# CITY OF ARMADALE

# AGENDA

OF **DEVELOPMENT SERVICES COMMITTEE** TO BE HELD IN THE **COMMITTEE ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **TUESDAY, 18 AUGUST 2015 AT 7:00 PM.**

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

**PRESENT:**

**APOLOGIES:**

**OBSERVERS:**

**IN ATTENDANCE:**

**PUBLIC:**

*"For details of Councillor Membership on this Committee, please refer to the City's website – **www.armadale.wa.gov.au/your council/councillors**."*

## DISCLAIMER

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

## DECLARATION OF MEMBERS' INTERESTS

## QUESTION TIME

## DEPUTATION

## CONFIRMATION OF MINUTES

**RECOMMEND**

**Minutes of the Development Services Committee Meeting held on 21 July 2015 be confirmed.**

## ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 14 / 2015

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

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

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## *1.1 - RIVA ESTATE PUBLIC OPEN SPACE - DEVELOPER MAINTENANCE ISSUES*

WARD : LAKE

FILE No. : M/677/15

DATE : 12 August 2015

REF : LG/DM/KK/PS

RESPONSIBLE MANAGER : EDTS/EDDS

**In Brief:**

- This report addresses concerns raised via a petition from residents regarding the general condition of the Riva Estate public open space, and lists the actions considered appropriate to address these concerns.
- The matter was referred to the Technical Services Committee but is considered more appropriate to consider by the Development Services Committee.
- **Recommend:**

  That Council note the content of the report, and advise the developer and organizer of the petition accordingly.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

2. Enhanced Natural and Built Environments.
   - 2.4. Attractive and user-friendly streetscapes and open spaces.
     - 2.4.1 Implement townscape, streetscape and parkland improvements to enhance the distinctive character of the City.
     - 2.4.2 Maintain and improve where required the quality, amenity and accessibility of open spaces.
   - 2.11 Safe and effective disposal of domestic waste water and storm water.
     - 2.11.1 Manage and maintain storm water infrastructure.
     - 2.11.2 Ensure provision of sound drainage infrastructure for new development.
     - 2.11.3 Promote and assess initiatives for water conservation and reuse.

**Legislation Implications**

General assessment of relevant legislation, eg Local Government Act 1995 (as amended), has not revealed any restrictions.

**Council Policy/Local Law Implications**

General assessment has not revealed any applicable Policies/Local Laws.

**Budget/Financial Implications**

There are no direct financial implications for the City related to the adoption of the recommendation of this report.

The City currently holds bonds over this development, and is in a position to fund any required work to bring the landscaping to the required minimum standard, by drawing on these bonds. Works required to raise this minimum standard to that of the surrounding Harrisdale developments would require additional funding, and this would have to be provided as a separate action in future budget allocations.

All operational aspects related to the landscaping works have been accommodated in the 20152016 Annual Budget provisions.

**Consultation**

- Inter and Intra Directorate.
- Department of Planning

**BACKGROUND**

Residents within the Riva Estate have complained to the developer regarding the condition of the public open space (POS) areas; however the developer has not adequately addressed their complaints. Due to the lack of response from the developer, the residents have approached the City to take action regarding the POS condition.

A petition containing 137 signatories was tabled at the Ordinary Council Meeting of 9 March 2015, the prayer of which reads:

> *"We the undersigned, respectfully request that the Council refuse the developer of the Riva Estate permission to clear any further blocks until the current list of complaints is resolved and that the Council be explicit about when is the first opportunity they can take control of the estate and use the bond money (if necessary) to bring the estate up to an acceptable standard."*

Council resolved as follows in relation to the table petition (Resolution NO C58/3/15):

> *"That the petition be received, and referred to the Technical Services Committee."*

The matter was referred to the Technical Services Committee but is considered more appropriate to consider by the Development Services Committee.

**COMMENT**

Subdivision of the Riva Estate, ie 22 Nicholson Road, Forrestdale, was conditionally approved by the Western Australian Planning Commission (WAPC) on 23 January 2009, with this approval expiring on 23 January 2013 (WAPC 136580 see Attachment).

A second conditional approval was issued by the WAPC on 30 January 2013 (WAPC 147086), with this granted to the Whitby Land Company Pty Ltd for the remaining land area, which does not include the central swale public open space area.

The Stage 1 Civil Design Plans were approved by the City on 13 September 2010. Approval for the most recently completed Stage 10 was issued on 4 July 2013, and clearance of the WPAC conditions for this Stage was issued on 25 June 2014.

Development of the majority of this Estate has progressed, and subdivisional clearances have been issued. The remaining few stages of subdivision have been approved for construction, and works are underway for Stage 1C (see Attachment). Completion of these last few stages will finalise the civil works for this development, however will not address the existing condition of the POS landscaping, or the requirement for maintenance.

Developers are required to provide 10% of the subdivision land area as POS. In addition, these POS areas are to be landscaped and maintained to a specified minimum standard for at least two years from the agreed date of practical completion of landscaping works, in accordance with the WAPC policies.

Historically, land developers provide and maintain landscaped POS areas to create an attractive looking estate which also assists in lot sales. The standard provided for marketing purposes is generally higher than the required minimum, and has become the norm in the new developing areas of Armadale. The City has therefore not considered it necessary in recent years to require provision of a bond for POS landscaping works, or for their maintenance.

Riva Estate in Piara Waters is the first estate where the level of landscaping design is set at the minimum. The condition of the landscaping has been impacted by the lack of regular maintenance, resulting in losses of initial planting stock and diminished landscape establishment levels. These recent concerns with the quality of the landscaping and lack of regular maintenance for the POS areas within the Riva Estate has highlighted the necessity for the re-instigation of an appropriate bonding and/or staging strategy for development of POS works. The bonding and/or staging strategy requirement is now a mandatory requirement for all future developments. In general terms, should the landscaping or maintenance works not be accepted or implemented to a standard considered suitable by the City, then the POS will not be taken over by the City.

This will require the developer to continue maintenance and make good the deficient works. As a last resort, Could may use bonds or bank guarantees to make good the works.

The specifics of the POS development in the Riva Estate are as follows:

1. The two year maintenance period for the Riva Estate central POS an swale will be reached in December 2015 (see Attachment).

2. The eastern POS (Monticello) and swale are within Stage 7 and the development of this POS has commenced with minimal works but not been completed. The two year maintenance period for this area will only commence after completion (see Attachment).

3. The western POS and swale are within Stage 5B and the two year maintenance period will not commence until completion of all landscaping works to the City's standards. Other works required for Stage 5B include construction of the unmade section of Skeet Road.

The City approves all plans, and inspects all installed works and infrastructure as part of the process of subdivisional works management and control. This was also the case in relation to the Riva Estate, and there has been continuous communication with the developer on the City's requirements and standards.

**Action Taken to Date**

1. Discussions were held between the City and the developer in December 2012 regarding the unsatisfactory extent and condition of the landscaping installed. The developer agreed to the City's recommendation for the transfer of the civil works maintenance bonds for previous stages of the estate to a consolidated landscaping bond.

2. Inspections have been undertaken by the City to determine POS condition and levels of maintenance. Correspondence dated 27 March 2014 was forwarded to the developer advising of the poor POS condition, and the works required to address the areas of concern.

3. Following further POS inspections, the City forwarded correspondence to the developer, dated 28 August 2014, advising that the POS areas require a higher standard of maintenance.

4. Additional POS inspections were undertaken by the City, with correspondence to the developer dated 23 September 2014 advising that the POS areas require a higher standard of maintenance.

5. A meeting was held on 22 April 2015, between the developer, the Executive Director Technical Services, and the Acting Executive Director Development Services, detailing the poor standard of the POS landscaping, and confirming that should the required standard not be achieved by the intended hand over date of December 2015, that the City would not be taking over the maintenance responsibilities of the POS.

6. Numerous emails have been sent to the Project Superintendent regarding the quality of works and maintenance over this period.

The City continues to monitor and inspect POS areas within the Riva Estate. To date, despite correspondence from the City, there has not been a suitable level of landscaping installed, or a suitable level of maintenance provided for the POS areas.

The most recent site inspection indicates that no works have been undertaken on the central POS and swale for the past six months. The eastern POS (Monticello) has still not been developed, despite approval of the landscaping plans in June 2014.

**ANALYSIS**

The City currently holds five bank guarantees for civil works maintenance bonds, totalling $116,892.00. The developer recently provided a letter agreeing to the amalgamation of these bonds into one single landscaping bond for Riva Estate. It is expected that the City will need to draw on this amalgamated bond to undertake landscaping and maintenance works on the central POS and swale.

The City also holds a bank guarantee as a bond for the implementation of landscaping of the POS within Stage 7. This bank guarantee was provided to the City on 30 April 2013 in the amount of $179,263.00. This bond relates to compliance with Condition 23 of WAPC 147086, which states: *"A Landscaping Master Plan and Management Strategy being prepared and implemented to the satisfaction of the Western Australian Planning Commission (Local Government)."* This bond can be drawn on for works within the Stage 7 POS where it is considered that landscaping has not been suitably implemented. Only minimal works have been commenced for the Stage 7 POS.

The bonded amounts are however not considered adequate to improve the landscaped areas in the Riva Estate to a standard similar to the balance of Harrisdale/Piara Waters development areas. The City's Technical Services are confident however, that with a proper maintenance regime, this lower standard could be raised to a level approaching that of the landscaping in POS areas in surrounding developments, but it is expected that this will take approximately three years to achieve.

The City may consider withholding issue of clearances for any remaining stages of the subdivision after completion of the civil and landscaping works, should these works be considered to be non-compliant in regard to the approved design and landscaping, or the relevant WAPC conditions. It should be noted that the developer would be expected to oppose such an approach, and could request the WAPC to clear conditions on its subdivision approval without the City's agreement.

WAPC Policies allow for developers to be granted POS credits toward their 10% POS contribution where drainage areas are landscaped and maintained. The developer has been granted such POS credits by the WAPC. The City could request that the WAPC review the developer's POS credits for the Estate due to the concerns about the landscaping and maintenance works, as specified in this report. The developer would be expected to oppose such an approach as it would introduce significant costs, and there is no assurance that the WAPC would be agreeable to such a request.

**Proposed Actions**

In order to activate the developer to meet the development requirements, specifically with regard to the POS landscaping obligations, the following actions are proposed:

1. Advise the developer that the City is not prepared to issue clearance of the remaining stages (Stage 1C, 4B and 5B) of this subdivision where the civil and/or landscaping works are considered to be non-compliant with the relevant conditions and the City's requirements, until:

   (a) All POS landscaping works are undertaken to the City's satisfaction.
   (b) A schedule of works with appropriate timeframes is agreed with the City.
   (c) Agreed works bond and maintenance bonds for these works are provided by the developer, as applicable.

2. Undertake a pre-handover meeting, to be scheduled for September 2015, to define the requirements for the central POS and swale works (Stages 1A, 6 and 10). These requirements are to be provided by the developer ahead of any agreed handover.

3. Draw on the bond for the completion of landscape works in the eastern POS (Stage 7), ie Monticello Reserve.

4. Request that the WAPC review the developer's POS credits for the Estate due to the City's concerns regarding the landscaping and maintenance works, as specified in this report.

**CONCLUSION**

The Riva Estate development can be considered one of the less successful recent developments in the City of Armadale. This is at no fault of the City because the WAPC's subdivision conditions applied have been the same as for other estates in the vicinity. The difference is clearly in the standard of product the developer chooses to present to the market. However, residents have purchased properties with expectations of a better outcome and the City concurs that Riva Estate is not meeting its obligations. The City has been in regular communication with the developer with limited success, and a set of more stringent actions are planned to be taken to redress the situation.

**RECOMMEND**

**That Council:**

**1. Note the content and proposed actions of the report on "Riva Estate Public Open Space – Developer Maintenance Issues".**

**2. Advise the developer of the proposed actions.**

**3 Advise the organiser of the petition of the above accordingly.**

**ATTACHMENTS**

1. Attachment 1 - Plan of Development Stages and Lot Yields - Riva Estate
2. Attachment 2 - Plan of Remaining Development Stages as at 30 April 2015 - Riva Estate

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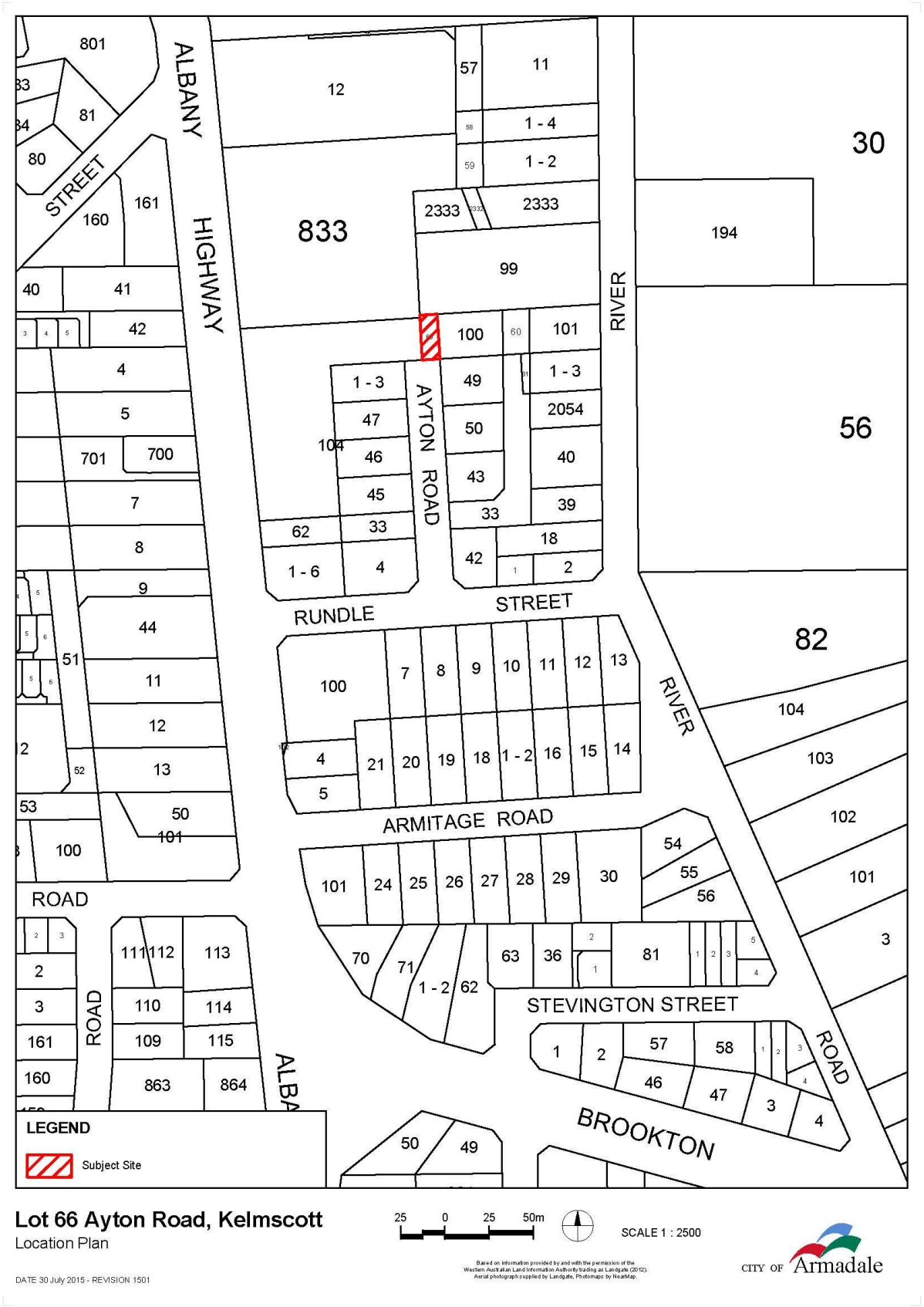



**Lot 66 Ayton Road, Kelmscott**
Location Plan

25 0 25 50m

SCALE 1 : 2500

DATE 30 July 2015 - REVISION 1501

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

CITY OF Armadale

## *2.1 - RIGHT OF WAY CLOSURE - LOT 66 AYTON ROAD, KELMSCOTT*

| | | |
|---|---|---|
| WARD | : | RIVER |
| FILE No. | : | M/698/15 |
| DATE | : | 4 August 2015 |
| REF | : | HB |
| RESPONSIBLE MANAGER | : | EDDS |
| APPLICANT | : | D. O'Grady |
| LANDOWNER | : | Crown Land |
| SUBJECT LAND | : | Portion of Lot 66 Ayton Road, Kelmscott (see attached Location Plan) |
| ZONING MRS / TPS No.4 | : | Unzoned |

**In Brief:**

- An application has been received to close a ROW, Lot 66 Ayton Road, Kelmscott to enable the land to be amalgamated with Lot 100 (No.15) Ayton Road, Kelmscott.
- The subject portion of road reserve is currently used to access Lot 100 (No.15) Ayton Road. The land is not required by the City for road purposes.
- Recommend that Council support the closure of Lot 66 Ayton Road, Kelmscott subject to the land being amalgamated with the adjoining land Lot 100 (No.15) Ayton Road, Kelmscott.

