

# CITY OF ARMADALE

## AGENDA

**OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 21 APRIL 2015 AT 7:00 PM.**

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

**PRESENT:**

**APOLOGIES:**

**OBSERVERS:**

**IN ATTENDANCE:**

**PUBLIC:**

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

## **DISCLAIMER**

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

## **DECLARATION OF MEMBERS' INTERESTS**

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## **QUESTION TIME**

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## **CONFIRMATION OF MINUTES**

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### **RECOMMEND**

**Minutes of the Development Services Committee Meeting held on 17 March 2015 be confirmed.**

## **ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 6 / 2015**

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- **Outstanding Matters & Information Items**  
Report on Outstanding Matters - Development Services Committee  
Review before the State Administrative Tribunal (SAT)
- **Health**  
Health Services Manager's Report - March 2015
- **Planning**  
Planning Applications Report - March 2015  
Town Planning Scheme No.4 - Amendment Action Table  
Subdivision Applications - WAPC Approvals/Refusals - March 2015  
Subdivision Applications - Report on Lots Registered for 2014/2015  
PAW Closure Report - Significant Actions during March 2015  
Compliance Officer's Report - March 2015
- **Building**  
Building Services Manager's Report - March 2015  
Building Health/Compliance Officer's Report - March 2015  
Building Applications Monthly Statistics - March 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.*

# CONTENTS

## DEVELOPMENT SERVICES COMMITTEE

21 APRIL 2015

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<b>1. HEALTH</b>	
1.1 NEEDLE AND SYRINGE EXCHANGE PROGRAMME – REQUEST TO EXTEND THE USE OF GWYNNE PARK SITE.....	4
1.2 **REVIEW OF ANNUAL FEES UNDER THE FOOD ACT AND HEALTH ACT 2015-2016 .....	7
<b>2. DEVELOPMENT</b>	
2.1 DEVELOPMENT APPLICATION - PLACE OF WORSHIP - LOT 347 (6) COMMERCIAL ROAD, FORRESTDALÉ .....	13
<b>3. STRATEGIC PLANNING</b>	
3.1 COUNCIL POLICY REVIEW - DEVELOPMENT SERVICES - ADM 11 - VESTING OF CROWN RESERVES .....	27
3.2 **TENDER NO. 1/15 EXECUTION OF POST DEVELOPMENT SURFACE WATER AND GROUNDWATER MONITORING AND ANALYSIS PLAN – FORRESTDALÉ CENTRAL, FORRESTDALÉ EAST AND ERADE STRUCTURE PLAN AREAS FOR BASELINE ANALYSIS. ....	30
<b>4. SCHEME AMENDMENTS &amp; STRUCTURE PLANS</b>	
4.1 FINAL ADOPTION OF AMENDMENT NO.77 TO TPS NO.4 - MODIFICATION TO DEVELOPMENT CONTRIBUTION PLAN (DCP) NO.3 .....	36
4.2 FINAL ADOPTION - AMENDMENT NO.78 - AMENDMENT TO DEVELOPMENT CONTRIBUTION AREA NO.3 & DEVELOPMENT CONTRIBUTION PLAN NO.3 .....	41
<b>5. COUNCILLORS' ITEMS.....</b>	<b>55</b>
<b>6. EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT</b>	
6.1 FORMER ROLEYSTONE PRIMARY SCHOOL SITE - ROBIN ROAD, ROLEYSTONE .....	56
6.2 DEVELOPMENT ASSESSMENT PANEL- APPLICATION UPDATE .....	57
<b>SUMMARY OF “A” ATTACHMENTS.....</b>	<b>58</b>

***1.1 - NEEDLE AND SYRINGE EXCHANGE PROGRAMME – REQUEST TO EXTEND  
THE USE OF GWYNNE PARK SITE***

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WARD : ALL  
FILE No. : M/397/15  
DATE : 13 April 2015  
REF : GD  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:**

- The West Australian AIDS Council (WAAC) has been successfully operating a needle and syringe exchange service in the City of Armadale for the past 16 years.
- The overall aim of the Needle and Syringe Exchange Program is to reduce the spread of blood borne viruses, in particular HIV and Hepatitis C.
- Recommend that Council approves for the programme to continue operating at Gwynne Park site.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Ensure effective management of risks to health in accordance with relevant legislation and community needs.

**Legislation Implications**

The Western Australian Poisons Act (1964) allows approved organisations to provide sterile injecting equipment to people who inject drugs. Both government and non-government agencies run Needle and Syringe Exchange Programme (NSEP) services in WA.

The Sexual Health and Blood-borne Virus Program of the Department of Health (WA) is responsible for coordinating and overseeing the statewide NSEP.

**Council Policy/Local Law Implications**

Nil.

**Budget/Financial Implications**

Nil.

### **Consultation**

- West Australian AIDS Council
- Sexual Health and Blood-borne Virus Program of the Department of Health (WA)

### **BACKGROUND**

The West Australian AIDS Council (WAAC) has been successfully operating a needle and syringe exchange service in the City of Armadale for the past 16 years. The exchange service is licensed to operate under the Poisons Act and falls within the parameters of the Sexual Health and Blood-borne Virus Program of the West Australian Health Department.

The overall aim of the Needle and Syringe Exchange Program (NSEP) is to minimise the spread of HIV, Hepatitis C and other blood borne viruses (BBVs) amongst people who choose to inject drugs and the wider community.

The NSEP objectives are to:

- distribute sterile needles and syringes with an appropriate disposal container and to promote safer drug using practices;
- collect and dispose of used needles and syringes;
- distribute condoms and promote safer sexual practices;
- provide simple, clear messages about transmission and prevention of HIV, Hepatitis C and other blood borne infections; and
- facilitate healthy behaviour change through the dissemination of information and education about the transmission and prevention of HIV and other blood borne viruses.

The Armadale site was established in 1999 through negotiation between WAAC and City of Armadale. The site currently runs for 2 hours per week on a Friday afternoon from 1.00pm – 3.00pm. The location was chosen to ensure that community members accessing local facilities would not be impacted by the provision of an NSEP in the area. Advertising of the service is mainly by word of mouth or through other agencies such as WASUA (West Australian Substance Users Association). The majority of clients are over 40 years of age and live locally.

The return rate in the Armadale site has remained in the 90% range for each reporting period. This indicates that people are recognising the importance of returning their equipment and not leaving it in the community.

While there is obviously some public sensitivity about programs of this type and an argument that they could be seen to be endorsing use of illicit drugs is sometimes mounted, there is a need for some pragmatism in considering the issue. Available evidence indicates that more than 80% of needles and syringes distributed in WA are collected through needle exchange programs. They are therefore an effective means of reducing the risk of spread of disease through injury resulting from discarded needles. Also, the programs have the potential to play a valuable role in introducing users to agencies which can provide assistance in lifestyle changes.

The concern raised by the WA AIDS Council's is that on several occasions there have been other events occurring during their operating hours at Gwynne Park. In a letter to the City dated 16 March 2015, they have asked that the City also consider the inclusion of a backup site in the event that Gwynne Park is not available.

## **OPTIONS**

Council may:

1. Support the proposal.
2. Engage in further consultation with the WA AIDS Council before a final determination on location(s) is made.
3. Refuse the proposal and advise WA AIDS Council's accordingly

## **CONCLUSION**

It is only through continued access to sterile injecting equipment, ongoing education and information provision that transmission of diseases and other health harms within the injecting population can be effectively reduced.

The Armadale site remains an important avenue for health and safety provision for both their clients injecting population and the wider community.

## **RECOMMEND**

### **That Council:**

1. **Support the WA AIDS Council's request to continue operating its needle and syringe exchange program at Gwynne Park, and for the Health Services Manager to liaise with the WA AIDS Council's to determine suitable alternative site(s), should Gwynne Park be unavailable.**

## **ATTACHMENTS**

There are no attachments for this report.

**\*\*1.2 - REVIEW OF ANNUAL FEES UNDER THE FOOD ACT AND HEALTH ACT  
2015-2016**

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WARD : ALL  
FILE No. : M/398/15  
DATE : 13 April 2015  
REF : GD  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:**

- The Food Act 2008 provides for local governments to impose fees and charges to cover the cost of their enforcement role.
- The Health Act prescribes the procedure for setting fees and charges under Health Local Laws.
- Recommend that annual fees for the 2015-2016 financial year be approved.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Ensure effective management of risks to health in accordance with relevant legislation and community needs.

**Legislation Implications**

Section 140 of the Food Act provides for local governments to recover expenses associated with their enforcement role.

Section 344C of the Health Act (Fees and charges shall be fixed by resolution).

**Council Policy/Local Law Implications**

Nil.

**Budget/Financial Implications**

Annual fees will be payable by applicable lodging houses and food businesses.

**Consultation**

- ◆ Health Services Officers
- ◆ Department of Health

**BACKGROUND**

Annual Health fees are payable prior to 30<sup>th</sup> June each year and local governments are responsible for adjusting fees under the Food Act and the City’s Health Local Law.

Under the Food Act, local governments are empowered by the Local Government Act 1995, to recover fees and charges associated with their functions as an enforcement agency. The Food Act came into effect on 23<sup>rd</sup> October 2009.

Under the Health Act, fees and charges for Lodging Houses must be fixed by resolution and notice of the resolution published in the Government Gazette at least 14 days prior to the day on which the resolution is to take effect.

**DETAILS OF PROPOSAL**

**Proposed Annual Fees**

Classification	Annual Fee 2014/2015	Annual Fee 2015/2016
Lodging Houses <ul style="list-style-type: none"> <li>▪ Annual Registration Fee</li> </ul>	\$267	\$178
Annual Risk Assessment Inspection Fee - Low Risk Food Businesses	\$267	\$178
Annual Risk Assessment Inspection Fee - Medium Risk Food Businesses	\$381	\$390
Annual Risk Assessment Inspection Fee - High Risk Food Businesses	\$457	\$536
Temporary Foods Stall – Application and Risk Assessment <ul style="list-style-type: none"> <li>▪ Per Event</li> <li>▪ Every additional trading day</li> </ul>	\$70 \$15	\$53 \$15

### **Pro Rata Annual Risk Assessment Inspection Fees**

1. In the case of the commencement of new food businesses and Lodging Houses, a pro rata fee will apply as follows:
  - 01 July to 30 September – no reduction
  - 01 October to 31 December – reduction by 25%
  - 01 January to 31 March – reduction by 50%
  - 01 April to 30 June – reduction by 75%
  
2. In the case of the permanent closure of food businesses and Lodging Houses, a pro rata refund will apply upon request, as follows:
  - 01 July to 30 September – 75% of full fee
  - 01 October to 31 December – 50% of full fee
  - 01 January to 31 March – 25% of full fee
  - 01 April to 30 June – no refund

### **COMMENT**

The purpose of this report is to seek Council approval to establish annual fees for food businesses and lodging houses, to offset costs associated with the City's role as an enforcement agency.

The fee structure is based on a risk management protocol, which is used to determine assessment frequencies and therefore compliance costs. As a result, all lodging houses were classified as low risk premises. Food businesses were classified as high, medium or low risk based on the following criteria:

- The type of food;
- The activity of the business;
- Method of processing; and
- Customer base.

In order to better reflect the fact that resources are allocated based on risk management principles, fees for low risk premises have been reduced, while those for high and medium risk businesses have increased. This recognises that the focus of the risk assessment inspection program should be on managing the activities where risks are the greatest.

Food businesses that raise money solely for charitable or community purposes, and very low risk businesses such as those that sell only low risk packaged foods are exempted from payment of fees, but will still need to submit a preliminary application to the City and comply fully with the Food Act.

## OPTIONS

Council may elect to:

1. Approve the suggested fees.
2. Approve the suggested fees with amendments.
3. Reject the suggested fees.

## CONCLUSION

The proposed fees need to be authorised by Council and advertised to enable compliance costs associated with food safety and Lodging Houses to be partially recovered. It is therefore recommended that option 1 be endorsed.

Once advertised and adopted, invoices will be sent requesting payment of the annual fees prior to 1st July 2015.

## RECOMMEND

**That Council:**

1. **Adopt the annual fees set out in the table below:**

Classification	Annual Fee
<b>Lodging Houses</b> <ul style="list-style-type: none"> <li>▪ <b>Annual Registration</b></li> </ul>	<b>\$178</b>
<b>Risk Assessment Inspection Fee - Low Risk Food Businesses</b> <ul style="list-style-type: none"> <li>▪ <b>New Food Businesses</b></li> </ul>	<b>\$178</b>
<b>Risk Assessment Inspection Fee - Medium Risk Food Businesses</b> <ul style="list-style-type: none"> <li>▪ <b>New Food Businesses</b></li> </ul>	<b>\$390</b>
<b>Risk Assessment Inspection Fee - High and Medium Risk Food Businesses</b> <ul style="list-style-type: none"> <li>▪ <b>New Food Businesses</b></li> </ul>	<b>\$536</b>
<b>Temporary Foods Stall – Application and Risk Assessment</b> <ul style="list-style-type: none"> <li>▪ <b>Per Event</b></li> <li>▪ <b>Every additional trading day</b></li> </ul>	<b>\$53</b> <b>\$15</b>

**Pro Rata Annual Risk Assessment Inspection Fees**

**In the case of new businesses, risk assessment inspection fees for food businesses and registration of Lodging Houses fees are to be calculated as follows:**

- **01 July to 30 September – no reduction**
- **01 October to 31 December – reduction by 25%**
- **01 January to 31 March – reduction by 50%**
- **01 April to 30 June – reduction by 75%**

**In the case of the permanent closure of a food business or Lodging House, a pro rata refund will apply upon request, as follows:**

- **01 July to 30 September – 75% of full fee**
- **01 October to 31 December – 50% of full fee**
- **01 January to 31 March – 25% of full fee**
- **01 April to 30 June – no refund**

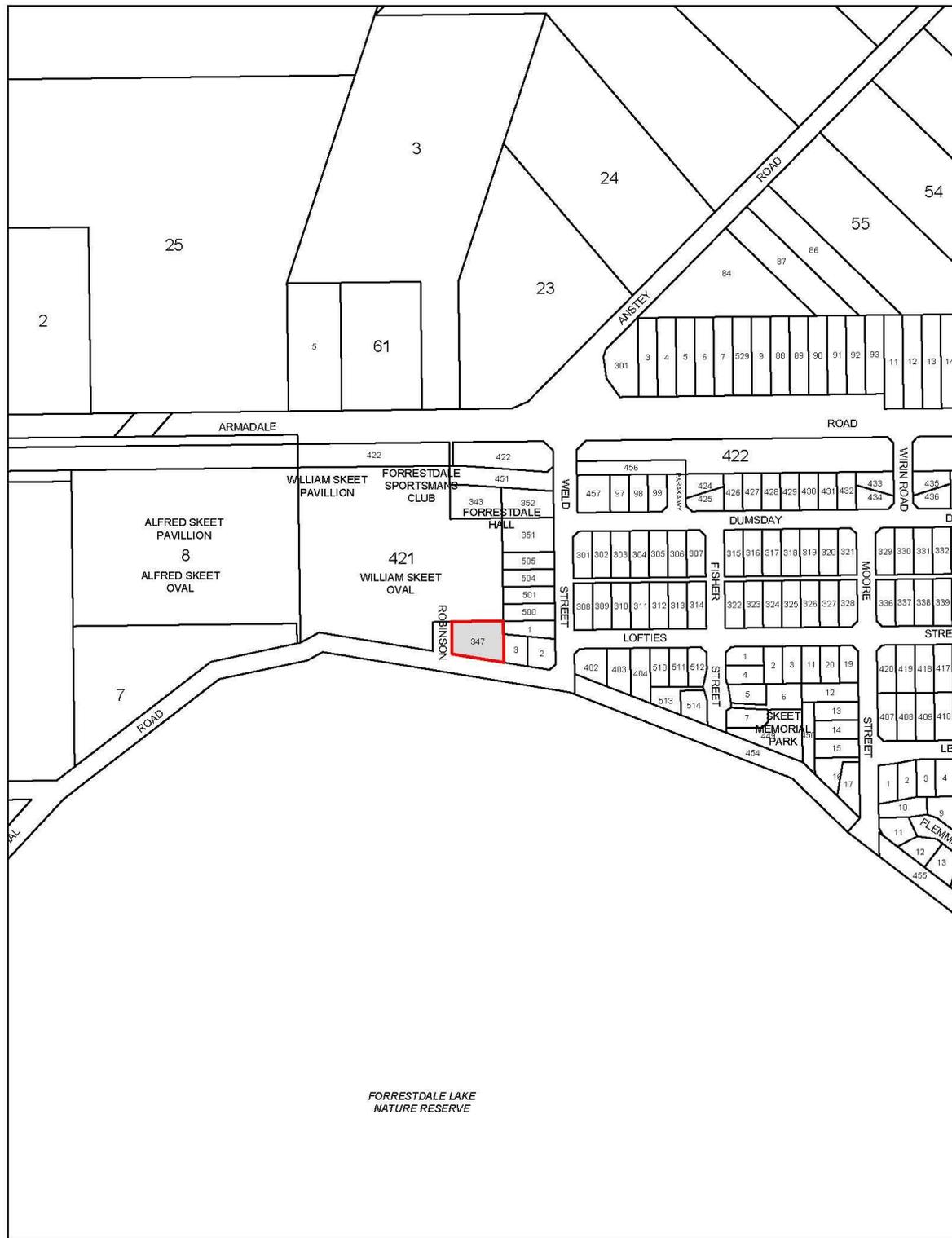
2. **Pursuant to Section 6.19 of the Local Government Act 1995, advertise the above fees in local public notices for a 7 day period.**
3. **Following closure of the advertising period and there being no adverse response, adopt the above fees.**

**\* ABSOLUTE MAJORITY RESOLUTION REQUIRED**

**ATTACHMENTS**

There are no attachments for this report.

