed to be designated 'X' (not permitted) use in the Special Residential zone are all permitted/discretionary in other zones (and reservations) of the TPS No.4 to varying degrees. The permissibility of some of the land uses is however also subject to review in the General Rural and Rural Living zones.

Land uses including Child Care Premises, Civic Use, Club Premises, Community Purpose, Consulting Rooms, Educational Establishment and Recreation-Private are permitted or discretionary land uses in the Residential, Industry Business and Local/District/Strategic Regional Centre zones (and more zones in some instances) of TPS No.4. The land uses Exhibition Centre and Holiday Accommodation are retained (remain permissible) as discretionary uses in the General Rural zone and the proposed revised Rural Living zone under Amendment No.95 and Amendment No.97 respectively and are currently permissible in the Local/District/Strategic Regional Centre zones (and more zones in some instances).

Land uses including Civic Use, Community Purpose and Educational Establishment where undertaken by a government agency may also be accommodated under Parks and Recreation and Public Purpose local and regional reservations of TPS No.4.

The Special Residential zone localities are generally not considered ideal locations for the land uses proposed to be designated 'X' (not permitted) as they are remote from centres of commercial and social activity and in most cases are remote from population catchments and public transport. The Champion Lakes, Gilwell Avenue (Kelmescott) and Brookdale (Hilbert) Special Residential zones are exceptions to this, however as noted in the 'Background' section of this report these areas are likely to be rezoned to Urban and Residential zones in the future.

***Modification to Amendment***

As discussed under 'Details of Proposal' section of this report, reference to Holiday Accommodation in Item B ii) of Amendment No.94 is deleted as this land use already exists in Conditions and Requirements column for Additional Uses No.30 area. This modification is very minor and does not require any readvertising of Amendment No.94.

## **OPTIONS**

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

## **CONCLUSION**

The amendment proposes to implement the outcomes of the review of land use permissibility in the Special Residential zone of TPS No.4, which is generally located within broader rural areas of the City. The ten (10) land uses proposed to become 'X' (not permitted) uses in the Special Residential zone are considered to be inconsistent with the objectives of the Special Residential zone of TPS No.4, and the City's LPS. If developments of the subject land uses were to proliferate in the zone they would be detrimental to the low density residential amenity and natural settings intended for the Special Residential zone. Further, the 10 land uses which are predominately commercial or institutional and social service uses are more appropriately located in Residential, Commercial and other zones of TPS No.4.

The Special Residential zone landowners responded to advertising of the amendment which included letters and submission forms sent to all Special Residential zone landowners, and City officers provided advice to phone and front counter enquires to clarify the proposals of Amendment No.94.

The issues raised in the submitted objections generally related to the potential loss of development opportunities on the grounds that the uses could provide services to the Special Residential zone landowners/communities if allowed to establish in the zone. The City notes that the land uses proposed to be designated 'X' (not permitted) are provided for in other zones of TPS No.4 and if the subject land uses established in the Special Residential zone they would likely result in impacts detrimental to the lifestyle and amenity of the zone.

The City's position is that the future of the Special Residential zone will continue to be based around providing for a low density residential lifestyle in natural settings with opportunity for development of low impact incidental uses compatible with residential use on sites in the zone. It is considered that the issues raised in the objections to the proposed land use permissibility changes do not warrant any further modifications to the amendment prior to final adoption.

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

## **RECOMMEND**

### **That Council:**

- 1. Pursuant to section 75 of the Planning and Development Act 2005 adopt, with modifications, Amendment No.94 to Town Planning Scheme No.4 as a standard amendment in accordance with Part 5, Clause 34 – standard amendment, subsection (a), (b), (c), (e), (f) and (g) of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:**
  - A. Modify the permissibility symbols of land uses in the Special Residential zone Column of Table 1 (Zoning Table) as follows:**
    - i) civic use and display home centre from ‘D’ (discretionary) to ‘X’ (not permitted); and,**
    - ii) child care premises, club premises, consulting rooms, community purpose, education establishment, exhibition centre, holiday accommodation, and recreation-private from ‘A’ (discretionary) to ‘X’ (not permitted).**
  - B. Modify Schedule 2 - Additional Uses, No.30 area (Araluen Golf Course Land) by: adding to the Additional Use column the following:**
    - i) Discretionary (D) Uses:**
      - holiday accommodation; and**
      - recreation-private,****and;**
    - ii) adding to the Conditions and Requirements column under 30.1 the following:**
      - recreation-private.**
  - C. Delete Restricted Uses No.5 from Schedule 3-Restricted Uses of Scheme Text and Map.**
  - D. Amend the TPS No.4 Map by reclassifying from Special Residential zone to Parks and Recreation (Local) reservation the following:**

**Lots 4000, 4001 and 4002 Darling Range Drive, Bedfordale;**  
**Lots 188, 3000, 4005 and 4009 Waterwheel Road, Bedfordale;**  
**Lots 4000, 4001, 4002, 4003 and 4004 Grieve Way, Bedfordale;**  
**Lot 4010 Devonleigh Street, Bedfordale;**  
**Lot 4007 Aulini Drive, Bedfordale;**  
**Lot 4003 and 4004 Fyfield Way, Bedfordale;**  
**Lot 500 Vellender Road, Bedfordale;**  
**Lot 3000 Aviemore Drive, Bedfordale; and**  
**Lot 4006 and 4008 Blissett Drive, Bedfordale.**
- 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 Transport, Planning and Lands 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 of its decision.**

### **ATTACHMENTS**

1. Location Plan - TPS No.4 - Amendment No.94
2. Current Land Use Definitions - TPS No.4 - Amendment No. 94
3. Final Adoption Zoning Table - Rural Amendments - TPS No.4 - Amendment No. 94
4. Zoning Map 1 - TPS No.4 - Amendment No.94
5. Zoning Map 2 - TPS No.4 - Amendment No.94
6. Confidential - Schedule of Submissions - TPS No.4 - Amendment No.94 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*
7. Confidential - Submitter Plan - Araluen Golf Course Estate - TPS No.4 - Amendment No.94 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relating to the personal affairs of a person/s.*
8. Confidential - Submitter Plan - Bedforddale Estates - TPS No.4 - Amendment No.94 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relating to the personal affairs of a person/s.*
9. Confidential - Submitter Plan - Brookwood Estate - TPS No.4 - Amendment No.94 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relating to the personal affairs of a person/s.*
10. Confidential - Submitter Plan - Champion Lakes - TPS No.4 - Amendment No.94 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relating to the personal affairs of a person/s.*

---

***4.1 - PIA STATE CONFERENCE - PERTH - 31 AUGUST 2018***

---

WARD : ALL  
FILE No. : M/448/18  
DATE : 10 July 2018  
REF : NC  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:**

- The Planning Institute of Australia State Conference will be held at Curtin University, in Perth, Western Australia on the 31 August 2018.
- Matters to be covered are integral to metropolitan planning and the process of urban growth and development. An officer from Planning Services will be attending.
- Recommend that consideration be given to nominating a Councillor to attend.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

4.1 Visionary Civic leadership and sound governance

4.1.3 Support the role of the elected body

4.1.3.3 Advocate and support Councillor engagement in outside bodies and events to maintain awareness and enhance the City's knowledge base.