**Tabled Items**
Nil

**Officer Interest Declaration**
Nil

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

**Legislation Implications**
Land Administration Act 1997
Crown Land Administration & Practice Manual

**Council Policy/Local Law Implications**
Nil.

**Budget/Financial Implications**
Nil.

**Lot 66 Ayton Road, Kelmscott**
Aerial Photograph

DATE 30 July 2015 - REVISION 1501

15 0 15 30m

SCALE 1 : 1500

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

CITY OF Armadale

**Consultation**

- Technical Services
- Western Power
- ATCO Gas
- Telstra
- Water Corporation

## BACKGROUND

An application to close a portion of road reserve described as Lot 66 Ayton Road, Kelmscott was received 31 March 2015. The lot is currently constructed as an access way for the abutting property, Lot 100 (No.15) Ayton Road, Kelmscott. As such, the landowner wishes to purchase the subject lot.

## DETAILS OF PROPOSAL

The applicant proposes the closure of Lot 66 Ayton Road as shown by hatching on the Location Plan. The subject area is approximately 245m² and is proposed to be amalgamated with the adjoining land, Lot 100 (No.15) Ayton Road, Kelmscott.

## COMMENT

The Department of Planning has no objection to the proposal on the basis that the right of way does not provide a thoroughfare for the benefit of the public and is currently being utilised as an access way for the adjoining landowner of Lot 100 (No.15) Ayton Road, Kelmscott.

Technical Services Directorate has no objection to the disposal of the right of way.

Water Corporation has no objection to the proposal.

ATCO Gas has no objections to the proposal.

Telstra is yet to provide any comments regarding the proposal. A Dial Before You Dig search did not show any related infrastructure within the proposed lot.

***Public Advertising***

The proposal was advertised to the surrounding landowners and Government service agencies for comment including in the 'Comments News' and 'Examiner' newspapers. The advertising period was from 13th May 2015 to 19th June 2015.

No written responses were received during the advertising period.

**ANALYSIS**

This proposal has been assessed in accordance with Section 58 of the Land Administration Act 1997 (LAA) as outlined by the Department of Lands. This section described the requirements to close a public roadway, as follows:

*"Closing roads:*

*1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*

*2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

*3) A local government must resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

*4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsection (2) and (3) –*

*a. By order grant the request; or*
*b. Direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
*c. Refuse the request.*

*5) If the Minister grants a request under subsection (4) –*

*a. The road concerned is closed on and from the day on which the relevant order is registered; and*
*b. Any rights suspended under section 55(3)(a) cease to be so suspended.*

*6) When a road is closed under this section, the land comprising the former road –*

*a. Becomes unallocated Crown land; or*
*b. If a lease continues to subsist in that land by virtue of section 57(2), remains Crown land."*

**OPTIONS**

1. Council could resolve to decline the closure of the portion of road reserve for reasons it considers appropriate.

2. Council could resolve to request Department of Lands to close and dispose of the portion of road reserve.

## CONCLUSION

It is recommended that Council should support the right of way closure in accordance with Option 2 on the grounds that the disposal of land will not adversely affect surrounding landowners or Government agencies and the land is not required by the City for road purposes.

**RECOMMEND**

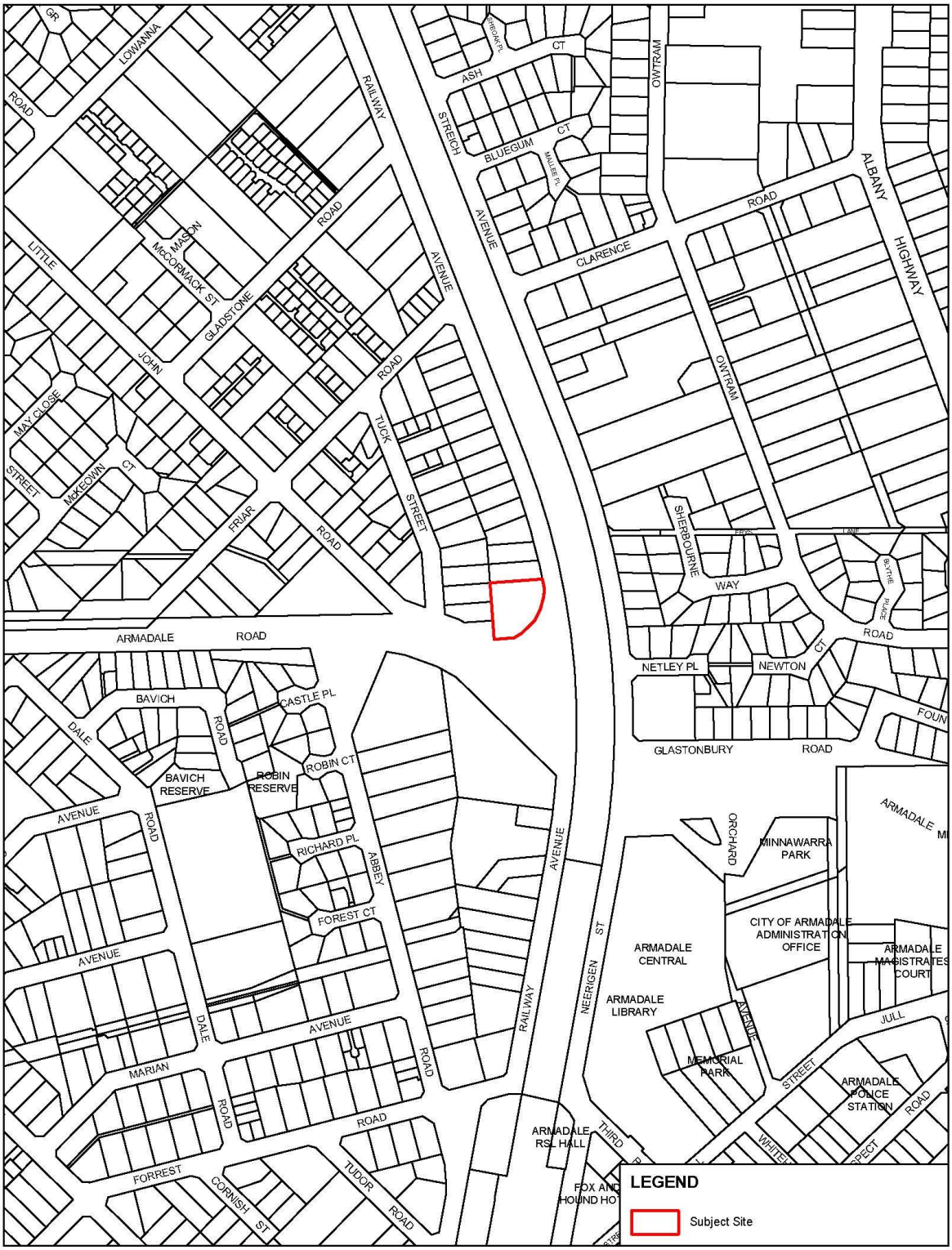
**That Council:**

1. **Request the Department of Lands to close and dispose of the road reserve with the land being amalgamated with the adjoining Lot 100 (No.15) Ayton Road, Kelmscott, subject to the purchaser(s) agreeing to meet all costs of the closure/disposal.**

2. **Advises the respondent(s) and applicant(s) of Council's decision.**

## ATTACHMENTS

There are no attachments for this report.


LOWANNA
ROAD
RAILWAY
AVENUE
STREICH
ASH
CT
BLUEGUM
OWTRAM
ALBANY
HIGHWAY
CLARENCE
LITTLE
JOHN
MASON
McCORMACK ST
GLADSTONE
MAY CLOSE
STREET
McKEOWN
FRIAR
TUCK
SHERBOURNE
WAY
NETLEY PL
NEWTON
GLASTONBURY
ARMADALE
BAVICH
CASTLE PL
DALE
BAVICH RESERVE
ROBIN RESERVE
ROBIN CT
RICHARD PL
ABBEY
FOREST CT
MARIAN
FORREST
CORNISH ST
TUDOR
ORCHARD
MINNAWARRA PARK
CITY OF ARMADALE ADMINISTRATION OFFICE
ARMADALE MAGISTRATES COURT
ARMADALE CENTRAL
ARMADALE LIBRARY
MEMORIAL PARK
ARMADALE POLICE STATION
ARMADALE RSL HALL
FOX AND HOUND HO
NEERIGEN ST
JULL
THIRD
LEGEND
Subject Site
LOT 100 LITTLE JOHN ROAD
ARMADALE
Location Plan
50 0 50 100m
SCALE 1 : 5000
CITY OF Armadale
DATE 3 July 2015 - REVISION 1501

## *3.1 - ADOPTION OF BUSINESS PLAN AND SALE OF LOT 100 (1) LITTLE JOHN ROAD, ARMADALE*

| | | |
|---|---|---|
| WARD | : | MINNAWARRA |
| FILE No. | : | M/645/15 |
| DATE | : | 6 August 2015 |
| REF | : | SW |
| RESPONSIBLE MANAGER | : | EDDS |

**In Brief:**

- The City purchased three lots in 2009 to facilitate the realignment of Railway Avenue, as part of the construction of a four-way intersection on Armadale Road.
- A portion of each lot was excised and dedicated as road reserve and the remaining land was amalgamated into Lot 100.
- Lot 100, which is in the City's ownership as a freehold lot, is surplus to requirements. It is therefore proposed that Lot 100 be sold in order to recoup some of the costs associated with the road realignment and acquisition costs.
- To facilitate this sale a business plan has been prepared and is required to be advertised for comment for a period of 42 days as per the provisions of the *Local Government Act, 1995.*
- Recommend that Council endorses the attached Business Plan and advertises the document for public comment.

**Tabled Items**
Nil.

**Officer Interest Declaration**
Nil.

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

**Legislation Implications**
Planning and Development Act, 2005
Former Town Planning and Development Act, 1928
Local Government Act, 1995 – Section 3.59 Commercial Enterprises by Local Governments
Local Government (Functions and General) Regulations, 1996

**Council Policy/Local Law Implications**
N/A

**Budget/Financial Implications**
Revenue generated from the sale of Lot 100 will be used to pay down loans associated with the Abbey Road/Railway Avenue Project. The options for disposal are dealt with later in this report.

**Consultation**
Relevant City Directorates

**LOT 100 LITTLE JOHN ROAD**
**ARMADALE**
Aerial Photograph

25 0 25 50m

SCALE 1 : 2500

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

CITY OF Armadale

DATE 3 July 2015 - REVISION 1501

## BACKGROUND

### ***Project History***

The City purchased a number of freehold properties in 2009 to facilitate the realignment of Railway Avenue and Abbey Road and the construction of a four-way, signalised intersection on Armadale Road. This project, known as the Abbey Road/Railway Avenue Link, formed part of the redevelopment of the Armadale Central Business District and improved the performance and safety of the road network.

Three lots were acquired on the northern side of the new intersection, being Lot 70 (3) Little John Road, Lot 71 (1) Little John Road and Lot 1612 (318) Railway Avenue, Armadale. After the road works were completed, the three lots were the subject of a subdivision application which dedicated some land for the realignment of Railway Avenue and amalgamated the balance into Lot 100. At the time of their purchase, the three lots were zoned Residential R15/40. Amendment No.71 to the City's Town Planning Scheme No.4 (TPS4), which was gazetted on 19 September 2014, recoded the site to Residential R15/R60 and removed the zoning/coding from those portions that has been dedicated as road reserve.

Committee has previously requested that a Local Development Plan (LDP) should be prepared in order to guide the development of the site. Preparation of the LDP is underway and will be the subject of a separate report to Council.

### ***Property Description***

Lot 100 is situated adjacent to the intersection of Armadale Road and Railway Avenue, however vehicular access is from the cul-de-sac at the end of Little John Road. It comprises a flat, vacant residential site with an area of approximately 2910m².

The subject lot is zoned "Residential R15/60". Under Clause 5.2.4 (b) of TPS4 an application can be made for residential development at the higher density code, if it can be demonstrated that the proposal satisfies certain conditions regarding the City's Local Planning Policy 3.1 – Residential Density Development.

### ***Previous Business Plan***

Council considered a Business Plan for the Abbey Road/Railway Avenue Link at its meeting on 10 August 2009. Given the additional land included in Lot 100 and changes in site details it is considered appropriate for Council to consider the implementation of a separate Business Plan for the disposal of Lot 100.

## DETAILS OF PROPOSAL

The proposal is to dispose of Lot 100 Little John Road as a residential lot and to proceed to advertise its Business Plan as required under the *Local Government Act, 1995* in respect to major land transactions.

**COMMENT**

***Business Plan***

A major land transaction is defined by the Local Government (Functions and General) Regulations, 1996 and relates to the requirement for a Business Plan where a major land transaction is proposed. A major land transaction can generally be described as including any operating costs and expected revenues that are collectively worth more than $1 million dollars.

It is debatable that the proposed sale may be exempt from the requirements of a Business Plan, given that the operating cost and forecast revenue may not trigger the need for a Business Plan. However, as the potential revenue would go back into the Abbey Road/Railway Avenue Link project and the collective value of that project exceeds $1 million, the preparation of the Business Plan is warranted. The plan is required to be publically advertised for a period not less than 42 days in a state wide newspaper.

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

***Disposal/Sale***

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

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

**ANALYSIS**

Since the land required for the realignment of Railway Avenue has been excised and dedicated, Lot 100 is now surplus to the City's requirements for the Abbey Road/Railway Avenue Link project.

The property's highest and best use, now that it has been cleared and recoded R15/R60, is for residential redevelopment. Given the site's close proximity to the Armadale Central Business District this is a desirable outcome. Selling the property would create an opportunity for redevelopment within the private sector, and also generate revenue which can be used to recoup some of the costs accrued by the Abbey Road/Railway Avenue Link project.

## OPTIONS

1. Council could resolve to proceed with the proposal to advertise the Business Plan to dispose of Lot 100 Little John Road, Armadale in-accordance with Section 3.59 of the *Local Government Act, 1995.*

2. Council could retain Lot 100 Little John Road, Armadale.

## CONCLUSION

The land is surplus to requirements, following completion of the Abbey Road/Railway Avenue Link road works.

In the event that the Business Plan is endorsed, advertised and adopted proceeds from the sale will be used to recoup a portion of the costs associated with the Abbey Road/Railway Avenue Link. Given the above, Option 1 is recommended.

