

# CITY OF ARMADALE

## AGENDA

**OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE FUNCTION ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 21 SEPTEMBER 2020 AT 7.00PM.**

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*A meal will be served at 6.15 p.m.*

### **PRESENT:**

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

### **OBSERVERS:**

### **IN ATTENDANCE:**

### **PUBLIC:**

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

## **DISCLAIMER**

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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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*Public Question Time is allocated for the asking of and responding to questions raised by members of the public. Minimum time to be provided – 15 minutes (unless not required). Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>. It is also available in the public gallery. The public's cooperation in this regard will be appreciated.*

### **DEPUTATION**

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- Proposed Amendment of Development Approval condition - Increase of Occupancy - Restaurant and Reception Centre - Lot 2 Mount Street, Kelmscott (Avocados)
  - Brad Richards - Avocados, Kelmscott

### **CONFIRMATION OF MINUTES**

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#### **RECOMMEND**

**Minutes of the Development Services Committee Meeting held on 17 August 2020 be confirmed.**

### **ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 15 - AUGUST 2020**

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

Report on Outstanding Matters - Development Services Committee

Review before the State Administrative Tribunal (SAT)

Design Review Panel Meetings 2020

#### **Health**

Health Services Manager's Report - August 2020

#### **Planning**

Planning Applications Report - August 2020

Town Planning Scheme No.4 - Amendment Action Table

Subdivision Applications - WAPC Approvals/Refusals - August 2020

Subdivision Applications - Report on Lots Registered for 2020/2021

Compliance Officer's Report - August 2020

#### **Building**

Building Services Manager's Report - August 2020

Building Health/Compliance Officer's Report - August 2020

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

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## **DEVELOPMENT SERVICES COMMITTEE**

**21 SEPTEMBER 2020**

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***1.1 - SWIMMING POOL SAFETY BARRIER - LOT 167 (25) BLUESTONE LOOP,  
PIARA WATERS***

WARD : LAKE  
FILE No. : M/524/20  
DATE : 2 September 2020  
REF : NG  
RESPONSIBLE MANAGER : EDDS

**In Brief:**

- A swimming pool has been built without a building licence at Lot 167 (25) Bluestone Loop, Piara Waters.
- The City is liaising with the owner in order to bring the unauthorised work into compliance, however, as part of that process it has been identified that a portion of the existing pool barrier does not meet the Deemed-to-comply building requirements of the Building Codes of Australia.
- Prior to lodging the required building approval certificate application and certificate of building compliance, the owner is seeking consideration of a Performance Solution for the existing pool barrier, which Building Services do not have delegated authority to determine.
- Recommend that Council endorse the proposed Performance Solution.

**Tabled Items**

Nil.

**Decision Type**

Legislative

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

Executive

The decision relates to the direction setting and oversight role of Council.

Quasi-judicial

The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Nil.

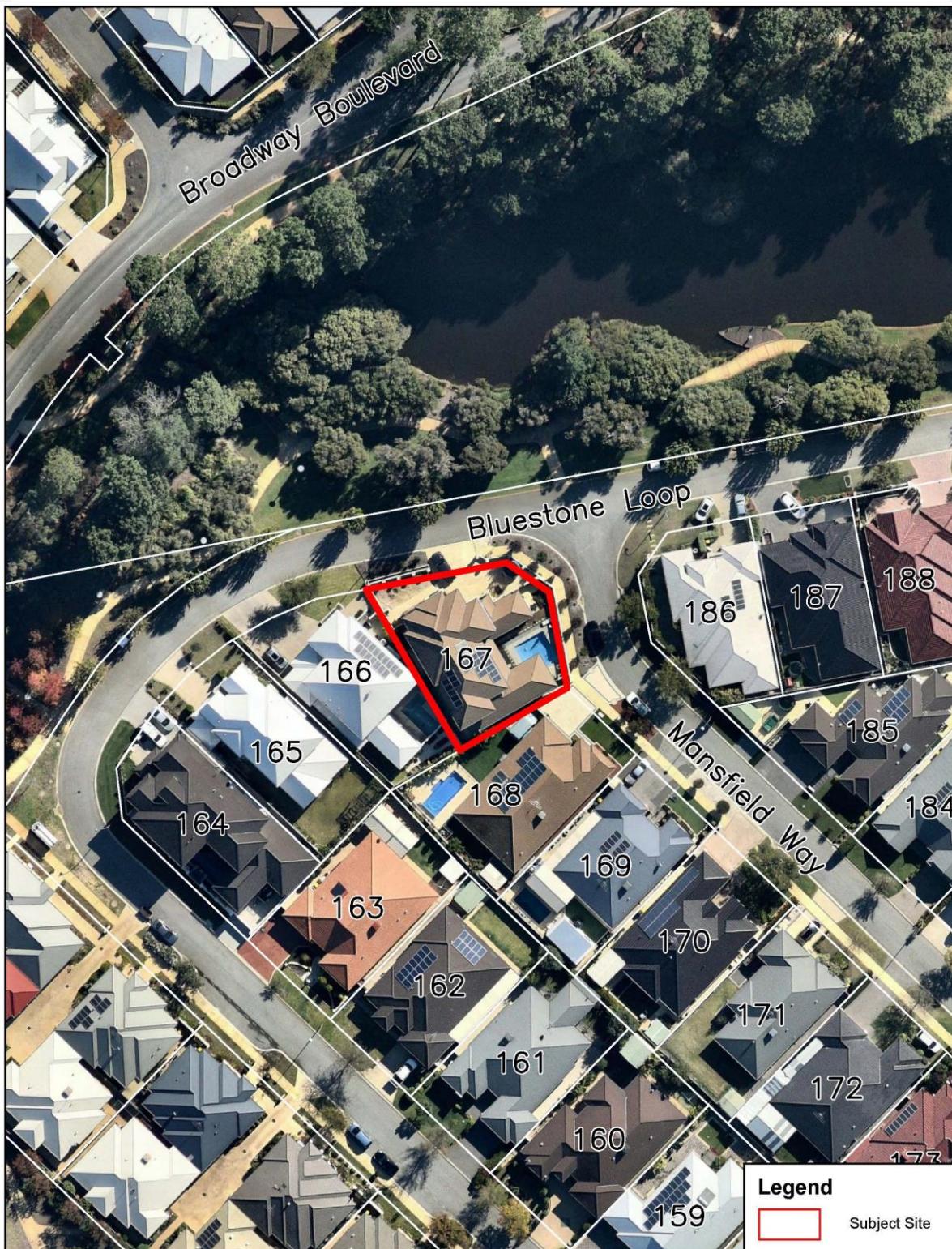
**Legal Implications**

*Building Act 2011*

*Building Regulations 2012*

*Building Code of Australia 2019*

*Australian Standards 1926.1-2012 - Swimming pool safety*



**AERIAL PLAN**

Lot 167 (No. 25) Bluestone Loop, Piara Waters

10 0 10 20m



SCALE 1 : 1000

DATE 21 July 2020 - REVISION 2001  
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Western Australian Land Information Authority trading as Landgate (2012).

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### **Local Law Implications**

*City of Armadale Fencing Local Laws 2011*

### **Budget/Financial Implications**

Nil.

### **Consultation**

- Building and Energy WA (Formerly Building Commission)
- Accredit Building surveying & Construction (Private Building Surveyor Contractor)
- No neighbour consultation is required in order to determine this application because the proposal is to utilise the existing boundary wall which abuts Mansfield Way to the east, and internal safety barrier fencing arrangement within the pool area.

## **BACKGROUND**

### Site Description

Lot 167 (25) Bluestone Loop, Piara Waters contains a Single House, swimming pool, boundary wall and pool safety barrier. The 624m<sup>2</sup> lot is bounded by Bluestone Loop (primary street) to the north and Mansfield Way to the east, being the side lot boundary of the property.

The boundary wall, which is located along the lot's secondary frontage to Mansfield Way, is constructed of solid masonry that has been rendered and painted and is 2m high when measured from the adjacent road verge to the top of the fence. The swimming pool, boundary wall and pool safety barrier are considered to be unauthorised building works as they were not included in the building licence which was granted on 27 March 2012.

### Building Licence Applications

A building licence was issued for a Single House and Swimming Pool at this property in 2011. However, as advised by the owners of the property, they did not proceed as owner builders and engaged the services of a Registered Builder under a separate building licence granted on 27 March 2012 that only included the Single House.

## **DETAILS OF PROPOSAL**

The owner has engaged a registered Private Building Surveyor to develop a proposed Performance Solution utilising the existing masonry wall to Mansfield Way and also certify that the swimming pool and pool safety barriers have been adequately constructed in accordance with the applicable building standards. Following Council's consideration of the Performance Solution, they would lodge the necessary application for a building approval certificate (BAC), accompanied by a certificate of building compliance (CBC).

The proposal is for a suitable safety barrier as defined by the building standards *AS 1926.1 – 2012 Swimming pool safety*, by using the Performance Solution alternative requirements that will restrict access by young children under the age of five to the private swimming pool.

This includes utilising the existing solid masonry wall at a height of 2m adjoining Mansfield Way to provide an adequate pool safety barrier as defined within the Performance Solution for use with a building approval certificate application.

## COMMENT

### Building Standards

The primary legislation applicable to assessment of the proposal is the *Building Code of Australia 2019* (BCA). The BCA provides a set of prescriptive Deemed-to-Satisfy (DTS) Solutions and, as an alternative, Performance Requirements which can be satisfied through design solutions evaluated on their merits. The evaluation of a proposed Performance Solution can be undertaken using a variety of methods which are defined in the BCA.

In terms of DTS requirements for a swimming pool safety barrier, *Australian Standards 1926.1-2012* is a referenced document within the Building Code of Australia Volume Two that requires a boundary fence to be a 1.8m minimum height measured on the internal side of the property, with a 0.9m radius non-climbing zone from the top of the inside of the barrier.

Where an alternative swimming pool safety barrier is proposed as a Performance Solution, that proposal must comply with Performance Requirement P2.7.1 (2019) which states that the barrier must:

- (a) Be continuous for the full extent of the hazard; and
- (b) Be of a strength and rigidity to withstand the foreseeable impact of people; and
- (c) Restrict the access of young children to the pool and the immediate surrounds; and
- (d) Have any gates and doors fitted with latching devices not readily operated by young children, and constructed to automatically close and latch.

### Performance Solution

In order to assess the proposed Performance Solution, the City:

- undertook its own peer review;
- liaised with the Private Building Surveyor who developed the Performance Solution; and
- sought relevant advice from Building and Energy WA.

Building and Energy WA (Formerly Building Commission) held a WALGA workshop presentation in November 2019 in relation to boundary swimming pool barriers. In their summary they indicated that a boundary wall can be an assembly of components, constructed or natural or otherwise, that restricts access to the pool. In this case the solid masonry boundary wall above would form the proposed barrier.

In subsequent consultation with Building and Energy WA, they advised that:

- barriers such as the existing masonry wall can be considered as part of a Performance Solution for a pool safety barrier; and
- the 2m height masonry wall, exceeds the required 1.8m;
- there is a non-climbing zone located on the outside of the barrier, within the Mansfield Road reservation.

## ANALYSIS

At the start of this analysis it should be noted that the non-compliant elements of the existing boundary wall (i.e. height and ‘handholds’) are located within the pool enclosure, where they can’t aid a child under 5 years old to enter without supervision. The balance of this analysis therefore relates to the 2m high external portion of the masonry wall which abuts Mansfield Way.

As per the Building and Energy WA advice mentioned above, the solid masonry wall could be treated as an “alternative barrier” in accordance with *Australian Standards 1926.1-2012*.

The proposed barrier is continuous along the whole side boundary of the lot. It is a permanent structure that is constructed from masonry which is a durable, low maintenance material.

The outside face of the solid masonry wall is flush with a rendered paint finish and it is unlikely that a child under 5 years of age could climb up the 2m high wall. The masonry safety barrier height exceeds the 1.8m requirement.

There are no significant trees or vegetation within close proximity to the barrier that would also provide footholds or assist climbing from within the road reserve. The existing boundary wall maintains a 0.9m non-climbing zone from the external face of the wall, therefore, does not facilitate climbing.

## OPTIONS

Council has the following options:

1. Approve the Performance Solution under regulation 51(2) of the *Building Regulations 2012*, together with (or without) associated conditions as recommended below.
2. Refuse the application for approval of the Performance Solution that forms part of the application process under regulation 51(2) of the *Building Regulations 2012* and specify reasons.

## CONCLUSION

Given that the total height of the proposed side boundary barrier exceeds 1.8m and that the outside of the barrier will be non-climbable due to the protective non-climbing zone, with an effective height of 2m, it is considered that the proposed barrier fulfills the relevant Performance Requirements, as outlined above. Accordingly Option No.1 is recommended.

**RECOMMEND**

**That Council, pursuant to regulation 51(2) of the *Building Regulations 2012*, approves the Performance Solution received on 31 July 2020 for the side lot boundary swimming pool safety barrier at Lot (167) Bluestone Loop, Piara Waters, subject to the following conditions:**

- 1. A minimum effective height of 1800mm (1.8m) being maintained from the ground level of the adjacent road reserve verge of Mansfield Way, Piara Waters and the top of the pool safety barrier on Lot 167, 25 Bluestone Loop, Piara Waters.**
- 2. No climbable objects shall be within 900mm (0.9m) from the top of the minimum effective height of 1800mm (1.8m) on the external (outside face) of the proposed safety barrier.**

**ATTACHMENTS**

- 1. Photographs - Lot 67 Bluestone Loop, Piara Waters

## ***2.1 - COMMUNITY ENGAGEMENT PLAN - PUBLIC HEALTH PLAN***

WARD : ALL  
FILE No. : M/556/20  
DATE : 2 September 2020  
REF : GD  
RESPONSIBLE MANAGER : EDDS

### **In Brief:**

- The State Government's Public Health Plan was released in July 2019.
- Part 5 of the *Public Health Act 2016* has been amended and in the next year will be legislated, which will require all local governments to have Public Health Plans.
- The City of Armadale has a Public Health Plan, however a new Public Health Plan is required.
- Recommend that Council endorse and support the *Community Engagement Plan – City of Armadale Public Health Plan*.

### **Tabled Items**

Nil.

### **Decision Type**

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

### **Officer Interest Declaration**

Nil.

### **Strategic Implications**

Strategic Community Plan 2016 – 2031

- 1.1 A strong sense of community spirit
- 1.2 Active community life that is safe and healthy
- 1.3 The community has the services and facilities it needs
- 1.4 The community is engaged and understood
- 2.2 Attractive and functional public places
- 2.3 Well managed infrastructure
- 3.1 Encourage infrastructure and investment
- 4.4 Effective Communications

### **Legal Implications**

Integrated Planning and Reporting Framework and Guidelines 2010

*Public Health Act 2016*

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

Council Policy COMD 2 – Community Engagement

### **Budget/Financial Implications**

The proposed expenditure can be accommodated in the 2020/21 (current) Health Services Budget under Preventative Health and Public Health and Wellbeing Programs.

## **PROPOSAL**

Council approval is sought to endorse the *Community Engagement Plan* for the City of Armadale to commence preparation of a new Public Health Plan.