**Legislation Implications**

Nil.

**Council Policy/Local Law Implications**

Council Policy ADM3 – Conferences and Training

Council Policy EM1 – Reimbursement Councillor's Expenses

**Budget/Financial Implications**

The Planning Institute of Australia State Conference is on the City's approved Conference list. Officer attendance will be funded from the Development Service's Conference and Meeting budget. Sufficient funds are available in the Councillor/Member Development Budget should the City deem it appropriate that an elected member to attend. The total cost of the conference is estimated at \$630 per delegate.

## **BACKGROUND**

The PIA State Conference will be held at Curtin University, in Perth, Western Australia on the 31 August 2018.

The PIA State Conference typically hosts a number of topics which are potentially applicable to the City and may provide valuable insight and information in a number of areas that impact the City.

## **DETAILS OF CONFERENCE**

As well as the usual plenary keynote speakers they have dedicated a portion of the morning program to a number of concurrent sessions which showcase projects, ideas, or concepts occurring across the State.

WA is still finding its feet in this post economic boom era. As we navigate this new era, it is imperative to think about what's on the horizon and what the future of WA will look like. The focus on '*new horizons*' is an invitation to step outside the narrow confines of existing debate to address issues of relevance, significance and importance to the rapidly changing urban and regional environments in which we live and work.

Keynote Speakers are:

**Diane Smith-Gander is non-Executive director AGL Energy, Wesfarmers Limited, Chair of Safe Work Australia, Asbestos Safety & Eradication Council, a board member of Keystart Loans, CEDA, member of the NRFA Partnership Council and immediate past President of Chief Executive Women, Australia's pre-eminent women's advocacy group.**

Diane has held a wide range of roles in the past including Chairman of Broadspectrum, Deputy Chairperson of NBNC Co, non-executive director of the CBH Group, commissioner of Tourism WA, Group Executive of Westpac and board member of the Committee for Perth.

**Rahul Mittal** - Director, Cistri, Singapore - Rahul is a recognised leader in his field, renowned for working on major urban development projects around the globe. He brings to Cistri more than fifteen years of in-depth consulting experience in master planning, urban design and landscape architecture. Over the course of his career Rahul has worked on major projects around the world, spanning the USA, India, China, Japan and multiple countries in Southeast Asia.

The projects include transit oriented and mixed use developments, retail repositioning, urban infill and redevelopments, redevelopment of waterfronts, new town planning, business and industrial parks, golf course and resort developments, airport cities. In addition to his consulting work Rahul speaks regularly at real estate related conferences in the region and teaches Urban Design & Conservation at the Department of Real Estate, National University, Singapore.

## CONCLUSION

Committee is reminded of Policy and Management Plan *ADM 3 Conferences, Seminars and Training* in Clause 2(d) of the Management Practice states that:-

“2(d) - Where a member of Council at the date of the conference, seminar or training course has an electoral term of less than 6 months to complete, such member shall be ineligible to attend unless such is specifically authorised by Council.”

It is anticipated that an Officer from Development Services will be attending the PIA State Conference. The matter is brought to the attention of Council to determine whether Conference content is appropriate to nomination of an elected member to attend.

## RECOMMEND

### That Council:

1. **Nominates Cr \_\_\_\_\_ to attend the PIA State Conference to be held in Perth, Western Australia on the 31 August 2018.**

or

2. **If there is no nomination at the Development Services Committee or the Ordinary Meeting of Council on 23 July 2018, then the recommendation be as follows:**

**No nomination be made for an Elected Member to attend the 2018 PIA State Conference to be held in Perth, Western Australia on the 31 August 2018.**

## ATTACHMENTS

There are no attachments for this report.

***COUNCILLORS' ITEMS***

---

*Items to be submitted.*

***EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT***

---

***6.1 - SAT UPDATE - LOT 9 BROOKTON HWY, KARRAGULLEN - EXTRACTIVE INDUSTRY (GRAVEL) - STAGE FOUR***

---

At its meeting on 23 April 2018, Council conditionally approved an application for stage four of gravel extraction at Lot 9 Brookton Highway, Karragullen (Council resolution D19/4/18). The applicant has submitted an application to the State Administrative Tribunal (SAT) for review of the Council's decision. The application for review seeks the setting aside of Condition 2, the creation of a new Condition 2 and the amendment of Condition 4 of the approval.

The applicant is Vinci Gravel Supplies who will be represented by Lavan Legal with support from Harley Dykstra (planning consultants).

A Directions Hearing is scheduled on 13 July 2018. It is anticipated that mediation will be scheduled by SAT at the Directions Hearing.

The conditions subject of the review relate to the requirement for a revised Environmental Management Plan and revegetation bond. Conditions 2 and 4 are as follows:

Condition 2

The Environmental Management Plan being amended to the satisfaction of the Executive Director Development Services prior to undertaking of any clearing works in the 'Stage Four' extraction area. Revision of the Environmental Management Plan shall address the following requirements:

- a. A map illustrating revegetation areas including "Stage 4 Rehabilitation Area" and "additional rehabilitation area" to a density equivalent to the higher density of either of the following:
  - i) the existing percentage cover native vegetation as per the flora survey March 2015; or
  - i) 2 trees per 100 square metres;
- b. Revegetation as per (a) above with dieback resistant native species.
- c. Revegetation as per (a) above with the same proportion of shrub/tree/ herb vegetation structure as the "Proposed Stage 4 Extraction Area".
- d. a revegetation schedule for the areas described in (a) that is specific and measurable. This shall include a schedule which shows dates for seedling installation, direct seeding, expected plant numbers, techniques for soil stabilisation, weed control, audit protocols (i.e.: monitoring transects) and other that may be relevant to revegetation.
- e. specific mechanisms for returning surface soil stability in the areas described in part (a);
- f. measurable techniques to ensure that soil chemistry has been returned to a 'self-sustaining' level in the areas described in part (a);
- g. techniques for surveying post-rehabilitation vegetation density and diversity as an indicator of success in the areas described in part (a);

- h. identification of the weeds that occur in the areas described in part (a) and detail of a species specific weed management schedule;
- i. time bound mechanisms for surveying and auditing implementation of a. through h. above;
- j. identifies mechanisms for the re-establishment of fauna habitat in the “Stage 4 Rehabilitation Area” such as the translocation of grass trees; and
- k. Rehabilitation/revegetation work that has been identified as unsatisfactory and subsequently received maintenance within the initial two years is to be maintained for a further two years after remediation.

#### Condition 4

A revegetation works bond is to be provided for ‘Stage Four Rehabilitation Area’ and ‘Stage Four Extraction Area’ and ‘Additional Rehabilitation Area’, prior to any clearing works for Stage 4 to the satisfaction of the Executive Director Development Services.