**RECOMMEND**

**That Council:**

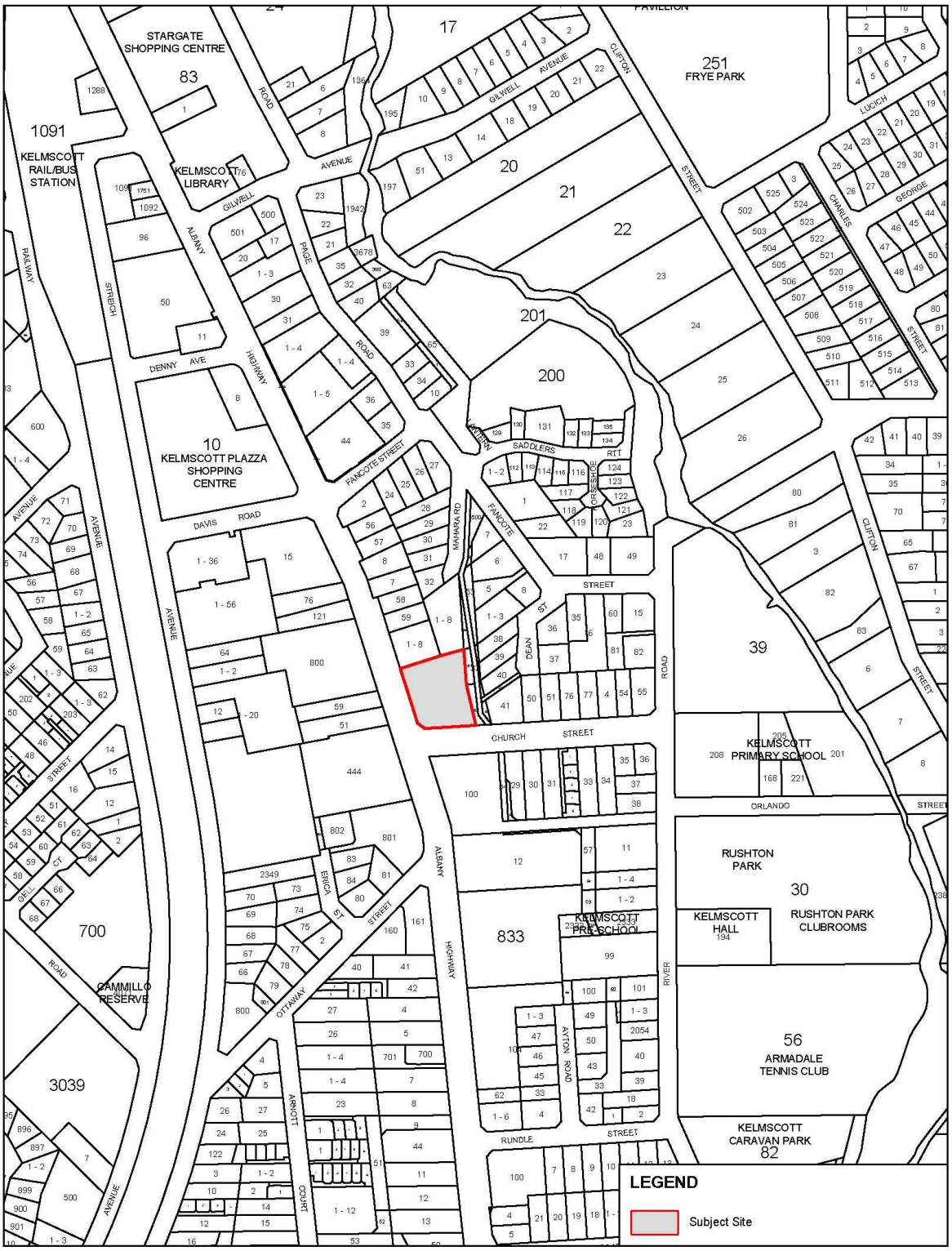
1. **Endorse the Business Plan for the sale of Lot 100 Little John Road, Armadale as presented at the Attachment to this report.**

2. **Give state wide notice of the endorsed Business Plan in accordance with Section 3.59(4) of the Local Government Act, 1995.**

3. **Be provided with a further report on the proposed land sale following the closure date for receipt of public submissions to the advertised Business Plan.**

## ATTACHMENTS

1. Land Transaction Business Plan - Lot 100 Little John Rd, Armadale




**LOT 200 CHURCH STREET**
**KELMSCOTT**
Locality

50 0 50 100m

SCALE 1 : 5000

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

CITY OF Armadale

DATE 23 July 2015 - REVISION 1501

## *4.1 - PROPOSED INITIATION OF AMENDMENT NO.80 TO TPS NO.4 - REZONING OF LOT 200 (4) CHURCH STREET KELMSCOTT*

| | | |
|---|---|---|
| WARD | : | RIVER |
| FILE No. | : | M/731/15 |
| DATE | : | 5 August 2015 |
| REF | : | LH |
| RESPONSIBLE MANAGER | : | EDDS |
| APPLICANT | : | Rowe Group |
| LANDOWNER | : | Daly & Shaw Pty Ltd |
| SUBJECT LAND | : | Lot 200 (4) Church Street Kelmscott |
| ZONING | | |
| MRS / | : | Urban |
| TPS No.4 | : | District Centre |

**In Brief:**

- Council received a request to initiate an amendment to rezone Lot 200 (4) Church Street, Kelmscott, to change the provisions of the Restricted Use zoning.
- The proposal seeks to introduce a new restricted use to allow additional uses of Convenience Store, Fast Food Outlet, Liquor Store – small, Lunch bar, Motor Vehicle Wash, Service Station and Shop which are currently not permitted under the existing Restricted Use No.1 in the City's TPS No.4.
- Recommend Council initiate the amendment.

**Tabled Items**
Nil.

**Officer Interest Declaration**
Nil

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

**Legislation Implications**
Planning and Development Act 2005
Town Planning Regulations 1967
Metropolitan Region Scheme
Town Planning Scheme No.4

**Council Policy/Local Law Implications**
Local Planning Strategy 2005

**Budget/Financial Implications**
Nil.

**LOT 200 CHURCH STREET**
**KELMSCOTT**
Aerial Photograph

20 0 20 40m

SCALE 1 : 2000

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

CITY OF Armadale

DATE 23 July 2015 - REVISION 1501

**Consultation**

If initiated, the scheme amendment will undergo a process of advertising for public submissions in-accordance with the requirements of the Town Planning Regulations 1967.

## BACKGROUND

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

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

## DETAILS OF PROPOSAL

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

The following seventeen uses are currently not permitted within the Restricted Use No.1 zone for this portion of the Kelmscott Townsite:

Amusement Parlour; Auction Mart; Car Park; Cinema / Theatre; Commercial Vehicle Parking; Convenience Store; Fast Food Outlet; Lunch Bar; Market; Motor Vehicle Repair; Motor Vehicle Wash; Night Club; Restricted Premises; Service Station; Shop; Tavern; Small Bar.

The proposed amendment seeks to enable the following seven uses to be permitted by removing them from the list of not permitted uses:

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

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

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

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

In addition, the applicant has submitted a Traffic Assessment in support of left in only access via Albany Highway and has consulted with Main Roads WA.

**COMMENT**

***Local Planning Strategy (2005)***

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

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

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

The proposed scheme amendment is consistent with these findings in relation to the Fast Food outlet, Motor Vehicle Wash and Service Station component, however it also proposes uses with retail components and the City needs to be satisfied that the introduction of these uses on the subject site will not significantly impact on the District Centre of Kelmscott.

***Town Planning Scheme No.4***

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

*(a) To provide for an extended range of shopping, commercial and community services to meet the weekly needs of neighbourhood groupings, and contribute towards the employment needs of the local workforce.*

*(b) To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community with the service area.*

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

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

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

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

**Definitions of Proposed uses**

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

- Convenience Store means
  (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
  (b) operated during hours which include, but may extend beyond, normal trading hours;
  (c) which provide associated parking; and
  (d) the floor area of which does not exceed 300 square metres net lettable area.
- Fast Food Outlet means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar.
- Liquor Store - Small means any land or buildings the subject of a liquor store licence granted under the provisions of the Liquor Control Act 1988 (as amended) where the net leasable area does not exceed 300m².

- Lunch Bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.
- Motor Vehicle Wash means premises where the primary use is the washing of motor vehicles.
- Service Station means premises used for —
  (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
  (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
- Shop means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet; liquor store - small or liquor store – large.

**Permissibility of proposed uses**

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

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

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

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

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

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

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

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

**ANALYSIS**

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

Given the intent of the Restricted Use No.1 provisions is to protect the retail core of the District Centre, consideration needs to be given to the impact of introducing uses which are currently not permitted as follows:

Convenience Store

As detailed in the definition, this use has a retail component and is capable of providing goods and services which are provided in the retail core. In order to determine whether the use should be permitted in the new Restricted Use provisions, consideration should be given to what impact, if any, it will have on the retail core. There is a degree of security provided by the definition as it restricts the net lettable area of the convenience store to 300m$^2$, which is considered sufficient to ensure the proposed use does not significantly impact on the retail core of the District Centre. In order to determine whether this proposed use will have an effect and the extent of any effect, it is considered that advice should be sought during the advertising period from the City's retail consultant who was engaged to undertake the Retail Hierarchy Review as part of the Local Planning Strategy.

Fast Food Outlet

This use is primarily car based consistent with the findings of the Retail Hierarchy Review and is therefore considered to be acceptable for consideration in this location.

Liquor Store – small

This use is primarily car based consistent with the findings of the Retail Hierarchy Review and the maximum floor space is limited by the definition in TPS No.4, it is therefore considered to be acceptable for consideration in this location.

Lunch Bar

There are a number of small Lunch Bar enterprises within the retail core of the District Centre. The potential to develop a lunch bar on the subject property would provide a service to the southern portion of the District Centre as it is within walking distance of a number of residential and commercial areas. Whilst it is not the role of the planning process to control market forces and competition, consideration needs to be given to the intent of the District Centre and Restricted Use No.1 zoning, particularly in regard to ensuring it does not become fragmented. In order to determine whether this proposed use will have an effect and the extent of any effect, it is considered that advice should be sought during the advertising period from the City's retail consultant who was engaged to undertake the Retail Hierarch Review as part of the Local Planning Strategy.

Motor Vehicle Wash

This use is primarily car based consistent with the findings of the Retail Hierarchy Review and is therefore considered to be acceptable for consideration in this location.

Service Station

This use is primarily car based consistent with the findings of the Retail Hierarchy Review and is therefore considered to be acceptable for consideration in this location.

Shop (Pharmacy)

The proposed scheme amendment seeks the inclusion of 'Shop' in the new Restricted Use provisions with the sole intention of facilitating a pharmacy in conjunction with the development of a medical centre on a portion of the site.

The City's TPS4 does not have a specific definition for 'pharmacy' and so in accordance with the provisions of Clause 4.4.2 it must be determined whether the use can '*reasonably be determined as falling within the type, class or genus of activity of any other use category'*.

It is considered that 'pharmacy' reasonably falls within the definition of 'shop' and therefore this is the appropriate use class to include in the scheme amendment in order to facilitate a pharmacy.

However, it must be clear within the provisions that it is solely to facilitate the development of a pharmacy in connection with a medical centre, the City is not supportive of a 'stand alone' pharmacy or more generic 'shop' uses as it is considered this would be detrimental to the retail core of the District Centre. The applicant has proposed restricting the floor area of the pharmacy to less than 200m$^2$ and appropriate wording demonstrating the pharmacy is to be in conjunction with a medical centre and these provisions are considered acceptable.

**OPTIONS**

1. Council may initiate the Scheme Amendment as proposed or with modifications.

2. Council may decline the initiation of the Scheme Amendment if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area or for any other reason.

**CONCLUSION**

The amendment proposes to remove the current Restricted Use No.1 provisions applicable to the subject site and replace them with new provisions, removing seven uses from Restricted Use No.1 so that they become permitted in the new Restricted Use No.11.

It is considered that the majority of the uses as proposed are unlikely to have a detrimental impact on the retail core of the District Centre, however further investigations need to be undertaken in relation to the proposed insertion of Convenience Store and Lunch Bar in consultation with the Retail Consultants who undertook the Local Commercial Strategy - Retail Hierarchy Review.

If initiated, the Scheme Amendment will undergo a process of advertising for public submissions in accordance with the requirements of the Town Planning Regulations 1967. Following the closure of the advertising period, the proposed amendment and any submissions received during the advertising period will be forwarded to Council for its consideration for final adoption.

Given the above, Option 1 is recommended.

**RECOMMEND**

**That Council:**

**1. Pursuant to Part 5 of the *Planning and Development Act 2005*, initiate Amendment No.80 to Town Planning Scheme No.4 to rezone Lot 200 Church Street from District Centre – Restricted Use No.1 to District Centre – Restricted Use No.11.**

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

| No. | Description of Land | Restricted Use | Conditions |
|---|---|---|---|
| **11** | **Lot 200 (4) Church Street, Kelmscott** | **The following uses potentially permissible in the retail commercial core of the District Centre zone shall be uses that are Not Permitted (X) in the Restricted Use Area:**<br>• **Amusement Parlour**<br>• **Auction Mart**<br>• **Car Park**<br>• **Cinema / Theatre**<br>• **Commercial Vehicle Parking**<br>• **Liquor Store Large**<br>• **Market**<br>• **Motor Vehicle Repair**<br>• **Night Club**<br>• **Restricted Premises**<br>• **Small Bar**<br>• **Tavern** | **11.1 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing and potential uses of the site.**<br>**11.2 Where proposed development interfaces with existing or proposed residential development, special design consideration shall be required for the screening, separation or noise attenuation of adjacent premises.**<br>**11.3 The City may impose conditions and require proposed developments to specifically address the following issues:**<br>• **a high quality unified architectural design and overall development of the site that reflects a level of integration and consistency with the surrounding built environment;**<br>• **vehicular access to the site including access** |

| | | | |
|---|---|---|---|
| | | | **to/from Albany Highway which shall be to the satisfaction of Main Roads Western Australia;**<br>• **the amalgamation of lots or provision of reciprocal rights of access where appropriate;**<br>• **the screening and/or landscaping of car parking areas from adjacent residential uses;**<br>• **the precluding of overnight accommodation of animals in respect to Veterinary Centres;**<br>**11.4 The development of 'shop' floorspace shall not exceed 200m$^2$ and be limited to use by a Pharmacy only in conjunction with the development of a Medical Centre on the site.** |

**a) Delete former Lot 61 (4), and Lot 23 (6) (Lot 200 Church Street) from the Schedule 3 Restricted Use No.1 and Description of lands, and**

**b) Amend the Scheme maps accordingly.**

**2. Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days.**

**3. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.**

**4. Forward a copy of the amendment to the Western Australian Planning Commission for information.**

## ATTACHMENTS

1. Zoning Map - Amendment No.79 - TPS No.4
2. Draft Concept Plan 1 - Lot 200 Church Street Kelmscott
3. Draft Concept Plan 2 - Lot 200 Church Street Kelmscott

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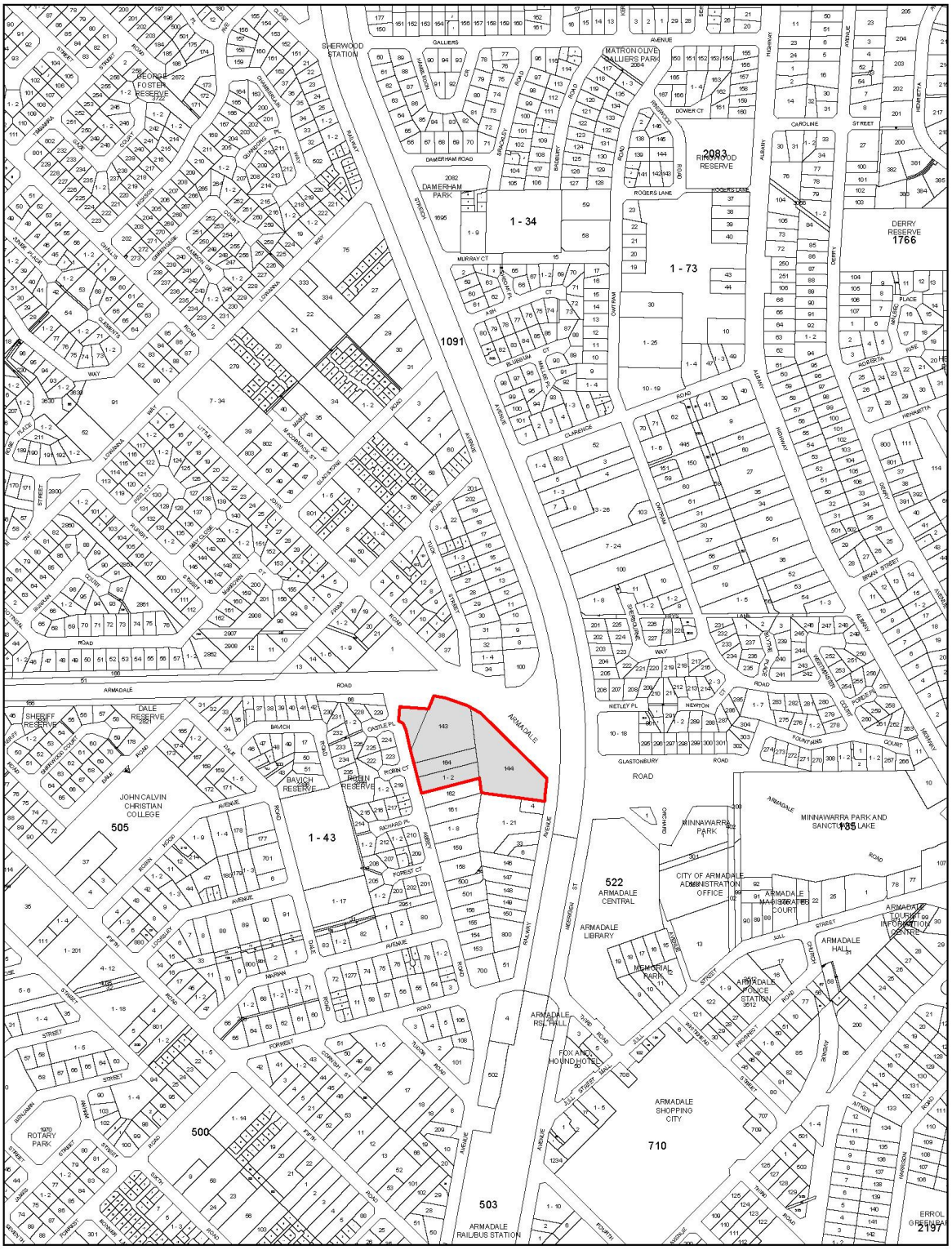