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**LOCATION PLAN**

Lot 347 (No. 6) Commercial Road, Forrestdale



SCALE 1 : 5000

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



**2.1 - DEVELOPMENT APPLICATION - PLACE OF WORSHIP - LOT 347 (6)  
COMMERCIAL ROAD, FORRESTDAL**

WARD : LAKE  
FILE No. : M/385/15  
APPLN NO. : 10.2014.426.1  
DATE : 8 April 2015  
REF : JF  
RESPONSIBLE MANAGER : EDDS  
APPLICANT : Daniel Ong  
LANDOWNER : Carmel Christian Church of WA Inc.  
SUBJECT LAND : Property size 2175m<sup>2</sup>  
ZONING  
MRS / : Urban  
TPS No.4 : Residential R12.5/25

**In Brief:**

- The City received an application for a Place of Worship on 24/09/2014.
- The application was advertised for a period of 3 weeks to 140 surrounding landowners. A total of 27 submissions were received including one petition (with 95 signatures) and five State Government agency responses.
- The application is generally in accordance with the Scheme.
- Recommend that the Council approve the application subject to appropriate conditions.

**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*

2.4 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.*

**Legislation Implications**

Planning and Development Act 2005

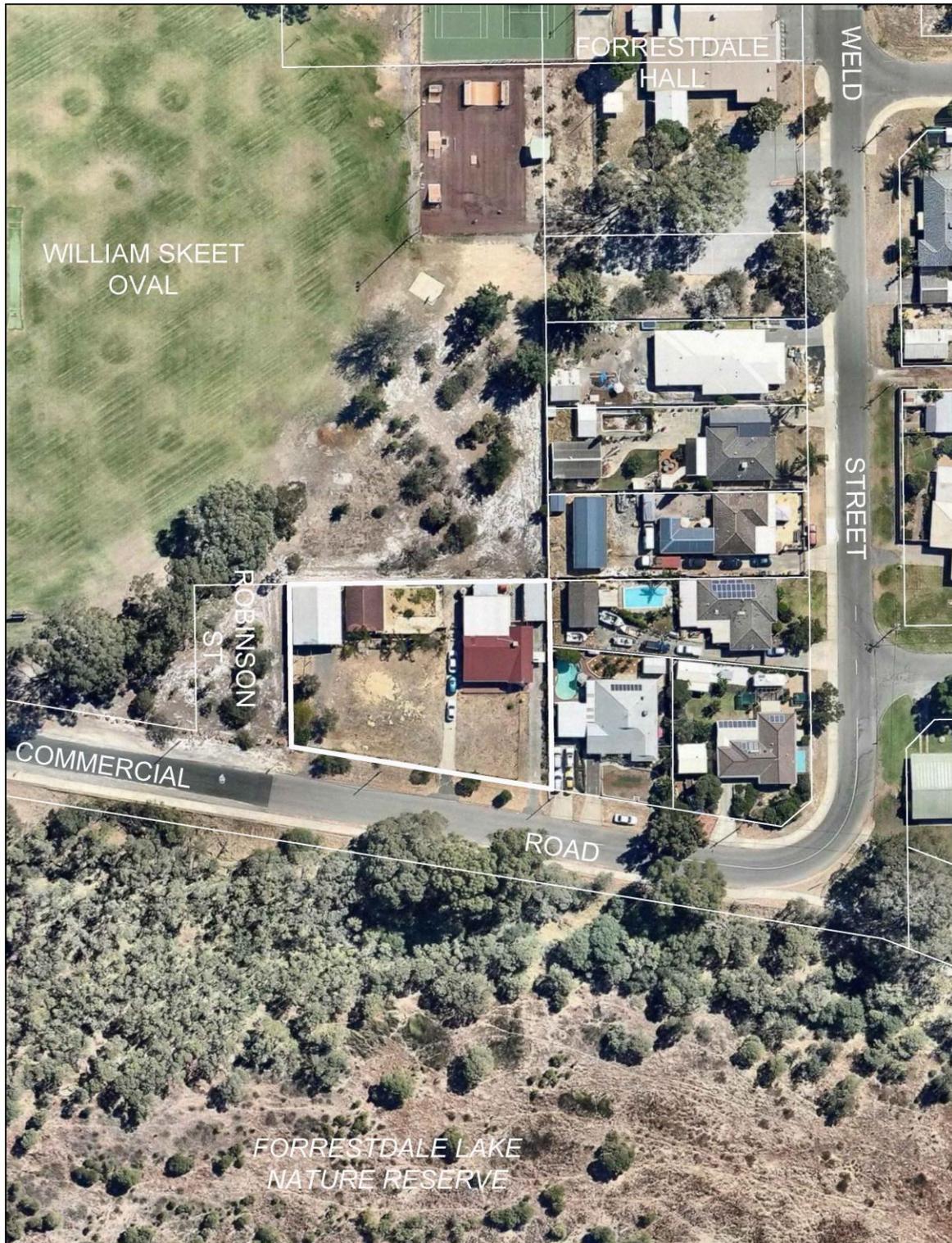
Town Planning Scheme (TPS) No.4

Local Planning Strategy 2003

Metropolitan Region Scheme

**Council Policy/Local Law Implications**

Nil



**AERIAL PHOTOGRAPH** - March 6, 2015  
Lot 347 (No. 6) Commercial Road, Forrestdale



SCALE 1 : 1000

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. Photographs by NearMap.



### **Budget/Financial Implications**

Nil

### **Consultation**

1. City of Armadale internal business units (DCU)
2. Department of Environment Regulation (DER)
3. Department of Parks and Wildlife (DPAW)
4. Department of Planning (DOP)
5. Water Corporation (WC)
6. Department of Health (DOH)
7. Surrounding landowners (500m radius)

### **BACKGROUND**

Council has previously considered an application for a Place of Worship in Forrestdale (Lot 458 Paraka Way) which was opposed by local residents. The application was approved with conditions by Council on 19 December 2011. Conditions of approval were applied to ensure compliance with the City's Town Planning Scheme and the State Government Sewerage Policy. Local residents opposing the development reacted to Council's decision by organising a public meeting at which their views were presented to Councillors and Development Services Officers. Queries relating to traffic speed, heavy vehicle access routes, landscaping of road verges and the Forrestdale entry statement were subsequently put to the Technical Services Directorate and Main Roads WA for investigation and response, which have been resolved.

The City has received complaints in the past concerning the unauthorised use of the subject property and a petition was presented to the City objecting to the operation of a church on the site in August 2013. The City's compliance officers contacted the owners of the property in October 2013 and advised them that the property is zoned Residential and is therefore not permitted to be used for any other purpose than residential living without first obtaining the approval of the City. This application seeks that approval.

### **DETAILS OF PROPOSAL**

The applicant is seeking approval for a Place of Worship at Lot 347, 6 Commercial Road, Forrestdale. The proposal includes the following features:

- Demolition of the existing dwelling;
- Construction of a new residential type structure housing private accommodation and worship services including;
  - A Worship Hall and associated storage and communal areas (western end of site);
  - 6 x classrooms;
  - 2 x meeting rooms;
  - Communal kitchen/dining area;
  - Office / library with mezzanine floor;
  - 2 x bedrooms with kitchenette, bathroom, laundry and lounge/dining area;

- Combined masonry and framed structure with fibre cement cladding, thermal and acoustic insulation, and Zinalume roof;
- Acoustic fence barrier on boundary between church and existing dwellings;
- Approx. 60-120 people will attend worship services;
- Seating area for 120 people is 50m<sup>2</sup>;
- Number of staff = 3;
- 33 car parking spaces (including 2 x accessible) to be provided (turf);
- ATU and leach drains to be utilised for on-site effluent disposal plus a grey water recycling system.

*Refer to the proposed development plans presented in the Attachments to this report.*

## COMMENT

### Development Control Unit (DCU)

Health Services advised that the applicant is to comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and that the application to install apparatus will be required to be approved by the Department of Health WA in conjunction with a Local Government Report from the City's Health Services accompanying the application.

Technical Services raised no traffic concerns and recommended standard conditions of approval.

### Agency Responses

#### Minister for Health (Health Department)

The applicant applied to the Minister for Health for an exemption from the State *Government Sewerage Policy* as the site is not serviced by reticulated sewerage and the amount of effluent produced by the proposal would exceed the maximum allowable under State Government policy. The applicant applied for the exemption on 10 November 2014 and the exemption was granted on 18 February 2015. The exemption is granted subject to:

1. The maximum occupancy of the premises does not exceed 120 persons;
2. A geotechnical investigation of the site be conducted to confirm that the proposed system is adequately sized and can be accommodated on the lot based on a loading rate of 10 litres of waste water per person; and
3. Application to install the onsite wastewater system must be satisfactory to the Department of Health and the City of Armadale.

#### Water Corporation

WC advised no objection to the proposal.

Department of Environment Regulation

DER notes the development is occurring within 50m buffer of a 'defined wetland' (Forrestdale Lake) however there is no proposed clearing of native vegetation therefore DER has no objection to the proposal.

Department of Parks and Wildlife

DPAW advised no objection subject to the City ensuring all drainage/surface water and effluent/nutrient impacts from the development/use are appropriately retained on site and that the proposal complies with the relevant Department of Health legislation.

Department of Planning

DOP advised no objection as there is a road between the proposed development and any native vegetation within Bush Forever 345 (Forrestdale Lake) and the proposal is not expected to have any adverse impact on regionally significant bushland within Bush Forever 345.

**Public Advertising**

The application was advertised for three weeks, closing on 10 November 2014. Advertising was carried out by way of letters to 140 affected and nearby landowners (within a 500m radius of the site).

Total No. of letters sent to residents/owners	:	140
Total No. of submissions received (including 1 petition of 95 signatures, 5 form letters and 5 State Government Agency responses)	:	27
No. of submissions of conditional support/no objection (including 5 agencies)	:	6
No. of submissions of objection	:	20
No. of submissions of general advice by Service Agencies	:	5
Petition containing 95 signatures (objection)	:	1

In November 2014, the City received a petition containing 95 signatures, the prayer of which reads:

*"Objection to Church being at 6 Commercial Road, Forrestdale*

*The Objection Being*

*The increase in cars on this relatively quiet road which has a sign at the moment saying local traffic only, most of these cars would not be local. I also believe that the noise levels will increase which would affect the surrounding residents. The walkers/runners/bird watchers who walk along this road to admire the Forrestdale Lake should be able to enjoy the beauty and tranquil they have at the moment. It's currently safe for children to walk along the paths to and from the Football/Soccer/Cricket pitch; I feel having these extra cars would spoil this. I also support that the Harris family of 4 Commercial Road would have their privacy invaded because of the proximity. It would be much appreciated for you to show your support and sign a petition to be presented to the City of Armadale."*

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

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

## **Key Issues**

### *Issue 1 - Increased Traffic and Congestion*

#### Comment

The applicant has submitted a Transport Impact and Car Parking Assessment which assesses the capacity of the surrounding road network to safely accommodate the number of vehicle trips generated by the use. The afternoon peak period was used to assess the impact of the additional vehicles. The report concludes that the proposed development will have a negligible impact on the satisfactory operation of the surrounding road network. The City's Technical Services directorate does not object to the proposal.

#### Recommendation

That the issue is not supported

### *Issue 2 - Insufficient Car Parking*

#### Comment

The proposal exceeds the minimum car parking requirements of TPS4 and will be required to provide bicycle spaces in addition to the car parking. All car parking associated with the development will be contained within the development as a condition of development approval. See more detailed discussion on car parking in the 'Analysis' section below.

#### Recommendation

That the issue is not supported

### *Issue 3 - Increased Noise*

#### Comment

The applicant has submitted a noise impact assessment which assesses the predicted noise emissions from the development against the standards prescribed in the *Environmental Protection (Noise) Regulations 1997*. The report makes recommendations to demonstrate compliance with the regulations. Compliance with the submitted Noise Assessment report should be a condition of development approval. See more detailed discussion on noise in the 'Analysis' section below.

#### Recommendation

That the issue is not supported

*Issue 4 - Effluent Disposal System*

Comment

The applicant is proposing an aerobic treatment unit with leach drains for onsite wastewater disposal. As noted above, the Minister for Health has granted an exemption from the State *Government Sewerage Policy* minimum land area requirements however the applicant is still required to obtain approval for the proposed wastewater disposal system from the City's Health Services and the Department of Health prior to installation and operation.

Recommendation

That the issue is not supported

*Issue 5 - Privacy*

Comment

It is considered that visual privacy of the adjacent occupants will not be significantly affected. All major openings exceed the minimum setback requirements of the Residential Design Codes of WA however to provide additional protection to adjacent occupants, privacy screening to 1.6m high will be required on the eastern side of the front balcony.

Recommendation

That the issue is not supported

*Issue 6 - Environmental Impacts*

Comment

As noted above, the Department of Planning and the Department of Environment Regulation raised no objection to the proposal as it is considered there will be no adverse impact on the Forrestdale Lake habitat.

Recommendation

That the issue is not supported

*Issue 7 - Inappropriate Site / Land Use*

Comment

TPS4 makes provision for this land use to be considered in a Residential zone following advertising, consultation and assessment against the Scheme and relevant Local Planning Policies. Council is required to consider the proposal on its planning merits. See below for more detailed discussion of Scheme provisions.

Recommendation

That the issue is not supported

## ANALYSIS

### ***Town Planning Scheme No.4 (TPS4)***

The subject land is zoned 'Residential' with a density coding of R12.5/25 under TPS4. The objective of the Residential zone is:

- a) *"To provide for a range of housing and a choice of residential densities to meet the needs of the variety of household types which make up the community.*
- b) *To provide for a range of associated compatible activities and development, which will assist in the creation of efficient and sustainable residential neighbourhoods.*
- c) *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas".*

Under the City of Armadale TPS4 'Place of Worship' is defined as: *"premises used for religious activities such as a church, chapel, mosque, synagogue or temple"*.

Place of Worship is an 'A' use under TPS4, which 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 of the Scheme. This process has been detailed in the section titled 'Public Advertising'.

### ***Building Design***

Built form is a consideration under clause 10.2 of the Scheme and the proposal is considered acceptable because of the following design features:

- Residential scale and appearance;
- Staggering of the front elevation and a varied roof form provides depth and interest and reduces the perception of bulk;
- Double glazing which has allowed for extensive glazing and openings;
- Screening/shading devices and an upper balcony which provide detail and interest to the front elevation;
- The balcony forms an entry porch below which also contributes to a softer residential feel;
- Courtyards make effective use of the northerly aspect;
- A subtle arrangement of the various elements of the building (Worship Hall, classrooms, meeting rooms, library, residential unit) provides continuity in the street elevation; and,
- The roof form of the Worship Hall and the Foyer/Library provides relief from the remaining rectilinear form without creating the impression of a collection of smaller buildings built alongside of each other.

### ***Noise Impact Assessment***

The applicant has provided a noise impact assessment report (prepared by EcoAcoustics Pty Ltd) which assesses whether the proposal can comply with the *Environmental Protection (Noise) Regulations 1997*. Recommendations made in the report are based on the following assumptions:

- A maximum of 120 people;
- All major openings associated with the buildings will be double glazed;
- All windows and doors will remain closed during any events within the multipurpose hall;
- Church Services conducted 10:30am to 12.30pm;
- Educational and administration areas used Monday to Saturday 9am to 5pm and Sunday 9.30am to 2pm;
- Car parking for 33 vehicles;
- Air conditioning plant to be located to the north west of the site;
- Kitchen exhaust fans located adjacent to proposed kitchen; and,
- 1.8m high fence around the neighbouring boundaries of the site.

The report concludes that “*the results of the predictions show that the noise associated with the proposed development comply with the Regulatory noise levels contained in the Environmental Protection (Noise) Regulations 1997, at nearby residential receiver locations*”. Development approval should be conditional on compliance with the submitted Noise Assessment. The City’s Health Services raised no objection to the proposal.

### ***Car parking***

TPS4 requirement for car parking is 1 space for every 2.5m<sup>2</sup> seating area, 1 space for every staff member present during peak operation and 3 spaces for every 100m<sup>2</sup> of office (Gross Floor Area). Bicycle spaces are to be provided at 1 per 40m<sup>2</sup> Gross Floor Area for visitors. The use is therefore generating a demand for 28 car parking spaces and approximately 20 bicycle spaces. The proposed development provides 33 car parking spaces which is sufficient provision under the Scheme. It is considered that there is sufficient area to provide the required bicycle spaces and this can be a condition of approval.

### ***Transport Impact Assessment***

The applicant has submitted a Transport Impact Assessment (prepared by Shawmac). The change in land use is predicted to result in 190 vehicle movements per day with peak hour movements of between 53 and 73 vehicles. The report concludes that the development “*will not have a measurable transport impact on the surrounding public infrastructure and is considered to be manageable within the existing road infrastructure*” and “*that the proposed development will have a negligible impact on the satisfactory operation of the surrounding road network*”. The City’s Technical Services officers have no objection to the proposal.

## OPTIONS

1. That Council approve the application for a Place of Worship at Lot 347, 6 Commercial Road subject to appropriate conditions; or
2. That Council refuse the application for a Place of Worship at Lot 347, 6 Commercial Road and state the reasons for doing so.

## CONCLUSION

The applicant has submitted a proposal for a Place of Worship which Council has discretion to approve in the Residential zone following appropriate consultation and assessment against the Scheme and Local Planning Policies. The City advertised the development for a period of three weeks and has carefully considered all public and agency submissions. The applicant's consultants have reported on the predicted impacts of increased traffic and noise, and concluded that any potential impacts can be managed effectively. The City considers that increased intensity of use along this portion of Commercial Road will help to discourage apparent 'hooning' behaviour by drivers using the road as a shortcut as it will be more used and less attractive for speeding drivers. It is considered that the high quality design of the proposal meets the objectives of the Residential zone and the change of use will increase diversity of services for residents in the Forrestdale neighbourhood. Appropriate conditions of approval will ensure the proposal does not compromise the residential amenity of the area.

It is therefore recommended that Council adopt option 1 above.