## **BACKGROUND**

In July 2019, the WA Department of Health released the *State Public Health Plan for Western Australia: Objectives and Policy Priorities for 2019 – 2024 (State Public Health Plan)*. The plan aims to guide State and Local Governments and other partners in public health to work together and contribute towards influencing the health and wellbeing of all Western Australians. This plan coincides with an amendment (Part 5) to the *Public Health Act 2016*, to make public health plans mandatory for every local government in WA. In the future, Part 5 of the *Public Health Act 2016* will be legislated and, it will support and drive ongoing improvements to the health and wellbeing of local communities.

The City of Armadale will need to consult with the community, staff and relevant stakeholders within the City as well as use data and research to prepare and deliver a new Public Health Plan for the community.

Using the *State Public Health Plan* as a guiding document, the City's new Public Health Plan will focus on three areas:

- Chronic disease prevention,
- Environmental health protection,
- Improving Aboriginal health and wellbeing.

The City of Armadale has previously prepared a Public Health Plan 2014-17, in line with past recommendations from the *WA Public Health Bill 2008* to improve the health and wellbeing of the community. The City of Armadale was one of the first WA local governments to develop a Public Health Plan which produced many award winning projects and programs. To date, it is still listed on the Department of Health's website as a best practice example for other local governments to model the preparation of new Public Health Plans.

The projects and programs delivered as part of the City of Armadale's Public Health Plan 2014 - 2017 has been commended in many awards and won the following:

- Public Health Advocacy Institute of WA Children's Environment and Health Local Government Report Card Project: Winner of the Aboriginal Child Health Category 2014
- Public Health Advocacy Institute of WA Children's Environment and Health Local Government Report Card Project: Winner of the Stimulating Learning Environments Category 2014

- Public Health Advocacy Institute of WA Children's Environment and Health Local Government Report Card Project: Winner of the Metropolitan Award 2015
- Public Health Advocacy Institute of WA The Children's Environment and Health Local Government Report Card Project: Winner of the Nature Play Category 2016
- Public Health Advocacy Institute of WA Local Government Policy Awards Children Health Environment: Winner of the Action on Alcohol Category 2019
- Public Health Advocacy Institute of WA Local Government Policy Awards Children Health Environment: Winner of the Healthy Food Category 2019
- Public Health Advocacy Institute of WA Local Government Policy Awards Children Health Environment: Winner of the Smoke free Environments Category 2019

## **COMMENT**

Relevant data, research and existing City of Armadale documents will support the development of the City's new Public Health Plan. This will ensure an evidence based, best practice approach to planning, developing and implementing a Public Health Plan.

The Health Services team have the knowledge and skills to plan, develop and implement the City's new Public Health Plan and are eager to progress this project.

### **Timeline:**

- Present to Council (September/October 2020)
- Consult with community (October/November 2020)
- Consult with stakeholders (September 2020 – Jan 2021)
- Collate consultation data (December 2020 - January/February 2021)
- Workshop findings and solutions with Council (March 2021)
- Write Public Health Plan (March/April 2021)
- Council's consideration of adoption of the Plan for advertising for public comment (May/June 2021)
- Public Health Plan consultation (June/July 2021)
- Revise Public Health Plan with any feedback and launch (August 2021)

## **CONSULTATION**

Interdepartmental consultation regarding the City's new Public Health Plan has been undertaken through the formation of the City of Armadale Public Health Plan Internal Working Group. Further consultation will be undertaken with community, key stakeholders and staff.

Consulting with stakeholders and community members will capture public health perceptions and concerns that will enable the development and implementation of strategies to support and positively influence community health and wellbeing.

The City of Armadale will also fulfil its statutory obligation under the State Government's Integrated Planning and Reporting Framework and align with the international standard for engagement, *International Association for Public Participation (IAP2)*. The City's Policy (COMD 2 – Community Engagement) has been used to inform the community engagement plan of the City's new Public Health Plan.

## **OPTIONS**

Council has the following options:

1. Endorse and support the Community Engagement Plan for the preparation of the City of Armadale's new Public Health Plan.
2. Request further information about the Community Engagement Plan for the preparation of the City of Armadale's new Public Health Plan.

## **CONCLUSION**

The *State Public Health Plan* was released in July 2019 and the amendment of Part 5 of the *Public Health Act 2016* is expected to be legislated within the next year. This amendment will make it a requirement for all local governments within WA to plan, develop and, implement a Public Health Plan. It is recommended that Council adopt Option No.1 above to enable the project to be progressed.

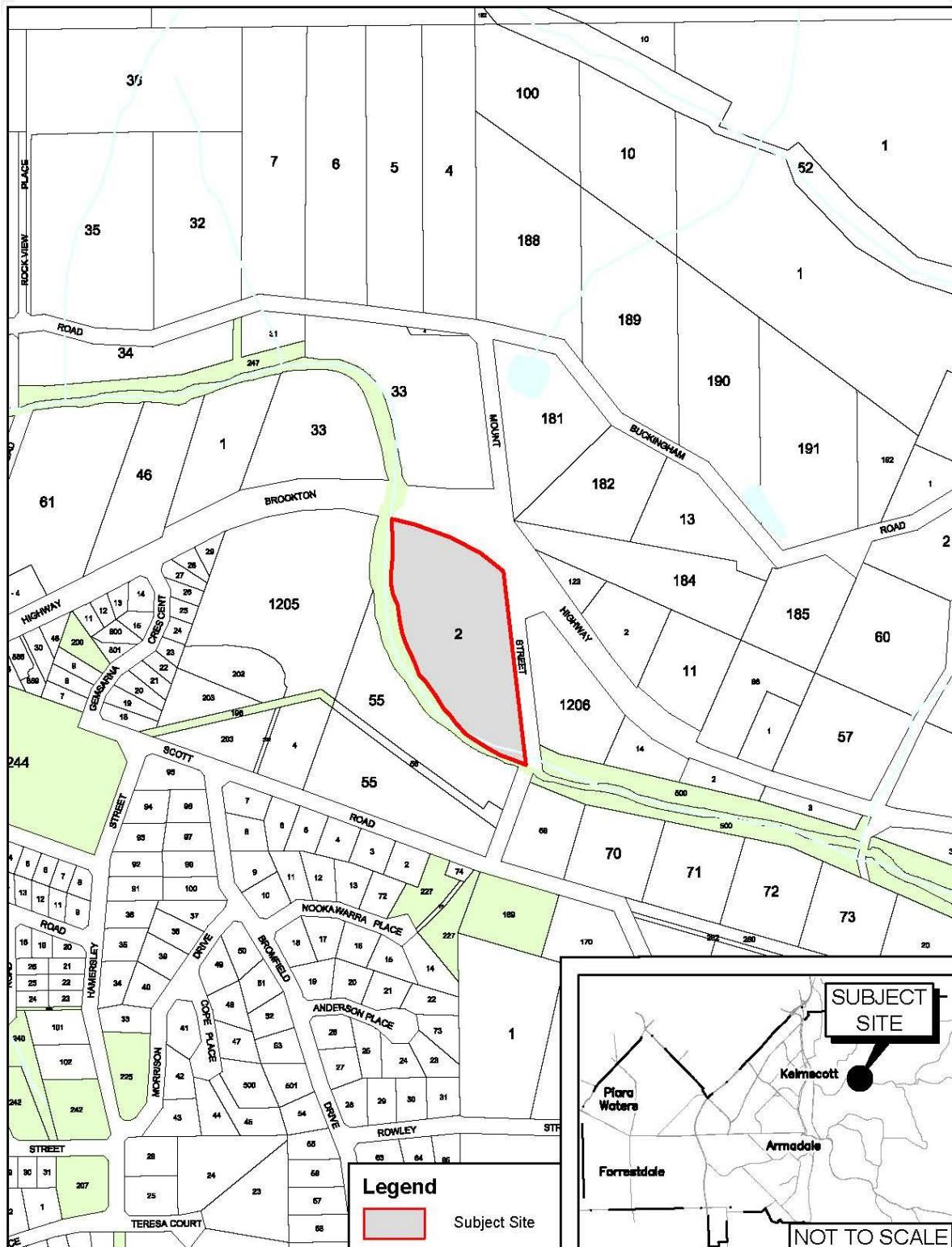
## **RECOMMEND**

**That Council endorse and support the Community Engagement Plan for the preparation of the City of Armadale's new Public Health Plan.**

## **ATTACHMENTS**

1. [Community Engagement Plan - City of Armadale Public Health Plan](#)
2. [Project Plan - City of Armadale Public Health Plan](#)

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#### LOCATION PLAN

Lot 2 (No. 2) Mount Street, Kelmscott

75 0 75 150m



SCALE 1 : 7500

DATE 12 August 2020 - REVISION 2001  
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Based on information contained by and with the permission of the  
Western Australian Land Information Authority acting as Largate 2012.  
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**3.1 - PROPOSED AMENDMENT OF DEVELOPMENT APPROVAL CONDITION -  
INCREASE OF OCCUPANCY - RESTAURANT AND RECEPTION CENTRE - LOT 2  
NO 2 MOUNT STREET KELMSCOTT (AVOCADOS)**

WARD	:	HILLS
FILE No.	:	- M/494/20
APPLN NO.	:	10.2019.5.1
DATE	:	3 September 2020
REF	:	CV
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	Dynamic Planning
LANDOWNER	:	Ozhaven Pty Ltd
SUBJECT LAND	:	Property size 3.034 ha
ZONING	:	
MRS / TPS No.4	:	Rural Rural Living 2 (Additional Use Schedule 12)

**In Brief:**

- The City has received an application to amend Conditions 7 and 10 of the development approval for the existing Restaurant and Reception Centre uses dated 12/06/2014.
- The conditions limit the maximum combined occupancy of the Restaurant and Reception Centre to 120 persons and limit the number of onsite parking bays that can be utilised to no more than 72. The applicant proposes to increase these to 211 persons and 84 parking bays.
- The applicant has requested these amendments in order to improve the viability of the business and to align their planning conditions with their City of Armadale Health Occupancy Permit which allows up to 211 patrons.
- As there is a history of noise complaints in relation to the site, the City requested a new acoustic assessment before it undertook advertising of the proposal to landowners within 500m of the site.
- The application was advertised for a period of 2 weeks. A total of 27 submissions were received, 17 objecting to the proposal. The objections included an acoustic assessment.
- Recommend that the Council approve the application on a 12 month trial basis subject to appropriate conditions.

**Tabled Items**

Nil.

**Decision Type** Legislative

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

 Executive

The decision relates to the direction setting and oversight role of Council.  
The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

 Quasi-judicial



**AERIAL PLAN**

Lot 2 (No. 2) Mount Street, Kelmscott

50 0 50 100m



SCALE 1 : 5000

DATE 12 August 2020 - REVISION 2001  
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### **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.
- 3.4 A Desirable Destination.
- 3.4.1 Promote the district and opportunities for visitors to the region.
- 3.4.2 Leverage existing strengths to diversify and expand tourism product in the region.

### **Legal Implications**

*Planning and Development Act 2005*

Town Planning Scheme (TPS) No.4

Metropolitan Region Scheme

*Swan and Canning Rivers Management Act 2006*

*Health Act 2011*

*Environmental Protection (Noise) Regulations 1997*

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

Nil.

### **Budget/Financial Implications**

Nil.

### **Consultation**

As part of its assessment of the development application the City referred the application to the following agencies for comment or dual determination:

- Western Australian Planning Commission/Swan River Trust;
- Main Roads WA; and
- Water Corporation.

As the proposal related to discretionary land uses in the Rural Living zone and the subject site has attracted interest from nearby landowners, the City advertised the application to landowners within 500m of Lot 2 for a period of two weeks.

## **BACKGROUND**

It is understood that Lot 2 (No.2) Mount Street (the subject site) was originally utilised for orchard production. Aerial photographs dating back to 1953 appear to support this. The City's records indicate that the premises began to be used for hospitality or entertainment purposes (primarily for weddings) under the name of 'Pavilion in the Park' (later Seraglio Park) in the early 1980s. A use of 'Private Restaurant' was approved in March 1982 under the then TPS No.1. Private Restaurant is understood to have had a meaning equivalent to Reception Centre under the present TPS No.4. Approval was granted in September 1985 for a Restaurant use.

In October 1990, Council approved a development application involving 20 Chalets, and combined Restaurant and Function Centre.

In October 1995, Council initiated Amendment No.125 to its former Town Planning Scheme No.2 (TPS No.2) to rezone the subject site from Rural 'E' to 'Special Use No.74 - Tourist Facilities'. The land use 'Function Centre' (which is equivalent to 'Reception Centre' under the current TPS No.4) was one of a number of tourist related uses that could be considered on the site subject to development approval. 'Function Centre' was classified as a permitted use and 'Restaurant' a use permitted at the discretion of Council at the time.

In November 2005, TPS No.2 was repealed and replaced by the current TPS No.4. The subject site was zoned 'Rural Living' (RL2) and Special Use No.74 under TPS No.2, with an Additional Use No.12 of Schedule 2 under TPS No.4. 'Reception Centre' is a 'P' Use (meaning the use is permitted) and 'Restaurant' is an 'A' Use.

In June 2008, Council approved an application for development approval to operate a Restaurant from the existing building on site. No restriction on the hours of operation were applied on this approval, however a condition restricting the use of any outside sound amplification was imposed.

The site was heavily damaged during the February 2011 Kelmscott/Roleystone bushfires. Given the complicated history of overlapping and partially enacted development approvals covering the site, the landowner submitted a new development application to the City in February 2012 to allow continuation of the prior Restaurant, Holiday Accommodation and Caretakers Residence uses.

The application also incorporated a new outbuilding, extensions to the Restaurant building and new car parking areas. The City approved the application in May 2012.

The City also received a development application for a change of use to Reception Centre in November 2012. The proposed capacity of the Reception Centre was proposed to be 200 patrons. The proposal was advertised for public comment. Two submissions were received, one objecting and one in support of the proposal. The applicant subsequently withdrew the application in February 2013.

The City received an application for development approval on 28/04/2014 to operate a Reception Centre with a combined capacity for 120 patrons from a portion of (and in conjunction with) the existing approved restaurant premises. Public consultation was not undertaken as part of the assessment of the proposal as it is not required by TPS No.4 and the scale of the proposal was reduced in comparison to the previous application submitted in 2012. As Reception Centre is a 'P' (permitted) land use and it was compliant with the provisions of TPS No.4 the application was approved on 12 June 2014.

At its meeting of 22/08/2017, Council conditionally approved the permanent extension of the opening hours of the Restaurant and Reception Centre from 7am instead of 8am and to 10pm on Sundays. The approval was granted after the completion of a 12 month trial period.

The site has been the subject of numerous complaints to the City regarding noise emissions since 2014. The City records the last formal noise compliance investigation being initiated by its Health Services in September 2018, although this date may not account for subsequent complaints made directly to the operators or to the Department of Racing Gaming and Liquor (DRGL).

The City understands that since early 2018 the Restaurant and Reception Centre uses have been operated by the current manager. Previously these uses were operated by the landowner. As development approvals run with the land in Western Australia, the existing development approvals are not encumbered by changes to the parties operating the Restaurant and/or Reception Centre uses.