The SAT application states the following:

*“The primary concern of the applicant relates to the requirement to rehabilitate the already degraded excavation areas to a standard greater than pasture, particularly in the context of the landowner’s plans for the future use of the site for rural activities. Accordingly, whilst the applicant does not dispute the requirement for a bond amount, they do seek to have this condition amended so that the bond amount is imposed only on the revegetation works that are to occur in the ‘Additional Rehabilitation Area’. They also seek to have the bond calculated on the basis of the direct seeding method as opposed to the planting of juvenile species”.*

It is noted that City officers met with the applicant’s planning consultants on 18 June 2018 prior to submission of the application for SAT Review. The applicant sought clarification from the City on development approval conditions 2, 4, 9(g) and 15. The City subsequently provided written advice to the applicant to clarify its expectations/requirements in relation to those conditions.

#### **ATTACHMENTS**

There are no attachments for this report.

**6.2 - SAT UPDATE - LOT 20 (NO.43) BUTCHER RD, ROLEYSTONE - CHANGE OF USE TO CONSULTING ROOMS (HYDROTHERAPY) AND USE NOT LISTED - OCCASIONAL DEVELOPMENT TRAINING (HYDROTHERAPY)**

---

At its meeting on the 27 November 2017, Council considered the above application and resolved to refuse the proposal for four main reasons, as listed below:

1. *The proposed land use is not considered to be consistent with the intent and objectives of the “Rural Living Zone” of the Town Planning Scheme No.4 Clause 4.2.3 (b) and (c) which aim:
  - a) *To provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites.*
  - b) *To ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.**
2. *The proposed use is inconsistent with Schedule 2 Part 9 Clause 67 (m) of the Planning and Development (Local Planning Schemes) Regulations 2015, as it is not compatible with the development on adjoining land or other land in the locality in terms of its commercial nature and impacts.*
3. *The proposal is inconsistent with Schedule 2 Part 9 Clause 67 (n) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal will adversely impact on the rural/residential character and amenity of the area.*
4. *The Bushfire Management Plan does not comply with the WAPC’s Guidelines for Planning and Bushfire Prone areas (Aug 2017) and that the use should be considered as a vulnerable land use.*

Council’s decision was subject to an application for review at the end of 2017, with the Hearing held in March 2018. In the intervening period a number of meetings on site were held, together with the mediation process, in an attempt to resolve the issues raised. These have been reported to Council in previous EDDS reports to the Development Services Committee.

The SAT decision on the matter was received on 21 June 2018, and two of Council’s refusal reasons have been upheld as follows:

- *The Tribunal has determined that the proposed development does not comply with SPP 3.7 and the Guidelines and that in the circumstances of this case, the proposed use should not be approved because of that lack.*
- *The Tribunal has also determined that the proposed development would have an unacceptable impact on the locality, which is relevantly Butcher Road.*
- *For these two reasons, the correct and preferable decision is that the decision of the respondent to refuse the proposed development should be affirmed.*

The City engaged solicitors, a Bushfire expert and a planning consultant (who specialises in SAT Reviews) to assist officers and represent the City at the SAT Hearing. The City will provide a copy of the decision to the WAPC as the consideration of the intent and wording of the WAPC's SPP3.7 and Bushfire Guidelines was challenged in a number of areas and needs improvement. The majority of the arguments presented by the City's Bushfire expert were accepted over the applicant's Bushfire expert.

#### **ATTACHMENTS**

There are no attachments for this report.

***6.3 - SAT REVIEW - LOT 4 (NO.15) BAY COURT, CHAMPION LAKES -  
APPLICATION FOR CARAVAN PARKS AND CAMPING GROUNDS ACT 1995  
LICENCE***

---

On 12 June 2017 the City received an ‘Application for the Grant or Renewal of a Licence’ under the Caravan Parks and Camping Grounds Act 1995 (‘C&C Act’) for Park Homes at Lot 4 Bay Court, Champion Lakes. This licence application related to a development previously approved by the Metropolitan East Joint Development Assessment Panel as ‘39 Aged Persons Dwellings, Recreation - Private and Uses Not Listed (Sales Office and Manager’s Residence)’. The development approval is currently being implemented and construction has commenced.

After taking legal advice, the City refused to grant the C&C Act licence on 11 September 2017 as the approved development (‘Aged Persons Dwellings’ etc.) could not be reasonably classified under any of the licence categories provided by the C&C Act. The City’s refusal also arose from land use permissibility in the TPS No.4 Residential zone which identified the requested licence as a ‘Park Home Park’ land use, and not ‘Aged Persons Dwellings’ land use to which the original development approval relates. ‘Park Home Park’ is an ‘X’ (not permitted) land use in the Residential zone and the provisions of that zone apply to Lot 4 under the approved Lake Road Precinct B Structure Plan.

The applicant applied to the State Administrative Tribunal (SAT) for a review of the City’s decision. After a number of Directions Hearings in 2017 and 2018 the matter was listed for a full hearing on 14 and 15 June 2018. The City was represented at the SAT by legal firm Kott Gunning, with assistance (including expert evidence) from individual officers in each of the Business Units of Planning Services, Building Services and Health Services.

The SAT’s decision is expected to be handed down in mid/late September 2018.