## RECOMMEND

### **That Council:**

- A) **Approves the application for Planning Approval for a Place of Worship on Lot 347, 6 Commercial Road, Forrestdale subject to the following conditions:**
  1. **Hours of operation shall be restricted to between 9.00am to 5.00pm (excludes arrival / departure times) to the satisfaction of the Executive Director Development Services.**
  2. **The development shall be operated and implemented in accordance with the submitted Noise Assessment dated 16 July 2014.**
  3. **The use of the subject site shall be restricted to a maximum of 120 attendees at any time to the satisfaction of the Executive Director Development Services.**
  4. **The number of vehicles attending the site shall not exceed the number of parking bays available (maximum of 33) to the satisfaction of the Executive Director Development Services. A car parking strategy shall be prepared by the applicant/owner and approved by the City prior to commencement of the use.**

5. 'End of trip bicycle facilities' in accordance with Clause 5.11.1 and Schedule 11.B of Town Planning Scheme No.4 shall be provided prior to occupation of the development in a location agreed to by the City and continuously maintained thereafter.
6. All vehicles attending the subject site shall be parked within the premises and shall not use the verge or on street parking, to the satisfaction of the Executive Director Technical Services.
7. A schedule of external colours and materials shall be submitted to and approved by the Executive Director Development Services. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.
8. Permanent privacy screening shall be provided prior to the occupation of the Place of Worship in accordance with Clause 5.4.1(C1.1) of the *Residential Design Codes* in respect of the front balcony (eastern side) to the satisfaction of the Executive Director Development Services.
9. Air conditioning units, compressors and other equipment related to utilities shall be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the Executive Director Development Services.
10. A landscape plan shall be submitted to and approved by the Executive Director Development Services. The landscape plan shall include:
  - a) Plant species (predominantly West Australian natives);
  - b) Numbers, location, container size;
  - c) Method of irrigation of the landscaped areas;
  - d) Landscaping and treatment of adjoining verge areas;
  - e) Lighting to pathways and car parking areas;
  - f) The provision of shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking;

All landscaping shall be installed prior to occupancy of the development and maintained as per the approved plan thereafter.

11. If new fencing is proposed, or where fencing exists does not meet these standards, fencing shall be installed prior to occupation or the creation of multiple lots from the development (whichever is the earlier) in accordance with the following and maintained thereafter:
  - a) Internal fencing and other property boundary fencing shall be at least 1.8m high measured from the new ground level / top of retaining walls in accordance with *Part 2* of the City's *Fencing*

*Local Law 2011* (or superseding standard); and,

- b) **Fencing within the front street setback area or abutting the public realm (i.e. Commercial Road and Robinson Street) shall be visually permeable above 1.2m and truncated adjacent to driveways in accordance with *Part 3* of the City's *Fencing Local Law 2011* (or superseding standard);**
  - c) **Northern and eastern boundary fences shall be in accordance with recommendations of the Noise Assessment dated 16 July 2014.**
12. **To meet vehicle manoeuvring space requirements the developer/owner shall, to the specifications and satisfaction of the Executive Director Technical Services:**
- a) **Construct/seal all such areas, including drainage and kerbing/markings where necessary, in accordance with the approved site plan;**
  - b) **Relocate/remove any services/infrastructure as necessary;**
  - c) **Remove any existing crossover(s) and reinstate all kerbing/footpaths/verge areas;**
  - d) **Utilise brick paving or other high quality finish.**
  - e) **Untreated concrete and black asphalt finishes are not permitted; and,**
  - f) **Continuously maintain all such areas thereafter.**
13. **To meet drainage requirements the developer/owner shall, to the specifications and satisfaction of the Executive Director Technical Services:**
- a) **Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan thereafter;**
  - b) **Show any drainage easements as may be required on the Certificate of Title in favour of the City; and,**
  - c) **Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.**
14. **Installation of an appropriate effluent disposal system, including undertaking a geotechnical investigation of the site to confirm that the onsite wastewater system is adequately sized and can be accommodated on the lot based on a loading rate of 10 litres of waste water per person in consultation with the Department of Health and to the satisfaction of the Executive Director Development Services.**
15. **All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.**

- B) In addition to standard advice notes, the applicant be advised that:**
- 1. Any signage associated with the proposal is subject to submission and approval of a separate application.**
  - 2. Lighting shall comply with Australian Standard 4282-1997 “Control of the obtrusive effects of outdoor lighting” or its equivalent and the City’s Environment, Animals and Nuisance Local Laws.**
  - 3. With regard to Condition 4 requiring a car parking strategy, the strategy should outline appropriate management practices including (but not limited to): scheduling/timing of classes, hours of operation and encouraging alternative forms of transport/car-pooling to ensure parking does not cause any significant adverse impacts on the amenity of the area.**
  - 4. With regard to Condition 10 requiring a Landscape Plan, please refer to the *City’s Landscaping Guidelines – (Industrial and Commercial)* and the *Landscaping Guidelines – Plants to Avoid*, to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City’s website at: <http://www.armadale.wa.gov.au/planning-information-sheets-forms-fees>**
  - 5. With regard to Condition 12 regarding vehicle manoeuvring spaces, the City’s Technical Services Directorate should be contacted in order that the appropriate crossover application may be made.**
  - 6. Use of the premises is to comply with the Environmental Protection (Noise) Regulations 1997.**
  - 7. Building to comply with the Health (Public Building) Regulations 1992.**
  - 8. Application to install the onsite wastewater system must be satisfactory to the Department of Health and the City of Armadale.**
- C) Advise the organiser of the petition and the submitters of the Council decision in this regard.**

#### **ATTACHMENTS**

1. Application Report and Perspectives - Lot 347 (6) Commercial Road, Forrestdale
2. CONFIDENTIAL - Submitter Plan - Lot 347 Commercial Road, Forrestdale - *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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**3.1 - COUNCIL POLICY REVIEW - DEVELOPMENT SERVICES - ADM 11 -  
VESTING OF CROWN RESERVES**

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WARD : ALL  
FILE No. : M/286/15  
DATE : 7 April 2015  
REF : HB  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:**

- This report presents the findings of the review of Council Policy ADM 11 – Vesting of Crown Reserves
- Recommend that Council Policy ADM 11 – Vesting of Crown Reserves be reaffirmed without change for a further period of 3 years.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

- 4.1 Good governance and leadership
  - 4.1.2 Ensure governance and policies, procedures and activities align with legislative requirements and best practice.
- 4.5 Effective and efficient administrative services
  - 4.5.1 Ensure compliance of relevant Council policies and procedures with legislative and organisational requirements.

**Legislation Implications**

Section 2.7 of the Local Government Act 1995 under the heading ‘Role of Council’ states as follows:

- “(1) The Council –
- (a) Governs the local government’s affairs; and
  - (b) Is responsible for the performance of the local government’s functions.
- (2) Without limiting subsection (1), the council is to –
- (a) oversee the allocation of the local government’s finances and resources; and
  - (b) determine the local government’s policies.”

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

ADM 11 – Vesting of Crown Reserves

### **Budget/Financial Implications**

Nil.

### **Consultation**

- Parks Department – Technical Services

## **BACKGROUND**

At its meeting of 4 March 2003 Council formally adopted the Policy Manual, endorsed the associated Management Practices and the procedure for developing, amending and reviewing the policies and Management Practices (C6/2/03).

Part 3.1 of the procedures for Policy Review states:

“A review of every policy is to be made every 3 years by the relevant Executive Director, with a third of the policies being reviewed every year.”

## **DETAILS OF PROPOSAL**

Council Policy ADM 11 – Vesting of Crown Reserves was last reviewed and formally adopted by Council on 16 July 2012 and is now due for review. This Policy has been in use for the past three (3) years to establish clear guidelines on determining whether or not the City should accept management of Crown Reserves.

## **COMMENT**

Council Policies are reviewed in accordance with the City’s “Policy Manual Procedures and Practices”, having regard for whether the policy:

- Satisfies current organisational/operational requirements.
- Complies with current legislative requirements.
- Is consistent with other Council Policies.

## **ANALYSIS**

This review finds the current Council Policy ADM 11 – Vesting of Crown Reserves and associated Management Practice meets all considerations. The Policy and Management Practice has operated soundly and no changes are necessary.

## **OPTIONS**

1. Council could adopt to reaffirm the Council Policy with no changes for a further three (3) years.
2. Council could seek to amend the Council Policy.

## **CONCLUSION**

The Council Policy ADM 11 – Vesting of Crown Reserves has been used for the past three years to establish clear guidelines for the determination of whether or not the City should accept the vesting of unvested Crown Reserves and operates effectively. It is recommended that Council adopt Option 1 and continue to apply and operate this Council Policy without change for a further three (3) years.

## **RECOMMEND**

### **That Council:**

1. **Pursuant to Section 2.7(2)(b) of the Local Government Act 1995 reaffirm the continued application and operation of the current Council Policy ADM 11 – Vesting of Crown Reserves for a further three (3) years.**

## **ATTACHMENTS**

1. Council Policy ADM 11 - Vesting of Crown Reserves

**3.2 - TENDER NO. 1/15 EXECUTION OF POST DEVELOPMENT SURFACE WATER AND GROUNDWATER MONITORING AND ANALYSIS PLAN – FORRESTDAL CENTRAL, FORRESTDAL EAST AND ERADE STRUCTURE PLAN AREAS FOR BASELINE ANALYSIS.**

WARD : LAKE  
FILE No. : M/311/15  
DATE : 26 March 2015  
REF : TEN/1/15  
RESPONSIBLE : MES  
MANAGER

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil

**In Brief:**

- The City issued Request for Tender 1/15 to engage an appropriate professional/s for an initial monitoring period of 2 years to undertake quarterly monitoring for baseline analysis in accordance with the plan prepared by MWH, plus associated timescales required for up-front capital installation and post monitoring period reporting.
- It has been concluded that the submission received from Essential Environmental represented the most advantageous or best value submission. The evaluation panel therefore recommends that the contract be awarded to Essential Environmental in accordance with the submitted tender and Council's contract documentation from contract acceptance until the completion of works.

**Strategic Implications**

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

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

**Legislation Implications**

Local Government Act 1995 – Section 3.57 – Tenders for providing goods and services.  
Local Government (Function and General) Regulations 1996

**Council Policy/Local Law Implications**

Assessment of Policy/Local Law indicates that the following is applicable:

- Council Policy ADM 19 – Procurement of Goods or Services.

### **Budget/Financial Implications**

The project is funded through the North Forrestdale Development Contribution Plan (DCP) No.3. There is an adequate budget available under DCP No.3 for the project, however amendment to the 2014/2015 budget is required.

### **Consultation**

N/A

### **BACKGROUND**

In November 2012 the City of Armadale engaged MWH to develop a post development surface water and groundwater monitoring plan for the Central, East and Erade Structure Planning areas of the North Forrestdale Development Area (*refer to Attachments presented with this report*). The plan was included under DCP No.3 and prepared in accordance with the requirements specified in applicable planning and Water Management documents that encouraged Best Management Practices and recommended implementation of a post development water monitoring program for the area.

Implementation of the MWH plan is being co-ordinated by the City of Armadale and is funded from DCP No.3. The monitoring program is planned to operate for up to ten years and was anticipated to commence when development in the Study Area has reached 80% built form. Development is now considered to have reached this milestone.

### **DETAILS OF PROPOSAL**

The City issued Request for Tender 1/15 to engage an appropriate professional/s for an initial monitoring period of 2 years to undertake quarterly monitoring in accordance with the plan prepared by MWH, plus associated timescales required for up-front capital installation and post monitoring period reporting.

The monitoring and analysis period will last for a total of 10 years, but the City will initially engage a contractor for 2 years to generate a baseline analysis upon which the future monitoring and analysis can be refined and be refined and proceed. Through Part 2 of the recommendation, Council is being requested to authorise the CEO to extend the contract with the successful tenderer beyond two years subject to them performing satisfactorily. The time extension periods are for a further term of three (3) years and one further term of five (5) years. These timeframes were provided for in the request for tender documentation.

There are inherent advantages with the successful tenderer continuing beyond two years if their performance allows for such an outcome. If the successful tenderer does not perform satisfactorily the project and contract will be reviewed at that time in accordance with the City's applicable policies, such as ADM 19 Procurement of Goods and Services.

The objectives of the surface water and groundwater monitoring proposed for the Study Area are:

1. To assemble a surface water and groundwater database for the study area that has adequate spatial and temporal coverage to facilitate a general assessment of the impacts of residential development on the local surface water and groundwater systems, with reference to the pre - development monitoring database;
2. To facilitate the estimation of surface water and shallow groundwater inflow and outflow from the Central, East and Erade areas of the North Forrestdale development area; and
3. To provide the means for assessing, in a qualitative manner, the relative performance of WSD and BMP measures.

The project is funded through the North Forrestdale DCP No.3.

### COMMENT

The tender closed on 24 February 2015 at 2:00 PM. A total of 19 submissions were received as detailed below:

<b>Tenderer 1</b>	JBS&G
<b>Tenderer 2</b>	Site Environmental and Remediation Services
<b>Tenderer 3</b>	Hydro Solutions
<b>Tenderer 4</b>	Natural Area
<b>Tenderer 5</b>	Aurora Environmental
<b>Tenderer 6</b>	GHD
<b>Tenderer 7</b>	PDC
<b>Tenderer 8</b>	PDC (Alternative)
<b>Tenderer 9</b>	360 Environmental
<b>Tenderer 10</b>	Astron Environmental Services
<b>Tenderer 11</b>	Terra Rosa Consulting
<b>Tenderer 12</b>	Strategen
<b>Tenderer 13</b>	Essential Environmental
<b>Tenderer 14</b>	Envirotech Services Australia
<b>Tenderer 15</b>	Emission Assessments
<b>Tenderer 16</b>	MDW Environmental Services and Clear Water Research and Management
<b>Tenderer 17</b>	Landcare Weed Control
<b>Tenderer 18</b>	Knight Piesold
<b>Tenderer 19</b>	Coterra

The tender evaluation panel consisted of three individuals from the City. Each panel member individually assessed each submission against a set of qualitative criteria on a 0 - 10 score basis.

The following four Qualitative Criteria were applicable and weighted accordingly:

- |    |                            |     |
|----|----------------------------|-----|
| 1. | Relevant Experience        | 20% |
| 2. | Key Personnel              | 15% |
| 3. | Tenderers Resources        | 15% |
| 4. | Demonstrated Understanding | 50% |

Price was not weighted but was considered against the budget available under DCP No.3. Consequently, the qualitative criteria scores were not the only formative factor in deciding on the most advantageous or best value submission. Notwithstanding, the qualitative criteria provided a robust assessment framework that allowed for the establishment of informed rankings.

The Qualitative Criteria scores and ranking of the tender submissions as determined by the evaluation panel is as follows:

Tenderer	Relevant Experience	Key Personnel	Tenderer's Resources	Demonstrated Understanding	Sub Total	Total	Ranking
	20%	15%	15%	50%			
JBS&G	11.33	7.50	7.50	30.00	<b>56.33</b>	<b>56.33</b>	<b>14</b>
Site Environmental and Remediation Services	10.00	8.50	8.50	25.00	<b>52.00</b>	<b>52.00</b>	<b>15</b>
Hydro Solutions	9.33	7.50	8.00	31.67	<b>56.50</b>	<b>56.50</b>	<b>13</b>
Natural Area	12.00	8.50	8.00	30.00	<b>58.50</b>	<b>58.50</b>	<b>10</b>
Aurora Environmental	14.67	7.50	7.50	31.67	<b>61.33</b>	<b>61.33</b>	<b>7</b>
GHD	10.00	9.50	8.00	35.00	<b>62.50</b>	<b>62.50</b>	<b>5</b>
PDC	15.33	11.00	9.00	30.00	<b>65.33</b>	<b>65.33</b>	<b>3</b>
PDC (Alternative)	15.33	11.00	9.00	25.00	<b>60.33</b>	<b>60.33</b>	<b>8</b>
360 Environmental	12.00	11.00	8.50	30.00	<b>61.50</b>	<b>61.50</b>	<b>6</b>
Astron Environmental Services	13.33	8.50	7.50	30.00	<b>59.33</b>	<b>59.33</b>	<b>9</b>
Terra Rosa Consulting	12.67	7.00	7.00	30.00	<b>56.67</b>	<b>56.67</b>	<b>12</b>
Strategen	14.67	9.75	9.00	30.00	<b>63.42</b>	<b>63.42</b>	<b>4</b>
Essential Environmental	15.33	11.50	7.00	35.00	<b>68.83</b>	<b>68.83</b>	<b>1</b>
Envirotech Services Australia	5.33	4.50	2.50	3.33	<b>15.67</b>	<b>15.67</b>	<b>19</b>
Emission Assessments	8.67	8.00	6.50	23.33	<b>46.50</b>	<b>46.50</b>	<b>16</b>
MDW Environmental Services and Clear Water Research and Management	12.33	8.00	7.00	30.00	<b>57.33</b>	<b>57.33</b>	<b>11</b>
Landcare Weed Control	4.67	3.50	4.50	25.00	<b>37.67</b>	<b>37.67</b>	<b>18</b>
Knight Piesold	8.00	7.00	1.00	26.67	<b>42.67</b>	<b>42.67</b>	<b>17</b>
Coterra	14.33	10.50	9.00	35.00	<b>68.83</b>	<b>68.83</b>	<b>1</b>

Most of the top ranking submissions were of a generally high standard. Based on the outcomes of the evaluation panel's full assessment, the submission from Essential Environmental represented the most advantageous and best value submission. Their final score in the tender process is equal to that of Coterra. However, Essential Environmental were able to provide a more comprehensive analysis of their proven performance in a number of relevant assignments. It is for this reason that they are viewed to provide the best value to the City overall.

## **CONCLUSION**

A total of 19 submissions were received and assessed for the execution of the Post Development Surface Water and Groundwater Monitoring and Analysis Plan for Forrestdale Central, Forrestdale East and Erade Structure Plan Areas.