Since March 2020 the Restaurant and Reception Centre uses have been subject to the general restrictions placed upon public venues by the State Government under the State of Emergency declared over the COVID-19 pandemic.

## **DETAILS OF PROPOSAL**

The applicant proposes to amend Condition 7 of the 12/06/2014 development approval limiting the maximum number of patrons permitted in the Restaurant and Reception Centre to 120 persons to 211 persons. The applicant is also seeking to amend Condition 10 of the development approval that limits the number of cars parked onsite from 72 to 84 vehicles.

The specific conditions from the 2014 development approval are as follows:

7. *The Reception Centre and Restaurant shall be limited to a combined maximum capacity of 120 persons to the satisfaction of the Executive Director Development Services.*
10. *The number of vehicles attending the site shall not exceed the number of parking bays available (maximum of 72) at any one time.*

No development works are proposed as part of the application.

The reasons the applicant has cited for requesting to amend the conditions are:

- Increasing the occupancy limit from 120 persons to 211 provides more capacity for the venue to host functions without obtaining temporary permits;
- The proposed limit of 211 persons aligns with the occupancy permit which was issued by the City under the *Health Act 2011*; and
- The existing car park has 84 parking bays constructed, notwithstanding the condition limiting the number of cars parked onsite to 72.

As the core element of the proposal is the increase of the occupancy of the Restaurant and Reception Centre and the key conflict between the uses and nearby residents in recent years has been the issue of noise, the City requested that an updated acoustic assessment be provided by the applicant. The City wished to see that an assessment demonstrated that the increase of occupancy would allow the uses to comply with the *Environmental Protection (Noise) Regulations 1997*. The applicant initially provided a 2017 acoustic assessment which accompanied a previous development application, however this did not take account for 211 patrons. The applicant provided an updated acoustic assessment in March 2020.

## COMMENT

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

The proposal was referred to the City's Development Control Unit (DCU) for comment. The City's Technical Services units did not object to the proposal. The City's Environmental Health Officer recommended that an updated acoustic assessment be provided to account for the impact of the proposed increased occupancy limit from 120 persons to 211.

### **Public Advertising**

The application was advertised for two weeks, closing on 26/06/20. Advertising was carried out by way of letters to affected and nearby landowners within 500m of the subject site.

Total No. of letters sent to residents/owners	:	182
Total No. of submissions received	:	27
No. of submissions of conditional support/no objection	:	9
No. of submissions of objection	:	17
No. of submissions of general advice by Service Agencies	:	1

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

### **Key Issues**

*Issue 1 - The proposal will result in excessive traffic on Brookton Highway and result in reduced road safety conditions.*

#### Comment

Brookton Highway is a Primary Regional Road Category 2. Its purpose is to accommodate significant amounts of regional and inter regional traffic. It is reasonable for it to be expected that Brookton Highway will carry large volumes of traffic and those volumes will increase over the long term, with or without any changes to the occupancy limit of the venue. The proposal to vary the conditions limiting occupancy and parking are not significant contributors to traffic congestion nor are they likely to deteriorate road safety conditions in their own right. This evaluation is reinforced by MRWA opting to provide no comment on the proposal.

#### Recommendation

That the issue is not supported.

*Issue 2 - The proposal will benefit tourism and business activity in the locality.*

#### Comment

It is obvious that the business would benefit if the conditions restricting the existing occupancy limits and parking were amended. In the context of recent events concerning the COVID-19 pandemic this is a reasonable issue to consider as the revival of business operations in the City will be key to recovery after the pandemic period passes. Nonetheless, the impact of the proposed changes must be considered and balanced alongside the impacts upon residents, particularly in relation to noise.

#### Recommendation

That the issue is supported in part.

*Issue 3 - The proposal has the potential to impact upon local amenity by creating undue noise, including from patrons affected by alcohol.*

Comment

It is noted that respondents who do consistently identify noise as a concern tend to predominate to the south and north of Lot 2 and at higher elevations, whilst respondents from the east and west of Lot 2 and at lower elevations do not identify the issue as a concern to the same degree. While the issue of the viability of the applicant's business is important it must be balanced by Council against the potential of noise impacts on amenity.

Potential noise impacts is the main issue to be considered as part of the application. The applicant has provided an acoustic assessment dated March 2020. A local landowner has engaged another acoustic consultancy and has submitted another acoustic assessment for the City's consideration. The issue of noise and the two assessments is discussed further in the Analysis section of this report.

Recommendation

That the issue is supported in part.

*Issue 4 - The proposal will result in parking congestion within the site.*

Comment

The proposal is to utilise the number of parking bays that are already available onsite. This is a reasonable request as it is difficult to argue that using the full number of already constructed bays will result in the site not being able to accommodate onsite parking.

Recommendation

That the issue is not supported.

*Applicant Response to Issues Raised*

The applicant has provided the following response to the issues raised by the advertising period.

*"To address noise concerns we have submitted an acoustic report prepared by Herring Storer. This report has been revised a number of times and confirms that any noise generated by the premises (with the additional patrons) will comply with the applicable Environmental Protection (Noise) Regulations 1997, in fact noise levels will be much lower than what is permitted. It is commented that the report does make a number of recommendations to ensure compliance with the relevant regulations. To ensure these recommendations are implemented a condition requiring a Noise Management Plan to be prepared and approved would be welcomed as the operator has already implemented such a plan. Whilst it is acknowledged that a subsequent acoustic review was commissioned and submitted by an adjoining landowner there was insufficient time for us to comply with the landowners conditions to facilitate the release of this document and as such our acoustic consultant has been unable to formally respond. It is noted that the City's officers have previously accepted the findings of our submitted acoustic report."*

*To further reduce the noise impact the operator has agreed to remove any live music component from their operation and as such any music will be via a controlled source that can be centrally adjusted to comply with relevant noise regulations.*

*Any concerns in relation to traffic noise are not considered to be material as all traffic on site will be travelling at low speeds and the primary noise source will be the closing of car doors which has been considered as part of the acoustic report. It is also noted that traffic noise from Brookton Highway will exceed that of any traffic on site.*

*With regard to the control of noise, both the City of Armadale and also Racing Gaming and Liquor have the ability to carry out inspections and noise measurements to ensure compliance with the Environmental Protection (Noise) Regulations 1997 and liquor license is achieved as well as the conditions of any current or future Noise Management Plan.*

*In addition to the above it is commented that the operator has not received a noise complaint since 25/1/20 and a number of measures to improve this aspect of the business has been implemented including:*

- *Signs installed in the car parking stating ‘please respect our neighbours and leave quietly’;*
- *Implementation of a Noise Management Plan;*
- *Improved communications with local residents as the operators mobile numbers are readily available if residents wish to contact them;*
- *An offering to meet with concerned local residents to try and address the issues they have; and*
- *A change in the business model to make the focus more restaurant based and family friendly through an increase in dine in meals and upgrades to playgrounds and activities for children.*

*In light of the above it is considered that any noise impacts can and will be appropriately ameliorated to ensure that the amenity that exists under the current approval will not be reduced as a result of the increased patronage at the site.*

*With regard to general traffic safety and increases in traffic, any additional traffic can easily be accommodated through the existing road infrastructure and that there will be no traffic safety concerns. This was subsequently referred to Main Roads who have reviewed it and advised that they have no issues with the proposal which is reflected in their advertising response.*

*Concerns around anti-social behaviour can all be appropriately managed through the operation of the facility and the responsible service of alcohol. In this regard management measures already in place will prevent issues relating to anti-social behaviour. Further to the above, a recent shift in the business model to focus on dine in meals and a family friendly atmosphere is likely to further reduce any concerns around anti-social behaviour.”*

## **ANALYSIS**

The proposal does not incorporate new development and does not exhibit a significant impact upon traffic conditions on Brookton Highway. The likelihood of the proposal affecting the waters of the Canning River is low and support has been secured from the Department of Biodiversity, Conservation and Attractions (Swan River Trust). The most prominent issue

arising from the application is the potential for noise to impact upon the amenity of residents living in relative proximity to the site.

Noise is ultimately an issue that needs to be managed by the operator in compliance with the *Environmental Protection (Noise) Regulations 1997*. The development application process allows an opportunity for issues relating to noise to be interrogated further as part of the consideration of the application. If necessary, the development application approval can be used to apply conditions in areas such as occupancy limits or operating hours, which may mitigate the noise impact of a proposal.

In the case of the businesses run from Lot 2, the City has received complaints in the past regarding noise. For this reason one of the primary aims of the City's assessment of the development application was to ensure a satisfactory acoustic assessment was provided and to undertake advertising of the proposal to nearby landowners once this was completed.

As a part of the submissions received during the advertising period one submitter engaged an acoustic consultancy and submitted an acoustic assessment on the proposal prepared by Reverberate Pty Ltd (January 2020).

The City offered to provide a copy of the Reverberate assessment to the applicant, however the applicant did not find the terms of release provided by the submitter acceptable and this did not ultimately proceed.

Both acoustic assessments are included as confidential attachments to this report.

### **Health Services Comments on Acoustic Assessments**

Two acoustic reports have been submitted to the City. The first provided by the applicant indicates a capacity increase at the subject premises will be able to comply with the *Environmental Protection (Noise) Regulations 1997*. The second report provided by a submitter indicates the venue will be in breach of the Regulations.

It is important to note that both acoustic reports are based on noise predictions and do not necessarily represent the actual noise levels reaching the adjoining residential properties.

Due to the varying acoustic assessments, the City sent both reports to an acoustic consultancy for an independent review. However, due to time constraints it was not possible to secure a review prior to publication of this report item.

It is noted that in the previous case of application 10.2017.183.1 (extension of trading hours) the City also received two acoustic assessments under similar circumstances. In that case the City obtained an independent peer review of both assessments by an Acoustic Consultant at the City's cost. The outcome of the review was that the independent acoustic consultant recommended actual monitoring of noise levels to determine if the predictions are representative of the impact and whether the *Environmental Protection (Noise) Regulations 1997* were being complied with. The City considers that this advice is still relevant for this development application and could be an appropriate approach given the varying acoustic noise reports.

It is recommended that if the increased capacity be approved, it be approved for a trial period of 12 months subject to the City receiving actual measured sound data determining compliance with the *Environmental Protection (Noise) Regulations 1997* and subject to the submission and implementation of a Noise Management Plan to the satisfaction of Health Services.

A 12-month period would also allow for the trial period to encompass the full range of seasonal differences that may impact noise reception, such as temperature, humidity or changes in patron behavior.

Potential recommended conditions are summarised below:

1. A Noise Management Plan, separate to the already provided acoustic assessment must be submitted to the City highlighting appropriate controls for noise mitigation to the satisfaction of Health Services. The plan is to include the below:
  - a) Noise from refuse disposal.
  - b) No sound amplification shall take place outside the Restaurant and Reception Centre building to the satisfaction of the Executive Director Development Services.
  - c) At the closure of functions, staff are to patrol car parking areas to prevent antisocial or unruly behaviour.
  - d) Signage is to be erected at egress points to the venue informing patrons leaving the premises to keep noise to a minimum.
  - e) Where entertainment is occurring within the Function Room, doors and windows are to be kept closed.
  - f) Compliance with the *Environmental Protection (Noise) Regulations 1997* is required.
2. Noise Monitoring is required to confirm noise associated with the preliminary development approval conditions complies with the *Environmental Protection (Noise) Regulations 1997*.

In relation to item 1b) above this requirement is reflected by existing development approval conditions. Namely: Condition 8 of approval 10.2012.57.1, Condition 4 of approval 10.2014.172.1 and Condition 2 of approval 10.2017.183.1.

### **Planning Services Comment**

It is noted that the applicant has advised the City that they are prepared to forego live music performances in favour of the amendments to the occupancy limit and parking conditions. The applicant has explained that increasing the occupancy limit would be more beneficial to the economic survival of the Reception Centre and Restaurant uses. Please note that existing conditions of development approval, including Condition 4 of the development approval for the Reception Centre and Restaurant uses dated 12/06/2014, do not allow amplified sound being played outside the building in any case.

While this gesture from the applicant is acknowledged, the City's Planning Services supports the City's Environmental Health Officer recommendation as ultimately music is likely to be a component of any hospitality-based use and ensuring its compliant incorporation into the use rather than contriving its exclusion is considered to provide a more realistic response in the longer term.

### **Western Australian Planning Commission/Swan River Trust**

The development or use of land on Lot 2 requires the dual determination of the Western Australian Planning Commission (WAPC) as it abuts the management waters of the Canning River and is subject to *Swan and Canning Rivers Management Act 2006*. The WAPC sought comments from the Department of Biodiversity, Conservation and Attractions (DBCA/Swan River Trust) which advised that it did not object to the application. The WAPC generally does not assess matters of local authority remit, such as noise. Typically, the WAPC would await local authority determination before granting its determination. However, in this case due to the lengthy inactive periods in the assessment process and the low regional impact of the proposal from the WAPC standpoint, it issued its development approval on 29/08/2019.

### **Main Roads WA**

Development applications that generate significant additional traffic to primary regional roads (PRR) such as Brookton Highway require referral to Main Roads WA (MRWA). The City does not consider the increase of occupancy from 120 persons to 211 to represent a significant increase of traffic in the overall context of Brookton Highway. Notwithstanding this, the City referred the proposal to MRWA during the general advertising period. MRWA advised the City that it had no comment to provide on the proposal.

### **Water Corporation**

The City referred the proposal to the Water Corporation during the general advertising period. The Water Corporation advised that it did not object to the proposal, but wished for it to be noted that its infrastructure was present on Lot 2.

## **OPTIONS**

1. Council may conditionally approve the proposal for increasing the current limits on patrons and parking for the Restaurant and Reception Centre, including a time limited trial approval (12 months); or
2. Council may resolve to not support the application and provide reasons for its decision.

## **CONCLUSION**

The site's history in relation to noise mean that this issue requires close attention from the City's Planning and Health Services. Given this history and the interest registered by nearby landowners during the advertising period, it is reasonable that caution be applied by Council in considering whether to support the proposal, in particular the proposed increase of patrons from 120 persons to 211.

It is also reasonable for Council to consider circumstances that have arisen since the applicant first submitted the development application in 2019, namely the COVID-19 pandemic which has resulted in an economic downturn which has adversely affected the viability of hospitality and tourism based businesses in many areas.

While the concerns of landowners in relation to noise are reasonable, it is also the case that if the City is to look towards a recovery period from the present cycle of pandemic and severe economic recession then consideration of the proposal's benefit to the business, and therefore to local tourism and employment, is warranted. Therefore, the City recommends approving the proposed subject to a 12-month trial period with noise monitoring in place. Close to the end of the 12-month trial period, the applicant may choose to apply for a permanent approval of the amendments. The City can then review the outcome of the trial period and make a determination accordingly.