## LOCATION PLAN

TPS Amendment No. 79
Lot 144 (401) Railway Avenue, Lot 143 (39),
Lot164 (37) and Lot 1-2 (35 & 35A) Abbey Road, Armadale

DATE 6 August 2015 - REVISION 1501

75 0 75 150m

SCALE 1 : 7500

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CITY OF Armadale

## *4.2 - FINAL ADOPTION - AMENDMENT NO.79 - TPS NO.4 REZONING OF LOT 144 (401) RAILWAY AVENUE AND LOT 164 (37), LOT 143 (39) & LOTS 1-2 (35 & 35A) ABBEY ROAD, ARMADALE*

| | | |
|---|---|---|
| WARD | : | All |
| FILE No. | : | M/720/15 |
| DATE | : | 12 August 2015 |
| REF | : | CV |
| RESPONSIBLE MANAGER | : | EDDS |
| APPLICANT | : | City of Armadale |
| LANDOWNER | : | City of Armadale |
| SUBJECT LAND | : | Lot 44 (401) Railway Avenue, Lot 164 (37), Lot 143 (39) Abbey Road and Lot 1-2 (35 & 35A) Abbey Road, Armadale.<br>Parcel 1: 9714m$^2$<br>Parcel 2: 3907m$^2$ |
| ZONING | | |
| MRS / | : | Urban |
| TPS No.4 | : | Residential R40, Primary Regional Roads, Parks and Recreation - Local |

**In Brief:**

- At its 25 May 2015 meeting, Council initiated an amendment to rezone Lot 44 (401) Railway Avenue, Lot 164 (37), Lot 143 (39) Abbey Road and Lot 1-2 (35 & 35A) Abbey Road, Armadale from 'Residential R40' and 'Parks and Recreation - Local' to 'Residential R80/ Additional Use' including 'Holiday Accommodation'.
- The amendment was advertised for public comment for 42 days and attracted 18 submissions.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption.
- Recommend that Council adopt the amendment without modification and request that the Hon Minister for Planning grant final approval to the amendment.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil

**Strategic Implications**

2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.

2.1.1 Review, update and implement the City's Town Planning Scheme, taking into account the Local Biodiversity Strategy and other environmental considerations.

2.2 A revitalized City of Armadale.

2.2.2 Plan and implement projects to revitalize the Armadale City Centre

**AERIAL PHOTOGRAPH - April 2015**
TPS Amendment No. 79
Lot 144 (401) Railway Avenue, Lot 143 (39),
Lot164 (37) and Lot 1-2 (35 & 35A) Abbey Road, Armadale
DATE 5 May 2015 - REVISION 1501

15 0 15 30m

SCALE 1 : 1500

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

CITY OF Armadale

**Legislation Implications**

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

**Council Policy/Local Law Implications**

Local Planning Strategy 2005

**Budget/Financial Implications**

The rezoning and future development of these City owned lots is necessary to offset the cost of realigning of Abbey Road and the Railway Avenue/Armadale Road intersection.

**Consultation**

- The Environmental Protection Authority (EPA) advised that the amendment did not warrant an environmental assessment.
- The WAPC granted its consent to advertise the amendment on 4 June 2015. Their correspondence was received by the City on 11 June 2015.
- Advertised for public comment for 42 days.

## BACKGROUND

*Historical Zoning*

The subject area involves four City-owned freehold lots which have been historically zoned for residential purposes for many years. Lot 164 (37) and Lot 1-2 (35 & 35A) Abbey Road, Armadale have always been zoned Residential and Lot 144 (401) Railway Avenue and Lot 143 (39) Abbey Road have been zoned Residential in Town Planning Scheme (TPS) No.1 from 1973 to 1985. These two lots were also zoned Residential in TPS No.2 from 1985 to 1992 and was zoned Residential in TPS No.3 from 1992 to November 2005. The land was reserved for Park and Recreation-Local in TPS No.4 (gazetted November 2005), however the land has no social or environmental value to be considered for a reserve.

In 2006, Amendment No.20 to Town Planning Scheme No.4 rezoned the majority of the land back to its original Residential zoning, whilst retaining a portion as Parks and Recreation for possible future community purpose. The City's intention for retaining the partial Parks and Recreation-Local reservation at the time was to allow for the possible relocation of Minawarra House, a community service managed by the Roberta Jull Child Care Association (RJCCA). The reservation is no longer required for this purpose as Minnawarra House was relocated to No. 24 Numulgi Street, Armadale in 2009.

*Abbey Road and Railway Avenue Realignment*

The City has also completed the realignment of Abbey Road and Railway Avenue with construction of a new intersection between Armadale Road, Railway Avenue and Abbey Road. This project created a connection between Abbey Road and Railway Avenue to improve safety and legibility (north-south) across Armadale Road. This has been of strategic importance to the City's road network and capacity however the proposal required the acquisition of portions of several properties in private ownership and inclusion of City owned land. An alignment was determined in May 2007 (D52/5/07) and the City subsequently purchased the necessary land throughout 2008-09 (T27/4/08, T42/6/08, T57/10/08, and T74/8/09). The land purchased included Lot 164 (37) Abbey Road and Lots 1-2 (35/35A) Abbey Road, Armadale (portion of the subject site). A tender was accepted for the installation of traffic control signals in December 2011 (T83/12/11), and the intersection is now in full operation

*Local Planning Strategy*

In March 2015, Council adopted recommendations to revise its Local Planning Strategy as part of its five year scheme review process. As part of the review, the City's strategies for housing have been adopted, with particular focus on increasing density in areas of significance such as those effectively connected to public transport and within close proximity to the City's major activity centres. This is in part to meet the requirements of the Western Australian Planning Commission's (WAPC's) Directions 2031.

*Land Exchanges*

The subject site consists of two parcels of land located within (4) four freehold City owned lots identified as **'**Parcel 1' and 'Parcel 2' on the attached Context Plan. The creation of the two separate land parcels is expected to be a lengthier process than usual as it is subject to a number of additional stages/processes including the possible closure of a portion of the original Abbey Road reserve in exchange for the dedication of the new Abbey Road alignment. As the City has provided significant areas of its freehold land for the regional road network, the Department of Lands has agreed to exchange the unutilised portion of the Abbey Road road reserve for land of equal value (approximately 1689m²). This closed portion is intended to be amalgamated into Lot 143 to create 'Parcel 2'. The process to close the remaining portion of Abbey Road reserve is progressing, with the City currently investigating the impacts of several services within the subject land and its future tenure. It should be noted that the cost of relocating some services may prevent the land exchange from occurring to its full extent. After the land exchange has been formalised, the City can then proceed towards creating new titles for the respective parcel landholdings.

*Proposed Additional Use – Holiday Accommodation*

The City has identified the subject site as having potential to deliver short-stay (tourist) accommodation in line with action item 4.2.2 of the City's *Economic Development Strategy 2013 - 2017* and Outcome 3.4.2 of the *Corporate Business Plan 2013 – 2018*. A consultant (Urbis Pty Ltd) was appointed by the City to assess and report on the feasibility of tourism opportunities within the City. The report by Urbis found that the subject land had the potential to support the development of short-stay (tourist) accommodation due to its proximity to the Armadale City Centre and the Perth Hills region more generally.

'Holiday Accommodation' is a 'X' use under TPS No.4 within the Residential zone, meaning the use is not permitted by the Scheme. As such, in order to provide for the option of short-stay accommodation on either land parcel it is necessary to amend the Scheme by inserting a new entry under Schedule 2- Additional Uses to include 'Holiday Accommodation' as a 'D' (discretionary) use.

*Proposed Density Increase- R80*

The subject parcels are identified as density increase areas under the City's Local Planning Strategy adopted by Council 23/03/15 (awaiting WAPC endorsement) which identifies precinct areas in and around the Strategic City Centre area for zoning increases. The areas for proposed density coding changes within the Strategy have been strategically identified in Figures 23 and 24 of the Local Planning Strategy which is inclusive of this subject area. It is expected that the development would mirror the adjacent zoning in the Strategic Regional Centre and expands on the density increases already approved through related Town Planning Scheme Amendment No.71, which involved rezoning former Lots 70 and 71 Little John Road and Lot 1612 Railway Avenue (now Lot 100 Little John Road) within the north/west precinct from "R15/40" to "R25/60".

The proposed density of R80 will provide a greater variety of housing options in accordance with the City's Local Planning Strategy and WAPC's Directions 2031 and incentive to the establishment of high quality/landmark building(s) on the subject sites. The subject land is well positioned adjacent to the Armadale CBD and still within close access to key tourism attractions. To ensure high quality design outcomes are achieved it would be appropriate to impose a condition as part of the Additional Use table requiring a Local Development Plan (LDP) to be prepared and approved prior any development of either parcel.

**DETAILS OF PROPOSAL**

Amendment 79 to Town Planning Scheme No.4 proposes to rezone Lot 144 (401) Railway Avenue, Lot 143 (39) Abbey Road, Lot 164 (37) Abbey Road and Lot 1-2 (35 & 35A) Abbey Road, Armadale from 'Residential R40' and 'Parks and Reserve-Local' to 'Residential R80 / Additional Use' including 'Holiday Accommodation'.

A new entry under 'Schedule 2- Additional Uses' of TPS No.4 is proposed as follows:

| No. | Description of Land | Additional Use | Conditions and Requirements |
|---|---|---|---|
| 43 | Lot 144 (401) Railway Avenue, Lot 164 (37), Lot 143 (39) Abbey Road and Lot 1-2 (35 & 35A) Abbey Road, Armadale. | Discretionary (D) use:<br>• Holiday Accommodation | 43.1 Development shall be in accordance with an approved Local Development Plan(s).<br>43.2 No vehicular access permitted from Armadale Road. |

It is not proposed to unzone the newly constructed alignment of Abbey Road at this stage as the City needs to ensure there is sufficient Residential zoned land remaining to facilitate a land exchange of equal value with the Department of Lands and until such time as the road reserve has been formally dedicated.

**Public Advertising of the Amendment**

The proposed amendment was advertised for 42 days, closing on 4 August 2015 This advertising was carried out by way of two signs on-site, notification to relevant Government agencies, advertisements in the "West Australian" newspaper, City's website and local community newspapers and letters to affected and nearby landowners.

| | | |
|---|---|---|
| Total No. of submissions received | : | 18 |
| No. of submissions of conditional support/no objection | : | 10 |
| No. of submissions of objection | : | 8 |

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

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

The main issues raised in the submissions, together with a comment on each issue are outlined below. Eight of the ten submissions of conditional support/no objection were received from Government agencies. The eight objections were received from neighbouring landowners.

***Key Issues***

***Issue 1*** *– The proposed density of R80 is excessive for the locality and may result in unduly large buildings being developed on the subject parcels of land.*

Comment
It is acknowledged that the proposed density of R80 is greater than the predominant residential zoning of R40 or R15/40 in the immediate locality around the subject parcels. The intent of the R80 coding is to allow for built form to be developed that can act as entry statements to the Armadale City Centre. It is considered that the R80 code represents the most effective way of facilitating buildings with the desired scale and articulation to meet this objective and this has been articulated in the Local Planning Strategy 2015.

The proposed rezoning is considered to be appropriate in the broader context of the Armadale City Centre's status as a Strategic Regional Centre. This is consistent with increases to residential density in the Residential R80 zoned areas of the City Centre and higher density development occurring in the area to the west of the City Centre that is overseen by the Metropolitan Redevelopment Authority.

The subject parcels' proximity to the Armadale Train Station and shopping and civic facilities in the Armadale City Centre also make it suitable for higher density residential development or holiday accommodation.

Recommendation

That the issue is not supported.

***Issue 2*** *– Development to a density of R80 would produce negative impacts upon the amenity adjoining landowners resulting from increased noise, light and a reduction of privacy.*

Comment
This particular issue appears to be derived from concerns relating to the potential for three storey Multiple Dwelling or Holiday Accommodation buildings to be developed on the subject parcels. Any future development proposals along these lines that would result from the proposed amendment would be subject to a Planning application process whereupon the potential impacts on the amenity of adjoining properties will be assessed against the Residential Design Codes of Western Australia and/or the City's local planning policies.

The City will also apply a LDP over the subject parcels that can strengthen its ability to enforce guiding principles for high quality development outcomes for the subject land. Doing so will assist in minimising any potential amenity impacts of future developments upon adjoining landowners.

Recommendation

That the issue is not supported.

***Issue 3*** *– Development to a density of R80 would result in increased local traffic, could result in unsafe traffic movements to Abbey Road and place undue pressure upon parking availability in the Armadale City Centre.*

Comment
Any development resulting from the proposed amendment will be subject to a separate Planning application process, at which point specific arrangements regarding entry/exit points and the provision of parking bays can be assessed in detail. Vehicular access to Armadale Road will not be permitted as part of the proposed amendment due its status as a primary regional road.

Vehicular access to the subject parcels is most likely to occur from Abbey Road, Castle Place and Railway Avenue. A number of submissions have raised concerns that traffic on Railway Avenue will increase.

The LDP could potentially be utilized in order to identify preferred vehicle entrance points, one way traffic flows or where left in/left out entry points to roads may be suitable.

Whilst it is acknowledged that informal parking on the subject parcels may occur at times, the City does not intend to formalize such arrangements. It is considered that there is adequate public parking opportunities and public transport connections available in the Armadale City Centre to meet demand during event periods.

Recommendation

That the issue is not supported.

***Issue 4 –*** *Development that results from the proposed amendment could result in the loss of landscape values that the area presently holds. In particular, the removal of existing mature trees.*

Comment

Several submissions have argued that the existing remnant vegetation onsite provides a park like appearance and would make a more appealing gateway statement to the Armadale City Centre than the development of the subject parcels of land.

Whilst it is acknowledged that the area at present provides an informal park like appearance, the land in question has predominately been zoned as Residential since 1973. Furthermore the portion of Lot 144 presently identified as Parks and Recreation – Local has limited capacity to act as a public reserve. The City is proposing to consider if any trees should be relocated or retained through any development. The provision of new, high quality landscaping as part of development proposals is a primary objective of the City and would be sought as part of the Planning application assessment process.

It is also noted that existing vegetation within the Armadale Road primary regional road reserve is likely to remain in place as these areas are outside the limits of any development, unless Armadale Road is widened.

Recommendation

That the issue not supported.

## COMMENT

The proposed amendment to rezone the subject parcels of land from 'Residential R40' and 'Parks and Recreation – Local' to 'Residential R80/ Additional Use' is supported by the objectives of the City's Local Planning Strategy 2015 and the state level strategy for the Metropolitan region, Directions 2031. Furthermore, the rezoning and sale of the land is required to recoup the cost to the City of the now complete Abbey Road/Railway Avenue realignment works.

Eight objections to the proposed amendment have been received from adjoining landowners. The broad issues raised by the objecting submissions have been the appropriateness of the R80 density code, the potential for negative amenity and traffic impacts resulting from the future development of the parcels and the potential loss of open space and existing vegetation. The raising of these issues in the context of the proposed amendment is considered to be relevant and prudent. However, the opportunity exists at future stages, either through the application of a guiding LDP and/or the Planning application assessment process, to mitigate some of the potential impact of these issues.

## OPTIONS

1. Council may adopt the amendment with or without modifications and request that the Hon Minister for Planning grant final approval to the amendment.

2. Council may resolve to not adopt the amendment giving reasons and request that the Hon Minister for Planning refuse to approve the amendment.

## CONCLUSION

The amendment proposes to rezone of Lot 144 (401) Railway Avenue, Lot 143 (39) Abbey Road, Lot 164 (37) Abbey Road and Lot 1-2 (35 & 35A) Abbey Road, Armadale from 'Residential R40' and 'Parks and Reserve - Local' to 'Residential R80 / Additional Use' including 'Holiday Accommodation'.

The purpose of this amendment is to facilitate a high quality development on a prominent/gateway site adjacent to the City Centre and to provide an opportunity to encourage much needed short-stay (tourist) accommodation within the City.

It is considered that the main issues raised by submitters objecting to the proposal can be satisfactorily balanced and moderated through the application of an LDP and the Planning application assessment process.