It has been concluded that the submission received from Essential Environmental represented the most advantageous and best value submission. The evaluation panel therefore recommends that the contract be awarded to Essential Environmental for up-front capital installation works, an initial two year term of monitoring and analysis and a post monitoring reporting period for an estimated amount of \$179,785.00 (ex GST), in accordance with their tender submission and the request for tender documentation.

## **RECOMMEND**

### **That Council:**

#### **1. Pursuant to the Local Government Act 1995:**

##### **(i) authorise\* the following expenditure:**

- **Harrisdale and Piara Waters Surface Water and Groundwater Monitoring and Analysis - \$179,785.00**

##### **(ii) Amend the 2014/2015 Annual Budget as follows:**

#### **Revenue**

**Transfer from North Forrestdale Development Contribution Plan No.3 Reserve Account - Increase - \$179,785.00**

#### **Expenditure**

**Harrisdale and Piara Waters Surface Water and Groundwater Monitoring and Analysis - Increase - \$179,785.00**

**\*ABSOLUTE MAJORITY RESOLUTION REQUIRED**

2. **With regards to Tender No.1/15 for the execution of Post Development Surface Water and Groundwater Monitoring and Analysis Plan for the Forrestdale Central, Forrestdale East and Erade Structure Plan Areas -**
  - a) **Accept the tender submission from Essential Environmental for up-front capital installation works, an initial two (2) year term of monitoring and analysis and a post monitoring reporting period for an estimated amount of \$179,785.00 (ex GST) and in accordance with their tender submission and the request for tender documentation; and**
  - b) **Authorise the Chief Executive Officer to extend the Contract by a further term of three (3) years and one further term of five (5) years with both extensions subject to the Contract being performed to the City's satisfaction. Extensions of the Contract shall be in accordance with the same terms and conditions with price adjustments negotiated up to but not exceeding CPI, as specified in clause 4.1 of the Request for Tender.**

#### **ATTACHMENTS**

1. Indicative Staging Plan - Harrisdale and Piara Waters

***4.1 - FINAL ADOPTION OF AMENDMENT NO.77 TO TOWN PLANNING SCHEME  
NO.4 - MODIFICATION TO DEVELOPMENT CONTRIBUTION PLAN (DCP) NO.3***

WARD : LAKE  
FILE No. : M/190/15  
DATE : 21 April 2015  
REF : CM  
RESPONSIBLE : EDDS  
MANAGER  
LANDOWNER : Various  
SUBJECT LAND : Development  
Contribution Area No.3  
ZONING  
MRS / : Urban  
TPS No.4 : Urban Development

**In Brief:**

- At its 27 October 2014 meeting, Council initiated an amendment to increase the assumed development density rate under DCP No.3 from 10.6 to 11.0 lots per hectare.
- The amendment was advertised for public comment for 42 days and no submissions were received.
- Council is required to now consider 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**

It is noted that the Development Contribution Plan No.3 provides funding to the City for the Project Coordinator Developer Contribution Schemes position.

**Strategic Implications**

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

**Legislation Implications**

Planning and Development Act 2005  
Metropolitan Region Scheme (MRS)  
Town Planning Scheme No.4  
Town Planning Regulations 1967  
Land Administration Act 1997  
Local Government Act 1995

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

Local Planning Strategy 2005

### **Budget/Financial Implications**

Nil.

### **Consultation**

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

### **BACKGROUND**

At its October 2014 meeting Council initiated an amendment to increase Development Contribution Plan (DCP) No.3 in Schedule 13B in Town Planning Scheme (TPS) No.3 by amending Clause 3.4.1, Clause 3.4.2 (a) (i) and Clause 3.4.2 (a) (ii) to account for the increased density of urban development being implemented in Harrisdale and Piara Waters.

### **DETAILS OF PROPOSAL**

As part of the City's ongoing equitable management of DCP No.3, the City reviews the assumed development density that is considered when calculating the development Cost Contribution rate. The density of development within DCA No.3 is monitored on a lots per hectare basis and is calculated from the number of lots produced within the gross land area including public open space and subdivision roads.

The lot per hectare density is a fundamental component in the determination of the Development Cost Contribution per Lot adopted within the ICS. Clause 3.4.1 of Schedule 13B stipulates that the current assumed development density rate for DCA No.3 is 10.6 lots per hectare. The per hectare lot density set under Clause 3.4.1 is a determining factor that derives the predicted lot yield of the remaining unsubdivided balance. The predicted lot yield then becomes the denominator against the Common Infrastructure Cost, being the Gross Common Infrastructure Works Cost minus Development Cost Contributions paid to date, in order to determine the Development Cost Contribution per Lot.

It is necessary for the City to amend Clause 3.4.1, Clause 3.4.2 (a) (i) and Clause 3.4.2 (a) (ii) to account for the increased density of subdivision being implemented in Harrisdale and Piara Waters. This will help ensure that contributions are being sought from developers equitably and that the City manages DCP No.3 in a fair and practical manner. In other words, the amendment aims to ensure that subdividers in the later or last stages of the DCA are not left with a higher proportional burden of the Common Infrastructure Works costs than those who subdivided and made payments in earlier stages.

## **Public Advertising of the Amendment**

The proposed amendment was advertised for 42 days, closing on 25 February 2015. This advertising was carried out by way of notification to affected landowners within DCA No.3 (i.e. the major developers who would be subject to making future payments under the DCP), advertisements in the "West Australian" newspaper, City's website and local community newspapers. At the conclusion of the advertising no submissions had been received.

## **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**

Given there are no submissions to consider, it is recommended that Council resolve to adopt the amendment without modification.

## **RECOMMEND**

### **That Council:**

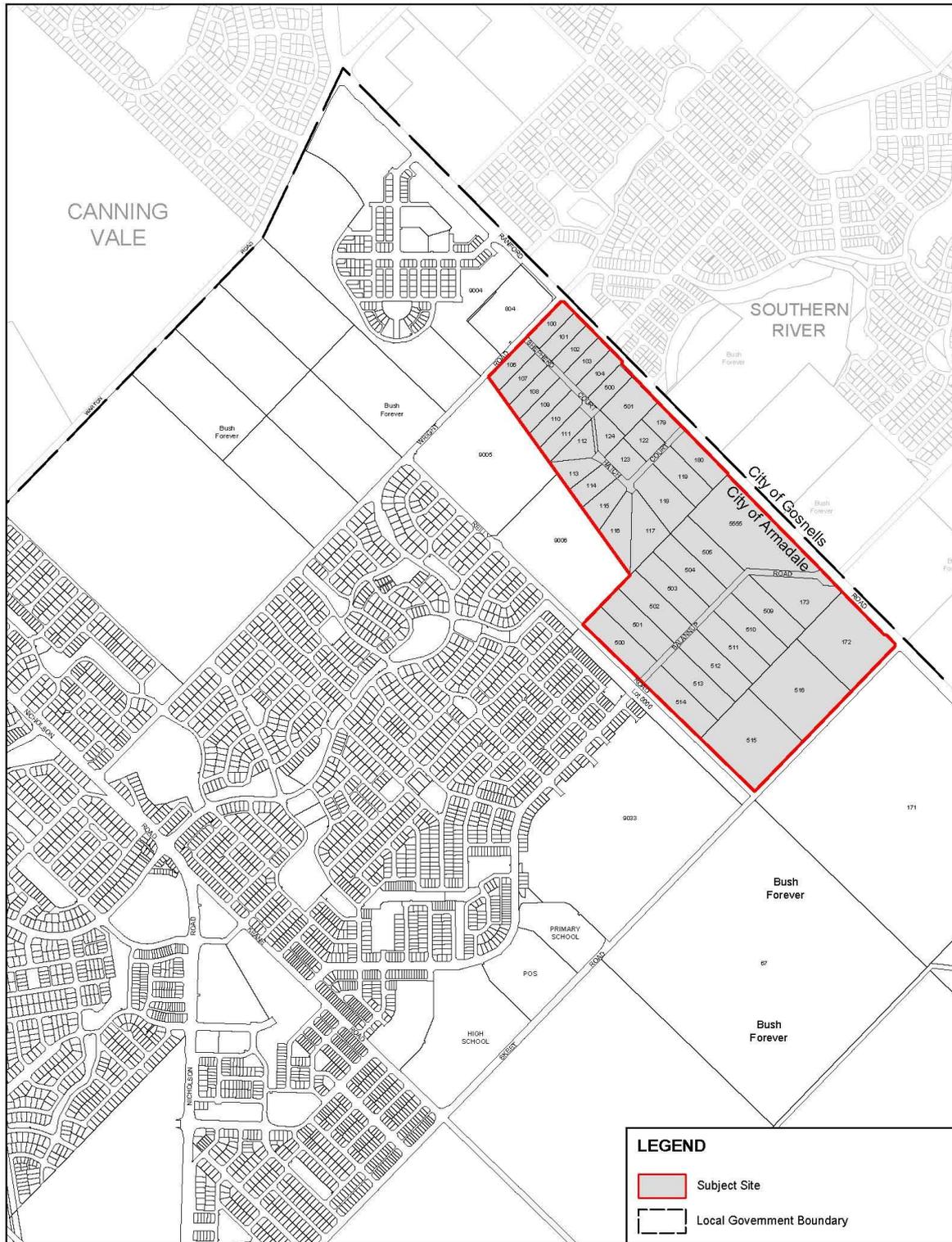
1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, without modification, Amendment No.77 to Town Planning Scheme No.4 to modify Schedule 13B - Development Contribution Plans - Development Contribution Plan No.3 as follows:
  - a) Modify Clause 3.4.1 of Schedule 13B by deleting the number "10.6" and inserting the number "11".
  - b) Modify Clause 3.4.2 (a) (i) of Schedule 13B for the calculation of payments to date (B) by replacing the wording under Part (1) with the following:
    - " - the lots produced at the rate of 10 lots per hectare for the Area equivalent of the land holding of an owner prior to the gazettal of Amendment No.67;
    - the lots produced at the rate of 10.6 lots per hectare for the Area equivalent of the land holding of an owner after gazettal of Amendment No.67 and prior to the gazettal of Amendment No.77; and
    - the lots produced at the rate of 11 lots per hectare after the gazettal of Amendment No.77; or"

- c) **Modify Clause 3.4.2 (a) (i) of Schedule 13B for the calculation of Common Infrastructure Works cost (C) by deleting the number “10.6” and inserting the number “11”.**
  - d) **Modify Clause 3.4.2 (a) (ii) of Schedule 13B for the calculation of the Estimate Lot Yield (D) by deleting the number “10.6” and inserting the number “11”.**
2. **Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.**
3. **Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning grant final approval to the amendment.**

#### **ATTACHMENTS**

1. City of Armadale Special Control Area Map 3

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**LOCATION PLAN**

SP Balannup, SP Hatch & SP Shephard  
 Harrisdale



SCALE 1 : 15000

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, Photographs by HeatMap.



**4.2 - FINAL ADOPTION - AMENDMENT NO.78 - AMENDMENT TO  
DEVELOPMENT CONTRIBUTION AREA NO.3 AND DEVELOPMENT  
CONTRIBUTION PLAN NO.3**

WARD	:	LAKE
FILE No.	:	M/193/15
DATE	:	21 April 2015
REF	:	CM
RESPONSIBLE MANAGER	:	EDDS
LANDOWNER	:	Various
SUBJECT LAND	:	The lots along Balannup Road, Shepherd Court and Hatch Court and Lots 172, 515 & 516 Skeet Road and Lots 106 & 100 Wright Road, Harrisdale
ZONING	:	
MRS /	:	Urban and Rural
TPS No.4	:	Urban Development and General Rural

**Tabled Items**

Nil.

**In Brief:**

- At its January 2015 meeting, Council initiated an amendment to the include SP Balannup, SP Hatch and SP Shepherd in DCA No.3 and amend DCP No.3 (TPS No.4 Schedule 13b) to include additional common infrastructure items.
- The amendment was advertised for public comment for 42 days and attracted 6 submissions.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption. From the submissions received one has resulted in Council needing to consider a modification to the amendment. More specifically, it is recommended that the purchase of the Conservation Category Wetland (CCW) at Lot 515 Skeet Road is considered for inclusion in the DCP, as per other CCW land in the Development Contribution Area. The CCW was designated after Council initiated Amendment No.78.
- Recommend that Council adopt the amendment with modification and request that the Hon Minister for Planning grant final approval to the amendment.

**Officer Interest Declaration**

It is noted that the Development Contribution Plan No.3 provides funding to the City for the Project Coordinator Developer Contribution Schemes position.

**Strategic Implications**

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

**Legislation Implications**

Planning and Development Act 2005  
Metropolitan Region Scheme (MRS)  
Town Planning Scheme No.4  
Town Planning Regulations 1967  
Land Administration Act 1997  
Local Government Act 1995



**AERIAL PHOTOGRAPH**  
SP Balannup, SP Hatch & SP Shephard  
Harrisdale



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. Photographs by NearMap.



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

Local Planning Strategy 2005

### **Budget/Financial Implications**

While the scheme amendment proposal itself has no direct financial implications to the City, future development of the subject land has indirect financial implications arising from the additional rate base, provision of infrastructure and the need to provide and manage services and infrastructure.

The above mentioned matter is in part being addressed through this Scheme Amendment to include the subject land within Development Contribution Area (DCA) No.3 and will also be considered at other planning stages.

### **Consultation**

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

## **BACKGROUND**

At its January 2015 meeting, Council initiated an amendment to include Structure Plan (SP) Balannup, SP Hatch and SP Shepherd in DCA No.3 and amend DCP No.3 (TPS No.4 Schedule 13b) to include additional common infrastructure items.

## **DETAILS OF PROPOSAL**

This report proposes the final adoption of a scheme amendment to include SP Hatch, SP Shepherd and SP Balannup within DCA No.3. It also proposes the addition of new common infrastructure items into Schedule 13B of TPS No.4.

SP Hatch, SP Shepherd and SP Balannup all stand to benefit significantly from the outcomes already planned or delivered through the City's DCP No.3. This is in spite of the areas not currently being included in DCA No.3. Furthermore, DCP No.3 can offer the SP areas benefits in realising the development potential of the land should they be included within DCA No.3. These benefits include DCP No.3 being able to facilitate the equitable sharing of costs among landowners. Without the SP areas being included many shared infrastructure items will need to be fully funded by developers.

### **Public Advertising of the Amendment**

The proposed amendment was advertised for 42 days, closing on 10 April 2015. This advertising was carried out by way of notification to affected landowners within DCA No.3 (i.e. developers who would be subject to making future payments under the DCP), landowners within the applicable SP areas, advertisements in the "West Australian" newspaper, City's website and local community newspapers. At the conclusion of the advertising period, 6 submissions had been received.

Total No. of submissions received	:	6
No. of submissions of conditional support or no objection	:	6
No. of submissions of objection	:	0

Three submissions raised issues that are accordingly discussed in the report. The issues together with comment on each are outlined below.

Three submissions from existing landowners within the SP areas provided support for the proposal without any applicable issues being raised. These submissions have not been discussed in the report, but are listed in the attached schedule of submissions.

### **Issues from Submissions**

#### *Issue 1 – Inclusion of Skeet Road between Primary School and Reilly Road Adjacent to Heron Park Phase 2*

#### **Summary**

The submission from Rowe Group on behalf of Satterley Property Group requests the inclusion of Skeet Road between the Primary School and Reilly Road adjacent to Heron Park Phase 2. In short, the submission presents an argument that Skeet Road provides a district function that has required the developer to widen the existing Skeet Road Reserve from 20.0m to 24.2m and provide a specifically negotiated construction outcome that includes a 2.0m median, one dual carriageway with 3.5m lanes and two 1.5m cycle lanes.

The submission also presents an argument that if Skeet Road was not required to connect through to Ranford Road an Access B standard road reserve could have been constructed within the existing Skeet Road reserve thereby having less of an impact on the adjoining Heron Park estate.

The submission also discusses some factors that have influenced the design of Skeet Road and questions the level of equity and consistency being applied if the section of Skeet Road north of Reilly Road is included in the DCP but Skeet Road from the Primary School Site to Reilly Road is omitted from the DCP.

#### **Comment**

##### Consistency

The DCP has been consistent in the contributions it has collected towards roads. Contributions have been consistently applied to Warton Road and Nicholson Road that are the highest order roads within the Development Contribution Area (DCA) and serve a district function and are critical to provide an acceptable level of benefits and service to residents. The DCP has also consistently applied contributions to critical ingress and egress points for the North Forrestdale Urbanisation area. With these critical points including connections to the north onto Ranford Road including Wright Road north of Reilly Road and Balannup Road north of Reilly Road and abutting Lot 5000 and Reilly Road north of Heron Park Phase 2, the rural section of Mason Road onto Warton Road and contributions to intersections at Armadale Road. The DCP is also providing a contribution to Skeet Road adjacent to the Primary School, High School, Harrisdale District Open Space (DOS) and abutting Lot 5000 where there was a risk of these critical sections of Skeet Road not being delivered by developers.

It is considered clear that the DCP has consistently applied contributions to critical roads at risk of not being delivered in a coordinated and timely manner. If the roads were not delivered in the manner described the level of benefit and service offered to future residents within the DCA would be compromised. In other words, these DCP roads offer benefits and service to future residents within the DCA where such outcomes may otherwise not be achieved and it is these residents who equitably share the burden of the cost for this (through developers) with contributions taken from the whole DCA.

These critical DCP roads have not been delivered through the DCP to the benefit of any particular existing or future developer in achieving particular objectives associated with the development of their land. Instead, the need for these DCP roads has been established through the strategic selection and prioritisation of DCP outcomes that aim to ensure the area's future residents are provided with the right level of benefits and service at the right time. Bestowing the responsibility for these outcomes to developers alone was considered to create risks associated with them not occurring as required, thereby potentially compromising the social well-being of the areas future residents, especially in relation to traffic safety and congestion.