## **RECOMMEND**

### **That Council:**

- A) Approves the application for Planning Approval subject to the following conditions:**
  - 1. In accordance with Schedule 2 Clause 72 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**
    - a. the approval of the combined maximum capacity of Restaurant and Reception Centre for 211 persons is valid for a temporary trial period of twelve months from the date of this approval; and**
    - b. the approval of the number of vehicles attending the site not exceeding the number of parking bays available (maximum of 84) at any one time, is valid for a temporary trial period of twelve months from the date of this approval.**
  - 2. Prior to enacting Condition 1a, a Noise Management Plan, separate to the already provided acoustic assessment must be submitted to the City highlighting appropriate controls for noise mitigation to the satisfaction of Health Services. The plan is to include the following:**
    - a. Noise from refuse disposal (including glassware and other items to be 'thrown' into the waste bins) must be addressed in the Noise Management Plan.**
    - b. No sound amplification shall take place outside the reception centre building to the satisfaction of the Executive Director Development Services.**
    - c. At the closure of functions, staff are to patrol car parking areas to prevent antisocial or unruly behaviour, and the noise impact from such activities.**
    - d. Signage is to be erected at egress points to the venue informing patrons leaving the premises to respect the amenity of the area and leave in an orderly fashion to limit the impact upon the area.**
    - e. Where entertainment is occurring within the Function Room, doors and windows are to be kept closed.**
    - f. Noise Monitoring is required to occur on at least a monthly basis and provided to the City.**

3. Simultaneous with the endorsement of the Noise Management Plan and enactment of Condition 1a, the proponent is to engage a suitably qualified acoustic consultant with the agreement of the City, to conduct noise monitoring in accordance with the Noise Management Plan then provide the City with reports as required. The measurement has to be representative as per the *Environmental Protection (Noise) Regulations 1997*.

**ADVICE TO APPLICANTS:**

- A. With regard to Condition 1 the applicant may reapply to the City for permanent consideration of the conditions upon the end of the trial approval period.
- B. Upon the end of the trial period Conditions 7 and 10 of the Planning approval dated 12/06/2014 will remain in effect.
- C. All other conditions of the Planning approval dated 12/06/2014 remain in effect.
- D. In addition the City's Health Services will be conducting random monitoring throughout the trial period in response to any resident complaints made. Any data will be used for comparison with those carried out by the proponent's acoustic consultant.
- E. The operator may only see liquor during the operating hours prescribed in the licence approved by the Department of Racing, Gaming and Liquor.
- F. All noise emitted from the premises must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*. This includes noise volumes as measured at receiving premises.
- G. The applicant and landowner are advised that it is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the *Planning Development Act 2005*. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for the continuation of that offence. It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.
- H. If the applicant is aggrieved by a Refusal to Approve his/her application, or, where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the *Planning and Development Act 2005* against such refusal or imposition of such aggrieved Condition.

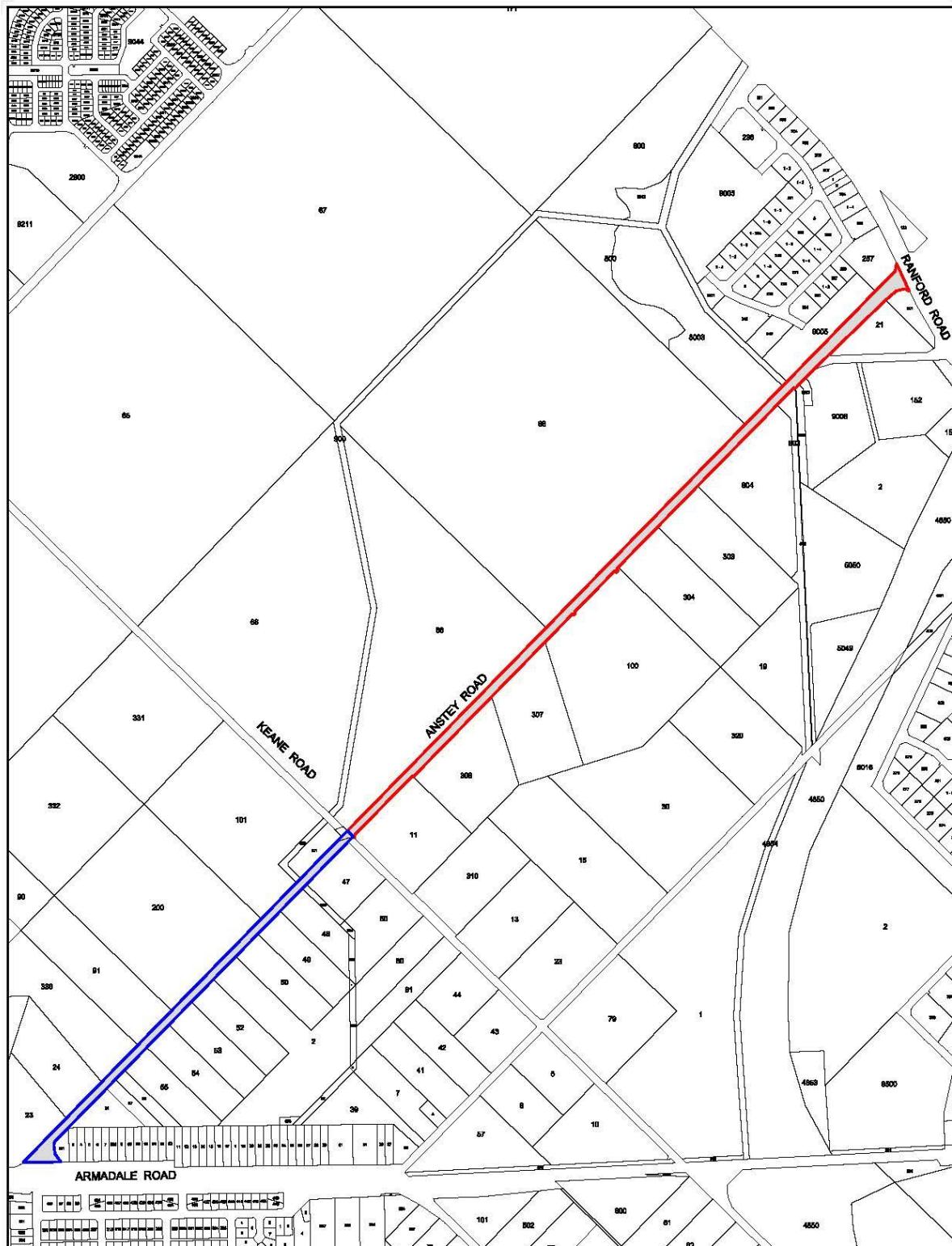
Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, Level 4, 12 St Georges Terrace, Perth or GPO Box U1991, Perth, WA, 6845, or [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule

**18 of the State Administrative Tribunal Regulations 2004).**

- I. Where the approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained.**
- B) That the submitters be advised of the Council decision in this regard.**

**ATTACHMENTS**

- 1.[1](#) Site Plan - Lot 2 Mount Street, Kelmscott
- 2.[2](#) Floor Plan - Lot 2 Mount Street, Kelmscott
- 3.[3](#) Schedule of Submissions - Lot 2 Mount Street, Kelmscott
4. Confidential - Schedule of Submissions - Name & Address List - Lot 2 Mount Street, Kelmscott - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*
5. Confidential - Submitter Plan - Lot 2 Mount Street, Kelmscott - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*
6. Confidential - Reverberate Acoustic Assessment Report - Lot 2 Mount Street, Kelmscott - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*
7. Confidential - Herring Storer Acoustic Assessment - Lot 2 Mount Street, Kelmscott - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*
8. Confidential – Lloyd George Acoustics Assessment Report - Lot 2 Mount Street, Kelmscott - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person*



**LOCATION PLAN**

Portion Anstey Road, Forrestdale

150 0 150 300m

SCALE 1 : 15000

Based on information provided by and with the permission of the  
Western Australian Transport Authority (Planning & Landmarks) 2002.  
Aerial photographs supplied by Landbase, reproduced by Resimco.



#### ***4.1 - ROAD NAMING - ANSTEY ROAD, FORRESTDALE***

WARD	:	RANFORD
FILE No.	:	RDA/4 - M/517/20
DATE	:	2 September 2020
REF	:	KC
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	City of Armadale
LANDOWNER	:	Various
SUBJECT LAND	:	Anstey Road, Forrestdale
ZONING	:	Urban Development
MRS / TPS No.4	:	MRS DevelopmentWA Scheme

#### **In Brief:**

- The proposal involves renaming a portion of Anstey Road in Forrestdale.
- The creation of a cul-de-sac and the segregation of Anstey Road as identified by the adopted Structure Plans for the area necessitates the renaming of a portion of Anstey Road to ensure continuation of services, including timely response from emergency services.
- Issuing of new street numbers will be required following the renaming of a portion of road.
- Recommend that Council advertise its intention to rename the portion of Anstey Road, Forrestdale, between Keane Road and Ranford Road and liaise with occupants, landowners and government agencies on the names proposed in this report.

#### **Tabled Items**

Nil

#### **Decision Type**

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

#### **Officer Interest Declaration**

Nil.

#### **Strategic Implications**

- 1.1.1 Provide opportunities to connect individuals to each other and the wider community.
- 2.2.2 Protect and enhance the character of the City's spaces and places.
  - 2.2.2.1 Implement, survey and define a sense of place or character for each designated area of the City.
  - 2.2.2.2 Facilitate place making activities in localities to reinforce local identity.
  - 2.2.2.3 Contribute to local character by understanding the history of places and preserving locally significant sites and items.



**AERIAL PLAN**

Portion Anstey Road, Forrestdale

125 0 125 250m



SCALE 1 : 12500

CITY OF  Armadale

DATE 21 August 2020 - REVISION 2001  
\\ab-file-0\\sdraff\\autocad\\agenda\\drawings\\2020\\september\\ansley\_road.dwg

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

- 2.3.1 Apply best practice design and construction methodologies for the provision of infrastructure.
- 2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.

### **Legal Implications**

*Land Administration Act 1997.*

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

Council Policy DEV 1 – Street Numbering

Council Policy DEV 2 – Naming of Roads, Parks, Places and Buildings

City of Armadale Street Numbering Local Law 2010

### **Budget/Financial Implications**

Advertising costs have been accommodated within the Planning Services budget.

### **Consultation**

Topographic, Names and Addressing (TNA; formerly Geographic Names Committee)

## **BACKGROUND**

The portion of the Anstey Keane Precinct located west of Anstey Road was rezoned from Rural to Urban in the Metropolitan Region Scheme (MRS) Amendment 1290/57 (20 September 2016). The initial planning work was followed on by the MRS Amendment 1321/57 for the land east of Anstey Road (16 February 2018).

Both MRS amendments were supported by Council (D36/9/16 & D28/6/14) and the local scheme amendment Amendment No.96 to rezone the area from “Rural” to “Urban Development” zone under TPS No.4 was subsequently initiated by Council on 28 May 2018 (D32/5/18). Amendment No.96 was gazetted on the 10 January 2020, putting in place urban development of the Anstey-Keane Precinct. This area is identified in the City’s 2016 Local Planning Strategy and the State Government endorsed Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (2001).

The Anstey Keane Urban Development Precinct North-West Structure Plan was approved by the WAPC on 17 February 2020. The Anstey Keane Urban Development Precinct East Structure Plan approval is expected shortly. In accordance with Structure Planning in the Anstey Keane Urban Development Precinct, the future road network proposes to remove the road link to the north along Anstey Road.

Forrestdale Business Park West Structure Plan proposed in December 2013 to the Metropolitan Redevelopment Authority (now DevelopmentWA; DWA) indicated a modified Keane Road alignment where Anstey Road crosses Keane Road (i.e. removing the three way road access) and intersection treatment subject to local authority engineering design. Staged industrial business development has already commenced from Ranford Road and is extending southward.

Currently Anstey Road is a local road (classified as an Access Road) providing local access within the Anstey-Keane Precinct. It is constructed as a single carriageway, two-lane rural road. Discussions between DWA and the City in relation to the Forrestdale Business Park West have occurred, where it has been agreed for Anstey Road to be modified to prevent industrial traffic travelling directly through the future residential precinct.

Structure planning of the Anstey-Keane Precinct includes closing part of Anstey Road at Keane Road, resulting in Anstey Road terminating via a new cul-de-sac at Keane Road. The remaining South East portion of Anstey Road is being retained and upgraded as part of the Developer Contribution Scheme as it forms part of the new road network for the residential areas. The formal road closure will be subject to a separate report to Council for its consideration, if the road reserve is to be closed and transferred to a Recreation Reserve or similar.

MNG Survey on behalf of DWA has submitted a road naming proposal which indicates a realignment of the northern portion of Anstey Road to Ranford Road in accordance with DWA's Forrestdale Business Park Structure Plan. It is timely to propose renaming a portion of Anstey Road, prior to this section being developed.

## **DETAILS OF PROPOSAL**

The development of the Forrestdale Business Park and Anstey Keane Urban Development Precinct areas will result in a cul-de-sac along Anstey Road south of Keane Road. The resulting separation and therefore duplication of road names in such close proximity needs to be resolved to ensure the safety of the community. Renaming of one of the two resulting portions of Anstey Road must be undertaken to minimise any delays of emergency service respondents, and provide appropriate addresses for future businesses and residents.

The City is presented the option to rename either the northern or southern portions of Anstey Road. The southern portion between Armadale Road and Keane Road is currently being developed and has new titles issued for residential housing which abut Anstey Road. These existing developments provide a sound reason to retain the name of Anstey Road for this portion, and rename the northern portion of Anstey Road, from Keane Road to Ranford Road, which has not been developed yet. It is important to rename this northern portion prior to businesses establishing in this development.

Council, at its meeting on 10 July 2007, resolved to reserve the names of early settlers of the area previously known as Westfield (after the railway siding once in the vicinity of Brigade Road and Armadale Road). This area is now known as the Forrestdale Business Park. Since then, a number of the names have been used in this area as it has become developed. It is noted that the names of inventors and industrial developers have also been used in the area Forrestdale Business Parks. This road closure could be an opportunity for the City to potentially commemorate the rich heritage of the area, and notable inventors and industrial developers who have helped shape the industrial world.