Given the above it is recommended that Council resolve to adopt the amendment without modification in accordance with Option 1 above.

**RECOMMEND**

**That Council:**

1. **Pursuant to Part 5 of the *Planning and Development Act 2005*, adopt without modification, amendment No.79 to Town Planning Scheme No.4 to:**

   a) **Rezone Lot 144 (401) Railway Avenue, Lot 143 (39) Abbey Road, Lot 164 (37) Abbey Road and Lot 1-2 (35 & 35A) Abbey Road, Armadale from 'Residential R40' and 'Parks and Recreation-Local' to 'Residential R80' with an 'Additional Use' including 'Holiday Accommodation'**;

   b) **Amend Schedule 2 – Additional Use Table by inserting a new entry in appropriate numerical order as follows:**

| No. | Description of Land | Additional Use | Conditions and Requirements |
|---|---|---|---|
| 43 | Lot 144 (401) Railway Avenue, Lot 164 (37), Lot 143 (39) Abbey Road and Lot 1-2 (35 & 35A) Abbey Road, Armadale. | Discretionary (D) use:<br>• Holiday Accommodation | 43.1 Development shall be in accordance with an approved Local Development Plan(s).<br><br>43.2 No vehicular access permitted from Armadale Road. |

   c) **Amend the Scheme Maps accordingly.**

2. **Authorise the Mayor and Chief Executive Office to execute the amendment documents.**

3. **Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning grant final approval to the amendment.**

4. **Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.**

5. **Advise the submitters of its decision.**

**ATTACHMENTS**

1. Context Plan - Amendment No.79 - TPS No.4
2. Zoning Plan - Amendment No.79 - TPS No.4
3. CONFIDENTIAL - Schedule of Submissions - TPS No.4 - Amendment No.79 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
4. CONFIDENTIAL - Location Plan of Submitters - Amendment No.79 - TPS No.4 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

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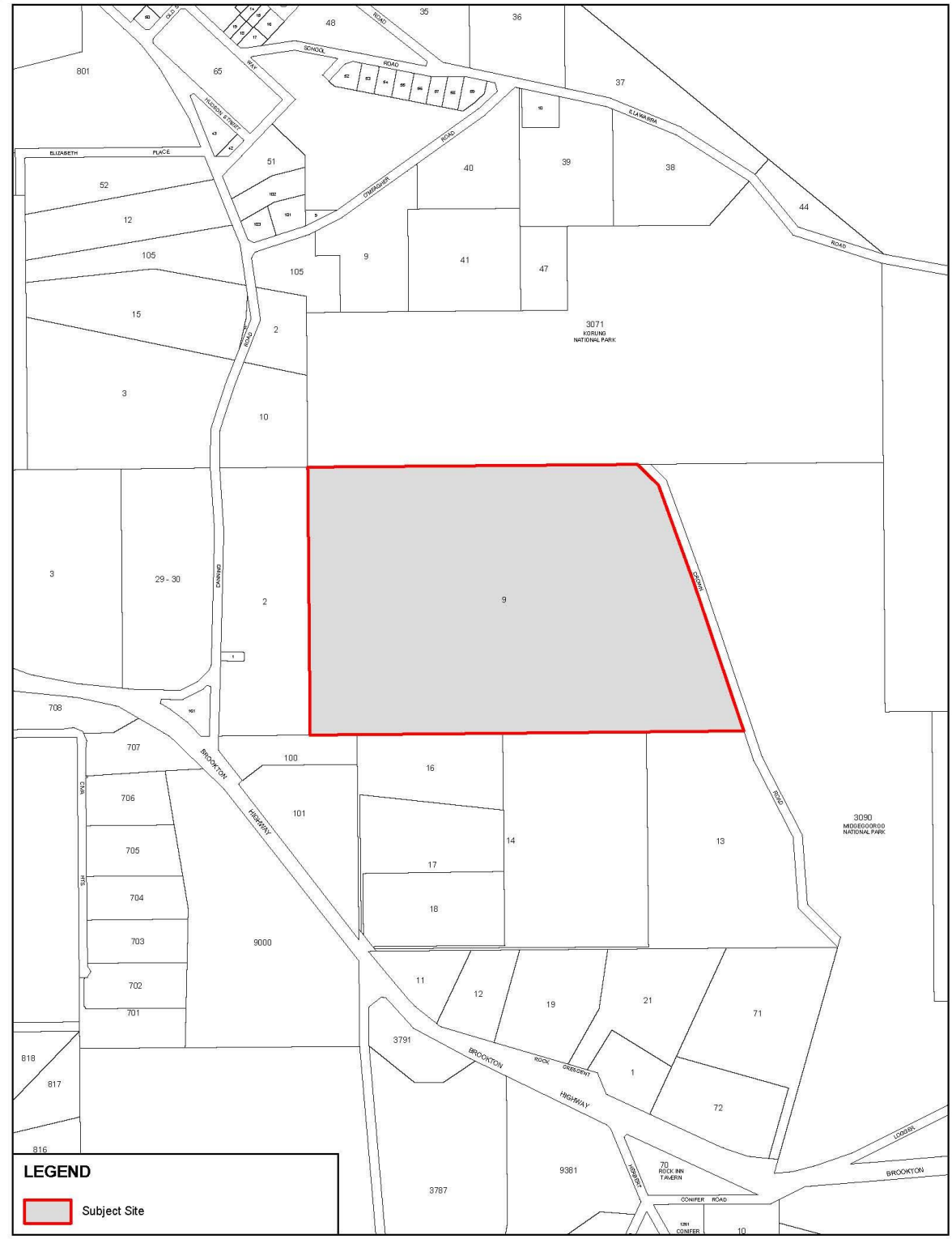

LEGEND
Subject Site
LOT 9 BROOKTON HWY, KARRAGULLEN
Location Plan
100 0 100 200m
SCALE 1 : 10000
DATE 6 August 2015 - REVISION 1501
CITY OF Armadale

## *5.1 - REPORT ON EXTRACTIVE INDUSTRY OPERATION - LOT 9 BROOKTON HIGHWAY, KARRAGULLEN*

WARD : JARRAH

FILE No. : M/667/15

DATE : 12 August 2015

REF : MK

RESPONSIBLE MANAGER : EDDS

**In Brief:**

- Planning Approval for the current operation of the quarry was issued in July 2014.
- Condition 9 of the current Planning Approval requires annual audit of the operations.
- An Audit has been coordinated by the operators' Planning Consultants and reviewed by officers as being satisfactory.
- Recommend that Council note the Audit report.

**Tabled Items**

Nil

**Officer Interest Declaration**

Nil

**Strategic Implications**

2.3 Diverse and attractive development that is integrated with the distinctive character of the City.

2.3.1 Provide supportive planning and development guidance and liaison on major land developments.

2.1.1 Review, update and implement the City's Town Planning Scheme, taking into account social, economic and environmental considerations.

**Legislation Implications**

Planning and Development Act 2005
Metropolitan Region Scheme
State Planning Policy SPP 2.4 Basic Raw Materials
Town Planning Scheme (TPS) No.4
Local Planning Strategy 2003

**Council Policy/Local Law Implications**

City of Armadale Extractive Industries Local Law
City of Armadale Biodiversity Strategy
PLN 2.5 Erosion Prevention & Sediment Control

**Budget/Financial Implications**

Nil

**Consultation**

Nil

**LOT 9 BROOKTON HWY, KARRAGULLEN**
AERIAL PHOTOGRAPH

50 0 50 100m

SCALE 1 : 5000

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

CITY OF Armadale

DATE 11 August 2015 - REVISION 1501

**BACKGROUND**

At the Development Services Committee meeting held on 21 April 2015, Cr Wielinga requested an update on the compliance of conditions of approval imposed on the development approval for the Extractive Industry (Gravel Quarry) at Lot 9 Brookton Highway, Karragullen. In this regard, the Council resolved as follows:

*That the Councillor item regarding compliance of conditions of approval imposed on development approval for the Extractive Industry (Gravel Quarry) at Lot 9 Brookton Highway, Karragullen be referred to the Development Services Directorate for action and/or report back to Committee.*

This report details the outcome of the audit of the quarry operations since Planning Approval was issued for the operation by Council.

The quarrying of gravel on this site has been carried out on and off since about 1974. An application for Planning Approval to extend the area for extraction was considered by Council in July 2014. Planning Approval in this regard was granted by the Council on 29th July, 2014 and subsequently revised on the 25th November, 2014 following review of some of the conditions and the extraction area plan by the State Administrative Tribunal.

Condition 9 of the Planning Approval requires the operation of the quarry to be audited annually to ensure compliance with the conditions of Planning Approval. Condition 9 states as follows:

*9. A report (audit) on compliance with the approved management plans shall be submitted to the City within 90 days of date of this approval and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:*

- *a) an identification of the sources and nature of all emissions, discharges and wastes generated on the site.*
- *b) an assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron).*
- *c) an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of:*
  - *(i) its operations measured against the Environment Protection (Noise) Regulations and this shall include but not be limited to a complete operational noise survey;*
  - *(ii) the verification of the maintenance of a minimum 2 metre separation to groundwater level; and*
  - *(iii) to verify that any potential contaminants not limited to acid sulphates, are not liberated from the dual systems as a result of mining activities.*
- *d) an evaluation of its response to any complaints.*
- *e) a review of operational and management practices relating to environmental performance and the management of environmental risk, including emergency response, contingency plans and other measures to prevent or minimise environmental impacts and any additional measures required to ensure compliance within accepted standards.*

*f) The results of monitoring that is conducted throughout the year at such times and for such periods and reported as specified in the Environmental Management Plan.*
*g) Management Plans required by Conditions No's 2, 3, 6, 7, 8, 24 and the Noise Management Plan.*
*h) A suitably qualified and experienced person to the satisfaction of the City must conduct the audit.*

***A copy of the conditions of approval are presented in the Attachments to this report.***

**DETAILS OF PROPOSAL**

The quarry operator's Planning Consultant has now lodged an Audit Report for the quarry in accordance with the requirements of Condition 9 of the Planning Approval.

**COMMENT**

The Audit documentation was assessed by Planning Services, Planning Compliance, Technical Services, Environment and Environmental Health Services. The City's Compliance Officers carried out on-site inspections to verify the information provided on the ground.

The various requirements of Condition 9 of the Development Approval are detailed below along with comment on each of the elements. It will list each section of Condition 9 and provide information pertaining to the compliance of the operations with that section.

*9a) Emissions, Discharges and Wastes*
Other than Noise and Dust emissions, which are dealt with in their respective management plans, the only other emission, discharge or waste associated with the site is that which occurs through the use of the on-site toilet. This waste is contained within it and removed from site by a waste removalist on an as-needed basis.

*9b) Dust Management*
A Dust Management Plan (DMP) has been prepared, which provides details on the dust amenity and health impacts of the operations in relation to dust generation. It has been prepared by a suitably qualified person. The DMP has been assessed by the City's Environmental Health Services and found to be satisfactory. The report notes that given the operational method of the operators will not significantly change over the approval period, further annual reporting is considered excessive as the findings from the initial report are not likely to change significantly. From an annual audit perspective, the operators confirm that they are operating in accordance with the DMP. Since the recommencement of operation of the quarry the city has not received any further complaints relating to dust. The City should continue to require an audit on this issue for at least a few more years.

*9c) Noise Management*
An Acoustic Report has been prepared by an Acoustic Consultant and reviewed by the City's Environmental Health Team. From an annual audit perspective, the report confirms that they are operating in accordance with the Acoustic Report.

*9c)ii Two (2) Metre Separation to Groundwater*
In relation to the groundwater level, the Quarry operators' Environmental Consultant determined the following:

"Groundwater within the subject site is expected to be in excess of 15 m from the natural surface level and increases in depth in an easterly direction (Down 2011). Groundwater has not been encountered during any of the excavation activities undertaken within the subject site and given that the proposed expansion activities will occur in a south-easterly direction will not require further management. "

Given that the pit has been excavated to no greater than 10m below surface level, it is clear that a 2m separation between the pit floor and the groundwater level is evident.

*9c)iii Potential for Contaminants*
The Quarry operators' Environmental Consultant provided the following information:

"In relation to contamination issues, the ASS risk associated with the site is low in consideration of the dominant soils present within the site (i.e. Warrigal and Dwellingup Phase, which are not conducive to the formation of ASS) and the environmental characteristics (i.e. well drained site with no waterlogged areas). The only other potential issues associated with contamination are spillages or leaks of fuels from machinery. However, this risk is considered very low given that machinery is refuelled offsite and that machinery is serviced regularly to avoid such occurrences."

*9d) Complaints Register and Responses*
A Complaints Register has been implemented by the Quarry Operators however the operators have advised that no complaints have been received since before the Planning Approval was issued 12 months ago.

*9e) Operational and Management Practices Relating to Environment Performance and the Management of Environment Risk*
A review of operation and management practices has concluded that these practices have not been altered from the time of the development approval. Furthermore, all management plans required under the Development Approval are being implemented effectively and in accordance with the requirements listed within each plan. Therefore, it can be assumed that environmental risk is being adequately managed.

This assurance is strengthened by the results of monitoring, which have been detailed within the Audit report submitted by the Quarry Operators' Planning Consultant. In summary, the results of monitoring indicate that the Environmental Management Plan is successfully achieving the outcomes it was intended for. Furthermore, information in regards to environmental issues detailed elsewhere in this Audit provides further evidence of adequate management. Therefore, no additional measures are required to ensure compliance with the accepted standards.

*9f) Monitoring of Revegetation and Weed Management Plans*

An Environmental Management Plan was lodged with the City and reviewed by the City's Environment Services. The EMP included management plans relative to Revegetation and Weed Management. The Revegetation and Weed Management Plans are in the process of being implemented in accordance with the timeframes detailed in these plans. In the next 12 months, the works implemented will be audited including:

a) Seedling Survival Health;
b) Success of weed removal and mitigation processes; and
c) Pest mitigation measures and outcomes of mitigation process (eg mosquito breeding management).

*9g) Dieback Management*

A Dieback Management Plan (DMP) was prepared and lodged with the City. The DMP was reviewed by the City's Environmental Team. Operations have been occurring in accordance with the Dieback Management Plan. This includes the maintenance of a single entry point to the site, the clear marking of the extraction area, the use of a disinfected water supply for dust abatement, the implementation of signage indicating the presence of dieback and the closure of tracks in the contaminated area.

*9g) Stormwater and Erosion Management*

The Environmental Management Plan approved by the City's Environment Team included a management plan related to Stormwater and Erosion Management. Operations have been occurring in accordance with the plan, including appropriate diversion and catchment of water run-off to avoid erosion. There was no evidence of erosion on site when the site was inspected by Planning Compliance.

*9g) Emergency Management Plan*

An Emergency Management Plan was prepared and lodged with the City. It was reviewed by Ranger Services as satisfactory. The Plan depicts the access and egress points, water supplies and a muster point for use in the case of an emergency.

With the exception of Condition 1 which relates only to the timeframe to which the approval must adhere and condition 9, discussed above, the operators have also implemented the remainder of the conditions of approval. Some of the conditions are ongoing (continual implementation) such as implementation of dust management measures. Some specific conditions are addressed in more detail below:

*Conditions 10 and 11 – reinstatement, revegetation and fencing of buffer areas*

Revegetation has been undertaken as per page 6 of the EMP in 2013 and 2014 and these areas have been fenced to protect them as per the requirements of conditions 10 and 11.

*Conditions 12-14 – Hours of operation, site maintained in orderly condition and buildings and structures screened from roads and other properties.*

The requirements of the conditions have been met and there have not been any written complaints made that the hours of operation have been exceeded to date.

*Conditions 15, 16 and 17 – Access to site and accessways*
The entrance to the access road from Brookton Highway and internal accessways have been sealed as required by these conditions.

*Condition 19 – speed of vehicles on shared accessway*
The City has not received any written complaints that the imposed speed limit is being exceeded.

*Conditions 20-23 – Storage of hazardous liquids and spill management*
Planning Compliance have not seen any evidence of bulk storage of chemicals or fuels on site.

**OPTIONS**

1. The Council can note the satisfactory completion of the first annual audit of the quarry operations and advise the applicant of their decision in this regard.

2. The Council can resolve that the Audit has not been completed to a satisfactory standard and require specific further information be provided.

**CONCLUSION**

This audit covers the initial year of commencing operation of the quarry under the new planning approval. The auditors have been deemed to have sufficient expertise to satisfactorily carry out the audit. The various management plans required by conditions of the Planning Approval are in the process of being implemented and are addressing both current operations and the rectification of previous areas of non-compliance. As a result the site and its operations have improved vastly from the situation that existed prior to the issue of the current approval and no significant written complaints have been received with regard to the operation of the quarry in the last 12 months by the City.