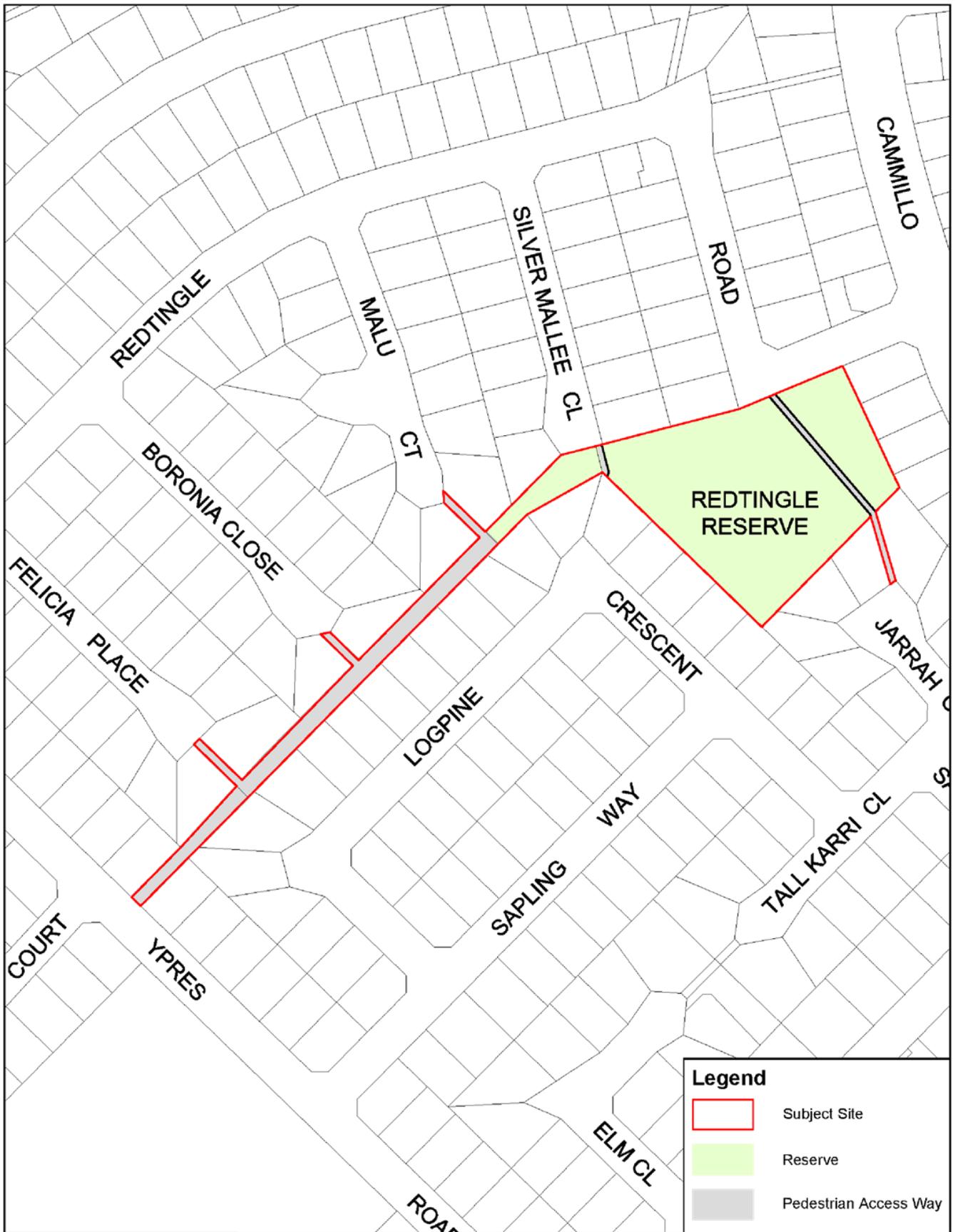
**ATTACHMENTS**

There are no attachments for this report.

---

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

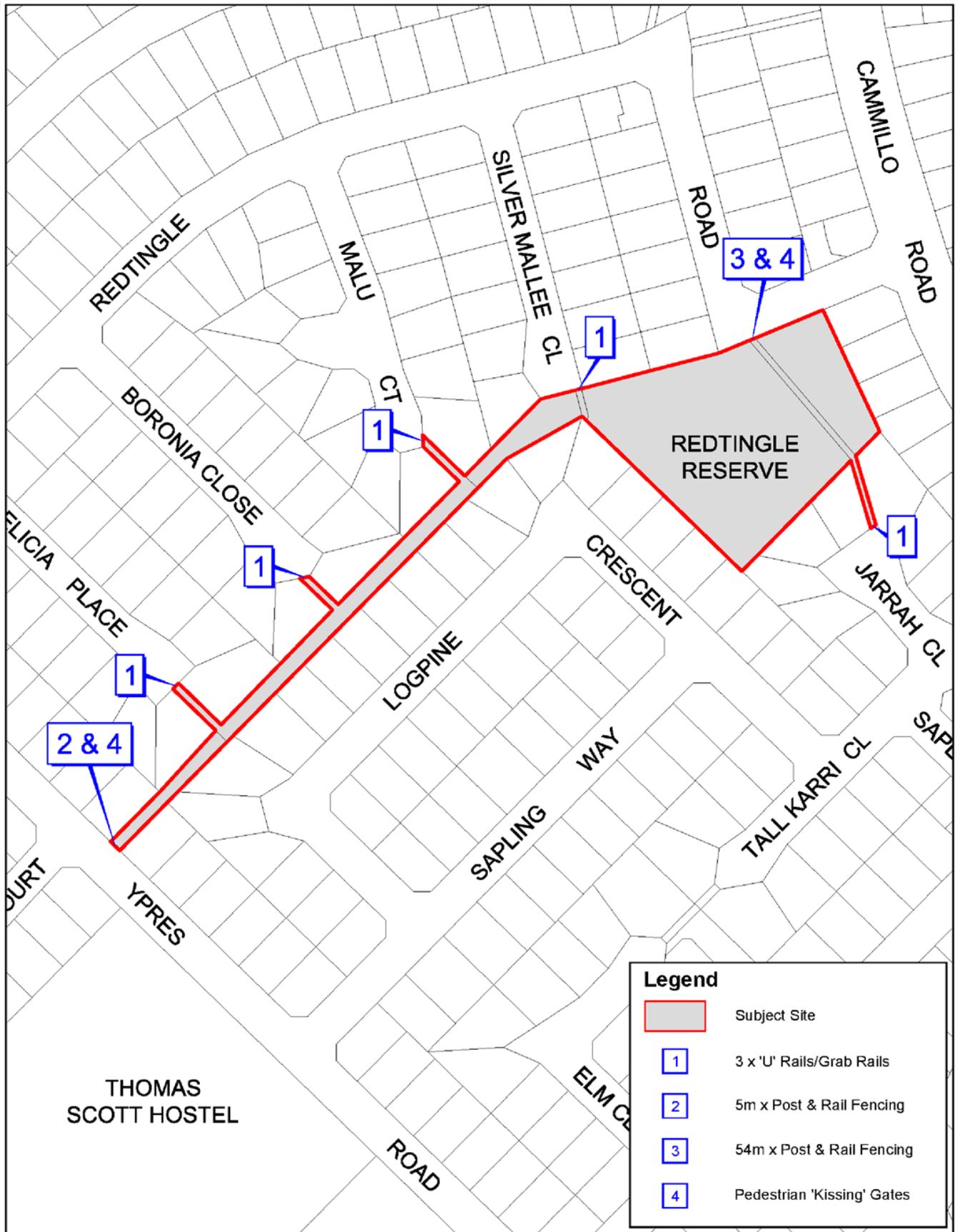
<b>DEVELOPMENT SERVICES COMMITTEE</b>		
<b>SUMMARY OF ATTACHMENTS</b>		
<b>17 JULY 2018</b>		
<b>ATT NO.</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>1.1 PEDESTRIAN ACCESS WAYS AND RECREATION RESERVES FROM YPRES ROAD TO REDTINGLE PARK, CAMILLO</b>		
1.1.1	Existing Land Dedication - PAW - Redtingle Park to Ypres Road	52
1.1.2	Proposed Infrastructure / Upgrade Solutions - PAW - Redtingle Park to Ypres Road	53
1.1.3	Photograph 1 - PAW - Redtingle Park to Ypres Road	54
1.1.4	Photograph 2 - PAW - Redtingle Park to Ypres Road	55
1.1.5	Photograph 3 - PAW - Redtingle Park to Ypres Road	56
1.1.6	Photograph 4 - PAW - Redtingle Park to Ypres Road	57
1.1.7	Photograph 5 - PAW - Redtingle Park to Ypres Road	58
1.1.8	Photograph 6 - PAW - Redtingle Park to Ypres Road	59
<b>2.1 GREEN PAPER ON MODERNISING WA'S PLANNING SYSTEM</b>		
2.1.1	Green Paper Report - May 2018 - see separate attachment	60
2.1.2	Attachment to Green Paper Report - May 2018 - see separate attachment	61
<b>3.1 FINAL ADOPTION - AMENDMENT NO.94 - TPS NO.4 AMENDING LAND USE PERMISSIBILITY IN THE SPECIAL RESIDENTIAL ZONE &amp; OTHER CHANGES TO THE SCHEME MAP AND TEXT</b>		
3.1.1	Location Plan - TPS No.4 - Amendment No.94	62
3.1.2	Current Land Use Definitions - TPS No.4 - Amendment No. 94	63
3.1.3	Final Adoption Zoning Table - Rural Amendments - TPS No.4 - Amendment No. 94	65
3.1.4	Zoning Map 1 - TPS No.4 - Amendment No.94	67
3.1.5	Zoning Map 2 - TPS No.4 - Amendment No.94	68