The suggested names are from the City's list of potential road names held in reserve and other suggested names include:

- **Ayers:** A local pioneering family from 1950's, who owned Lot 148 Railway Avenue.
- **Slavonian:** Vineyard started by Anton Marian in 1901 along the Bunbury Road.
- **Sutton:** Henry Sutton (1855-1912) was an Australian designer, engineer, and inventor credited with contributions to early developments in electricity, aviation, wireless communication, photography and telephony.
- **Angrove:** Thomas William Carlyon Angove (1918-2010) was an Australian winemaker who is credited with the invention of the wine cask.
- **Bradford:** Leslie Bradford (1878-1943) was a mining engineer in Australia credited with several important inventions in the treatment of metal-bearing ores.
- **Eldred:** Edward Francis Eldred (1920-2005) was born in Melbourne and was a pioneer of scuba diving in Australia. He invented Porpoise scuba gear.
- **Julius:** Sir George Julius (1873-1946) was an English-born Australian inventor and entrepreneur. He invented the automatic totalisator ('tote board') a mechanical vote-counting machine. When the government rejected the voting machine, the design was adapted as a racecourse totalisator.
- **Hancock:** Captain Henry Richard Hancock (1836-1919) with Captain William Arundel Paynter invented and patented an improved 'jigger' (a device employing water and agitation to separate ore from the lighter stuff) which was known as the Hancock jig.
- **Kauper:** Henry Alexis Kauper (1888-1942) was an Australian aviation and radio engineer. He developed the Sopwith-Kauper interrupter gear which allowed the firing of a machine-gun through a rotating aircraft propeller. This was first used in 1916. In 1925 he and George Towns built the first portable radio.
- **Kayser:** Heinrich Wilhelm Ferdinand "Ferd" Kayser, FRGS (1833-1919) was born in Germany and emigrated to Australia. He lodged a patent application for improved machinery for classifying, dressing, and concentrating ores. Machines for dressing tin ore were manufactured to his design in Launceston.
- **Kearney:** Elfric Wells Chalmers Kearney (1881-1966) was an Australian inventor, engineer and author. He patented an innovative underground monorail railway system and was an active promoter of monorail technology.
- **Marchant:** George Marchant (1857-1941) was a soft-drink manufacturer and philanthropist in Brisbane, Australia. He invented a bottling machine that came to be used worldwide.
- **Newbery:** James Newbery (1843-1895) was a United States-educated Australian. An improved method of gold extraction using chlorination was developed by Newbery and Claude Vautin in 1890 (the Newbery-Vautin chlorination process). This achieved global adoption, and Newbery was recognised as an authority on gold amalgamation.
- **Osborne:** John Walter Osborne (1828-1902) was born in Ireland and emigrated to Melbourne in 1852. In 1859 he applied for a patent for "obtaining lithographic impressions with the aid of photography". In 1861 the Parliamentary Board recommended adoption of the process in the Survey Department. The time saved by Osborne's process was of great benefit to the Crown Lands Department, which was under pressure from developers during the land boom of the 1850s.

The suggested names could be advertised for feedback to the affected landowners and occupants, government agencies, Topographic, Names and Addressing (TNA), and the wider community. The City could also provide for the opportunity for landowners and the community to suggest alternative names. Suggestions that comply with Landgate's *Policies and Standards for Geographical Naming in Western Australia* shall also be accepted for consideration.

## COMMENT

TNA criteria limits the City's scope to apply road names from its reserved list which honour the rich and significant heritage history of the area. The following names held by the City in reserve do not pass preliminary assessment against State Government's TNA's criteria for road names, however they may be able to be used to name future parks and buildings.

- O'Reilly
- Wilkie
- Pratt

In accordance with Landgate's *Policies and Standards for Geographical Naming in Western Australia*, “*renaming shall be necessary when a road is made into a cul-de-sac, resulting in two or more separated sections of road.*” It is noted that “*such separations can cause difficulties for emergency service responders and the delivery of other services to the area.*”

Renaming of this portion of Anstey Road will also require street renumbering. Renumbering is required by the Australian and New Zealand Standard – *Rural and urban addressing* (AS/NZS 4819:2011) and shall be in accordance to the City's Street Numbering Policy (DEV 1).

Renaming of this portion of Anstey Road and subsequently renumbering is required given the risk to the public and operational safety. Emergency service responders require clear, unambiguous road names for optimised service delivery. If the road is not renamed then this could potentially be confusing for emergency service responders, and transport, utility, communication and mail services.

Landgate requires evidence of community consultation and feedback from all relevant agencies. Whilst proposals normally require the support of the local government authority, the Minister for Planning, Lands and Heritage is the final authority in such matters.

The road type shall be one deemed suitable by TNA. The City will advise all affected landowners and occupants, and relevant government agencies, of the proposal.

## ANALYSIS

Landgate's *Policies and Standards for Geographical Naming in Western Australia* requires that the proposed road names are duplicated less than six times in the metropolitan area (three south and three north of the Swan River) and do not have duplicates less than 10km from the subject site. Further criteria is set out in Clause 2.3.1 *Existing duplicated or similar sounding names* in Landgate's *Policies and Standards for Geographical Naming in Western Australia*.

All suggested alternative names meet the required criteria and pass preliminary validation.

## OPTIONS

Council could resolve to:

1. Support advertisement of the proposal to rename the portion of Anstey Road, Forrestdale, between Ranford Road and Keane Road, and proceed with canvassing of landowners, occupants and government agencies in regards to the proposed alternative names.
2. Recommend alternative names, subject to meeting the criteria set by Topographic, Names and Addressing prior to advertisement, then undertake Option 1 above.
3. Decline to pursue a road renaming of the northern portion and instead rename the southern portion of Anstey Road, Forrestdale, between Armadale Road and Keane Road and undertake the consultation process.
4. Decline to pursue a road renaming of the subject portion and retain the name as Anstey Road, Forrestdale.

## CONCLUSION

Appropriate measures to ensure safety of the community is paramount and renaming shall be undertaken in response to the development of the area resulting in this portion of road becoming a cul-de-sac. The resulting duplication of road names in such close proximity needs to be resolved to minimise any delays of emergency service respondents.

Names suggested commemorate the heritage of the area, sourcing from pioneers. The names have been considered in light of TNA's guidelines and the names suggested pass the preliminary validation test against the naming guidelines. Option 1 is therefore recommended.

Following the closure of the advertising period, a report will be prepared for Council's consideration of the submissions received and proposed names before formal referral to Landgate for assessment and recommendation to the Minister for Lands.

## RECOMMEND

**That Council:**

1. **Advertise the proposal to rename the portion of Anstey Road, Forrestdale, between Keane Road and Ranford Road with the following suggested names:**
  - a) **Ayers**
  - b) **Slavonian**
  - c) **Sutton**
  - d) **Angrove**
  - e) **Bradford**
  - f) **Eldred**
  - g) **Julius**

- h) Hancock**
- i) Kauper**
- j) Kayser**
- k) Kearney**
- l) Marchant**
- m) Newbery**
- n) Osborne**

**to affected landowners, government agencies, and the wider community by way of letters, website and newspaper advertisement.**

- 2. Seek alternative road names that comply with Landgate's *Policies and Standards for Geographical Naming in Western Australia*.**

#### **ATTACHMENTS**

- 1.[Download](#) Road Closure and Naming Plan - Anstey Road, Forrestdale**

***5.1 - PROPOSED AMENDMENTS TO LOCAL PLANNING POLICY PLN 3.3 - HOME OCCUPATIONS & HOME BUSINESSES***

WARD : ALL  
FILE No. : - M/421/20  
DATE : 2 September 2020  
REF : CC  
RESPONSIBLE MANAGER : EDDS

**In Brief:**

- At its meeting of 25 May 2020, Council resolved to advertise amendments to Local Planning Policy PLN 3.3 Home Occupations & Home Businesses.
- In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposed amendments to PLN 3.3 were advertised for 26 days and no submissions were received.
- Recommend that Council adopt amendments to Local Planning Policy PLN 3.3 including minor additional modifications as shown in the Attachments.

**Tabled Items**

Nil.

**Decision Type**

**Legislative**

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

**Executive**

The decision relates to the direction setting and oversight role of Council.

**Quasi-judicial**

The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

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

**Legal Implications**

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

Town Planning Scheme No.4

**Council Policy/Local Law Implications**

Nil

**Budget/Financial Implications**

If Council resolves to proceed with the policy amendments the cost of the required newspaper notice would come from the Development Services budget.

**Consultation**

The proposal was advertised in the “Examiner” newspaper and on the City’s website.

**BACKGROUND**

At its meeting of 25 May 2020, Council resolved to advertise proposed amendments to Local Planning Policy (LPP) “PLN 3.3 Home Occupations and Home Businesses” for a period of at least 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The proposed amendments are required to address the following changes made to the City’s Town Planning Scheme (TPS) No.4 by the March 2020 gazettal of Amendment No.97:

- inclusion of the new Special Rural zone over selected localities formally under the Rural Living zone; and
- inclusion of the new land use of the “rural home business”, which is an ‘A’ (discretionary with advertising) use in the Special Rural, Rural Living and General Rural zones and ‘X’ (not permitted) in all other zones of TPS No.4.

The proposed amendments would add the Special Rural zone as one of the TPS No.4 zones where the Policy would apply and set out requirements and matters that would be considered in determining applications for “rural home businesses” in the Special Rural, Rural Living and General Rural zones.

At Council’s May 2020 meeting, minor amendments to nine other LPPs were also adopted to include reference to the new Special Rural zone and update environmental requirements in several of these Policies. The minor amendments to these other LPPs did not require public advertising under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The required procedures to amend PLN 3.3 are as follows:

- initial adoption by Council;
- advertising in a newspaper with a minimum 21 days submissions period;
- consideration of submissions and final adoption; and,
- publish a notice in a newspaper circulated in the district.

## **Advertising of Proposed Policy Amendments**

The proposed amendments were advertised for 26 days (minimum 21 days is required) from 16 July to 10 August 2020. Advertising included a notice in the “Examiner” newspaper and a notice (including downloadable documents) on the City’s “Out for Comment” web page.

No public submissions were received.

## **DETAILS OF PROPOSAL**

This report proposes the final adoption of amended PLN 3.3 with some additional minor modifications in accordance with the procedures of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The minor modifications (below) comprises additional text that was inadvertently omitted from the amended Policy and are required to improve clarity of the Policy:

- Under heading “2. Application of Policy” adding to the end of first sentence “*...and approve or refuse rural home businesses in the Special Rural, Rural Living and General Rural zones.*” and adding “*rural home business*” to the last sentence.
- Under heading “4. Policy Statement” in 4.1 e) adding “*rural home business*”.

## **COMMENT/ANALYSIS**

The proposed Policy amendments will assist the City achieve appropriate decisions and outcomes for “rural home business” applications in the Special Rural, Rural Living and General Rural zones of TPS No.4.

The Policy amendments include a “Rural Home Business Compatibility Table”; a tool to assist the City assess development proposals for “rural home businesses”. The Table scores aspects of development proposals i.e. number of workers, commercial vehicles (including size) and the floor area of the activity proposed. Proposals that exceed a particular score may be considered excessive, likely to result in amenity impacts and therefore may not be supported.

Refusals of “rural home business” proposals based on scoring under the Compatibility Table would assist the City defending refusal decisions in the State Administrative Tribunal, if the need arises.

## **OPTIONS**

1. Council could resolve to adopt the proposed amendments to the Policy with minor modifications (discussed above) and publish a newspaper notice as required by the procedures for amending a LPP; or
2. Council could choose not to adopt the proposed amendments to the Policy and provide reasons for doing so.

## CONCLUSION

No submissions were received during advertising of the Amended Policy. Some additional minor text modifications are required to improve the clarity of the Policy.

The amendment to the Policy would assist the City achieve appropriate decisions and outcomes for “rural home business” applications in the Special Rural, Rural Living and General Rural zones of TPS No.4.

It is recommended that Council resolve to adopt the proposed Amended Policy in accordance with Option 1 above.

## RECOMMEND

### That Council:

- 1. Adopt the amended Local Planning Policy PLN 3.3 Home Occupations, Home Business and Rural Home Businesses with minor modifications as shown in the Attachments.**
  
- 2. Publish a notice in a newspaper circulating in the district stating the Amended Local Planning Policy PLN 3.3 Home Occupations, Home Business and Rural Home Businesses has been adopted.**

## ATTACHMENTS

1. [1](#) Amended Local Planning Policy PLN 3.3 - Home Occupations, Home Business and Rural Home Business
2. [2](#) Location Plan - Amended PLN 3.3 - Home Occupations, Home Business and Rural Home Businesses

***6.1 - FINAL ADOPTION - AMENDMENT NO.111 - TOWN PLANNING SCHEME NO.4 - HERITAGE LIST***

WARD	:	All
FILE No.	:	- M/482/20
DATE	:	2 September 2020
REF	:	SF
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	City of Armadale
LANDOWNER	:	Various
SUBJECT LAND	:	Various
ZONING	:	Various
MRS / TPS No.4	:	Various

**In Brief:**

- Council at its meeting on the 23<sup>rd</sup> March 2020, resolved to initiate Amendment No.111 to TPS No.4 to adopt the 'Heritage List' into Schedule 10 of the Scheme.
- The draft Heritage List consists of all Management Category, 1 and 2 places identified in the recently approved LHS.
- The amendment was advertised for 60 days with 19 submissions received.
- The proposed Amendment should be supported as adopting the Heritage List is consistent with the Planning and Development (Local Planning Schemes) Regulations 2015 and will assist with protecting heritage sites.
- Recommend that Council adopt Amendment No.111 without modification and request that the Hon Minister for Transport and Planning grant final approval to the amendment.

**Tabled Items**

Nil.

**Decision Type**

- Legal** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

**Officer Interest Declaration**

Nil

**Strategic Implications**

- 2.2.3 Revitalising existing neighbourhoods whilst retaining existing character.  
2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.

### **Legal Implications**

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Heritage Act 2018*

Town Planning Scheme No.4

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

Local Planning Strategy (2016)

Local Heritage Survey (2020)

### **Budget/Financial Implications**

Nil.

### **Consultation**

Preparation of the ‘Heritage List’ followed the approval of the LHS in 2020. The City has consulted with the City’s Heritage Advisory Group (CHAG) during preparation of the draft Heritage List. The Heritage List was advertised for public comment for 60 days and this included further consultation with CHAG and letters sent to affected landowners.

## **BACKGROUND**

### **Local Heritage Survey (2020)**

The *Heritage Act 2018* requires Local Governments to compile, and periodically review a LHS (formerly Municipal Heritage Inventory). The LHS is to include a detailed list of all properties considered of significant heritage value and includes a Management Category ranking each property in accordance with their level of heritage significance. The Management Category’s range from (1) to (4) with Management Categories defined below:

- Management Category 1 (Exceptional Significance) – Essential to the heritage of the locality. Rare or outstanding example. Includes State Heritage Listed properties.
- Management Category 2 (Considerable Significance) – Very important to the heritage of the locality. High degree of integrity / authenticity.
- Management Category 3 (Some / Moderate Significance) – Contributes to the heritage of the locality. Lower integrity / authenticity, not necessarily detracting from the overall significance of the place.
- Management Category 4 (Little Significance) – Has elements or values worth noting for community interest but otherwise makes little contribution.

Commencing in February 2018 with the appointment of Stephen Carrick Architects, the City prepared a new LHS in accordance with the *Heritage Act 2018* and the Heritage Council of WA’s - *Guidelines for the preparation of Local Heritage Surveys*. The LHS was formally advertised in 2019 and was subsequently adopted by Council at its meeting on the 25<sup>th</sup> November 2019, subject to modification and further advertising of five places that were nominated for a Management Category increase. Council at its meeting in February 2020 adopted the proposed Management Category increases closing out the LHS adoption process.

## **Heritage List**

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* “Deemed Provisions”, Local Governments are required to prepare a “Heritage List”. The Regulations indicate the Heritage List must:

- Provide a description of each place and the reason for its entry in the heritage list;
- Be available, with the Scheme documents, for public inspection; and
- Be published on the website of the Local Government.