In relation to Skeet Road, the DCP is currently contributing to the cost of construction of Skeet Road where it abuts the High School, Primary School, Harrisdale DOS and abutting Lot 5000. The DCP is funding all of the costs for Skeet Road adjacent to the DOS and Lot 5000 and 50% of the costs adjacent to the High School and Primary School. The remainder of Skeet Road abutting the schools is to be funded by the Department of Education.

It is considered important to acknowledge that the DCP has not funded any part of Skeet Road south of Keane Road where it abuts Newhaven Estate (Stockland), Piara Central Estate (Cedar Woods) and Riva Estate (Mammoth Nominees). Skeet Road has been widened south of Keane Road and includes two lanes, a median and two bicycle lanes. The DCP has made no contribution to these works with developers paying for the necessary upgrades and providing the necessary widening.

### Equity

The City has always aimed to equitably apply contributions over the DCA area. When considering this aim, the level of DCP projects being provided within individual subdivisions that offer inherent benefits and service should be considered. With this in mind, the infrastructure funded through the DCP that is located within or has an effect considered more relevant to the Heron Park Estates (the submitters land) should be acknowledged and includes:

1. The Harrisdale East District Sporting and Community Facility is located within Heron Park Phase 2. The project includes a district size playing field, community / sport pavilion, playground, car parking and landscaping. The developer did provide the land through their required 10% POS contribution, but the developer has not been required to improve the land to any significant standard and the land was delivered to the City with only the top soil removed and vegetation cleared. This project has a budget in excess of \$8 million dollars with over \$6.5 million coming from the DCP and the remainder from the City and Grants. This facility is the largest within the DCA and despite serving the district, it inherently offers enhanced benefits and service to residents of the Heron Park Phase 2 given its location.

2. The developer of Heron Park Phase 2 has not been required to fund the cost of construction of Skeet Road where it abuts the High School, Primary School, Harrisdale DOS and abutting Lot 5000, other than through DCP contributions as per other developers. The DCP is funding all the costs for Skeet Road adjacent to the DOS and abutting Lot 5000 and 50% of the costs adjacent to the High School and Primary School. The remainder abutting the schools is to be funded by the Department of Education. This project (including the roundabouts at Keane Road and Reilly Road and the Balannup Drain Culvert) has a budget in excess of \$2.5 million with over \$2.0 million coming from the DCP.

Skeet Road is critical to the operational needs and viability of the public education facility that is the largest within the DCA and despite serving the district, the facility inherently offers enhanced benefits and service to residents of Heron Park Phase 2 given its location.

3. The DCP made a contribution of over \$1.6 million to the refurbishment of Bakers House community facility that is located within Heron Park Phase 1. This facility is a very successful community asset within the DCA that is regularly used by the community and despite serving the district, it inherently offers enhanced benefits and service to residents of the Heron Park Phase 1 given its location.
4. The DCP funded installation of the Skeet Road District Drain which is to be used by Heron Park estate and others within the DCA. This project has a budget in excess of \$2 million.
5. The DCP funded installation of the fencing between Skeet Road and the Bush Forever reserves to the east that is adjacent to Heron Park Phase 2. This project has a budget in excess of \$90,000. The developer would have been required to the install and fund the full cost of the fencing if the DCP had not.
6. The DCP is making a contribution in excess of \$141,000 to the relocation of power lines that transverse Heron Park Phase 2 in its north east corner. The DCP also contributes to the relocation of other power lines in the district.
7. The DCP contributed in excess of \$1.5 million to acquire the core area of the rehabilitated conservation category wetlands within Heron Park Phase 1.
8. The DCP contributed in excess of \$800,000 to the sewer pump station adjacent the Heron Park Estates. This is critical infrastructure for the district and the early stages of Heron Park Estate.
9. The DCP is currently budgeted to contribute in excess of \$380,000 to regional paths within Heron Park Phase 2. This is in addition to the paths to which the DCP contributed that are within Heron Park Phase 1, along Skeet Road and within Lot 5000. The DCP is also contributing to the entire regional path network within the DCA that is located within other estates.

10. The DCP purchased Lot 5000 Reilly Road that abuts the northern part of Heron Park Phase 2 and was originally part of the estate's parent lot. The DCP contributed in excess of \$2.8 million to this purchase. The DCP is also contributing in excess of \$1.3 million to the realignment and landscaping of the drain within Lot 5000 and contributed in excess of \$499,000 to the construction of Reilly Road (west) adjacent to Lot 5000. All these works could have been required of the Heron Park developer if they had not been completed by the DCP with contributions made by all developers within the DCA. It should also be noted that Heron Park Phase 2 discharges storm water into the drain within Lot 5000, similar to other estates.
11. The DCP is funding the Lot 5000 road crossing onto Balannup Road from Heron Park Phase 2. This project is included within the overall Balannup Road project that has a value in excess of \$3.3 million.

The above list of projects is equal to a value in excess \$20 million within a \$90 million portfolio of DCP projects that all developers within the DCA are making contributions towards. There are numerous DCP projects that offer benefits and service to the Heron Park estates and other estates within the DCA. These projects have assisted in the DCA becoming a desirable area for people to reside and invest.

#### Design Considerations

The submission is considered to make a strong assumption that the widening and design of Skeet Road adjacent to Heron Park Phase 2 was primarily attributable to traffic volumes. However, there are other considerations that have been taken into account when deciding on an appropriate road reserve width and cross section. These considerations include:

1. Streetscape requirements (e.g. adequate verge and median widths to allow for improved streetscape outcomes). It is worth noting that the City would have preferred a wider median and verge but compromised under a solution negotiated with the developer.
2. The separation to groundwater and drainage. There is evidence of the groundwater being at or near the surface in the area. In addition, storm water from Skeet Road discharges to the Balannup Drain with no discharge permitted into the adjoining Bush Forever site. Therefore, it can be assumed that Skeet Road would require a level of fill regardless of the depth of Skeet Road District Drain that has been installed. The detailed design of Skeet Road has not yet taken place.
3. Ensuring there is an appropriate setback to the adjoining Bush Forever site. The City preference is for modest batters and a potential for an improved streetscape outcomes to ensure an enhanced interface is provided to the adjoining Bush Forever site.
4. Integration with surrounding development (e.g. steep batters to properties shouldn't be provided and the City does not support hard landscaping or retaining walls within road reserves).

5. The road reserve provides a controlled space whereby the bush fire buffer attributable to the adjoining Bush Forever site can be better managed. A minimum 31m buffer to dwellings is specified in the Fire Management Plan (FMP) for the subdivision. The FMP also states that the road reserve is to be maintained as a Building Protection Zone.
6. Extension of the existing standard for Skeet Road south of Keane Road that includes two lanes, median and 2 bicycle lanes. As already noted, the DCP provided no contribution to Skeet Road south of Keane Road.

As demonstrated there are various factors that have influenced the design and width of Skeet Road. Therefore, even without considering traffic volumes, the City would have required a wider road reserve and cross section contrary to the argument in the submission. This is demonstrated in the fact that Skeet Road south of Keane Road is anticipated to carry less traffic than where Skeet Road abuts Heron Park Phase 2, but still needed to be upgraded and widened at the developer's expense.

### Analysis

Given the consistent approach applied by the City described above, the City cannot present justification to support inclusion of Skeet Road as requested by the submitter and the submission is therefore not supported. More specifically other similar roads to Skeet Road (e.g. Wright Road) within the DCA that have clear similar connections to individual subdivisions, while also inherently being connected to the wider road network, have not been included in the DCP.

Developers should be aware that they need to address the circumstances upon which they find their land. In the case of the submitter's land it has been decided through negotiations between the developer and the City that Skeet Road adjacent to Heron Park Phase 2 needed to be provided within a 24.2m road reserve with a corresponding design outcome that was decided on following discussions between the City and the developer. Through these discussions some of the developer's requests (that likely improved the outcome for them from a cost perspective) were entertained by the City. In addition, the developer is required to construct the road as a condition of subdivision. Conditions No.6 and No.7 of the WAPC's subdivision approval 150311 state:

6. *Skeet Road being widened in accordance with the approved plan of subdivision by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening Skeet Road. (Local Government)*
7. *Satisfactory arrangements being made with the local government for the cost of upgrading and or construction of Skeet Road where it abuts the application area. (Local Government)*

Skeet Road north of Reilly Road presents a different nexus and need in the context of the DCA. Skeet Road from Reilly Road to Ranford Road is based on access to 3 rural landholdings in a 20 metre road reserve and is constructed to a rural standard. Given the development of SP Balannup is still some time away and upgrading Skeet Road north of Reilly Road to a full urban standard is a necessary critical outcome to provide a safe and appropriate level of service to the North Forrestdale Urbanisation area, the item is proposed for inclusion in the DCP.

Being one of only three connections north outside the urban development area, the nexus between the need to upgrade the existing section of Skeet Road north of Reilly Road and development of the North Forrestdale Urbanisation area is considered clear. Without this third connection it is considered that traffic and safety at the Ranford Road connections at Wright Road and Balannup Road would provide a below par level of service given the road cross sections and anticipated traffic volumes, with traffic already anticipated to be approaching 16,000 vpd at the Balannup Road / Ranford Road intersection with Skeet Road north of Reilly Road included.

### **Recommendation**

That the issue is not supported.

*Issue 2 – Inclusion of Wetland at Lot 515 Skeet Road Harrisdale and additional Regional Paths within DCP No.3*

### **Summary**

A prospective developer of the land around Balannup Road lodged a request to the Department of Parks and Wildlife (DPAW) requesting a review of the wetland mapping within the SP Balannup, SP Hatch and SP Shepherd areas. As an outcome of that request, sufficient information was submitted to warrant a reclassification for the majority of the site to be Multiple Use management category, whilst a vegetated portion in the southern portion was incorporated into the Conservation management category at Lot 515 Skeet Road Harrisdale. The reclassification occurred after Council initiated Amendment No.78. The submitter has now requested inclusion of the CCW at Lot 515 Skeet Road Harrisdale within DCP No.3. They have also requested inclusion of additional Regional Paths within DCP No.3.

### **Comment**

The DCP has historically contributed to the purchase of conservation category wetlands (CCW) through clause 3.6.3 10(a) of Schedule 13B of the scheme, which states:

*100% of the total cost to acquire the core area of the rehabilitated conservation category wetlands on Lot 49 Wright Road.*

In the interests of securing an enhanced outcome for the wetland and maintaining consistency, it is proposed that the contribution is also made to the CCW at Lot 515 and clause 3.6.3 (10) be amended to include Lot 515 Skeet Road. In addition, Clause 3.12.4 needs to be amended to take into account current land values in the area and ensure the DCP contribution towards CCW land is sustainable.

Clause 3.12.4 (f) of DCP No.3 states that CCW land identified in the DCP is valued at 62.5% of the Assessed Value of nearby Urban zoned land. DCP No.3 applies this percentage principle to create an increased level of certainty on the value of CCW land to assist in mitigating financial risks for the DCP, particularly when the assumptions and differing opinions that have historically surrounded the valuation of CCW land are considered. Equally, developers are provided with the same level of certainty. The percentage principle at the time of implementation also helps offset the cost of wetland rehabilitation in the promotion of it occurring through landowners to the benefit of the district.

It should be noted that developers are consulted on the value of urban land to be applied in the DCP through its annual reviews, thereby ensuring an expected level of consultation is upheld on the value of the CCW land. The percentage principle also allows for the purchase price to be slightly over what may be the typical market value for CCW land that is generally or often based on rural values. This outcome is sponsored through the DCP in the interests of promoting better environmental outcomes for the district and as a way to achieve the objectives for the DCA, noting the limited development potential of CCW land and that CCWs need to be rehabilitated to the City's satisfaction by the landowner at their cost prior to being purchased by the DCP.

The CCW buffer is not part of the area that will be purchased by the DCP. The DCP only purchases the core area that typically aligns with the area mapped by DPAW only, but this area can decrease in size subject to further investigations. The DCP will not pay for more land than identified in the DCP's Infrastructure Cost Schedule.

In the early stages of DCP No.3 when the 62.5% of the Assessed Value stated in clause 3.12.4 (f) of DCP No.3 was included, it resulted in an acceptable and sustainable value being applied to the CCW land at Lot 49. However, urban land values have continued to increase markedly since the wetlands at Lot 49 were included in the DCP. The percentage value of 62.5% has therefore become unsustainable for new CCWs and needs to be adjusted to ensure a reasonable value can be applied to the CCW from both the DCP's and landowner's perspective, particularly considering that values are likely to increase beyond \$1 million per hectare for urban land once the land is ready for purchase by the DCP.

Considering the above, it is recommended that a new part is added to clause 3.12.4 to account for the wetland at Lot 515 and a new percentage rate of 30% be applicable. This would be fair and equitable.

In relation to paths within the new SP area, they can be included as part of future reviews to the DCP Infrastructure Cost Schedule and do not require an amendment to the scheme.

### **Recommendation**

That the issue is supported.

*Issue 3 – Wording of part 1. b) iii of the resolution that relates to proposed works at the Balannup Lake Reserve*

### **Summary**

The Department of Parks and Wildlife (DPAW) lodged a submission in support of the amendment but requested that part 1. b) iii of the resolution be changed to make reference to DPAW given Balannup Lake Reserve is managed by them.

### **Comment**

Given the management status of the Balannup Lake Reserve it is implied and required that DPAW is consulted prior to works being implemented even though it is not mentioned. The City is aware of this and raises no objection to such consultation occurring. Making reference to DPAW in the scheme is not considered necessary. It should be noted that DPAW will be consulted as part of structure planning for the area and mentioning DPAW within the future structure plan is considered more appropriate and consistent with WAPC and the City's practices.

### **Recommendation**

That the issue is partly supported, but it does not require a change being made to the scheme amendment as it can be addressed within future planning stages.

### **COMMENT**

One submission has resulted in Council needing to consider a modification to the amendment. More specifically, it is recommended that the purchase of the CCW land at Lot 515 Skeet Road is considered for inclusion in the DCP, as per other CCW land in the DCA. The CCW was only designated after Council initiated Amendment No.78.

### **OPTIONS**

1. Council may adopt the amendment with modifications and request that the Hon Minister for Planning grant final approval to the amendment.
2. Council may resolve to not adopt the amendment giving reasons and request that the Hon Minister for Planning refuse to approve the amendment.

### **CONCLUSION**

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

### **RECOMMEND**

#### **That Council:**

1. **Pursuant to Part 5 of the Planning and Development Act 2005 adopt, with modification, Amendment No.78 to Town Planning Scheme No.4 to:**
  - a) **Modify the boundary of Development Contribution Area No.3 within Special Control Area Map No.3 to include the area bound by Skeet Road, Ranford Road, Wright Road, Reilly Road, Balannup Lake Reserve (south of Ranford Road), Lot 9005 Wright Road and Lot 9006 Reilly Road.**

**b) Modify Schedule 13B – Development Contribution Plans – Development Contribution Area No.3 as follows:**

**i. Insert the following as Items 14(e) and 14(f) under Item (14) in Clause 3.6.3:**

**(e) 100% of the total cost to acquire any road widenings for the ultimate road reserve for Skeet Road between Reilly Road and Ranford Road.**

**(f) 100% of the total cost of constructing Skeet Road between Reilly Road and Ranford Road, including the full earthworks, drainage, one carriage way, intersection at Ranford Road and all structures.**

**ii. Insert the following as Item (15)(a) in Clause 3.6.3:**

**(a) 100% of the cost of fencing / bollards, gates and signage, dieback management / mapping, revegetation / landscaping and weed management of Shepherd Court Reserve.**

**iii. Insert the following as Item (16)(a) in Clause 3.6.3:**

**(a) 100% of the cost of fencing / bollards, gates and signage, dieback management / mapping, revegetation / landscaping and weed management of Balannup Lake Reserve south of Ranford Road.**

**iv. Insert the following as Item (10)(b) in Clause 3.6.3:**

**(b) 100% of the total cost to acquire the core area of the rehabilitated conservation category wetland at Lot 515 Skeet Road.**

**v. In Clause 3.12.4(f) add the words “at Lot 49 Wright Road” after “No.3”.**

**vi. Modify existing Clause 3.12.4(g) to become Clause 3.12.4(h).**

**vii. Insert the following as Clause 3.12.4(g):**

**The conservation category wetland land identified in Development Contribution Plan No.3 at Lot 515 Skeet Road is to be valued at 30% of the Assessed Value of nearby Urban zoned land.**

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

- 3. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning grant final approval to the amendment.**
- 4. Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.**
- 5. Advise the submitters of its decision.**

### **ATTACHMENTS**

1. City of Armadale - SCA Map Amendment No.78
2. Indicative Staging Plan - Harrisdale and Piara Waters
3. North Forrestdale Site Plan - Wetlands
4. Specified Works Plan DCP No.3
5. Schedule of Submissions - Amendment No.78

***COUNCILLORS' ITEMS***

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*Items to be submitted.*

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***EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT***

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***6.1 - FORMER ROLEYSTONE PRIMARY SCHOOL SITE - ROBIN ROAD,  
ROLEYSTONE***

---

An update on Amendment No.72 and progress on the former Roleystone Primary School site.

- In May 2012, Council resolved (D29/5/12) to adopt a modification to Town Planning Scheme No.4 to rezone Reserve 24458 (Lots 1352 and 3268) Robin Road, Roleystone (the former Roleystone primary school site) from “Public Purpose – Primary School” to “Residential – Restricted Use No.9” for an Aged or Dependent Persons development (Amendment No.61).
- The Minister approved Amendment No.61 on 24 January 2013 and it appeared in the Government Gazette on 12 February 2013.
- Subsequently, the Department of Education / Landcorp had difficulty trying to sell the site and in July 2014 submitted a further request for a scheme amendment (Amendment No.76) to relax the land use restrictions put in place via Amendment No.61.
- In October 2014 Council declined to initiate Amendment No.72 (D51/10/14) as it was considered to be contrary to the orderly and proper planning of the area and was unlikely to result in the provision of aged person’s accommodation.
- Following this decision, while City officers discussed further options with the State Government, a developer made an unconditional offer for purchase of the site which was accepted. Amendment No.72 was subsequently withdrawn.
- The new owner / developer has had introductory discussions with City officers and local community representatives and is keen to realise the vision of an aged person’s development on the site.
- The City will continue to encourage and facilitate the planning processes relative to the site, including the Local Development Plan (formerly Detailed Area Plan) required by Condition No.4 of Restricted Use No.9 within Schedule 3 of Town Planning Scheme No.4 to obtain the R12.5 code and Development Application.
- The developer has indicated that work has begun towards preparation of these items, but at this time the developer has no specific time frame for submission to the City.