**RECOMMEND**

**That Council:**

**1. Note the satisfactory completion of the first annual audit of the quarry operations and advise the applicant of its decision in this regard.**

**ATTACHMENTS**
1. Final Conditions - Lot 9 Brookton Hwy, Karragullen
2. Photograph 1 - Extractive Industry Operation, Karragullen
3. Photograph 2 - Extractive Industry Operation, Karragullen
4. Approved Amended Overall Site Plan - Lot 9 Brookton Highway, Karragullen

## *COUNCILLORS' ITEMS*

Nil

## *EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT*

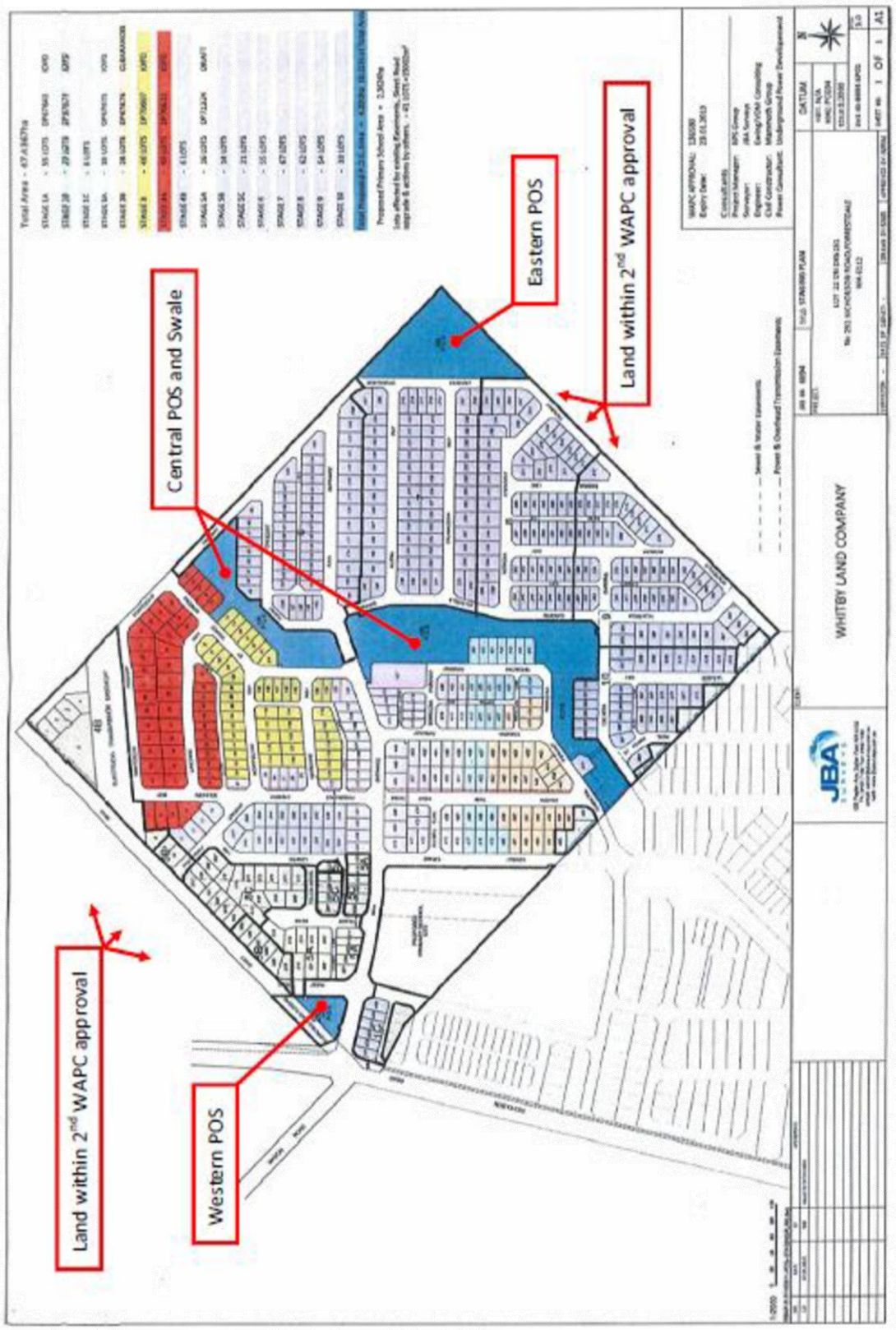
Nil

**MEETING DECLARED CLOSED AT _____**

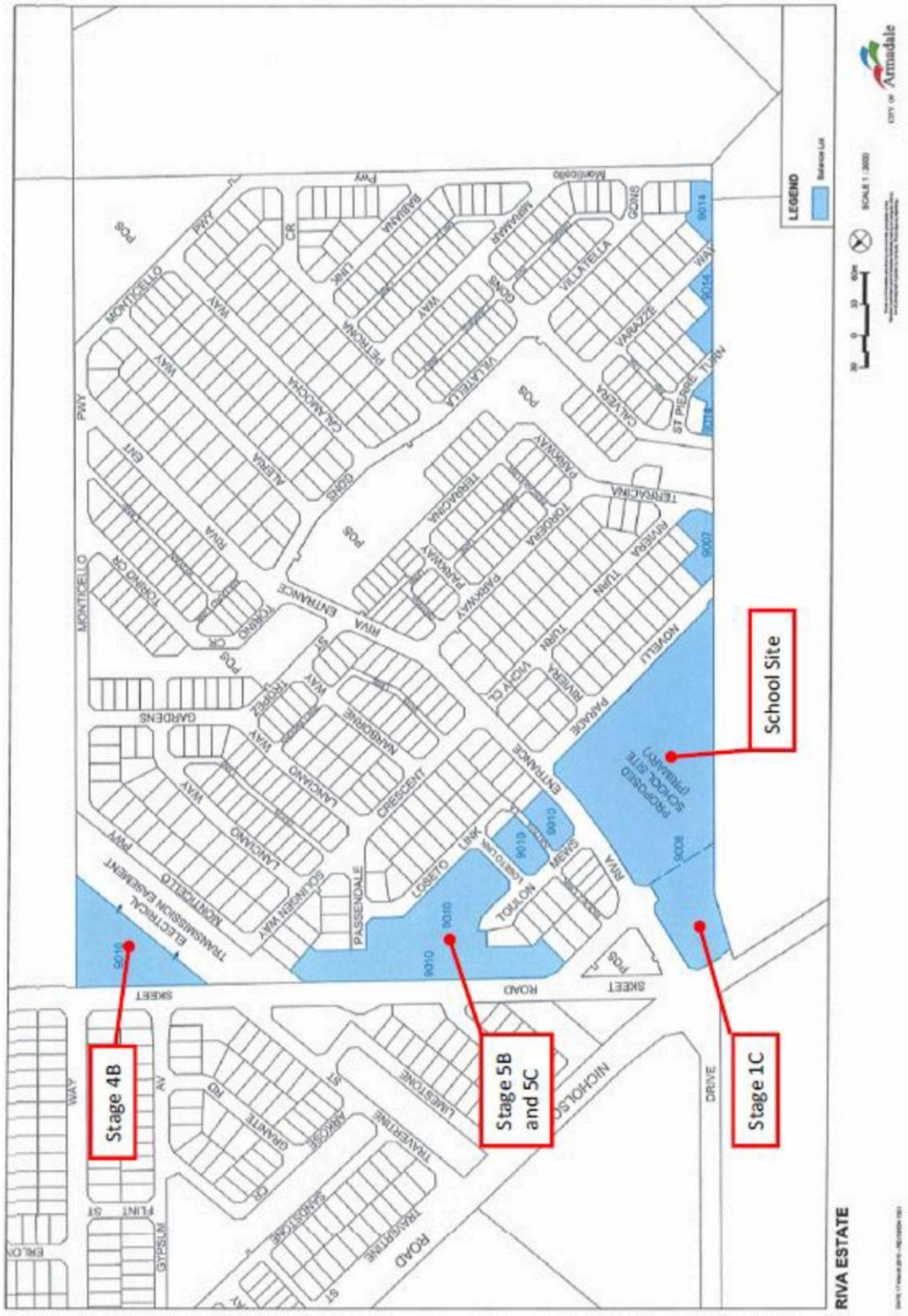
**DEVELOPMENT SERVICES COMMITTEE**
**SUMMARY OF "A" ATTACHMENTS**
**18 AUGUST 2015**


| ATT NO. | SUBJECT | PAGE |
|---|---|---|
| **1.1** | **RIVA ESTATE PUBLIC OPEN SPACE - DEVELOPER MAINTENANCE ISSUES** | |
| 1.1.1 | Attachment 1 - Plan of Development Stages and Lot Yields - Riva Estate | 57 |
| 1.1.2 | Attachment 2 - Plan of Remaining Development Stages as at 30 April 2015 - Riva Estate | 58 |
| **3.1** | **ADOPTION OF BUSINESS PLAN AND SALE OF LOT 100 (1) LITTLE JOHN ROAD, ARMADALE** | |
| 3.1.1 | Land Transaction Business Plan - Lot 100 Little John Rd, Armadale | 59 |
| **4.1** | **PROPOSED INITIATION OF AMENDMENT NO.80 TO TPS NO.4 - REZONING OF LOT 200 (4) CHURCH STREET KELMSCOTT** | |
| 4.1.1 | Zoning Map - Amendment No.79 - TPS No.4 | 64 |
| 4.1.2 | Draft Concept Plan 1 - Lot 200 Church Street Kelmscott | 65 |
| 4.1.3 | Draft Concept Plan 2 - Lot 200 Church Street Kelmscott | 66 |
| **4.2** | **FINAL ADOPTION - AMENDMENT NO.79 - TPS NO.4 REZONING OF LOT 144 (401) RAILWAY AVENUE AND LOT 164 (37), LOT 143 (39) & LOTS 1-2 (35 & 35A) ABBEY ROAD, ARMADALE** | |
| 4.2.1 | Context Plan - Amendment No.79 - TPS No.4 | 67 |
| 4.2.2 | Zoning Plan - Amendment No.79 - TPS No.4 | 68 |
| **5.1** | **REPORT ON EXTRACTIVE INDUSTRY OPERATION - LOT 9 BROOKTON HIGHWAY, KARRAGULLEN** | |
| 5.1.1 | Final Conditions - Lot 9 Brookton Hwy, Karragullen | 69 |
| 5.1.2 | Photograph 1 - Extractive Industry Operation, Karragullen | 72 |
| 5.1.3 | Photograph 2 - Extractive Industry Operation, Karragullen | 73 |
| 5.1.4 | Approved Amended Overall Site Plan - Lot 9 Brookton Highway, Karragullen | 74 |

**Attachment 1- Plan of Development Stages and Lot Yields - Riva Estate**



**Attachment 2 – Plan of Remaining Development Stages as at 30 April 2015 – Riva Estate**



CITY OF Armadale

# Land Transaction Business Plan

## Covering the Land Parcel:

## Lot 100 (1) Little John Road, Armadale WA 6112

## Proposal to Sell

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

# Proposal

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

| Lot No | Street Address | Approx. Land Area | Certificate of Title Details | Zoning/Code | Sewer Connection Capability |
|---|---|---|---|---|---|
| 100 | Little John Road, Armadale WA 6112 | 2910 m² | Volume: 2832 Folio: 933 | "Residential R15/60" with the potential to develop at the higher density code of "R60" as per Clause 5.2.4 (b) of TPS No. 4 | Yes |

The City purchased a number of freehold properties in 2009 to facilitate the realignment of Railway Avenue and Abbey Road and the construction of a four-way, signalised intersection on Armadale Road.

Three lots were acquired on the northern side of the new intersection, being Lot 70 (3) Little John Road, Lot 71 (1) Little John Road and Lot 1612 (318) Railway Avenue, Armadale. After purchase the three lots were the subject of a subdivision application which dedicated some land for the realignment of Railway Avenue and amalgamated the balance into Lot 100.

At the time of their purchase, the three lots were zoned Residential R15/40. Amendment No. 71 to the City's Town Planning Scheme No. 4 (TPS4), which was gazetted on 19 September 2014, recoded them Residential R15/R60 and removed the zoning/coding from those portions that has been dedicated as road reserve.

Funds derived from the sale of Lot 100 will be used to recoup costs incurred in the realignment of Railway Avenue and Abbey Road and land acquisition costs.

# Property

## Lot 100 Little John Road, Armadale

Image of Lot 100 taken looking from Railway Avenue: Monday 6th July 2015

The property is located within Armadale, approximately 36km south east of the Perth CBD. More specifically the site is situated adjacent to intersection of Armadale Road and Railway Avenue, however vehicular access is from the cul-de-sac at the end of Little John Road. It comprises a flat, vacant residential site with an area of approximately 2910m².

The subject lot is zoned "Residential R15/60". Under Clause 5.2.4 (b) of TPS4 an application can be made for residential development at the higher

density code, if it can be demonstrated that the proposal satisfies design criteria contained in Local Planning Policy 3.1 – Residential Density Development.

# Considerations

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

The subject land is owned in fee simple by the City of Armadale. Following dedication of the portion required as road reserve for the realignment of Railway Avenue, the balance Lot 100 is a Residential zoned lot which is surplus to requirements. Its sale would therefore have no impact upon the provision of facilities and services.

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

The subject site is vacant land owned freehold by the City of Armadale. The land does not provide any services or facilities to the community. The proceeds from the sale will be used to recoup costs incurred in the realignment of Railway Avenue and Abbey Road.

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

A valuation will be obtained for the property and the sale will be executed by suitable qualified experts. The net effect of the sale would be positive and would enable some of the funds already expended in the project to be recouped.

There is a likelihood that Lot 100 will be developed for residential purposes and hence provide additional rate revenue for the City without creation of any new assets, such as roads and hence additional on-going expenditure.

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

The proposed sale would implement the following initiative from the City's Strategic Community Plan 2013-2028:

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

It should be noted that the road project which necessitated the acquisition of this land also satisfied initiatives contained in the Strategic Community Plan 2013-2028.

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

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

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

There are no other matters that require discussion in relation to the proposal.

# Method of Disposal

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

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

3.58 (2) a. to the highest bidder at public auction; or
b. to the person who at public tender makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender; or

3.58 (3) a. by a private treaty giving local public notice of the proposed disposition:
i) by describing the property concerned;
ii) giving details of the proposed disposition; and
iii) inviting submission to be made to the local government before the date specified.

# Comments on this Business Plan

This Business Plan is being advertised for a period of 42 days from the date of notifications in the _____ newspaper, with the advertising period closing on _____ 2015.