The “Heritage List” ensures that more significant heritage places are afforded additional protection through Planning Legislation and Town Planning Schemes. This includes:

- Requirement for a development application for the demolition of a building(s) on a heritage listed place (already in TPS No.4);
- The lodgement of a Development Application for single houses or extensions that are on heritage listed properties (already in TPS No.4); and
- Through Section 13 of the “Deemed Provisions”, grant Local Government the authority to issue a Conservation Notice.

Because of the more expansive statutory provisions the places that usually constitute a “Heritage List” are places that are typically identified with a Management Category of (1) and (2) in the LHS.

Following the adoption of the LHS, the City consulted with CHAG to consider the properties to be included in the City’s Heritage List. A consensus was reached that all properties identified in the LHS with a Management Category of ‘1’ and ‘2’ should form the Heritage List. The preferred method of adopting the Heritage List was also determined to be via Scheme Amendment, that way introducing the Heritage List into TPS No.4.

### **Council Decision – 23<sup>rd</sup> March 2020**

At its meeting on the 23<sup>rd</sup> March 2020, Council resolved to adopt for the purposes of public consultation Amendment No.111 - ‘Heritage List’ consisting of all Category 1 and 2 places identified in the adopted LHS. The proposed TPS Amendment No.111 is considered a ‘complex amendment’ under the *Planning and Development (Local Planning Scheme) Regulations 2015* and accordingly was advertised for a period of 60 days.

### **DETAILS OF PROPOSAL**

The Town Planning Scheme Amendment No.111 proposes to introduce into the TPS No.4, a Heritage List by undertaking the following proposals:

1. Creation of a Heritage List comprising of all Management Category ‘1’ and ‘2’ places in the adopted Local Heritage Survey (2020) through the establishment of a Schedule 10 to TPS No.4 and reference to Schedule 10 in the index of TPS No.4.
2. Creation of Section 4.14 under Part 4 ‘General Development Requirements’ which references the establishment of a ‘Heritage List’ through Schedule 10 of the Scheme.

## **Public Advertising of the Amendment**

The proposed amendment was advertised for 60 days, closing on 30<sup>th</sup> July 2020. This advertising was carried out by way of notification to relevant Government agencies, advertisements in the “West Australian” newspaper, City’s website and local community newspaper and letters to all property owners. A summary of the consultation outcomes is detailed below:

Total No. of submissions received	:	19
No. of submissions of conditional support/no objection	:	10
No. of submissions of objection	:	3
No. of submissions on Comment only	:	6

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

***The issues raised by the submissions have been summarised and recommendations made on each submission in the Attachment to this report.***

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

### ***Key Issues***

***Issue 1 – Objection to 12 Wangoola Terrace, Mount Nasura (Wirra Willa) being included in the Heritage List on the basis that the Local Government has powers to issue ‘Heritage Notices’ (Conservation Notices) to landowners with properties on the Heritage List which will impose financial burdens on owners, also:***

- *The property in question (Wirra Willa) is not justified as a Category 1 under the Local Heritage Survey;*
- *Object to the Local Heritage Survey being done by one Architect;*
- *Government should reduce administrative burdens on landowners not increase it; and*
- *The amendment erodes the rights of property owners.*

### **Comment**

The intent of establishing a Heritage List is to ensure that properties of significant heritage value are offered greater protection. Conservation Notices are one method afforded to Local Governments to ensure the protection of heritage properties by encouraging landowners to maintain their heritage properties to a minimum standard. In most instances Local Government will use negotiation with landowners to ensure significant heritage properties are maintained to a minimum standard without using a Conservation Notice. Conservation Notices are only used when negotiations are unsuccessful.

Wirra Willa is classified as a Category 1 significant property in the Local Heritage Survey. The property is also identified on the State Heritage List highlighting its significance to the community. When the Local Heritage Survey was prepared by Stephen Carrick Architects, the proposal to list Wirra Willa as a Category 1 was based on the historical significance of the property to the community and in acknowledgement of the properties State Heritage Listing. The property was a Category A listing under the former Municipal Heritage Inventory (which is similar to the Category 1 under the LHS). The classification of the property under the LHS was also advertised for public comment with no objections received.

The protection of heritage properties is important to the cultural history of a place. Whilst the ability to issue ‘Conservation Notices’ to landowners to ensure that significant heritage properties are maintained, can be considered excessive, it should be noted that landowners should be maintaining these properties as a minimum for reasons of safety.

Recommendation

That the issue is not supported.

*Issue 2 - Objects to 112 River Road, Kelmscott (Butcher’s Residence – Category 2) being included on the proposed Heritage List. The property is already protected under the Local Heritage Survey. Concerned for the extended powers granted to the Local Authority for properties listed on the Heritage List as it increases ‘red tape’ for minor changes proposed to the property.*

Comment

The Heritage List intends to offer greater protection to heritage properties that are considered the most significant in the City, accordingly all properties identified in the Local Heritage Survey that are Category 1 and 2 have been included in the Heritage List. The property at 112 River Road is identified as a Category 2 listing which is similar to the previous Municipal heritage Inventory listing of Category B.

Minor internal changes to the property do not require a development application or review by a heritage professional. Circumstances where internal changes to a property would require a development application and response from a qualified heritage consultant are properties listed as State significance and therefore are subject to provisions in the *Town Planning Scheme and Heritage Act 2018*. The subject property is not State Heritage listed and accordingly are not bound to the same level of scrutiny associated with State Heritage listed properties.

The protection of heritage properties is important to the cultural significance of a place. Whilst listing of the property in the Heritage List affords greater protection over the property and allows the Local Authority to issue a ‘Conservation Notice’ to landowners to ensure that significant heritage properties are maintained, this mechanism for protection is only used in extenuating circumstances and only after attempts have been made by the City to seek an amicable solution.

Recommendation

That the issue is not supported.

*Issue 3 - Object to 111 Clifton Street, Kelmscott (Martins Cairn) being included on the proposed Heritage List as the Cairn is not located on the property but instead is on the verge.*

Comment

The City’s records show with photographic evidence that the Cairn is located on the border of the verge and property boundary. The Cairn is significant not only as a monument but refers to the significance of the previous residence which was located within the boundaries of the current property. The previous residence was the first building constructed in the Kelmscott area. Accordingly, it is recommended that the proposal to list 111 Clifton Street, Kelmscott on the Heritage List be retained and there be no further modification to the Local Heritage Survey.

### Recommendation

That the issue is not supported.

### **COMMENT**

The submissions received are mostly in support for the proposed Heritage List with only a small number of objections relating to the inclusion of 12 Wangoola Terrace, Mount Nasura (Wirra Willa), 112 River Road, Kelmscott (Butcher's Residence) and 111 Clifton Street, Kelmscott (Martins Cairns) into the Heritage List. Following evaluation of the submissions received, the City considers that the three properties mentioned should be retained in the Heritage List.

The proposed introduction of a new Schedule 10 to TPS No.4, identifies all the heritage properties with a Management Category of '1' and '2' in the recently adopted LHS which collectively comprise the City's 'Heritage List' as per Schedule 2, Part 3, Section 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The establishment of the 'Heritage List' will assist in providing greater protection of heritage places of greater significance under the City's TPS No.4 and the *Planning and Development Act 2005*.

The proposed introduction of section 4.14 titled 'Heritage List' is intended to include text that will make reference to the establishment of a Heritage List in accordance with Schedule 2, Part 3, Section 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and reference the 'Heritage List' as identified in proposed Schedule 10.

### **ANALYSIS**

In accordance with Schedule 2, Part 3, Section 8 of the 'Deemed Provision' in the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Governments are required to adopt a Heritage List. The method for which the City can adopt the Heritage List is via Council resolution using Section 8 of the Deemed Provisions or alternatively via inserting the Heritage List in the Town Planning Scheme via a Scheme Amendment. The City has elected to pursue the introduction of a Heritage List in its planning framework via a scheme amendment.

### **OPTIONS**

1. Council may adopt Amendment No.111 with or without modifications and request that the Hon Minister for Transport and Planning grant final approval to the amendment.
2. Council may resolve to not adopt Amendment No.111 giving reasons and request that the Hon Minister for Transport and Planning refuse to approve the amendment.

## CONCLUSION

The proposed complex amendment to TPS No.4 is an initiative that will establish for the City a ‘Heritage List’ offering greater protection to the most significant of heritage places in the City of Armadale. The ‘Heritage List’ includes those places recently adopted under the LHS that are of significance to the community being those properties with a Management Category of ‘1’ and ‘2’ in the LHS. The amendment if adopted will give greater protection via the City’s Town Planning Scheme and the *Planning and Development Act 2005* to the properties identified in the Heritage List than currently afforded under the LHS.

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

## RECOMMEND

**That Council:**

1. Pursuant to Part 5 of the *Planning and Development Act 2005*, adopt without modification, Amendment No.111 to Town Planning Scheme No.4, the following proposals:

**Proposal 1 – Creation of a Schedule 10 ‘Heritage List’ as follows and inclusion of Schedule 10 in the index of TPS No.4:**

Locality	Description of Land	Management Category
Armadale	Narrogin Inne – 7 Albany Highway	1
	Moreton Bay Fig Tree – 24 Aragon Court	2
	Oaklands Old Homestead – 10 Benjamin Street	2
	The Manse Restaurant – 31 Church Avenue	2
	Masonic Hall – 31 Fourth Road	2
	Dr Colyer’s Residence (Former) – 36 Jull Street	2
	Armadale District Hall – 90 Jull Street	1
	St Mathews Church – 108 Jull Street	1
	Sugar Gums and Minnawarra Park – Orchard Avenue and Armadale Road	1
	Armadale Congregational Church – 127 Jull Street	1
	Armadale Primary School (former) – 127 Jull Street	1
	Shire Council Offices (former) – 145 Jull Street	2
	Old Jarrah Tree – 206 Jull Street	1
	Post Office Building (former) – 234 Jull Street	1
	Armadale Obelisk memorial Park – Corner Orchard Avenue and Jull Street	1

	<b>Memorial Park and Trees – Corner Orchard Avenue and Jull Street</b>	<b>1</b>
	<b>Anglican Rectory (former) – 11 Prospect Road</b>	<b>1</b>
	<b>Roads Board Building (former) – 23 Prospect Road</b>	<b>1</b>
	<b>Muckross Tearoom (former) – 10 South Western Highway</b>	<b>2</b>
	<b>Armadale State Brickworks (former) – 245 South Western Highway</b>	<b>1</b>
	<b>St Francis Xavier Church – 10 Third Road</b>	<b>1</b>
	<b>RSL Hall – 1 Commerce Avenue, Armadale</b>	<b>2</b>
<b>Ashendon</b>	<b>Canning Dam and Quarry (former) – Lot 348 McNess Drive</b>	<b>1</b>
<b>Bedfordale</b>	<b>Paradise Cottage – 248 Albany Highway</b>	<b>1</b>
	<b>Churchman Brook Dam – 96 Churchman Brook Road</b>	<b>1</b>
	<b>Wungong Dam – Lot 50 Springfield Road</b>	<b>2</b>
	<b>Willow Heights – 8 Triton Court</b>	<b>2</b>
<b>Forestdale</b>	<b>Armadale to Fremantle Railway Line and Bridge – Lot 718 Armadale Road</b>	<b>2</b>
	<b>Forestdale Lake – Lot 459 Forrest Road</b>	<b>1</b>
<b>Karragullen</b>	<b>Hanbury's Stone Barn – 22 Cassotti Road</b>	<b>2</b>
	<b>Illawarra Orchard – 233 Illawarra Road</b>	<b>2</b>
<b>Kelmscott</b>	<b>Hugh &amp; Hulda Buckingham's Residence (former) - 2947 Albany Highway</b>	<b>2</b>
	<b>Nicholas Uren Residence – 16 Armitage Road</b>	<b>2</b>
	<b>Vera Buckingham's House and shop – 2 Armstrong Road</b>	<b>2</b>
	<b>Migrant Park – Lot 244 Brookton Highway</b>	<b>1</b>
	<b>Butcher Residence and Hospital (former) – 24 Brookton Highway</b>	<b>2</b>
	<b>Buckingham Creamery (former) and Residence – 197 Brookton Highway</b>	<b>2</b>
	<b>'Poplar' Homestead and Mill Site Cairn – 222 Brookton Highway</b>	<b>2</b>
	<b>Stonehaven - Lot 181 Buckingham Road</b>	<b>1</b>
	<b>Metropolitan Water Supply "The Yard" – 7 Church Street</b>	<b>2</b>
	<b>Kelmscott Scout Hall (former) – 20 Church Street</b>	<b>2</b>

	<b>Martin's Cairn – 111 Clifton Street</b>	<b>1</b>
	<b>Lloyd Hughes Residence – 158 Clifton Street</b>	<b>2</b>
	<b>Fancote Residence – 38 Fancote Street</b>	<b>2</b>
	<b>Merrifield House – 30 Merrifield House</b>	<b>2</b>
	<b>Rushton Park – 25 Orlando Street</b>	<b>2</b>
	<b>Rushton Park Obelisk memorial – 25 Orlando Street</b>	<b>1</b>
	<b>Jesse Hammond's Residence – 25 Ottaway Street</b>	<b>2</b>
	<b>Martin's Crossing, Road Reserve and Rosebushes – Lot 501 River Road</b>	<b>2</b>
	<b>St Mary-In-The-Valley Church and</b>	<b>1</b>
	<b>Abdullahs Residence – 31 River Road</b>	<b>2</b>
	<b>Old Station Master's Residence – 2793 Albany Highway</b>	<b>1</b>
	<b>Walter Butcher's Residence – 61 River Road</b>	<b>2</b>
	<b>Albert Butcher's Residence – 104 River Road</b>	<b>2</b>
	<b>James Butcher's residence – 112 River Road</b>	<b>2</b>
	<b>Kelmscott Congregational Church – 17 Rundle Street</b>	<b>2</b>
	<b>Springhill – Lot 139 Turner Road</b>	<b>2</b>
<b>Mount Nasura</b>	<b>Forestry House (former) – 7 Ecko Road</b>	<b>2</b>
	<b>Port Jackson Fig Trees – Lot 3860 Henrietta Avenue</b>	<b>1</b>
	<b>Carrigg Residence – 1 Millen Street</b>	<b>2</b>
	<b>Wirra Willa Gardens – 12 Wangoola Terrace</b>	<b>1</b>
<b>Mount Richon</b>	<b>Convict Road and Culvert (former) – Lot 150 Albany Highway</b>	<b>1</b>
	<b>Armadale Brickworks Quarry (former) – Lot 21 Harrison Road</b>	<b>1</b>
	<b>Cole's Shaft – Lot 49 Summit View</b>	<b>1</b>
<b>Roleystone</b>	<b>Darjeeling – 538 Brookton Highway</b>	<b>1</b>
	<b>Roleystone Theatre Hall – 587 Brookton Highway</b>	<b>2</b>
	<b>Bangup – 283 Chevin Road</b>	<b>2</b>
	<b>Roley Pool – Lot 4697 Collins Road</b>	<b>2</b>
	<b>Roleystone Community Church Hall – 1 Croyden Road</b>	<b>2</b>
	<b>Croyden Court Guesthouse – 236 Croyden Road</b>	<b>2</b>
	<b>Araluen Botanic Park – 362 Croyden Road</b>	<b>1</b>
	<b>William Buckingham's Homestead – Lot 701</b>	<b>1</b>