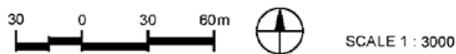
**EXISTING LAND DEDICATION**

PAW - Redtingle Park to Ypres Road





**PROPOSED INFRASTRUCTURE/  
 UPGRADE SOLUTIONS**  
 PAW - Redtingle Park to Ypres Road



DATE 6 July 2018 - REVISION 1501  
 prs:auto:cad:agenda\_drawings\2018\17\_july\ypres\_redtingle\_paw\ypres\_redtingle\_paw.dwg

Based on information provided by and with the permission of the  
 Western Australian Land Information Authority (2012).  
 Aerial photographs supplied by Landgate, Photosmaps by GeoMap.





Example: 'U' Rails/Grab Rails Configuration



Example: Post and Rail Fencing with Pedestrian 'Kissing Gate'



Entrance from Boronia Close



Entrance from Felicia Place



Entrance from Ypres Road



Entrance from Malu Court



Entrance from Silver Mallee Close



Entrance from Silver Mallee Close



Entrance from Redtingle Road



Entrance from Redtingle Road



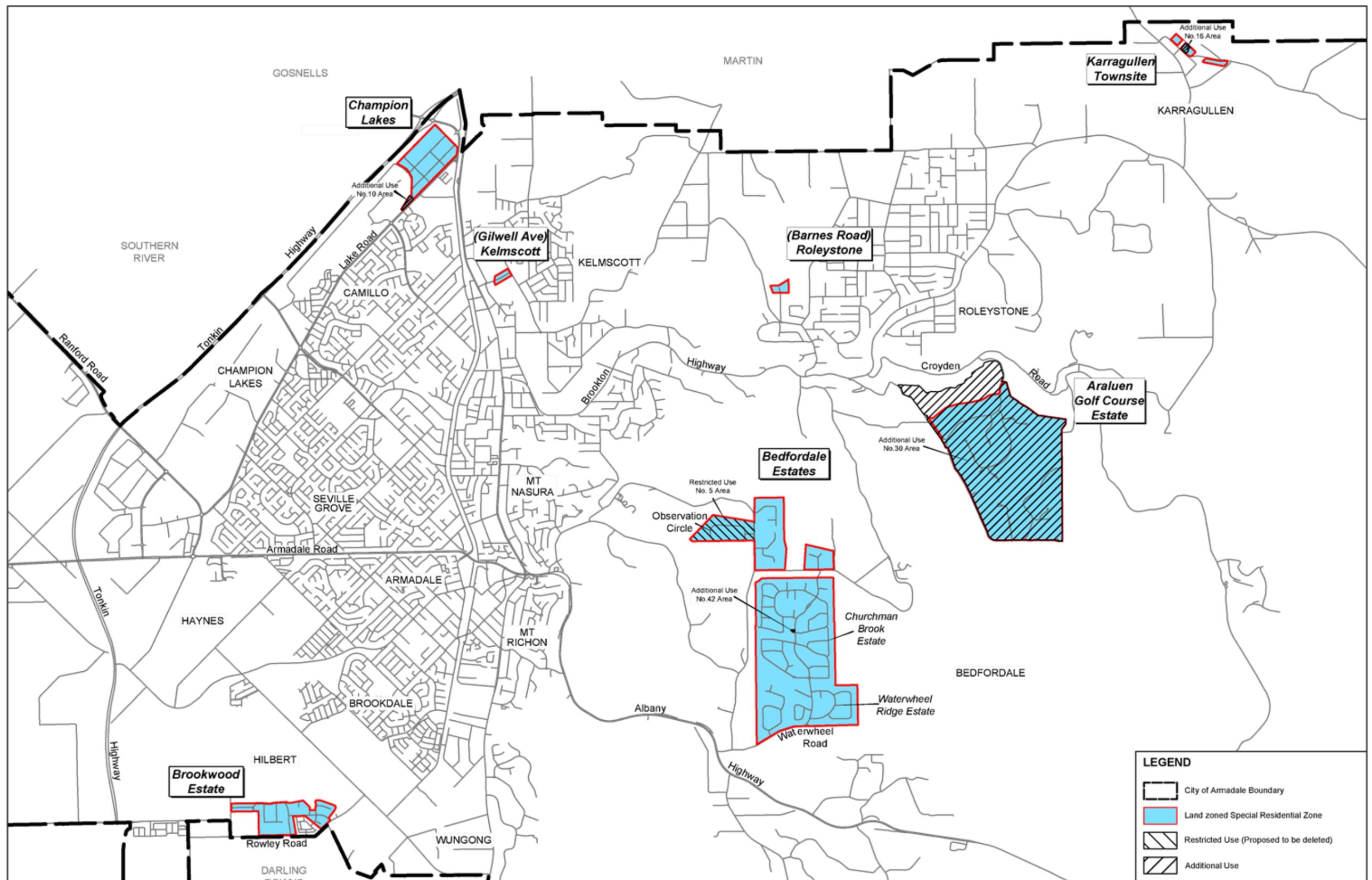
Entrance from Redtingle Park to Jarrah Close

## **GREEN PAPER REPORT – MAY 2018**

**SEE SEPARATE ATTACHMENT**

**ATTACHMENT TO  
GREEN PAPER REPORT – MAY 2018**

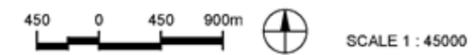
**SEE SEPARATE ATTACHMENT**



**LEGEND**

- City of Armadale Boundary
- Land zoned Special Residential Zone
- Restricted Use (Proposed to be deleted)
- Additional Use

**Location Plan**  
 Town Planning Scheme Amendment No. 94



**TPS NO.4 – RELEVANT LAND USE DEFINITIONS**  
**(current permitted and discretionary land use in the Special Residential zone)**

---

“**ancillary accommodation**” has the same meaning as in the R-Codes;

“**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

“**child care premises**” means premises used for the daily or occasional care of children in accordance with the regulations for child care under the *Child Care Services Act 2007*, but does not include a Family Day Care;

“**civic use**” means premises used by a government department, an instrumentality of the Crown, or the local government of Armadale, for administrative, recreational or other purposes;