The Business Plan can be inspected:

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

Copies of the Business Plan can be obtained by:

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

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

Submissions to be addressed to:

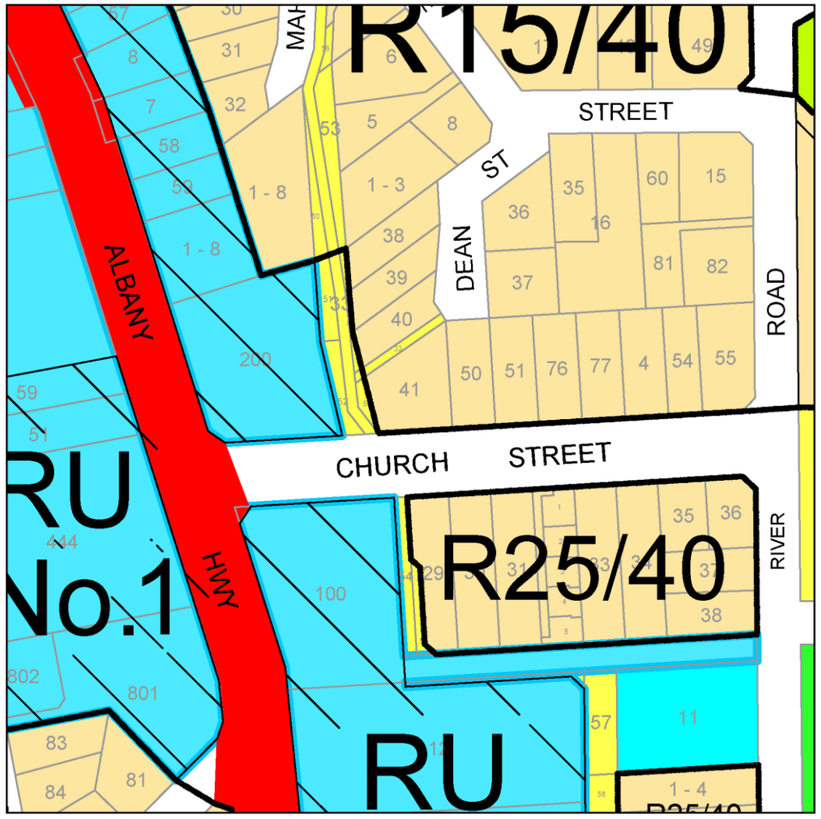
**Chief Executive Officer**
**City of Armadale**
**Locked Bag 2**
**ARMADALE WA 6992**
**Attention: Steve Walker (Special Projects Officer)**

# Process Following Public Advertising

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

**Appendix A – Diagram / Location of Lot 100 Little John Road, Armadale**

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




EXISTING CODING

CITY OF Armadale

N

GDA

SCALE
1 : 2 500

PROPOSED CODING

## ZONES

- RESIDENTIAL Including Residential Planning Density Codes
- URBAN DEVELOPMENT ZONE
- RURAL LIVING - 1,2,4,10,20,,X
- GENERAL RURAL
- SPECIAL RESIDENTIAL
- MIXED BUSINESS / RESIDENTIAL
- DISTRICT CENTRE
- LOCAL CENTRE
- GENERAL INDUSTRY
- INDUSTRIAL BUSINESS
- No.1 SPECIAL USE
- No.7 ADDITIONAL USE
- RU No.2 RESTRICTED USE
- OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING
- OUTER EDGE OF SCHEME

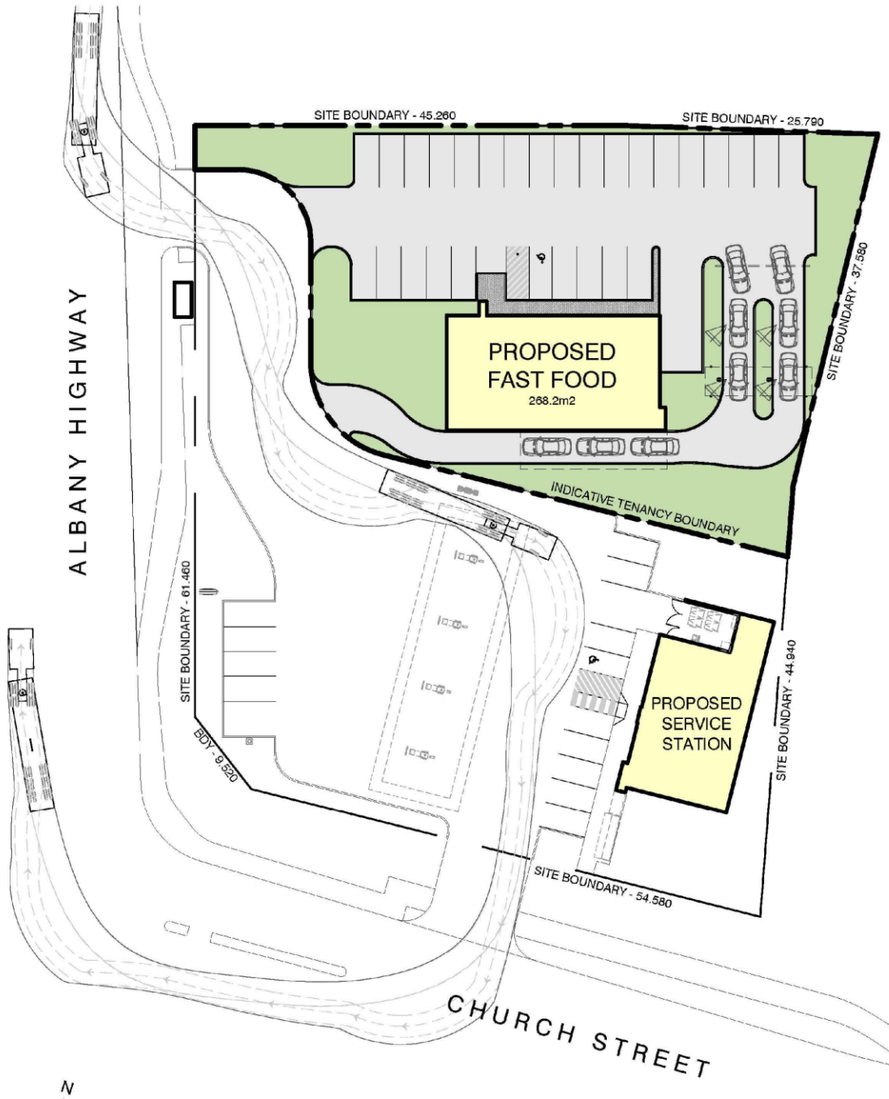
## RESERVATIONS

- MRS PARKS & RECREATION (Region)
- PARKS & RECREATION (Local)
- RAILWAYS
- STATE FOREST
- WATERWAYS
- WATER CATCHMENTS
- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS
- (MRS) PUBLIC PURPOSE (Region)
- PUBLIC PURPOSE (Local)

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

PUBLIC PURPOSE MISCELLANEOUS SUB CATEGORIES

| | |
|---|---|
| CG | Commonwealth Government |
| TS | Technical School |
| HS | High School |
| PS | Primary School |
| H | Hospital |
| WSD | Water Authority of WA |
| SU | Special Use |
| SEC | State Energy Commission |
| T | Telstra |




## SITE PLAN
SCALE 1:500

PROPOSED DEVELOPMENT
For Elton Swarts
Lot 200 Albany Highway, KELMSCOTT

| DRAWN | DATE | SCALE | PROJECT No. | DRAWING No. | REV. |
|---|---|---|---|---|---|
| M.Sibum | June 2015 | 1:500 @ A3 | 0486 | Sheet 1 | SK01 |

MULDER KAMPMAN DESIGN
P (08) 9417 9966
E admin@mulderkampman.com.au
W www.mulderkampman.com.au
Suite 11w, 917 Beeliar Drive, COCKBURN CENTRAL WA 6164

ODAWA Inc. Member
Member of: CONSULT AUSTRALIA

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

DATE 13 August 2015 - REVISION 1501

NOT TO SCALE

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

CITY OF Armadale

## SITE PLAN
SCALE 1:500

PROPOSED DEVELOPMENT
For Bestarch Holdings Pty Ltd ATF the Church Street Trust
Lot 200 Albany Highway, KELMSCOTT

DRAWN M.Sibum | DATE June 2015 | SCALE 1:500 @ A3 | PROJECT No. 0486 | DRAWING No. Sheet 1 | REV. SK02

MULDER KAMPMAN DESIGN
P (08) 9417 9966
E admin@mulderkampman.com.au
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Suite 11w, 917 Beeliar Drive, COCKBURN CENTRAL WA 6164

ODAWA Inc. Member
Member of: CONSULT AUSTRALIA

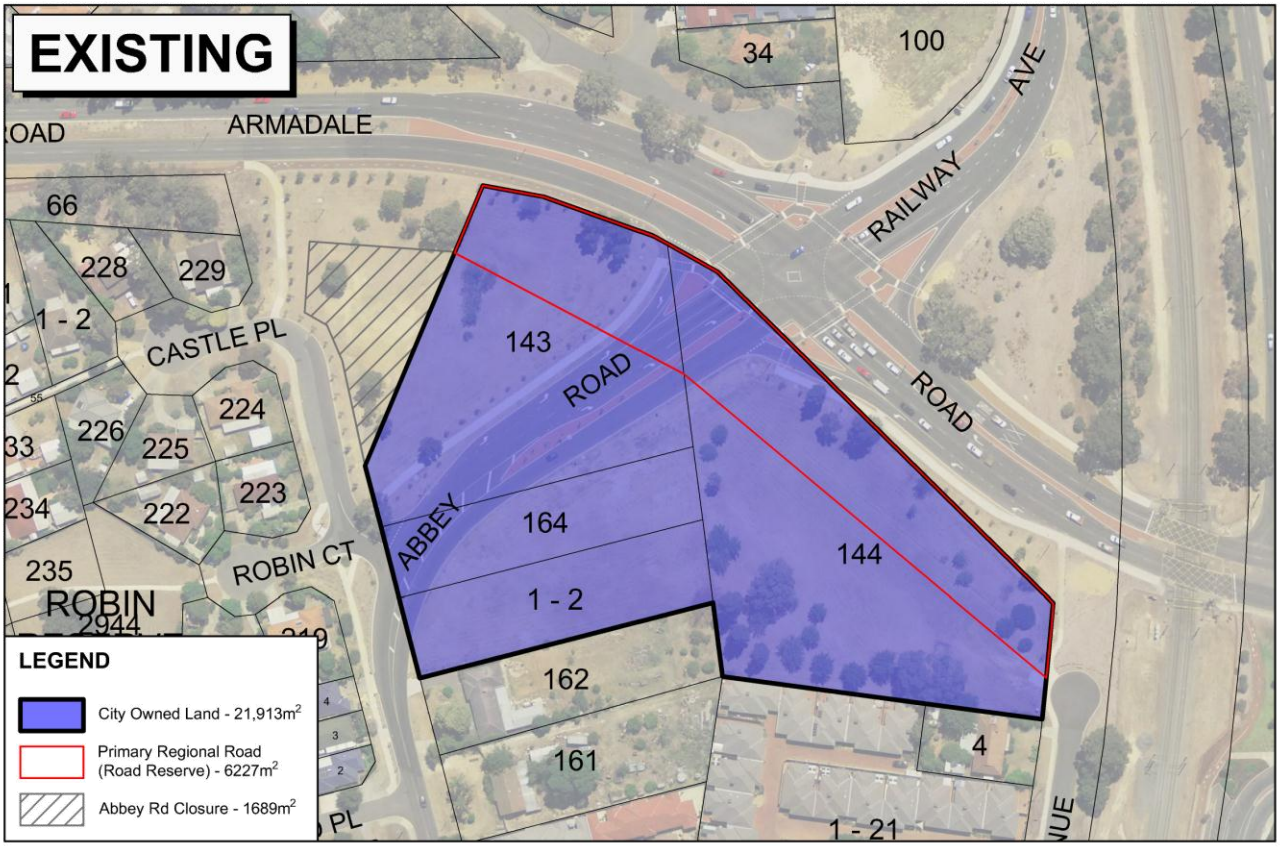
**LOT 200 CHURCH STREET**
**KELMSCOTT**
DRAFT CONCEPT PLAN 2: SERVICE STATION, MEDICAL CENTRE AND PHARMACY

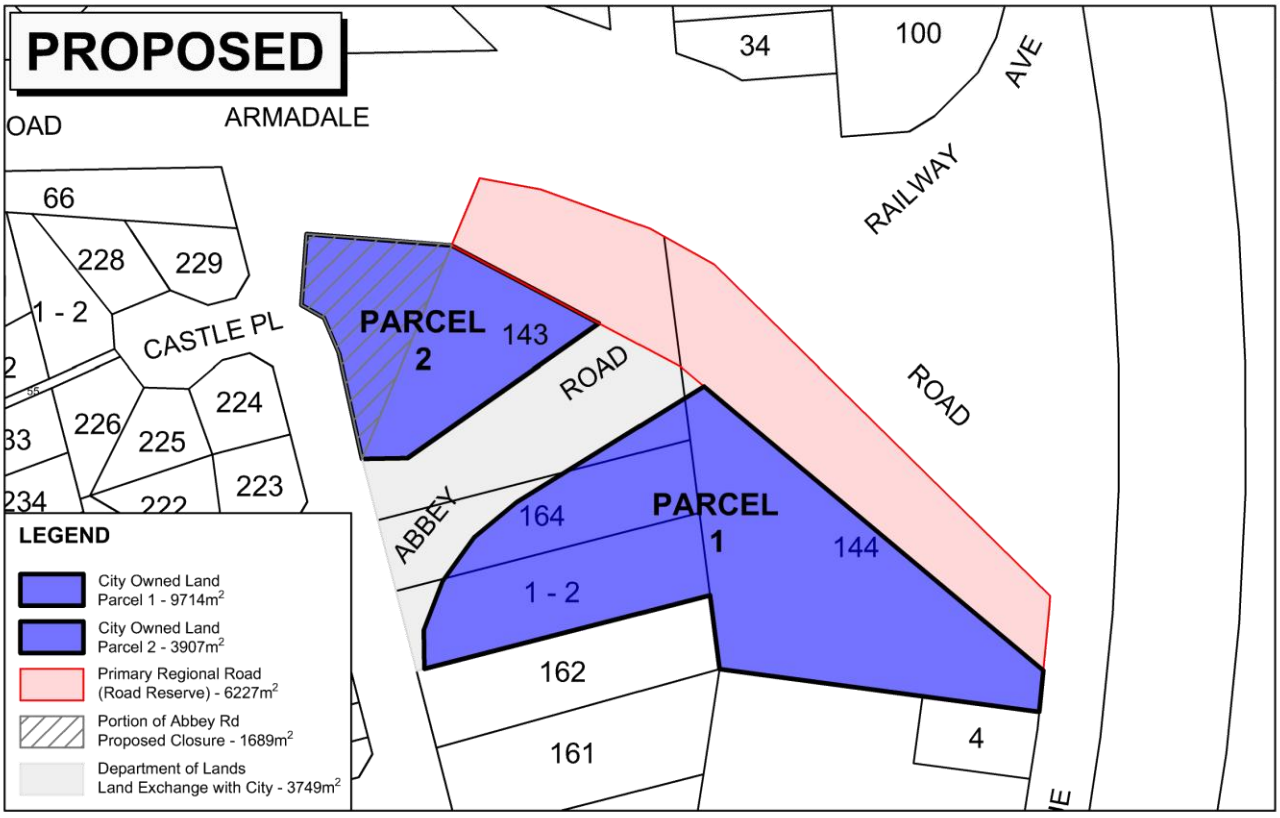
DATE 13 August 2015 - REVISION 1501

NOT TO SCALE

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

CITY OF Armadale




**CONTEXT PLAN**

TPS Amendment No. 79
Lot 144 (401) Railway Avenue, Lot 143 (39),
Lot164 (37) and Lot 1-2 (35 & 35A) Abbey Road, Armadale