	<b>Heritage Drive</b>	
	<b>Canning Contour Channel (former) and Two Stone Chimneys – Lot 50 Canning Mills Road</b>	<b>1</b>
	<b>Third Stone Chimney Canning Contour Channel – Intersection of Peet Road and Mackie Road</b>	<b>1</b>
	<b>Roleystone Historic Precinct – 2 Soldiers Road</b>	<b>2</b>
	<b>Thomas Buckingham's House Ruins – 42 and 701 Thompson Road</b>	<b>1</b>
<b>Wungong</b>	<b>Dawkins Place – Lot 809 South West Highway</b>	<b>2</b>

**Proposal 2 – Creation of Section 4.14 ‘Heritage List’ as follows:**

**“4.14 – Heritage List**

- 4.14.1 Schedule 10 comprises the ‘Heritage List’ in accordance with Schedule 2, Part 3, Section 8 of the Planning and Development (Local Planning Schemes) Regulations 2015.”**
- 2. Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.**
  - 3. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Transport and 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 submittors and the applicant of its decision.**

**ATTACHMENTS**

- 1. [Schedule of Submissions - Amendment No.111](#)**
- 2. Confidential - Schedule of Submissions - Name & Address List - Amendment No.111 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person***

***COUNCILLORS' ITEMS***

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Nil

***EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT***

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Nil

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

<b>DEVELOPMENT SERVICES COMMITTEE</b>		
<b>SUMMARY OF ATTACHMENTS</b>		
21 SEPTEMBER 2020		
ATT NO.	SUBJECT	PAGE
<b>1.1 SWIMMING POOL SAFETY BARRIER - LOT 167 (25) BLUESTONE LOOP, PIARA WATERS</b>		
1.1.1	Photographs - Lot 67 Bluestone Loop, Piara Waters	56
<b>2.1 COMMUNITY ENGAGEMENT PLAN - PUBLIC HEALTH PLAN</b>		
2.1.1	Community Engagement Plan - City of Armadale Public Health Plan	58
2.1.2	Project Plan - City of Armadale Public Health Plan	66
<b>3.1 PROPOSED AMENDMENT OF DEVELOPMENT APPROVAL CONDITION - INCREASE OF OCCUPANCY - RESTAURANT AND RECEPTION CENTRE - LOT 2 NO 2 MOUNT STREET KELMSCOTT (AVOCADOS)</b>		
3.1.1	Site Plan - Lot 2 Mount Street, Kelmscott	67
3.1.2	Floor Plan - Lot 2 Mount Street, Kelmscott	68
3.1.3	Schedule of Submissions - Lot 2 Mount Street, Kelmscott	69
<b>4.1 ROAD NAMING - ANSTEY ROAD, FORRESTDALE</b>		
4.1.1	Road Closure and Naming Plan - Anstey Road, Forrestdale	77
<b>5.1 PROPOSED AMENDMENTS TO LOCAL PLANNING POLICY PLN 3.3 - HOME OCCUPATIONS &amp; HOME BUSINESSES</b>		
5.1.1	Amended Local Planning Policy PLN 3.3 - Home Occupations, Home Business and Rural Home Business	78
5.1.2	Location Plan - Amended PLN 3.3 - Home Occupations, Home Business and Rural Home Businesses	83
<b>6.1 FINAL ADOPTION - AMENDMENT NO.111 - TOWN PLANNING SCHEME NO.4 - HERITAGE LIST</b>		
6.1.1	Schedule of Submissions - Amendment No.111	84

**PHOTOGRAPHS – NEW SWIMMING POOL SAFETY BARRIER  
LOT 167 (25) BLUESTONE LOOP, PIARA WATERS**



**PHOTOGRAPHS – NEW SWIMMING POOL SAFETY BARRIER  
LOT 167 (25) BLUESTONE LOOP, PIARA WATERS**



# Community Engagement Plan

<b>Project Name:</b> Public Health Plan 2019 - 2024	<b>Date(s):</b> 01/09/2020
<b>Project Lead:</b> Kirsten Beckingham	<b>File number:</b> CD/4871/20
<b>Team Members:</b> Kirsten Beckingham, Emily Dunn & Garry Dine	<b>Project Sponsor:</b> Garry Dine
<b>Oversight level required:</b> <ul style="list-style-type: none"><li>- Medium - High impact/risk – ELT &amp; Council engagement</li></ul>	
<b>1. Project brief</b> <ul style="list-style-type: none"><li>• <b>Purpose:</b> To develop the City's second Public Health Plan, in line with the future amendment to Part 5 of the <i>Public Health Act 2016</i>.</li><li>• <b>Scope:</b> Interdepartmental collaboration (e.g. Community Development, Recreation Services, Parks &amp; Reserves etc.), community consultation, targeted community consultation (Aboriginal Elders Group, schools), staff consultation, stakeholder consultation (specifically health providers).</li><li>• <b>Limitations/constraints:</b> COVID-19 – restrictions &amp; budget (allocation approx. \$40,000).</li></ul>	
<b>2. Decisions to be made/problem(s) to be solved</b> <ul style="list-style-type: none"><li>- <b>Decisions to be made:</b> what can the City do to improve the public health of residents?</li><li>- <b>Questions to be asked:</b><ul style="list-style-type: none"><li>- How can the City of Armadale improve the health and wellbeing of residents?</li><li>- What are the community's concerns and barriers in relation to health and wellbeing within the City of Armadale?</li><li>- What is important to the community to improve or maintain their health and wellbeing?</li></ul></li><li>- The City of Armadale will consult with community, stakeholders and staff regarding varying aspects of public health (e.g. nutrition, physical activity and, mental health).</li><li>- Additionally, Part 5 of the <i>Public Health Act 2016</i> is to be amended to state that all local governments in WA will be required to have a Public Health Plan in place going forward. The State Public Health Plan WA 2019-2024 was released in July 2019, with the Department of Health outlining the objective and policy priorities as guiding principles for local government and other organisations creating a Public Health Plan.</li><li>- Questions asked in the consultation phase will focus on collecting qualitative data as public health statistics have already been collected by the East Metropolitan Health Service and are readily available to access. <b>Example: What stops you from eating healthier foods?</b> Unemployment? Finance? Lack of cooking facilities? Lack of cooking skills? Difficulty accessing shops? <b>Example: Do you want to stop smoking?</b> Yes/No? If yes, how can the CoA support you to do that?</li></ul>	

<p><b>3. Guiding principles/objectives</b></p> <ul style="list-style-type: none"><li>• <b>Goal:</b> To write a Public Health Plan that identifies and addresses health concerns and, barriers and further positively influences enablers in relation to health and wellbeing, for the City of Armadale community, by the 31 August 2021.</li><li>• <b>Objective 1:</b> Involve other internal departments within the City of Armadale to help plan and develop the Public Health Plan to ensure a collaborative co-design approach by June 2020. <b>COMPLETE.</b></li><li>• <b>Objective 2:</b> To consult with various age groups and audiences within the City of Armadale by 31 December 2020 to understand community's perceptions in relation to health and wellbeing concerns, enablers and barriers.</li><li>• <b>Objective 3:</b> To consult with a variety of stakeholders and staff that service the City of Armadale community to identify local trends and, concerns, barriers and enablers of health by 31 December 2020.</li><li>• <b>Objective 4:</b> Write the City of Armadale's Public Health Plan using the consultation data collected from community, staff and stakeholders by 31 April 2021.</li></ul> <p>The City of Armadale's second Public Health Plan will also align to the State Public Health Plan WA 2019-2024 objectives:</p> <ul style="list-style-type: none"><li>- Empower and enable people to live healthy lives</li><li>- Provide health protection for the community</li><li>- Improve Aboriginal health and wellbeing</li></ul>
<p><b>4. Outcome required (e.g. report, data, design, collaboration)</b></p> <ul style="list-style-type: none"><li>- Community perceptions regarding health concerns, barriers and, enablers obtained to inform the City of Armadale Public Health Plan</li><li>- Stakeholder and staff perceptions regarding health concerns, barriers and, enablers obtained to inform the City of Armadale Public Health Plan</li><li>- Co-design/collaboration between City of Armadale departments to support the Public Health Plan across the organisation</li><li>- Public Health Plan for City of Armadale developed, implemented and evaluated</li></ul>
<p><b>5. Depth of Engagement</b></p> <ul style="list-style-type: none"><li>- <input checked="" type="checkbox"/> <b>Inform</b> – Provide community, stakeholders and, staff with information to help them understand the project issues, options and, opportunities</li><li>- <input checked="" type="checkbox"/> <b>Consult</b> – Obtain feedback from community, stakeholders and staff to help inform recommendations/decisions for the Public Health Plan</li><li>- <input checked="" type="checkbox"/> <b>Involve</b> – Provide stakeholders with information and work directly with them to ensure that their concerns are reflected in the recommendations/decisions</li><li>- <input checked="" type="checkbox"/> <b>Collaborate</b> - Co-design/collaboration between City of Armadale departments to support the Public Health Plan across the organisation</li><li>- <input type="checkbox"/> <b>Empower</b></li></ul>
<p><b>6. Stakeholder identification and analysis</b></p> <ul style="list-style-type: none"><li>- Stakeholder database being developed</li></ul>
<p><b>7. Methodologies, tools</b></p> <ul style="list-style-type: none"><li>- Online survey</li><li>- Face to face targeted consultation with selected target groups</li><li>- In depth interviews/stories with individuals and service providers</li><li>- Service provider/stakeholder workshop consultation</li></ul>
<p><b>8. Timeline</b></p> <p>Timeline complete (See below, page 9)</p>

<b>9. Budget and resourcing</b> The proposed expenditure can be accommodated in the 2020/21 (current) Health Services Budget under Preventative Health and Public Health and Wellbeing Programs.			
<b>10. Communications and feedback loop</b>			
Medium	When/Action	Notes	Complete
Webpage	September 2020	Promote online survey, face to face consultation	
Flyer promoting PHP survey	October 2020	Hand to residents to complete survey	
Library bookmarks promoting PHP survey link	October & November 2020	Put bookmarks in books that residents are picking up from the libraries	
Business cards & laminated placemats promoting PHP survey	October & November 2020	Have laminated placemats at customer facing points at AFAC/Arena & business cards available to take away	
Social media – promoting consultation	October – December 2020	Promote online survey, face to face consultation through Facebook, Instagram & Linked In	
Direct/targeted	October- November 2020	Selected groups (e.g. Aboriginal Elders group, schools to consult with)	
Stakeholder workshop	November 2020	Workshop consultation with stakeholders	
CoA intranet, global email, Yammer post	January/February 2021	Encourage employees to complete staff survey	
Website, social media, City Views	June 2021	Put out draft PHP for community comment	
Website, social media, City Views, News	August 2021	PHP loaded onto website, promoted on social media, City Views etc.	
Website, social media, City Views	2021 onwards	Promote achievements of PHP to reflect accountability	
<b>11. Data integrity, records and reporting – Detail actions</b>			
<ul style="list-style-type: none"> <li>- Meeting minutes, agendas and, feedback for internal and external working group</li> <li>- All documentation to be saved in CM9 folder: PH/PL/4</li> </ul>			

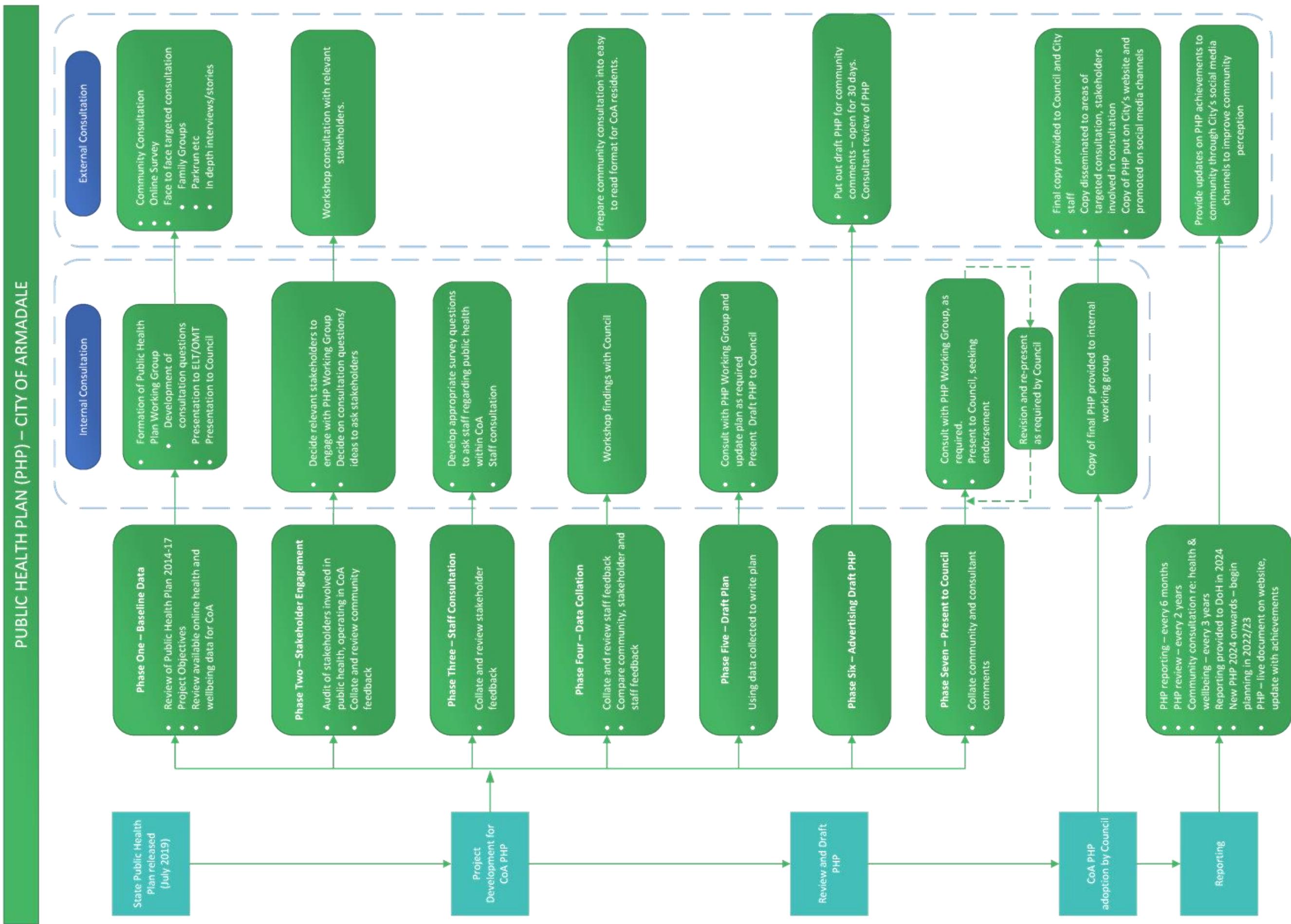
<b>10.0 Timeframe</b>											
<b>Goal:</b> To write a Public Health Plan that identifies and addresses health concerns and, barriers and further positively influences enablers in relation to health and wellbeing, for the City of Armadale community, by the 31 August 2021.											
<b>Objective 1:</b> Involve other internal departments within the City of Armadale to help plan and develop the Public Health Plan to ensure a collaborative co-design approach by June 2020.											
KPIs	December 2019	January 2020	February 2020	March 2020	April 2020	May 2020	June 2020	July 2020	August 2020	September 2020	October 2020
Review Public Health Plan 2014 – 2017, health and wellbeing data	✓	✓	✓	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19
Define project objectives	✓	✓	✓	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19
Develop appropriate documentation for Public Health Plan	✓	✓	✓	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	COVID-19
Form Internal Public Health Plan Working Group				COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	✓		
Documentation approval				COVID-19	COVID-19	COVID-19	COVID-19	COVID-19	✓		