**ATTACHMENTS**

There are no attachments for this report.

***6.2 - DEVELOPMENT ASSESSMENT PANEL - APPLICATION UPDATE***

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The City currently has three (3) Development Assessment Panel (DAP) applications in progress. An update on each is provided below:

1. **DAP/14/00695 - Property Location: Lots 9, 10 & 11 (No. 1, 3 & 5) Banyard Avenue, Kelmscott- 34 Multiple Dwellings.**

The DAP meeting was held on 15 April 2015 and the application was approved subject to appropriate conditions.

2. **DAP/15/00696 - Property Location: Lot 3002 Yellowwood Avenue cnr Nicholson Road, Harrisdale - Fast Food Outlet (McDonalds).**

The DAP considered the proposal at its meeting held 16 March 2015 and refused the application in line with the City's recommendation. The applicant has subsequently made an application for review to the State Administrative Tribunal and advised they also intend to lodge a fresh application to address the City's concerns and provisions of the Newhaven District Activity Centre Structure Plan.

3. **DAP/15/00734 - Property Location: Lot 9007 Warton Road, Piara Waters. Application: Lifestyle Village / Park Home Park**

The application proposes 270 Park Homes. The proposal has been advertised and numerous objections were received. The application is currently being assessed with the DAP meeting date yet to be determined.

**ATTACHMENTS**

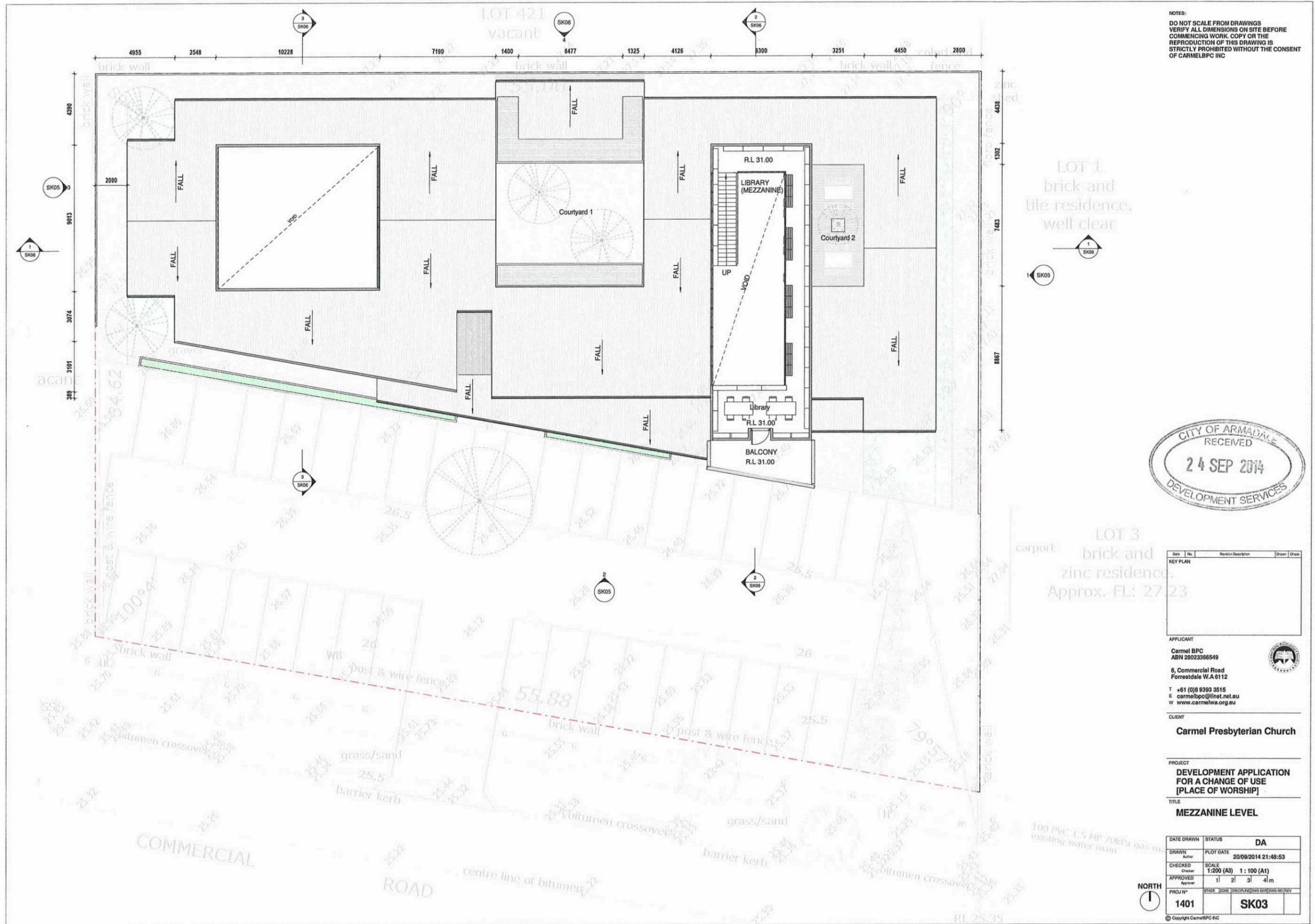
There are no attachments for this report.

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

<b>DEVELOPMENT SERVICES COMMITTEE</b>		
<b>SUMMARY OF "A" ATTACHMENTS</b>		
<b>21 APRIL 2015</b>		
<b>ATT NO.</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>2.1 DEVELOPMENT APPLICATION - PLACE OF WORSHIP - LOT 347 (6) COMMERCIAL ROAD, FORRESTDALE</b>		
2.1.1	Application Report and Perspectives - Lot 347, 6 Commercial Road, Forrestdale(2)	59
<b>3.1 COUNCIL POLICY REVIEW - DEVELOPMENT SERVICES - ADM 11 - VESTING OF CROWN RESERVES</b>		
3.1.1	Council Policy ADM 11 - Vesting of Crown Reserves	65
<b>3.2 TENDER NO. 1/15 EXECUTION OF POST DEVELOPMENT SURFACE WATER AND GROUNDWATER MONITORING AND ANALYSIS PLAN – FORRESTDALE CENTRAL, FORRESTDALE EAST AND ERADE STRUCTURE PLAN AREAS FOR BASELINE ANALYSIS.</b>		
3.2.1	Indicative Staging Plan - Harrisdale and Piara Waters	70
<b>4.1 FINAL ADOPTION OF AMENDMENT NO.77 TO TOWN PLANNING SCHEME NO.4 - MODIFICATION TO DEVELOPMENT CONTRIBUTION PLAN (DCP) NO.3</b>		
4.1.1	City of Armadale Special Control Area Map 3	71
<b>4.2 FINAL ADOPTION - AMENDMENT NO.78 - AMENDMENT TO DEVELOPMENT CONTRIBUTION AREA NO.3 AND DEVELOPMENT CONTRIBUTION PLAN NO.3</b>		
4.2.1	City of Armadale - SCA Map Amendment No.78	72
4.2.2	Indicative Staging Plan - Harrisdale and Piara Waters	73
4.2.3	North Forrestdale Site Plan - Wetlands	74
4.2.4	Specified Works Plan DCP No.3	75
4.2.5	Schedule of Submissions - Amendment No.78	76





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Date	No.	Revision Description	Drawn	Check
KEY PLAN				

APPLICANT  
Carmel BPC  
ABN 2802396549  
6, Commercial Road  
Forrestdale W.A 6112  
T +61 (0)8 9393 3515  
E carmelbpc@inet.net.au  
W www.carmelwa.org.au

CLIENT  
**Carmel Presbyterian Church**

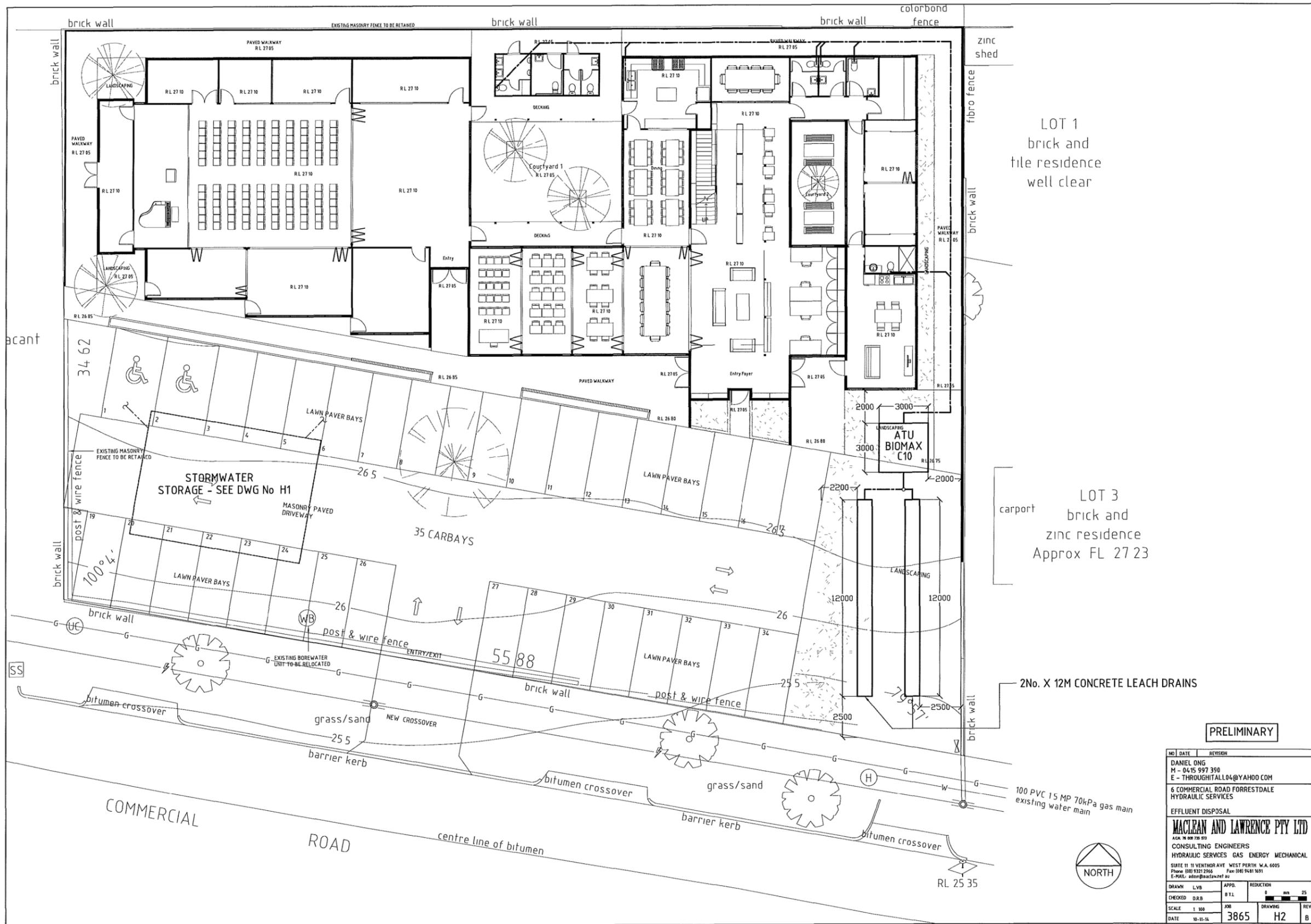
PROJECT  
**DEVELOPMENT APPLICATION  
FOR A CHANGE OF USE  
[PLACE OF WORSHIP]**

TITLE  
**MEZZANINE LEVEL**

DATE DRAWN	STATUS	DA
DRAWN Author	PLOT DATE	20/09/2014 21:48:53
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APPROVED Approver		1 2 3 4m
PROJ#	STAGE	ZONE
1401		SK03

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PRELIMINARY

NO	DATE	REVISION
1	04/15/15	997 350
DANIEL ONG E - THROUGHITALL04@YAHOO.COM 6 COMMERCIAL ROAD FORRESTDALE HYDRAULIC SERVICES		
EFFLUENT DISPOSAL <b>MACLEAN AND LAWRENCE PTY LTD</b> A/CN 74 000 738 033 CONSULTING ENGINEERS HYDRAULIC SERVICES GAS ENERGY MECHANICAL SITE 11 VENTNOR AVE WEST PERTH W.A. 6005 Phone (08) 9321 2566 Fax (08) 9481 1691 E-MAIL: admin@maclean.net.au		
DRAWN	LVB	APPRO.
CHECKED	DRB	B.T.L.
SCALE	1:500	JOB
DATE	10-11-14	DRAWING
		REDUCTION
		NO. 25
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		B

APRIL 2014  
APPLICATION FOR A DEVELOPMENT APPROVAL AND A CHANGE OF USE  
LOT 347 6 COMMERCIAL ROAD FORRESTDALE W.A 6112

PERSPECTIVES



EXTERNAL VIEW OF THE PROPOSED DEVELOPMENT (STUDY / RESIDENTIAL BLOCK) FROM THE CAR PARK.



APRIL 2014  
APPLICATION FOR A DEVELOPMENT APPROVAL AND A CHANGE OF USE  
LOT 347 6 COMMERCIAL ROAD FORRESTDALE W.A 6112

PERSPECTIVES

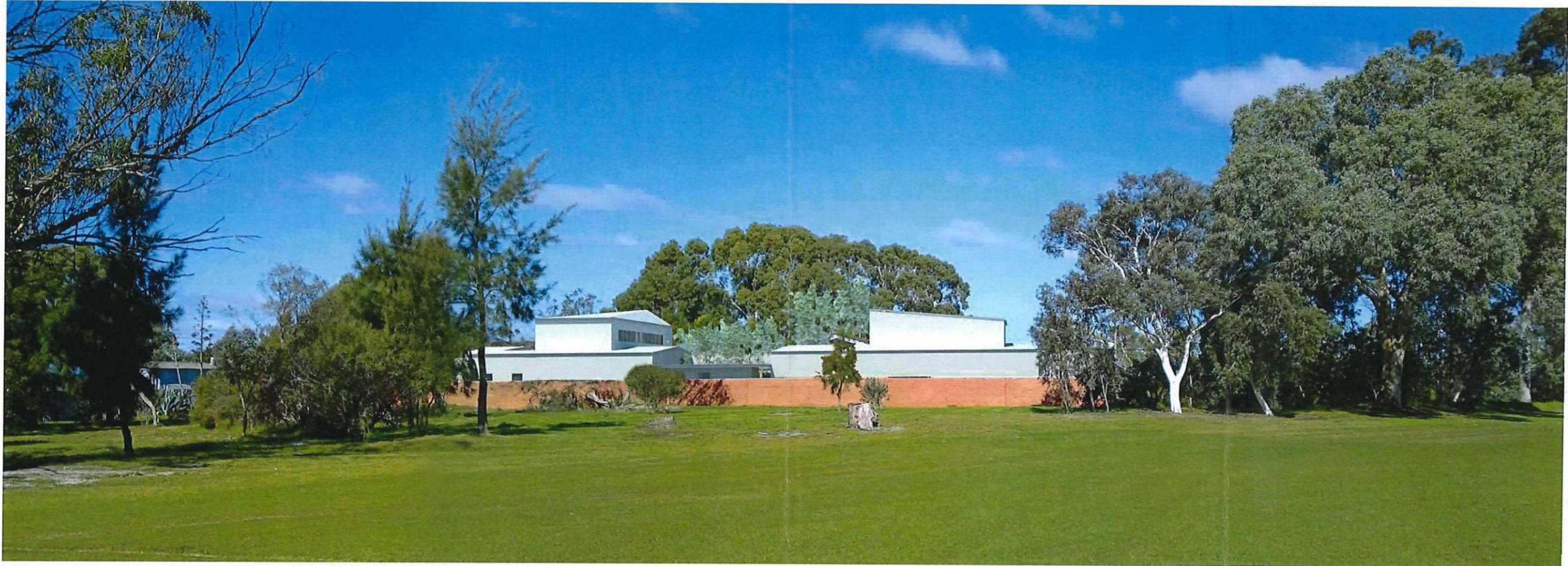


AERIAL VIEW OF THE PROPOSED DEVELOPMENT



APRIL 2014  
APPLICATION FOR A DEVELOPMENT APPROVAL AND A CHANGE OF USE  
LOT 347 6 COMMERCIAL ROAD FORRESTDALE W.A 6112

PERSPECTIVES



REAR [NORTHERN] VIEW OF THE PROPOSED DEVELOPMENT FROM ALFRED & WILLIAM SKEET RESERVE





**POLICY**

**ADM 11 – Vesting of Crown Reserves**

**Management Practice**

N/A

**Relevant Delegation**

N/A

---

**Rationale**

To establish clear guidelines for the determination of whether or not Council should accept the vesting of unvested Crown reserves.

**Policy**

The City will accept management responsibility for Crown Reserves in Urban areas where:-

- a) Such reserves are identified as public open space and/or drainage in an adopted Structure Plan or Town Planning Scheme.

or

- b) The reserves are Public Open Space that do not form part of (a) above but satisfy the criteria as outlined in the following Schedule.

Acceptance of the management responsibility for Crown reserves in non Urban areas and drainage reserves shall be based on each individual application.