“**club premises**” means premises used by a legally constituted club or association or other body of persons united by a common interest;

“**commercial vehicle parking**” means premises used for the parking or garaging of a commercial vehicle;

“**community purpose**” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;

“**consulting rooms**” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;

“**display home centre**” means a dwelling or dwellings intended to be open to the public for inspection for the purpose of marketing services and/or dwellings for a particular builder or building company;

“**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

“**exhibition centre**” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

“**family day care**” means premises used to provide a child care service in a private dwelling in a family or domestic environment, within the meaning of the *Child Care Services Act 2007*;

“**holiday accommodation**” means accommodation comprising two or more cabins, apartments, chalets, cottages, or flats which, by way of trade or business, or for the purpose of any trade or business, is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor;

“**home business**” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

**TPS NO.4 – RELEVANT LAND USE DEFINITIONS**  
**(current permitted and discretionary land use in the Special Residential zone)**

---

**“home occupation”** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ any person not a member of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

**“home office”** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

**“occasional use”** means use of any land or building on an occasional basis for the purpose of recreation, entertainment, community or other similar activity which does not in the opinion of the local government prejudice the orderly and proper planning or the preservation of the amenity of the locality in which the land or building is situated. The term includes a swap-meet, market, fair, sausage sizzle, cake stall or artistic performance;

**“recreation - domestic”** means part of premises used for indoor or outdoor leisure, recreation or sport which are ancillary to the residential use of the premises;

**“recreation - private”** means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

**“recreation - public”** means premises used for indoor or outdoor leisure, recreation or sport which are usually open to the public without charge;

**“residential building”** has the same meaning as in the R-Codes;

“A **building** or portion of a building, together with rooms and **outbuildings** separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or
- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”

**“single house”** has the same meaning as in the R-Codes;

“A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

### ZONING TABLE

**Red text** denotes proposed modifications to land use permissibility under Amendments No.94 (Special Residential zone)

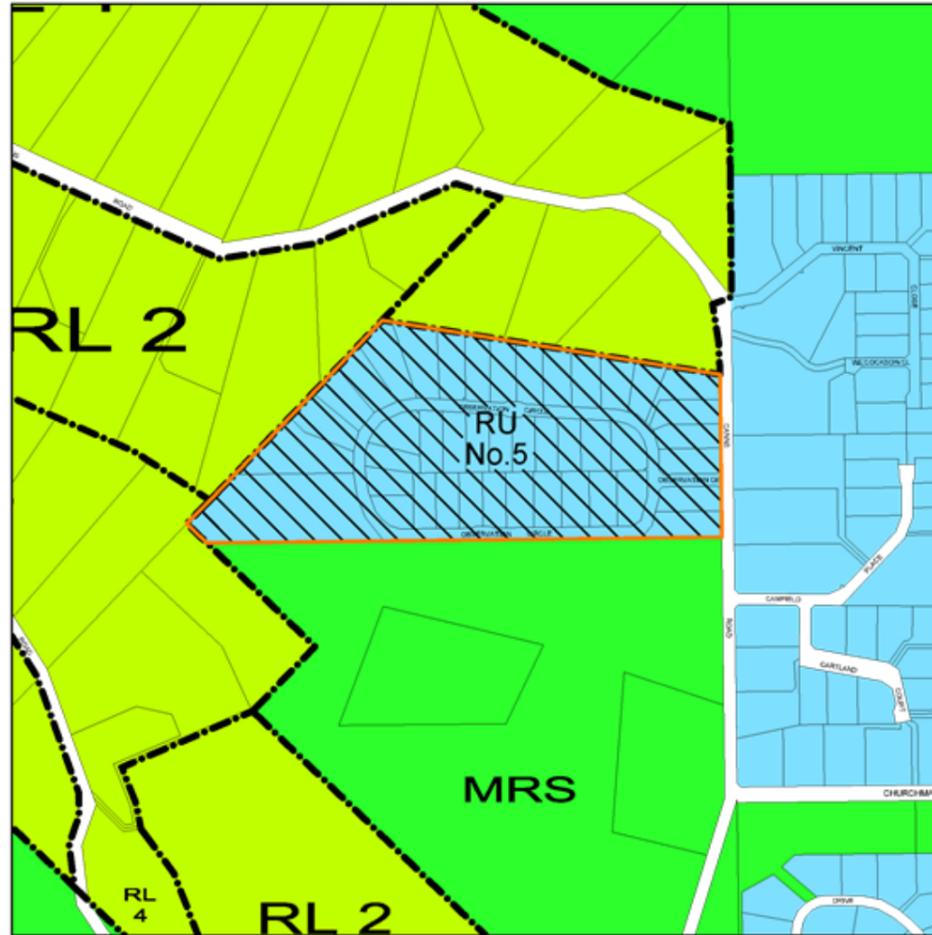
**Blue text** denotes proposed modifications to land use permissibility under Amendments No.95 (General Rural zone), and No.97 (Rural Living zone & Proposed Special Rural zone).

USE CLASSES	ZONES (Note 6 and Note 7)										
	Residential	Special Residential (Amendment No. 94)	Rural Living (Amendment No. 97)	Special Rural (Amendment No. 97)	General Rural (Amendment No.95)	Local Centre	District Centre	General Industry	Industrial Business	Mixed Business/ Residential	Strategic Regional Centre
Aged or Dependent Persons Dwelling	D	X	X	X	X	D	D	X	X	D	D
Agriculture - Extensive	X	X	D	X	P	X	X	X	X	X	X
Agriculture - Intensive	X	X	A	A	P	X	X	X	X	X	X
Agroforestry	X	X	A	X	D A	X	X	X	X	X	X
Amusement Parlour	X	X	X	X	X	A	D	X	X	X	D
Ancillary Accommodation	P	D	D	D	D	X	X	X	X	X	D
Animal Establishment	X	X	X	X	X	X	X	X	X	X	X
Animal Husbandry - Intensive	X	X	X	X	A	X	X	X	X	X	X
Auction Mart	X	X	X	X	X	D	D	D	D	D	A
Bed & Breakfast	D	A	D	D	D	X	X	X	X	D	D
Betting Agency	X	X	X	X	X	P	P	X	X	D	D
Car Park	X	X	X	X	X	D	D	P	P	D	D
Caravan Park/Home Park	X	X	X	X	A	X	X	X	X	X	X
Caretaker's Dwelling	X	X	X	X	A	D	D	D	D	D	D
Child Care Premises	A	A X	A	X	A X	P	P	X	D	D	D
Cinema/Theatre	X	X	X	X	X	X	D	X	X	X	P
Civic Use	D	D X	P X	X	P X	P	P	A	D	D	D
Club Premises	A	A X	A	X	A X	A	A	X	D	D	D
Commercial Vehicle Parking	A	A	A	A	A	D	D	P	P	A	D
Community Purpose	A	A X	A	X	A X	D	D	X	D	D	P
Consulting Rooms	A	A X	A X	X	A X	P	P	X	D	D	D
Convenience Store	X	X	X	X	X	A	A	X	A	X	P
Corrective Institution	X	X	X	X	A	X	X	X	X	X	X
Dam Construction	X	X	D	A	D	X	X	X	X	X	X
Display Home Centre	D	D X	D X	X	D X	X	X	X	X	D	A
Educational Establishment	A	A X	A	X	D X	D	D	D	D	D	D
Exhibition Centre	X	A X	A	X	A	P	P	X	D	P	D
Family Day Care	D	D	D	D	D	X	X	X	X	X	X
Fast Food Outlet	X	X	X	X	X	D	D	X	A	D	D
Fuel Depot	X	X	A X	X	D X	X	X	D	X	X	X
Funeral Chapel	X	X	X	X	X	D	D	A	D	A	X
Funeral Parlour	X	X	X	X	X	D	D	A	D	A	X
Garden Centre - Retail	X	X	A	X	A	D	D	X	D	A	D
Grouped Dwelling	D	X	X	X	X	D	D	X	X	D	D
Holiday Accommodation	X	A X	A	X	A	D	D	X	X	D	A