DATE 5 May 2015 - REVISION 1501

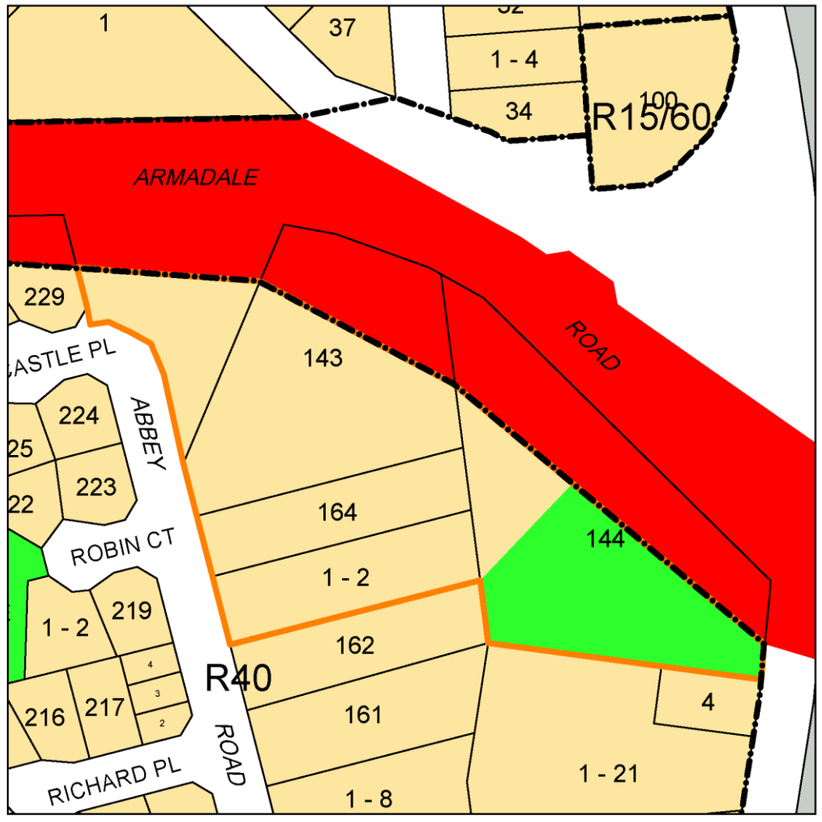
20 0 20 40m

SCALE 1 : 2000

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

CITY OF Armadale

# CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
# AMENDMENT No. 79



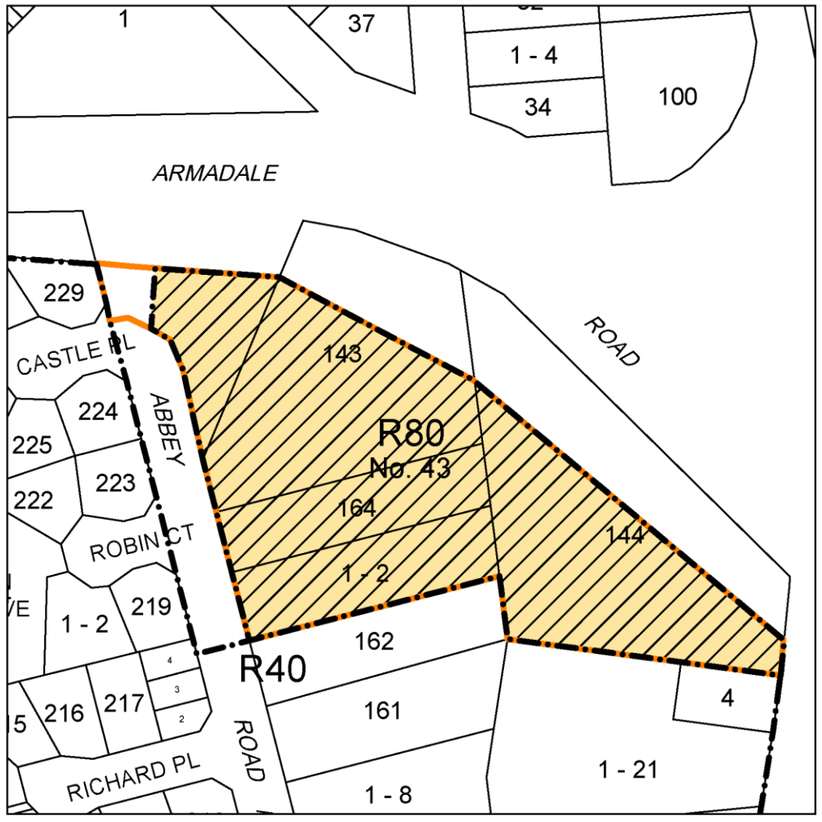

EXISTING ZONING

CITY OF Armadale

N

0 20 40 60
METRES SCALE 1 : 2 000

SUBJECT SITE




PROPOSED ZONING

## ZONES

- RESIDENTIAL Including Residential Planning Density Codes
- URBAN DEVELOPMENT ZONE
- RURAL LIVING - 1,2,4,10,20,X
- GENERAL RURAL
- SPECIAL RESIDENTIAL
- MIXED BUSINESS / RESIDENTIAL
- LOCAL CENTRE
- DISTRICT CENTRE
- STRATEGIC REGIONAL CENTRE
- GENERAL INDUSTRY
- INDUSTRIAL BUSINESS
- INDUSTRIAL DEVELOPMENT
- No.1 SPECIAL USE
- No.7 ADDITIONAL USE
- RU No.4 RESTRICTED USE
- DENSITY CODE BOUNDARY
- SCHEME BOUNDARY

## RESERVATIONS

- MRS PARKS & RECREATION (Region)
- PARKS & RECREATION (Local)
- RAILWAYS
- STATE FOREST
- WATERWAYS
- WATER CATCHMENTS
- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS
- (MRS) PUBLIC PURPOSE (Region)
- PUBLIC PURPOSE (Local)

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

PUBLIC PURPOSE (Region)
Denoted as Follows

| | |
|---|---|
| CG | Commonwealth Government |
| TS | Technical School |
| HS | High School |
| PS | Primary School |
| H | Hospital |
| WSD | Water Authority of WA |
| SU | Special Use |
| SEC | State Energy Commission |
| T | Telstra |

**FINAL CONDITIONS OF PLANNING APPROVAL FOR EXPANSION OF EXTRACTIVE INDUSTRY ON LOT 9 BROOKTON HIGHWAY KARRAGULLEN**

CONDITIONS:

1. In accordance with Clause 10.6 of Town Planning Scheme No.4, this approval is valid for a temporary period of 5 years from the date of this approval, after which time, the use shall cease and all associated structures / hardstand / equipment / fixtures shall be removed and the site reinstated and restored within 90 days to the satisfaction of the Executive Director Development Services.

2. Immediate implementation of the approved Dust Management Plan to the satisfaction of the Executive Director Development Services.

3. Submission and, following approval, implementation of a Revegetation Management Plan commencing no later than 30 September 2014 to the satisfaction of the Executive Director Technical Services. Revegetation Management Plan to include proposed native dieback-resistant plant species and planting densities appropriate for screening in buffer areas (tree rows 5m apart, one tree per 10m and shrub rows 5m apart, one shrub per 2m) and revegetation of the remaining operational areas outside stages 1 and 2 revegetation areas at a rate of 1 tree per 100m.

4. Condition 4 deleted by Council 24/11/2014.

5. A Flora Survey of the future operational area the subject of this approval is to be undertaken prior to the commencement of clearing to the satisfaction of the Executive Director Technical Services to establish a list of suitable plant species to be used in rehabilitation of the future operational area.

6. Submission and implementation of a Weed Control Management Plan, including what weeds are present on the subject lot, what chemicals will be utilised for which weeds and appropriate timing of weed control based on weed species, to the satisfaction of the Executive Director Technical Services. Implementation of the Weed Control Management Plan is to occur in conjunction with the implementation of the Revegetation Management Plan.

7. Submission and implementation of a Dieback Management Plan within 30 days of the date of this approval, to the satisfaction of the Executive Director Technical Services.

8. Submission and implementation of a Stormwater, Soil and Erosion Management Plan within 30 days of the date of this approval, to the satisfaction of the Executive Director Technical Services.

9. A report (audit) on compliance with the approved management plans shall be submitted to the City within 90 days of date of this approval and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:

    a) an identification of the sources and nature of all emissions, discharges and wastes generated on the site.
    b) an assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 microns).

c) an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of:

(i) its operations measured against the Environment Protection (Noise) Regulations and this shall include but not be limited to a complete operational noise survey;
(ii) the verification of the maintenance of a minimum 2 metre separation to groundwater level; and
(iii) to verify that any potential contaminants notlimited to acid sulfates, are not liberated from the dunal systems as a result of mining activities.

d) an evaluation of its response to any complaints.

e) a review of operational and management practices relating to environmental performance and the management of environmental risk, including emergency response, contingency plans and other measures to prevent or minimise environmental impacts and any additional measures required to ensure compliance within accepted standards.

f) The results of monitoring that is conducted throughout the year at such times and for such periods and reported as specified in the Environmental Management Plan.

g) Management Plans required by Conditions No.2, 3, 6, 7, 8, 24 and the Noise Management Plan.

h) A suitably qualified and experienced person to the satisfaction of the City must conduct the audit.

10. The landowner is to maintain a clearly marked vegetated 10m northern buffer and a 100m western buffer (exclusive offirebreaks) between the top of all quarry pits and the property boundary to the satisfaction of the Executive Director Technical Services. Screening vegetation is to be established within the buffer (in a scattered configuration) at the standard density of - tree rows, 5m apart, one tree per 10m and shrub rows 5m apart, one shrub per 2m. Screening vegetation is to be native and dieback resistant.

11. The vegetation buffer areas required by Condition 10, above, and areas of indigenous vegetation outside of the area approved for excavation and associated activities (Access, storage, stockpiling, truck parking etc.) shall be clearly marked utilising markers such as; star pickets with bright coloured capping at an average interval of one per 6m to prevent encroachment by machinery or any other materials that could damage the vegetation.

12. Operating hours are restricted to 6.00am to 7.00pm Monday to Friday. Operations permissible prior to 7.00am are limited to the loading of no more than five trucks which can also traverse in and out of premises prior to this time, in accordance with the supplementary acoustic report dated 9th October 2014. This includes the operation of front end loaders, used inside the quarry pit to load gravel into the trucks. Operations prohibited prior to 7.00am include, but are not limited to the operation of bulldozers, water trucks, fuel trucks and rock breaking machines involved in the extraction of raw material from the landscape.

13. The applicant shall ensure that the site is kept in a neat and tidy condition at all times. When vehicles and equipment are not in use they shall be located in such a manner as to minimise their view from neighbouring residents and public roads to the satisfaction of the City.

14. Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be located so that they are screened from view from any adjacent roads or properties to the satisfaction of the City.

15. The crossover from Brookton Highway to the access road to be constructed in accordance with the City of Armadale's standard industrial crossover specifications and be maintained to the satisfaction of the Executive Director Technical Services.

16. The abovementioned crossover shall be designed and constructed to accommodate two trucks (one entering and one exiting the site).

17. All driveways shall be constructed using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from the site extends beyond the site boundary to the satisfaction of the Executive Director Technical Services.

18. Where damage is caused to the road pavement and/or bitumen seal adjacent to the access as a result of heavy haulage operations from the subject site, such damage shall be rectified at the applicant's expense and to the satisfaction of the Executive Director Technical Services.

19. A maximum speed limit of 25 kilometres per hour shall be applied to all internal roads, driveways and vehicle accessways and signs in this regard shall be displayed at the entrances to the site.

20. If the storage of more than 200L of liquid chemicals or fuels onsite is proposed, a management plan to ensure accidental spills or contaminated stormwater from accidental spill are retained on-site and adequately cleaned up before being disposed of at a facility appropriate to the waste type shall be submitted to and approved by the Executive Director Development Services and the works specified by the management plan implemented thereafter.

21. If on site refuelling of vehicles is proposed to occur then a hardstand refuelling area bunded and drained to a pollutant receptor to prevent any spilled fuel entering the natural ground shall be provided on site to the satisfaction of the City. All refuelling shall take place within this hardstand area.

22. No chemicals or potential liquid contaminants shall be disposed of on-site.

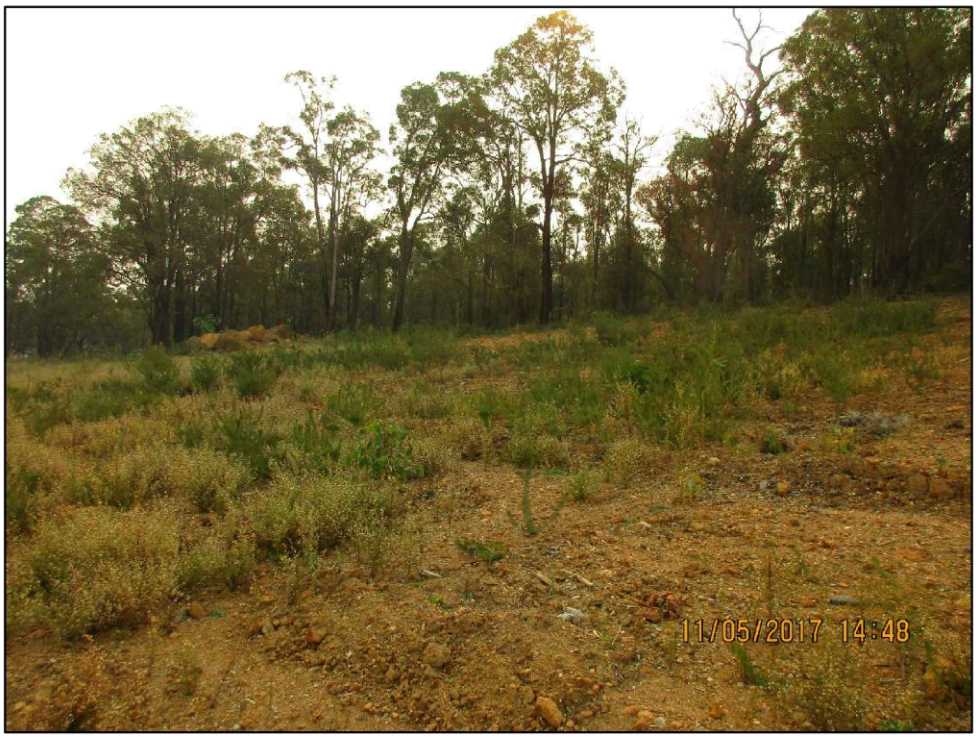
23. The landowner shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and safely dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.

24. Preparation of an Emergency Management Plan that addresses emergency response, access/egress and water supplies must be completed to the satisfaction of the Executive Director Community Services prior to excavation commencing.

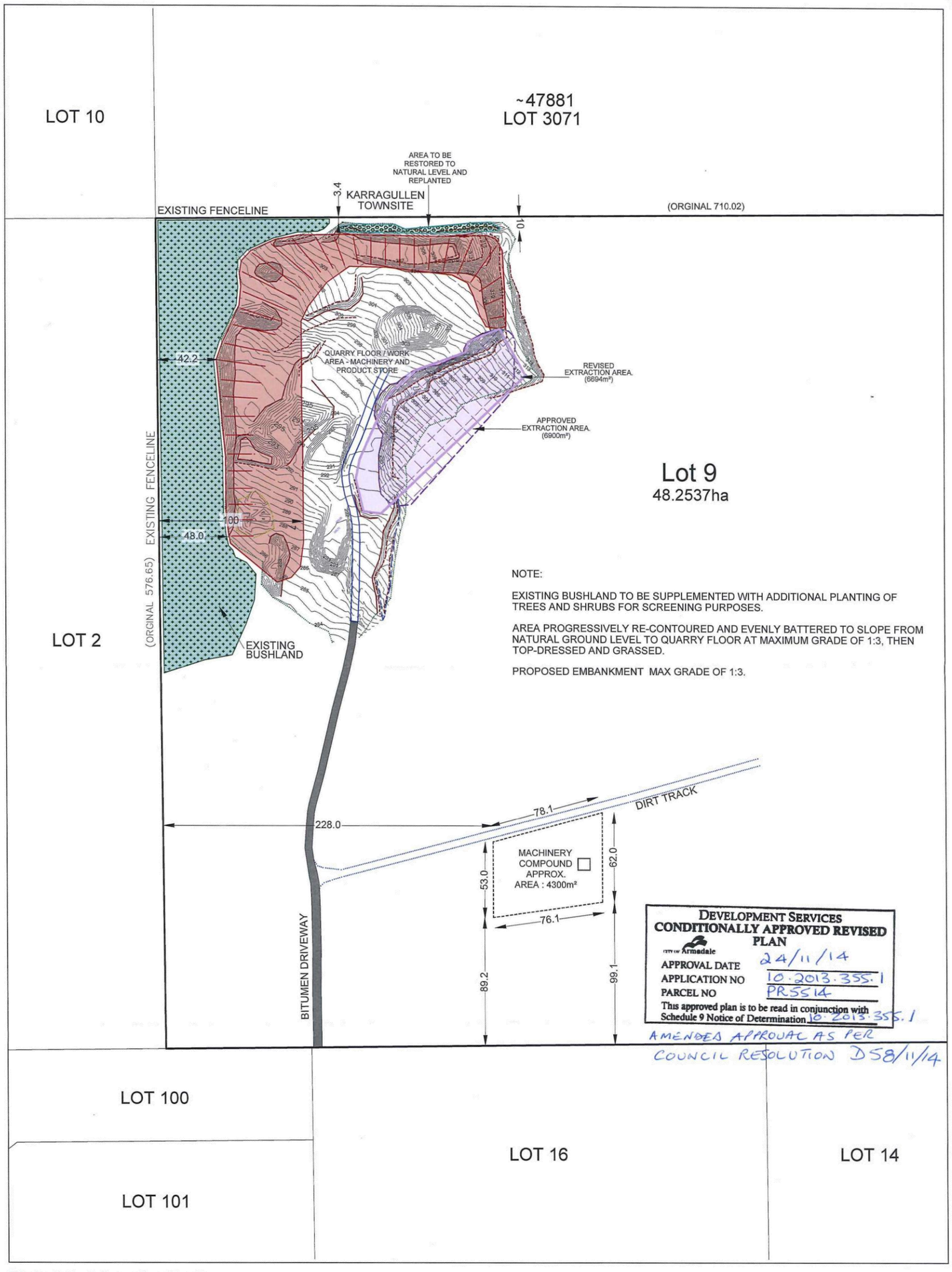
QUARRY EXTRACTION AND STOCK PILING AREA

FENCING OFF REVEGETATION AREAS

REVEGETATION OF BUFFER AREAS




REVEGETATION AREAS




**State Administration Review:**
Amended Overall Site Plan for Quarry
Lot 9 Brookton Hwy, Karragullen

DATE 11 November 2014 - REVISION 1401

NOT TO SCALE

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

CITY OF Armadale