**Related Local Law** N/A

**Related Policies** N/A

**Related Budget Schedule** N/A

**Last Reviewed** 16 July 2012

**Next Review Date** March 2015

**Authority** Council Meeting of:  
4 March 2003 (C6/2/03)  
19 April 2004 (CS14/4/04)  
23 March 2009 (D23/3/09)  
16 July 2012 (D1/7/12)



**SCHEDULE**

**ADM 11 – Vesting of Crown Reserves**

**SOCIAL/RECREATIONAL CRITERIA**

**Adequate provision of different types of POS**

The adequacy of open space for active and passive recreation should be considered in accordance with Table 1 and the comments below.

Except where Regional Open Space is in part designated as District or Neighbourhood Open Space, active and passive recreation needs should be adequately catered for before setting aside parkland for Regional Open Space purposes.

Table 1: Park types, key recreational functions, adequacy provisions and specific suitability criteria.

<b>Park Type</b>	<b>Area</b>	<b>Key recreational functions</b>	<b>Adequacy/provision criteria</b>	<b>Specific suitability criteria &amp; notes</b>
Local	Less than 4000m <sup>2</sup>	Children’s playgrounds and resting places, small intimate places		Should not be accepted unless there are inadequate Neighbourhood Parks. Other criteria as per Neighbourhood Parks
Neighbourhood	4-5000m <sup>2</sup>	Children and adolescents play areas (eg Skateboards, kites, playgrounds) resting places, small intimate places	Maximum 400m walk, from most dwellings, serves about 600 houses. District Distributors and other major roads should be identified as barriers to walking.	Should have at least 75% of boundary with surveillance (ie houses facing park). Soil types should be suitable for facilities such as playgrounds etc.

District	2.5-4 ha	Grassed areas for informal games, organised sport, hard surfaces for games such as netball.	Maximum 600m walk, from most dwellings, serves about 1,800 houses.	Should preferably be associated with schools. Adequate water supply (eg groundwater) needs to be available. Soil types must be capable of supporting grassed areas. Natural and human made differences in elevation desirable, but site needs to be able to have flat areas for sporting fields.
Community facilities sites	Approximately 5000m <sup>2</sup>	Places/community centres, playgroups, services etc	Maximum 600m walk from most dwellings, serves about 1,800 – 3000 houses.	

**Suitability criteria (ie Quality)**

Open space primarily set aside in response to Functional and environmental criteria (see below) can only be included as part of Social/Recreational Open Space if its role and function is compatible. For example, a watercourse buffer that is not steep and vegetated may provide a Local Park function. Multiple use of Public Open Space should be maximised.

All Public Open Space to be included as part of Social/Recreational Open Space must not:

- Be located under powerlines;
- Have steep grades (more than 1:12);
- Be geologically unstable, prone to waterlogging or have unsuitable fill or materials (eg stones) that would inhibit development.

Open space that has the above characteristics should not be accepted unless it has a particular functional or environmental value (see Functional and environmental criteria below).

The shape of the open space is a consideration for all park types, but no specific criterion has been developed.

## FUNCTIONAL AND ENVIRONMENTAL CRITERIA

Sites selected based on functional and environmental criteria fulfil a specific function such as environmental protection, environmental management, linear open space or cultural heritage protection by virtue of the site's characteristics or location.

Unless otherwise indicated, land area and vegetation condition is not a criterion for the following:

1. Is the land within the historical extent of the Forrestfield, Guildford or Swan Vegetation Complexes and covered with more than 1200m<sup>2</sup> of vegetation in Fair to Good condition (ie weed cover less than 20%)?
2. Is the land within:
  - 50m of the centreline of a drain or watercourse with permanent water
  - 50m of the high water mark of a Conservation category wetland
  - 50m of the high water mark of a lake covered by the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992
  - 30m of a seasonally flowing drain or watercourse
  - 10m of a drain or watercourse that flows in response to specific rainfall events.
3. If the land has vegetation in Fair to Good Condition and lies within the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 area indicate a yes response only if:
  - The land cannot be protected by other means; or
  - The land is to be given up as part of subdivision.
4. Is the land valuable as a fauna link (see Draft Green Link Strategy Plan)?
5. Is the land required for urban stormwater quality management purposes?
6. Is the land adjacent to existing publicly owned bushland (eg owned or vested in the City or part of the Jandakot or Darling Range Regional Park)? If so, identify if there is a benefit in locating public open space next to the Regional Park as a buffer. If the land is bushland vegetation in Fair to Good condition (ie weed cover less than 20%) it should be accepted.
7. Is the land identified as significant from a social, cultural, historical, scientific or landscape perspective (Check Municipal Heritage Inventory, Aboriginal Sites Register, Australian Heritage Commission Register, City of Armadale Rural Strategy)?
8. Does the area contain locally significant stands of trees?
9. Does the land form part of an existing or potential network of linear open space or trails (eg walking, cycling or bridle paths)?
10. Is the land identified for protection in the City's Local Biodiversity Strategy or other documents?

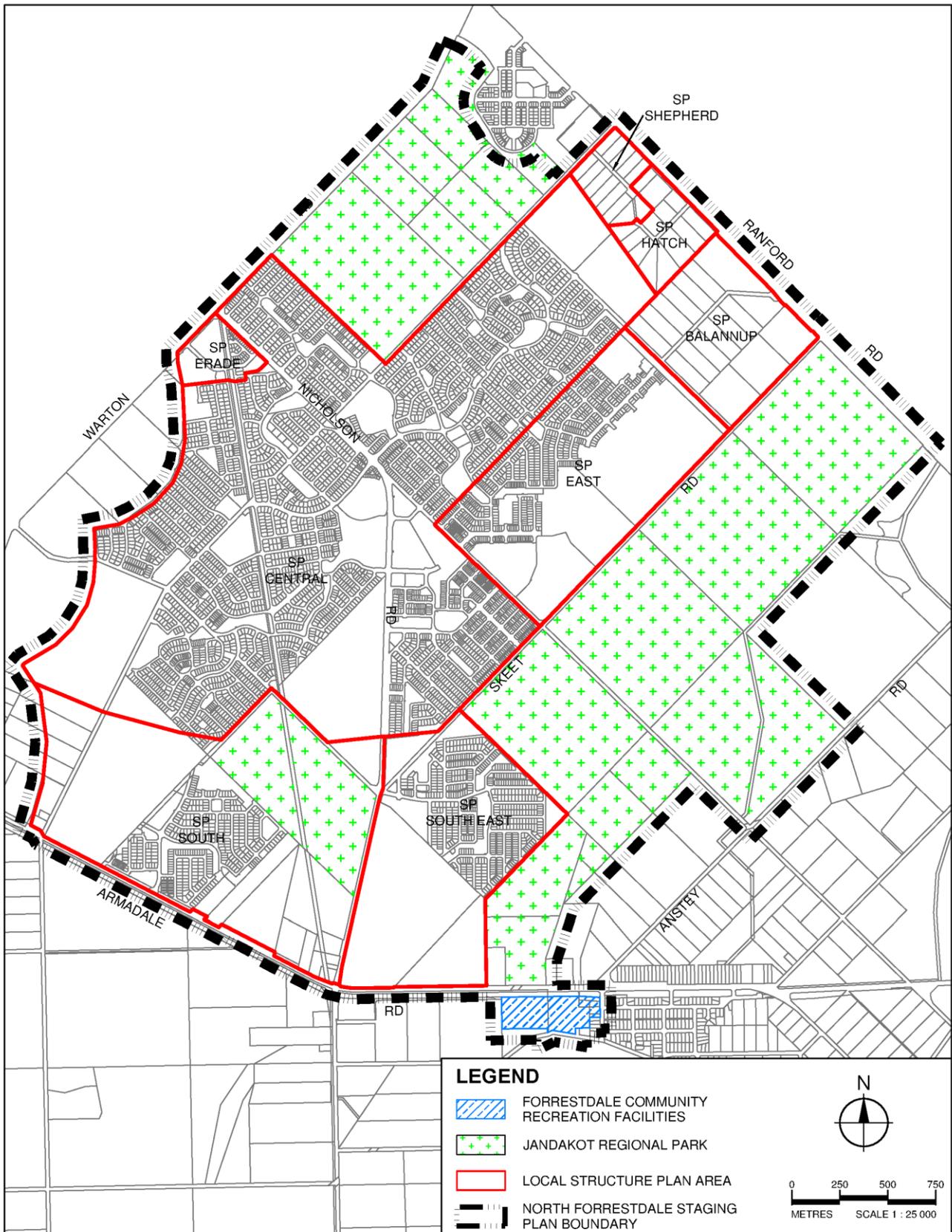
## ECONOMIC CRITERIA

The following economic criteria should be utilised in determining the location and arrangement of Public Open Space:

- Public Open Space that can serve both Functional/Environmental purposes and Social/Recreational purposes in a compatible manner should be identified. Multipurpose Public Open Space is preferable to single-purpose open space (ie integration of POS functions should be maximised).
- Where Functional open space (eg for vegetation protection) of less than 4000m<sup>2</sup> is identified, opportunities to expand it so that it can also fulfil Social/Recreational Open Space needs as well should be accepted and sought.
- District Open Space should preferably be associated with schools to maximise usage. Shared facilities are preferable, and opportunities for partnerships in management should be identified.
- Soil types and the presence of materials such as stones, rubble and the like are considerations for Neighbourhood and District Open Space because these affect the economics of park development.

For new structure plans and subdivisions the following principles should be applied:

- Sharing of facilities owned by the City of Armadale, State Government, Commonwealth Government and private organizations is encouraged.
- Acquisition costs should be minimised.
- Developer contributions to the enhancement of POS should be appropriately sought.
- Accept cash-in-lieu of POS in cases where there is already adequate POS, or POS is less than 4000m<sup>2</sup> and cannot be joined to existing POS or where it is identified by the TPS, Structure Plan or there is other planning rationale.
- Management Orders (i.e. vesting) for POS in new subdivision areas need to be accepted, notwithstanding the fact that the subdivider is obliged to maintain the POS for a period of two (2) years from the date of subdivision approval. The two issues are addressed separately.
- For POS areas not in Urban areas and either historical or otherwise, acceptance of Management Orders should be treated on their merits.

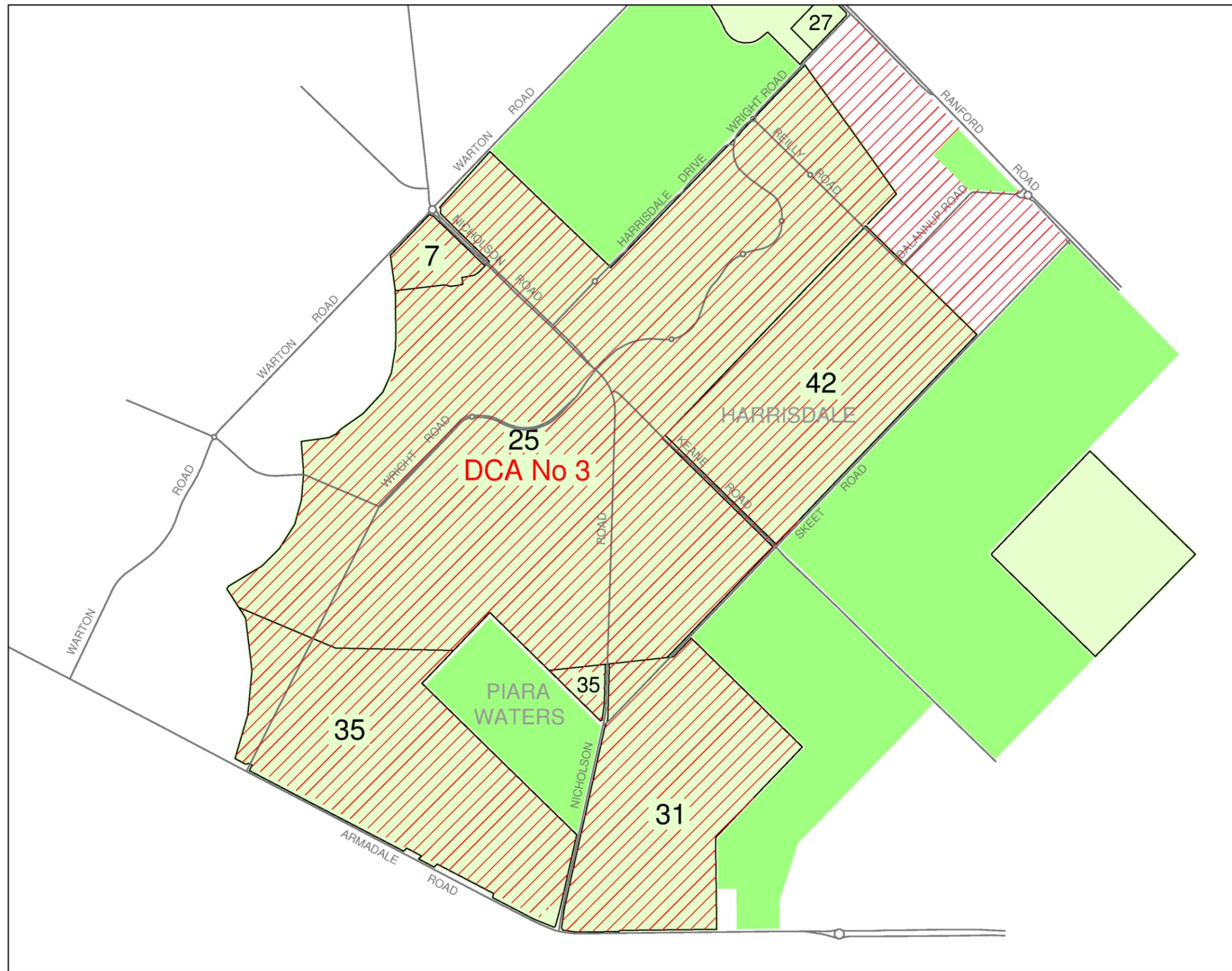


**INDICATIVE STAGING PLAN  
 HARRISDALE AND PIARA WATERS**

DATE 29 November 2012 - REVISION 1201



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**LEGEND**

- 7 Development Area (Structure Plan) (Schedule 12)
- Development Contribution Area (Schedule 13)
- Metropolitan Regional Scheme Parks & Recreation

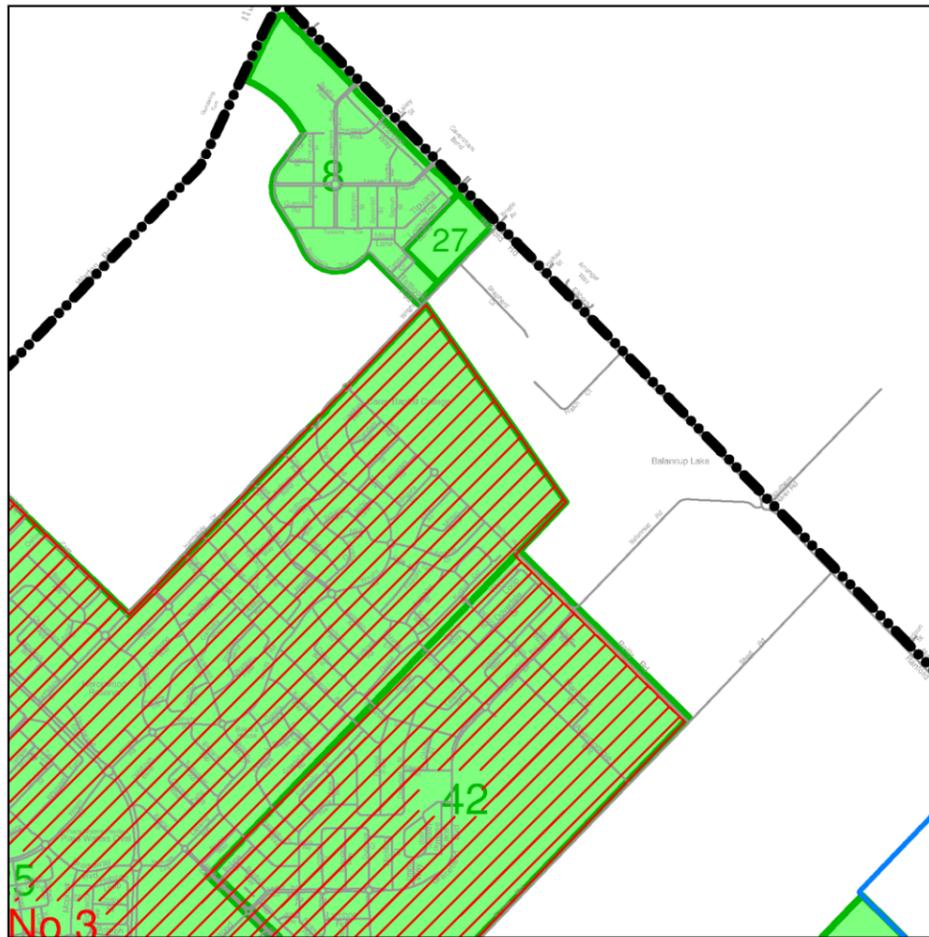
**CITY OF ARMADALE SPECIAL CONTROL AREA MAP 3**  
Development (Structure Planning) Areas (refer to Part 6A of Scheme Text), Development Contribution Areas (refer to Part 6B of the Scheme Text), and Environmental Conditions (refer to Part 5.6 of Scheme Text).