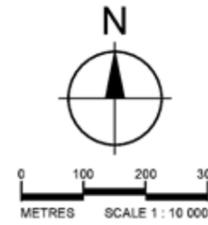
ZONING TABLE cont'd...

Home Business	A	A	A	A	A	D	D	X	P	P	D
Home Occupation	D	D	D	D	D	P	P	X	D	D	D
Home Office	P	P	P	P	P	P	P	P	P	P	D
Home Store	A	X	X	X	X	X	X	X	X	X	D
Hospital	X	X	A X	X	A X	D	D	X	X	D	X
Hotel	X	X	X	X	X	A	A	X	X	A	D
Industry - Cottage	D	D	D	D	D	P	P	P	P	P	D
Industry - Extractive	X	X	X	X	A	X	X	X	X	X	X
Industry - General	X	X	X	X	X	X	X	P	X	X	X
Industry - Light	X	X	X	X	X	X	X	P	D	X	X
Industry - Mining	X	X	X	X	A	X	X	X	X	X	X
Industry - Noxious	X	X	X	X	A	X	X	A	X	X	X
Industry - Rural	X	X	X	X	D	X	X	P	X	X	X
Industry - Service	X	X	X	X	X	D	D	P	D	D	X
Land Sales Office	D	X	X	X	X	X	X	X	X	X	X
Liquor Store - Small	X	X	X	X	X	D	P	X	X	A	D
Liquor Store - Large	X	X	X	X	X	X	D	X	X	X	D
Lunch Bar	X	X	X	X	X	P	P	D	D	P	P
Market	X	X	X	X	X	D	D	X	X	D	P
Medical Centre	X	X	X	X	X	P	P	X	D	P	P
Motel	X	X	X	X	X	A	A	X	X	D	X
Motor Vehicle Repair	X	X	X	X	X	A	A	P	D	X	A
Motor Vehicle Wash	X	X	X	X	X	D	D	P	D	A	A
Motor Vehicle, Boat & Caravan Sales	X	X	X	X	X	A	A	D	D	A	X
Multiple Dwelling	D	X	X	X	X	D	D	X	X	D	A
Night Club	X	X	X	X	X	X	A	X	X	X	A
Occasional Uses	A	A	A	A	A	D	D	D	D	D	D
Office	X	X	X	X	X	P	P	X	A	P	P
Place of Worship	A	X	A X	X	A X	D	D	X	X	D	D
Plantation	X	X	A	X	D X	X	X	X	X	X	X
Reception Centre	X	X	A	X	A	D	D	X	D	D	D
Recreation - Domestic	P	P	P	P	P	X	X	X	X	P	D
Recreation - Private	A	A X	A	X	A	D	D	D	D	D	D
Recreation - Public	P	A	P X	X	P	P	P	D	P	P	P
Residential Building	A	A	X	X	A X	D	D	X	X	D	X
Restaurant	X	X	A	X	A	P	P	X	A	D	P
Restricted Premises	X	X	X	X	X	X	X	X	A	X	X
Rural Pursuit	X	X	D	D	P	X	X	X	X	X	X
Service Station	X	X	X	X	X	A	A	D	D	X	D
Shop	X	X	X	X	X	P	P	X	A	A	P
Showroom	X	X	X	X	X	D	D	D	D	D	D
Small Bar	X	X	X	X	X	A	A	X	X	A	P
Single Bedroom Dwelling	P	X	X	X	X	P	P	X	X	D	D
Single House	P	P	P	P	P	P	P	X	X	P	D
Storage	X	X	X	X	X	X	X	P	D	X	X
Tavern	X	X	X	X	X	A	A	X	X	A	P
Telecommunications Infrastructure (Note 1)	X	X	A	A	A	A	A	D	A	A	A
Trade Display	X	X	X	X	X	D	D	D	D	X	X
Transport Depot (Note 2)	X	X	X	X	X/A	X	X	P	D	X	X
Vehicle Wrecking	X	X	X	X	X	X	X	D	X	X	X
Veterinary Centre	X	X	D	X	D	D	D	D	D	D	X
Warehouse	X	X	X	X	X	X	X	P	D	X	X
Winery	X	X	A	X	D	X	X	A	X	X	X