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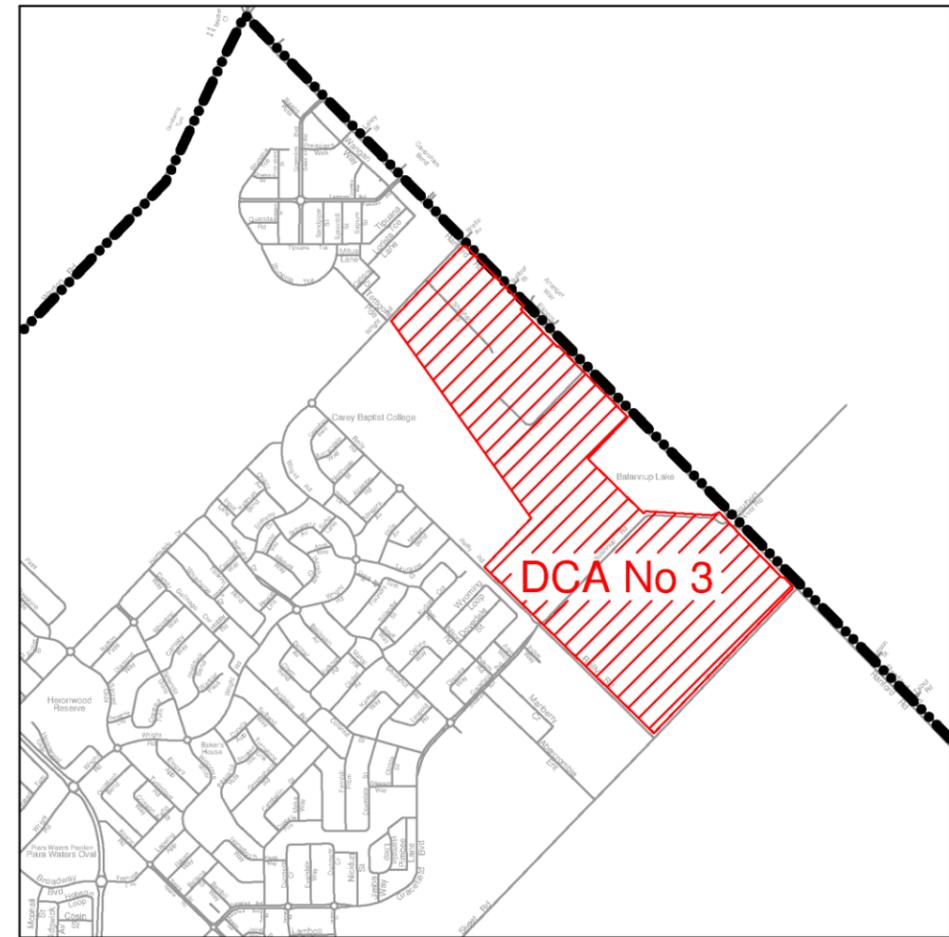
# CITY OF ARMADALE TOWN PLANNING SCHEME No. 4 AMENDMENT No. 78



**EXISTING SCA MAP 3**

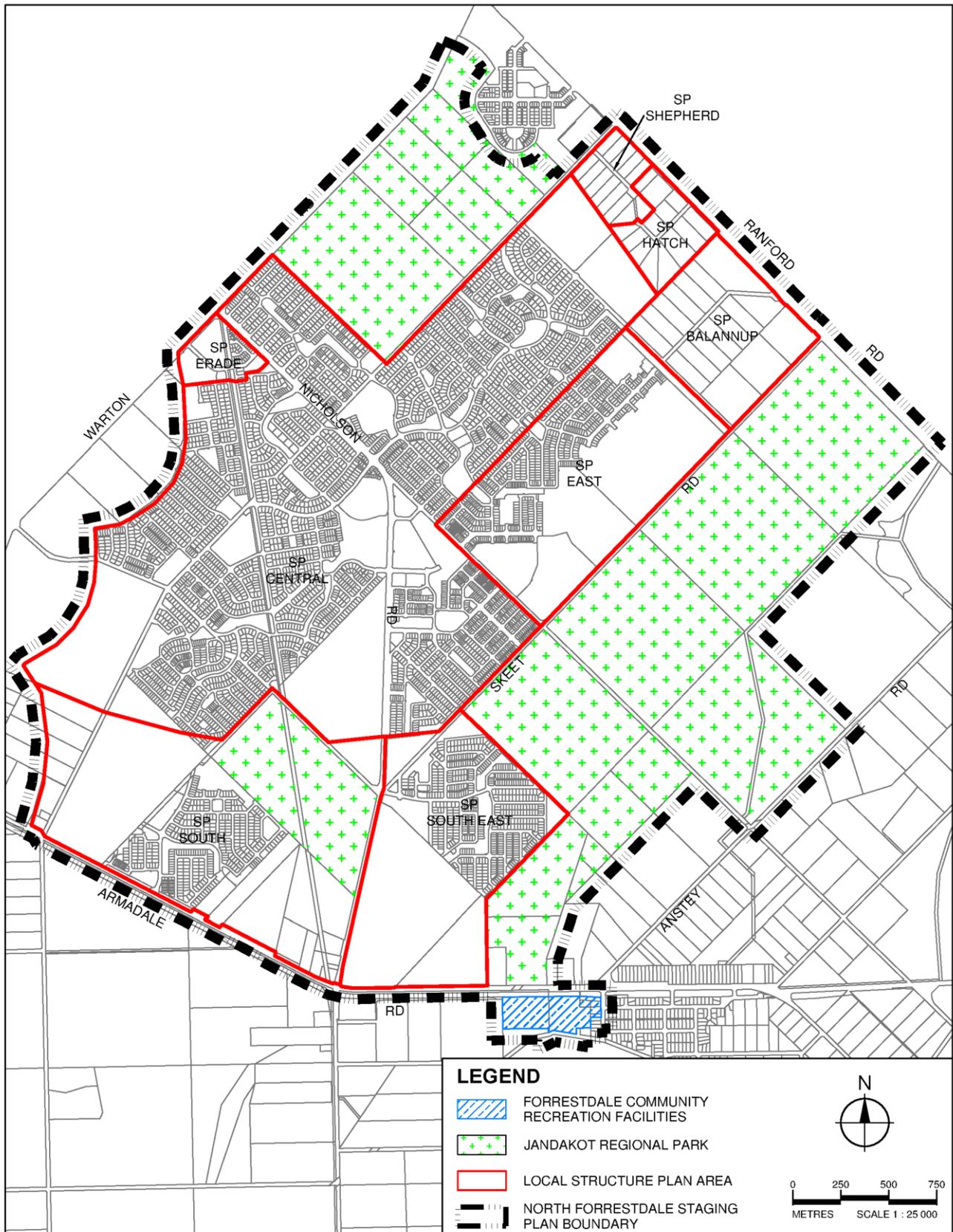


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1 : 20 000



**PROPOSED SCA MAP 3**

LEGEND			
	Municipal Boundary		Development Area (Structure Plan) (Schedule 12)
	Major Roads		Development Contribution Area (Schedule 13)
	Roads		Environmental Conditions (Schedule 10)
	Proposed Roads		Armadale Redevelopment Area Boundary
	Railway		
	Water Features		
	Drains		

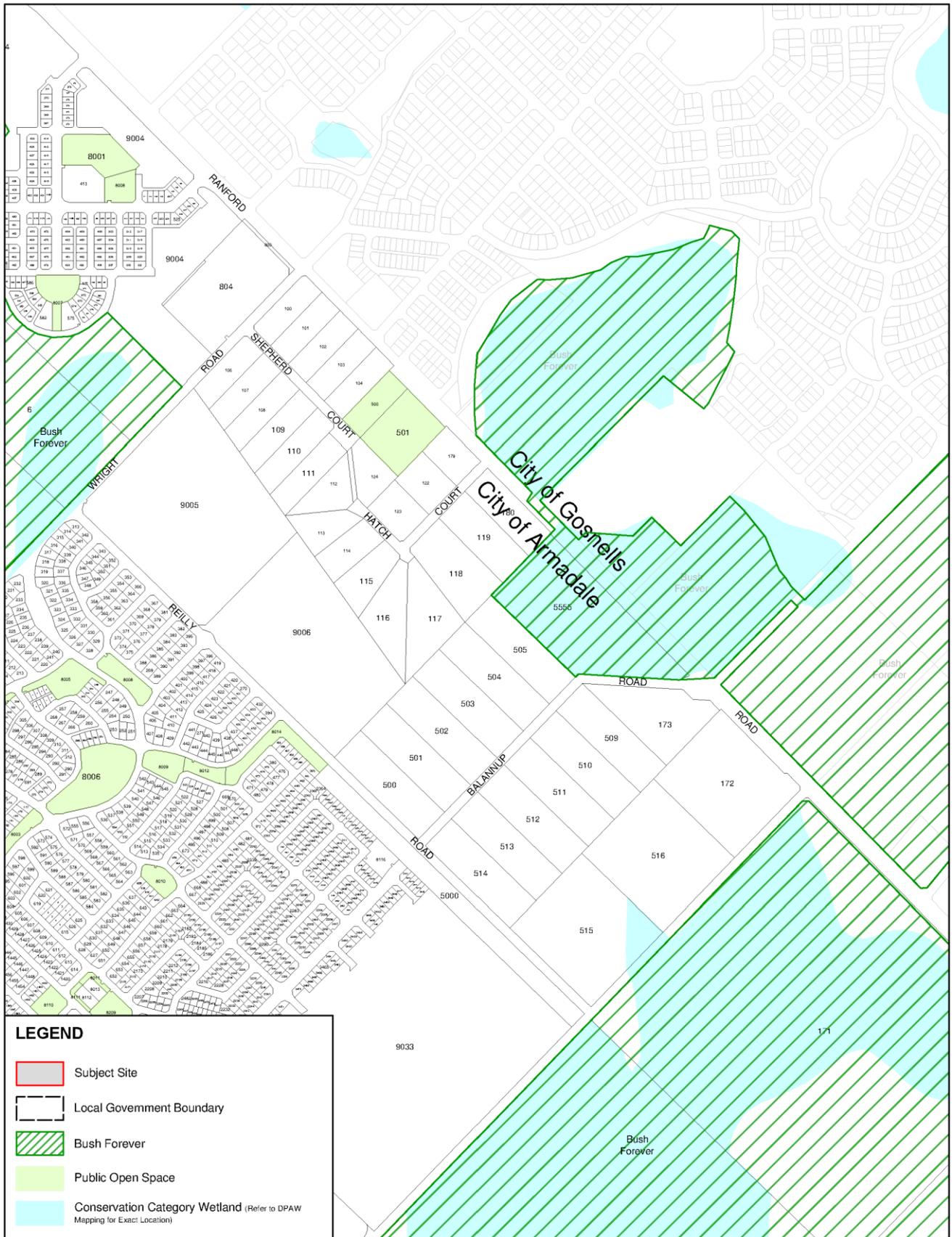


**INDICATIVE STAGING PLAN  
 HARRISDALE AND PIARA WATERS**

DATE 29 November 2012 - REVISION 1201

CITY OF Armadale

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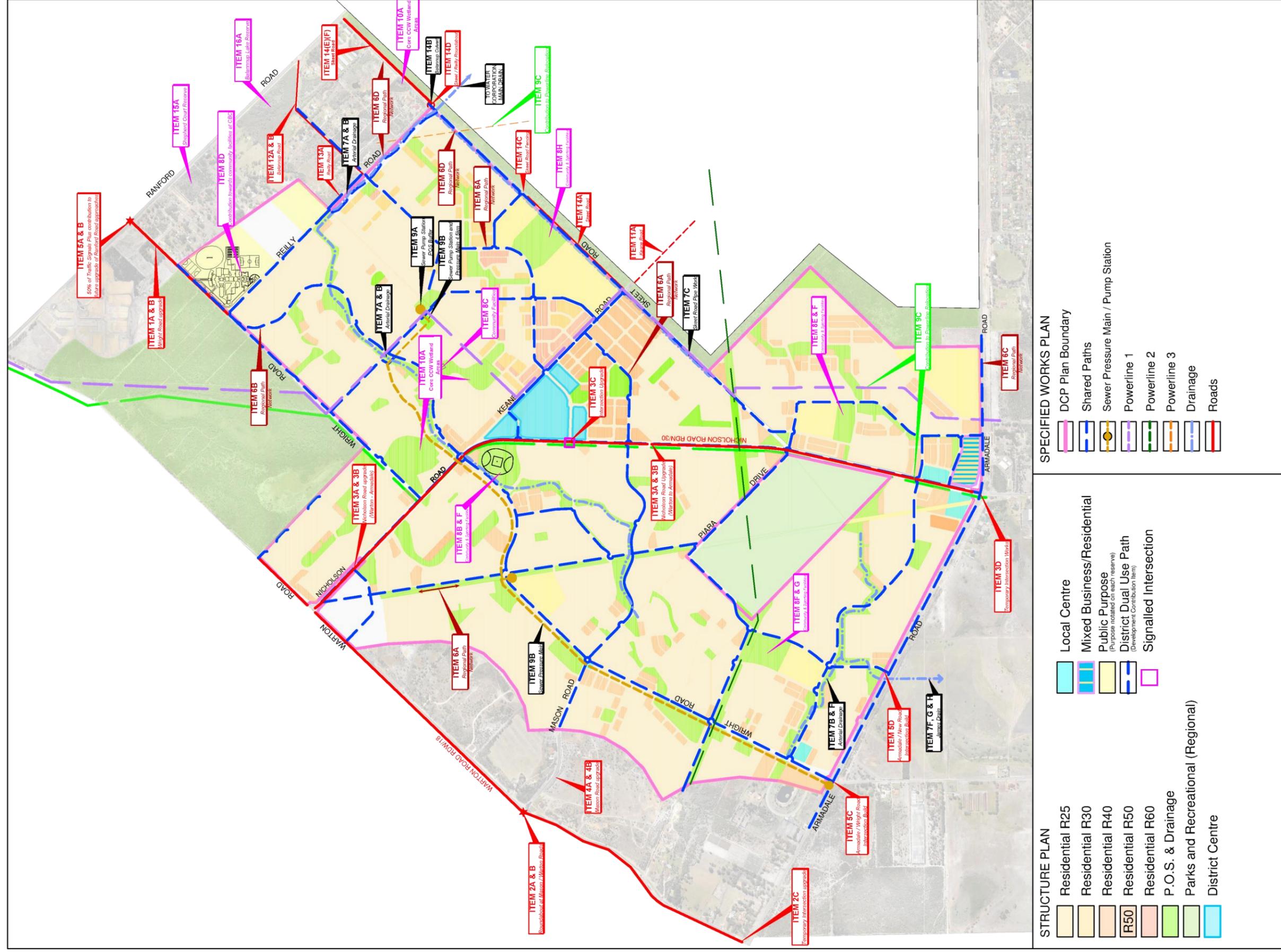


**SITE PLAN**  
 SP Balannup, SP Hatch & SP Shephard  
 Harrisdale



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- STRUCTURE PLAN**
- Residential R25
  - Residential R30
  - Residential R40
  - Residential R50
  - Residential R60
  - P.O.S. & Drainage
  - Parks and Recreational (Regional)
  - District Centre

- Local Centre
- Mixed Business/Residential
- Public Purpose  
(Purpose notated on each reserve)
- District Dual Use Path  
(Development Contribution Item)
- Signalled Intersection

- SPECIFIED WORKS PLAN**
- DCP Plan Boundary
  - Shared Paths
  - Sewer Pressure Main / Pump Station
  - Powerline 1
  - Powerline 2
  - Powerline 3
  - Drainage
  - Roads

**SPECIFIED WORKS PLAN**  
DCP No. 3

DATE 13 January 2015 - REVISION 1301



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<b>SCHEDULE OF SUBMISSIONS</b>				
<b>TOWN PLANNING SCHEME AMENDMENT NO. 78</b>				
<b>No.</b>	<b>Name &amp; Address</b>	<b>Affected Property/Interest</b>	<b>Resumé of Submission</b>	<b>Comment</b>
1	J B Fleming & J C M Catchpole 9 Shepherd Court, Harrisdale	9 Shepherd Court, Harrisdale	Supports Proposal	No Comment
2	Rakesh Tushir & Hardik Desai 16a Findon Crescent Westminster WA	4 Hatch Court Harrisdale	Supports Proposal	No Comment
3	Mrs M Cowan 8 Hatch Court Harrisdale	8 Hatch Court Harrisdale	Supports Proposal	No Comment
4	Department of Parks and Wildlife	Balannup Lake Reserve south of Ranford Road	The submission supports the proposal but the Department requested the inclusion of the following statement in proposed item 1. b) iii: "in consultation with the Department of Parks and Wildlife".	Refer to report for the detailed response to this submission.
5	Rowe Group of Behalf of Satterley Property Group L3, 369 Newcastle Street Northbridge WA	Heron Park Estate	The submission from Rowe Group on behalf of Satterley Property Group requests the inclusion of Skeet Road between the Primary School and Reilly Road Adjacent to Heron Park Phase 2. In short, the submission supports the idea that Skeet Road provides a district function that has required the developer to widen the existing Skeet Road Reserve from 20.0m to 24.2m and provides specifically negotiated construction outcome that includes a 2.0m median, one dual carriageway with 3.5m lanes and two 1.5m cycle lanes.  The submission also supports the idea that if Skeet Road was not	Refer to report for the detailed response to this submission.

<b>SCHEDULE OF SUBMISSIONS</b>				
<b>TOWN PLANNING SCHEME AMENDMENT NO. 78</b>				
<b>No.</b>	<b>Name &amp; Address</b>	<b>Affected Property/Interest</b>	<b>Resumé of Submission</b>	<b>Comment</b>
6	Taylor Burrell Barnett on Behalf of Glendenning Property 187 Roberts Rad Subiaco WA	Lot 515 Skeet Road Harrisdale	<p>required to connect through to Ranford Road an Access B standard road reserve could have been constructed within the existing Skeet Road reserve thereby having less of an impact on the adjoining Heron Park estate.</p> <p>The submission also discusses some factors that have influenced the design of Skeet Road and questions the level of equity and consistency being applied if the section of Skeet Road north of Reilly Road is included in the DCP but Skeet Road from the Primary School Site to Reilly Road is omitted from the DCP.</p> <p>The submission supports the proposal and requested inclusion of the purchase of the Wetland at Lot 515 Skeet Road Harrisdale and Regional Paths within DCP No. 3.</p>	Refer to report for the detailed response to this submission.