# CITY OF ARMADALE TOWN PLANNING SCHEME No. 4 AMENDMENT No. 94



**EXISTING ZONING**



SUBJECT SITE

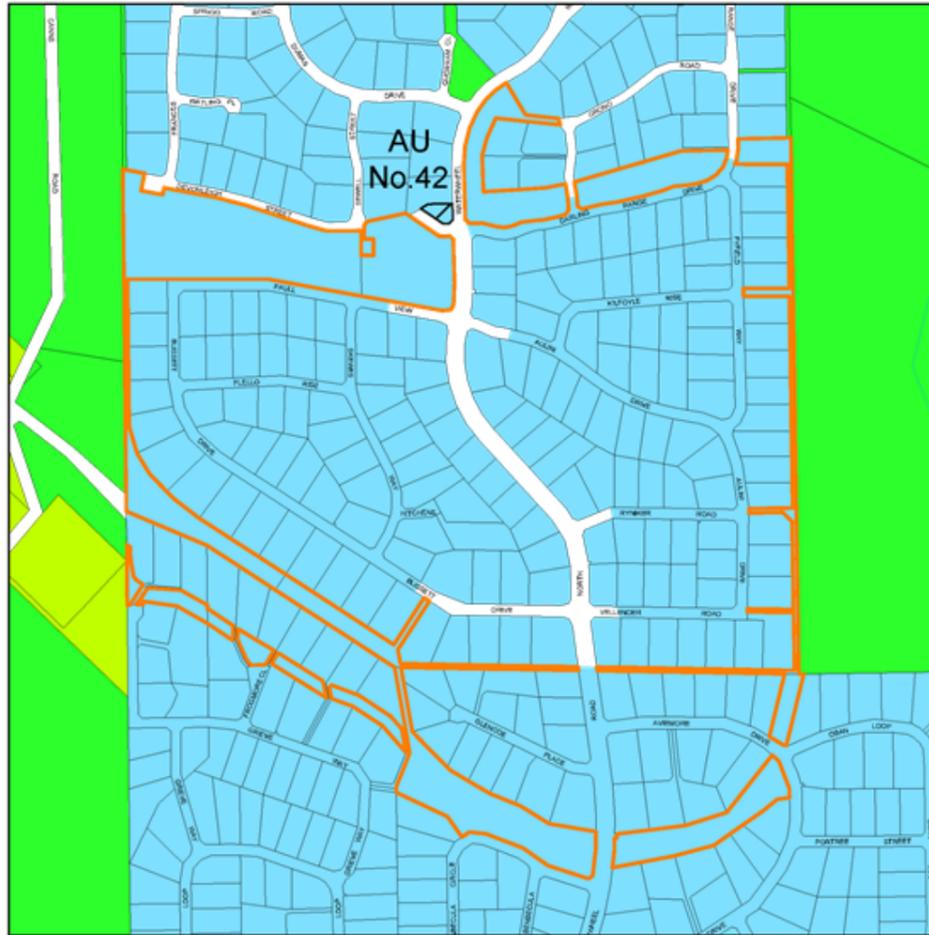


**PROPOSED ZONING**

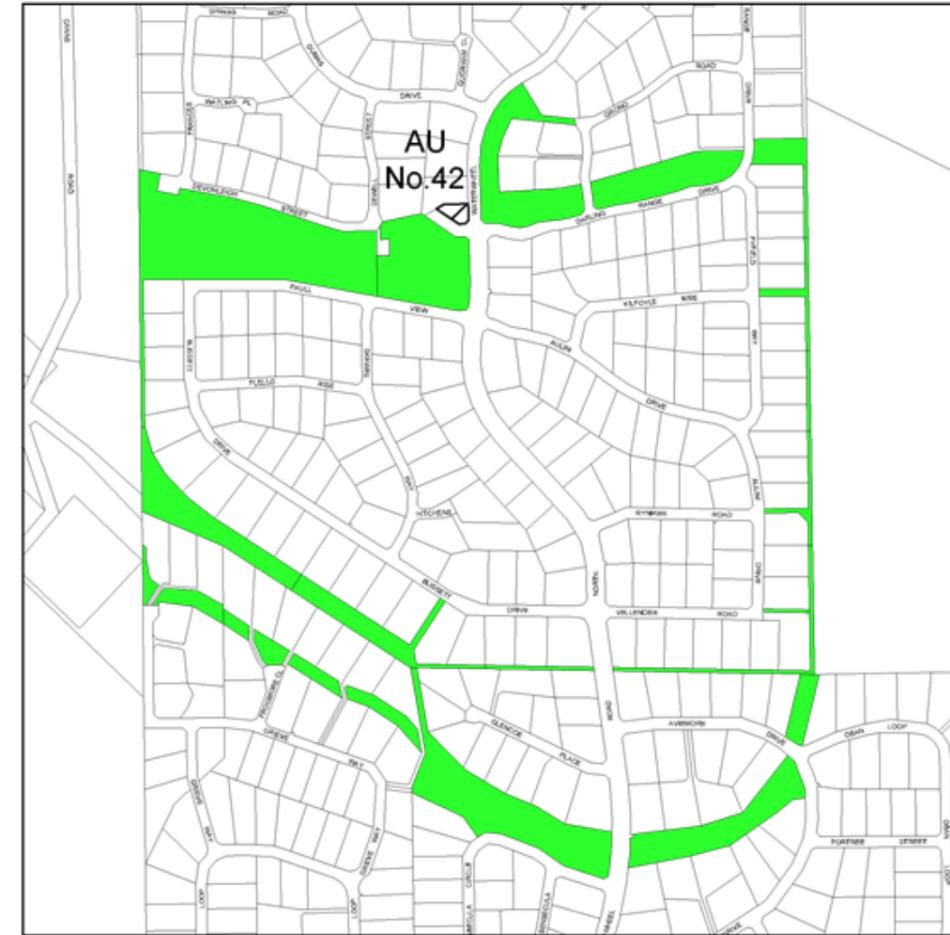
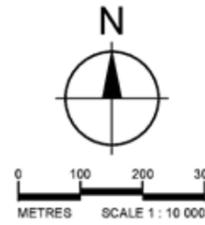
ZONES			RESERVATIONS		
RESIDENTIAL Including Residential Planning Density Codes	LOCAL CENTRE	SPECIAL USE	PARKS & RECREATION (Region)	PRIMARY REGIONAL ROADS	PUBLIC PURPOSE (Region) Denoted as Follows
URBAN DEVELOPMENT ZONE	DISTRICT CENTRE	ADDITIONAL USE	PARKS & RECREATION (Local)	OTHER REGIONAL ROADS	
RURAL LIVING - 1,2,4,10,20,X	STRATEGIC REGIONAL CENTRE	RESTRICTED USE	RAILWAYS	PUBLIC PURPOSE (Region)	Commonwealth Government
GENERAL RURAL	GENERAL INDUSTRY	DENSITY CODE BOUNDARY	STATE FOREST	PUBLIC PURPOSE (Local)	Technical School
SPECIAL RESIDENTIAL	INDUSTRIAL BUSINESS	SCHEME BOUNDARY	WATERWAYS		High School
MIXED BUSINESS / RESIDENTIAL	INDUSTRIAL DEVELOPMENT		WATER CATCHMENTS		Primary School
					Hospital
					Water Authority of WA
					Special Use
					State Energy Commission
					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 the Department of Planning

# CITY OF ARMADALE TOWN PLANNING SCHEME No. 4 AMENDMENT No. 94



**EXISTING ZONING**



**PROPOSED ZONING**

ZONES			RESERVATIONS		
RESIDENTIAL Including Residential Planning Density Codes	LOCAL CENTRE	SPECIAL USE	PARKS & RECREATION (Region)	PRIMARY REGIONAL ROADS	PUBLIC PURPOSE (Region) Denoted as Follows
URBAN DEVELOPMENT ZONE	DISTRICT CENTRE	ADDITIONAL USE	PARKS & RECREATION (Local)	OTHER REGIONAL ROADS	
RURAL LIVING - 1,2,4,10,20,X	STRATEGIC REGIONAL CENTRE	RESTRICTED USE	RAILWAYS	PUBLIC PURPOSE (Region)	Commonwealth Government
GENERAL RURAL	GENERAL INDUSTRY	DENSITY CODE BOUNDARY	STATE FOREST	PUBLIC PURPOSE (Local)	Technical School
SPECIAL RESIDENTIAL	INDUSTRIAL BUSINESS	SCHEME BOUNDARY	WATERWAYS		High School
MIXED BUSINESS / RESIDENTIAL	INDUSTRIAL DEVELOPMENT		WATER CATCHMENTS		Primary School
					Hospital
					Water Authority of WA
					Special Use
					State Energy Commission
					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 the Department of Planning