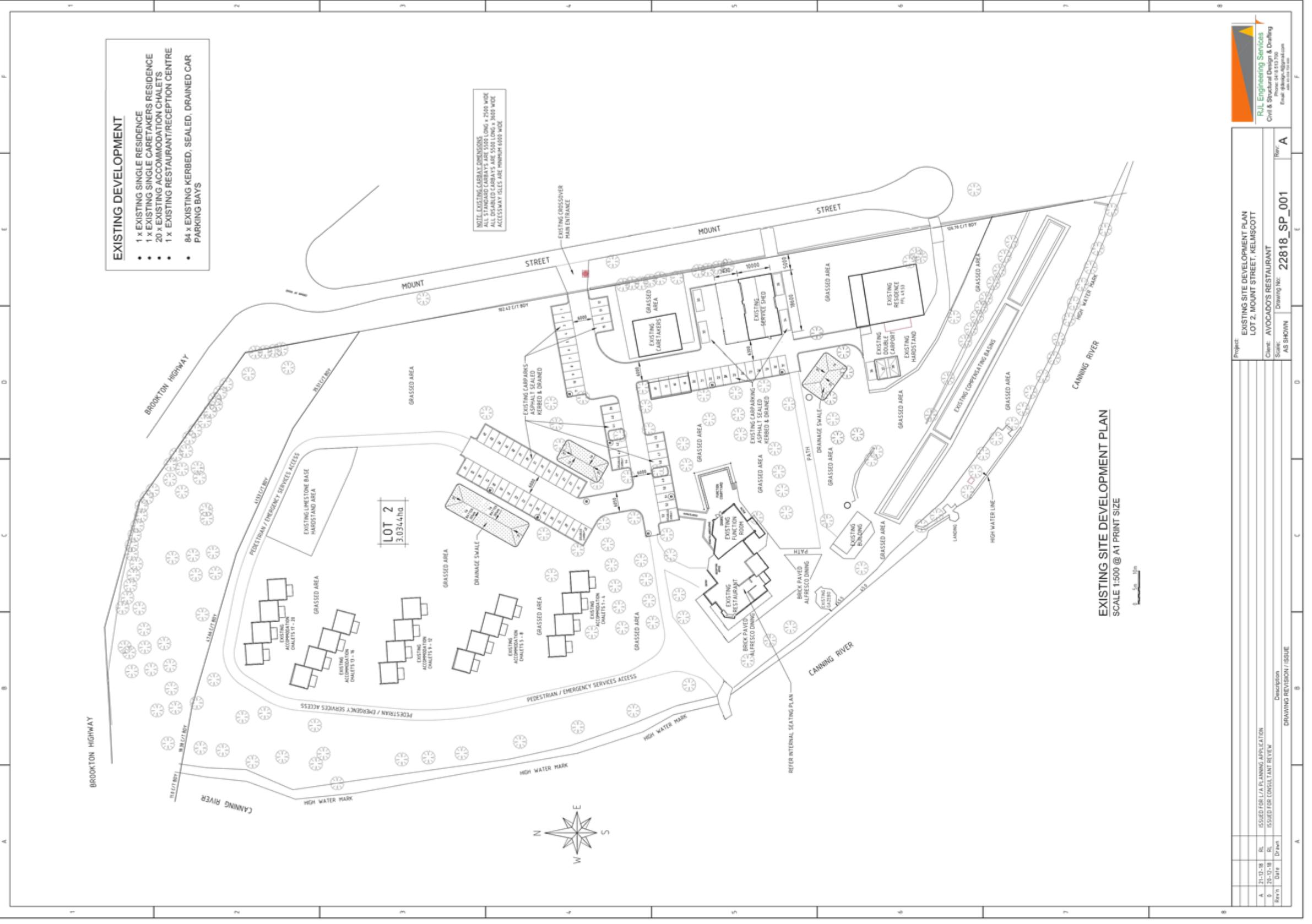




solutions with Council							
Prepare community consultation into easy to read format for CoA residents		COVID-19	COVID-19	COVID-19			
Write Public Health Plan using data collated		COVID-19	COVID-19	COVID-19			
Present to Council for endorsement & advertising consent – revise & represent as needed		COVID-19	COVID-19	COVID-19			
Public Health Plan advertising /engagement		COVID-19	COVID-19	COVID-19			
Review of submissions on Public Health Plan		COVID-19	COVID-19	COVID-19			
Review Public Health Plan		COVID-19	COVID-19	COVID-19			





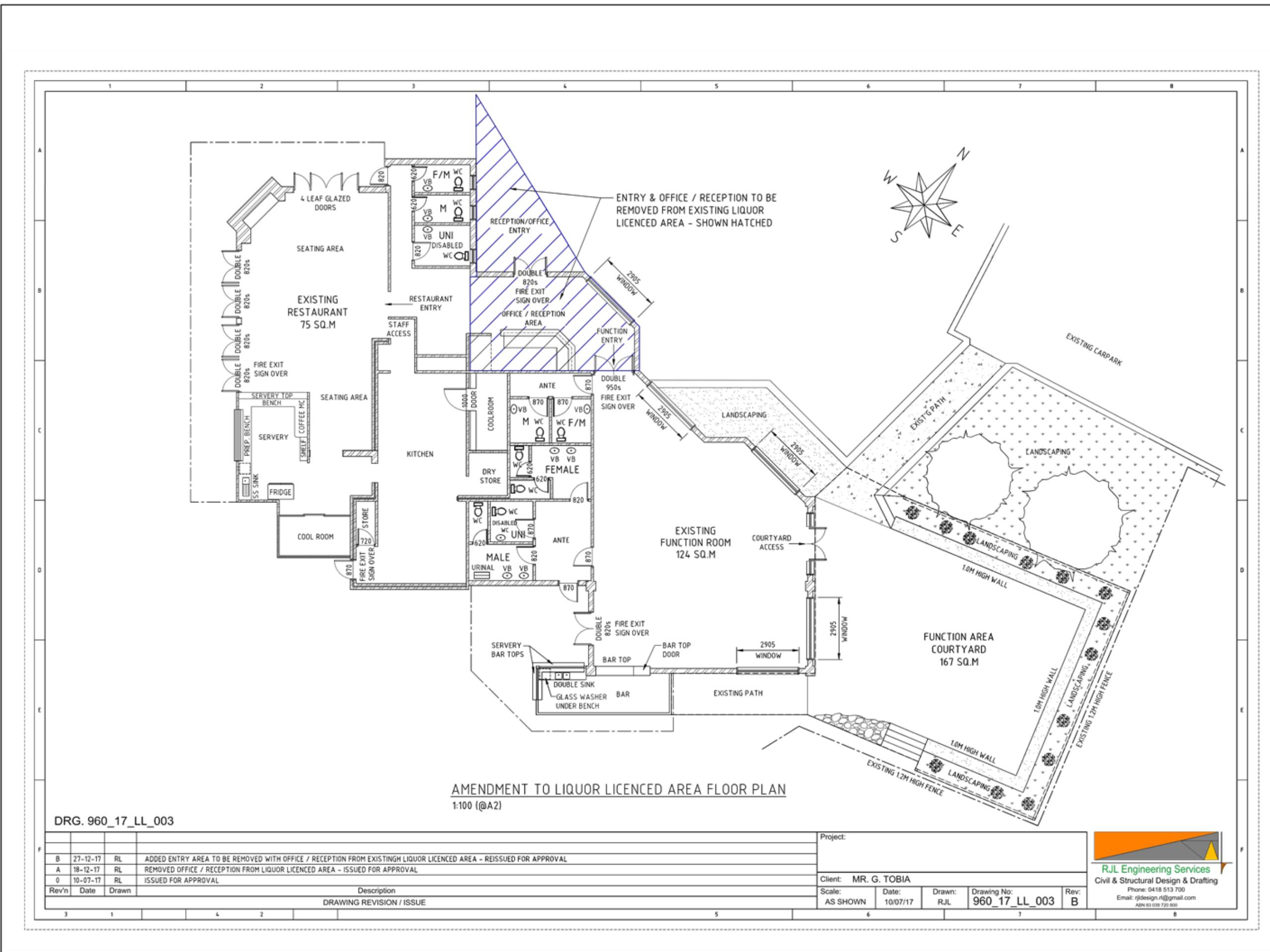




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**FLOOR PLAN** Lot 2 (No. 2) Mount Street, Kelmscott



SCHEDULE OF SUBMISSIONS REVISED APPLICATION – INCREASE CAPACITY OF RESTAURANT/RECEPTION – LOT 2 MOUNT STREET, KELMSCOTT			
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION
		RECOMMENDATION	
1	Water Corporation CE/69128/20	Support	<b>1.1</b> Advise landowner of the close proximity of the Water Corporation's trunk mains along the Mount Street frontage of the site. Any site works (such as driveway crossovers over the pipes) must be referred to the Water Corporation for approval.
2	Landowner CE/69737/20	Support	<b>2.1</b> – Support proposal
3	Landowner CE/69995/20	Support	<b>3.1</b> Support as it brings more business and tourism. No issue with noise or drama from Avocado's. Welcome more clientele.
4	Landowner CE/70039/20	Support	<b>4.1</b> Wish Avocado's success in their venture.
5	Landowner CE/70122/20	Support	<b>5.1</b> Since Avocados succeeded Seraglio Park there has been no issue of noise or local disruption. <b>5.2</b> Fully support any endeavour to benefit the local community and economy.
6	Landowner CE/70898/20	Support	<b>6.1</b> No problems with Avocados since it opened its doors. We have a clear view of the bar, the restaurant and childrens' playground from our home. It is an excellent amenity to the Brookton Valley community and we feel that the amendments to conditions 7 & 10 would have no affect to our living standards and enjoyment of the area.
7	Landowner CE/72065/20	Support	<b>7.1</b> Full support of the application. Avocados in our area is a much needed venue located in a beautiful position. It is a very popular place with local and other visitors. We have no association with Avocados except as occasional customers and wish the business well.

SCHEDULE OF SUBMISSIONS REVISED APPLICATION – INCREASE CAPACITY OF RESTAURANT/RECEPTION – LOT 2 MOUNT STREET, KELMSCOTT				
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION	RECOMMENDATION
8	Landowner CE/72249/20	Object	<p><b>8.1</b> Lived in area since 1995 and familiar with the manner in which noise carries throughout the valley and it is on this basis that we object to any increase in the number of patrons allowed at the Avocados venue.</p> <p><b>8.2</b> We note that the acoustic assessment undertaken and which forms part of this submission does not take into account the "lay of the land" and the manner in which noise travels within and upwards throughout the valley.</p> <p><b>8.3</b> We currently hear noise from Avocados on Saturday evenings, however at this stage the noise is not too intrusive. If the number of patrons are allowed to almost double the noise would be drastically exacerbated and would undoubtedly require a significant increase in the outdoor areas resulting in heightened noise levels, considerably affecting those living with the valley area.</p> <p><b>8.4</b> At present both Avocado patrons and valley residents coexist harmoniously. Avocados enjoys good patronage and valley residents are able to enjoy the peace and tranquillity that valley living offers. Any increase in numbers would undoubtedly impact considerably on residents and ultimately devastate our lifestyle.</p>	<p><b>8.2/8.3</b> - Noted. The role of topography, and weather conditions has been raised before but has not hitherto been comprehensively tested by monitoring. The City's recommendation is that if the proposal is approved for a 12 month trial period that noise levels are monitored by the applicant and City over that period to ascertain the impact.</p>
9	Landowner CD/46396/20 & CE/73184/20	Object	<p><b>9.1</b> As my property sits above Avocados and has been affected by noise, music, loud voices etc on previous occasions.</p> <p><b>9.2</b> In the Herring Slopes Acoustic Report of March 2020 my property lies within the main area affected by noise generated by Avocados and it seems to imply that my property is in the allowable limits. Avocados, which is down in the valley, the noise is increasing as it travels up the hill.</p> <p><b>9.3</b> With regards to the carpark noise from people talking, cars and motor bikes leaving the area, this needs to be closely monitored for anti-social behaviour, especially when alcohol consumption is involved. Increasing the maximum number of cars to 84 only makes this issue harder to control.</p> <p><b>9.4</b> Vehicles entering and leaving Mount Street from Brookton Highway increases the danger of accidents?</p> <p><b>9.5</b> The patron numbers and cars parked onsite as they stand now work well, so I strongly object to them being changed.</p>	<p><b>9.2</b> - Both acoustic assessments findings are theoretical, as is the case for such studies. If the proposal is approved on a trial basis the City recommends that noise monitoring is conducted by the applicant and by the City's Health Services.</p> <p><b>9.3</b> - Noted.</p> <p><b>9.4</b> -The purpose of Brookton Highway is to accommodate larger volumes of traffic than lower order side roads. MRWA has not raised an inherent safety issue with the proposal.</p>
10	Main Roads WA CE/72855/20	N/A	<b>10.1</b> – No comment.	Submission noted.

SCHEDULE OF SUBMISSIONS REVISED APPLICATION – INCREASE CAPACITY OF RESTAURANT/RECEPTION – LOT 2 MOUNT STREET, KELMSCOTT			
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION
		RECOMMENDATION	
11	Landowner CE/72856/20	Object	<p>11.1 - The acoustics travel a long way on a still night in this valley and whenever there is music you can always hear the bass.</p> <p>11.2 - The extra people will make a lot more noise</p>
12	Landowner CE/72944/20	Support	12.1 - Fully support the amendments.
13	Landowner CD/46652/20	Support	No comments provided.
14	Landowner CD/46653/20	Object	<p>14.1 - People move to hills areas for larger blocks, which provide more distance from neighbours. This in turn provides a more peaceful and quiet area to live in.</p> <p>14.2 - By double the amount of customers at Avocados creates twice the amount of noise. Considering there is an outdoor area as well, this will no contain noise inside. Strongly object.</p>
15	Landowner CD/46656/20	Object	<p>15.1 - I strongly object to the increase in the number of patrons, which will only increase the volume of noise we are currently experiencing;</p>
16	Landowner CD/46981/20	Object	16.1 – More traffic and noise
17	Landowner CD/46987/20	Object	17.1 - Traffic congestion and noise in a rural setting.
		17.1 – Noted. See comment above.	

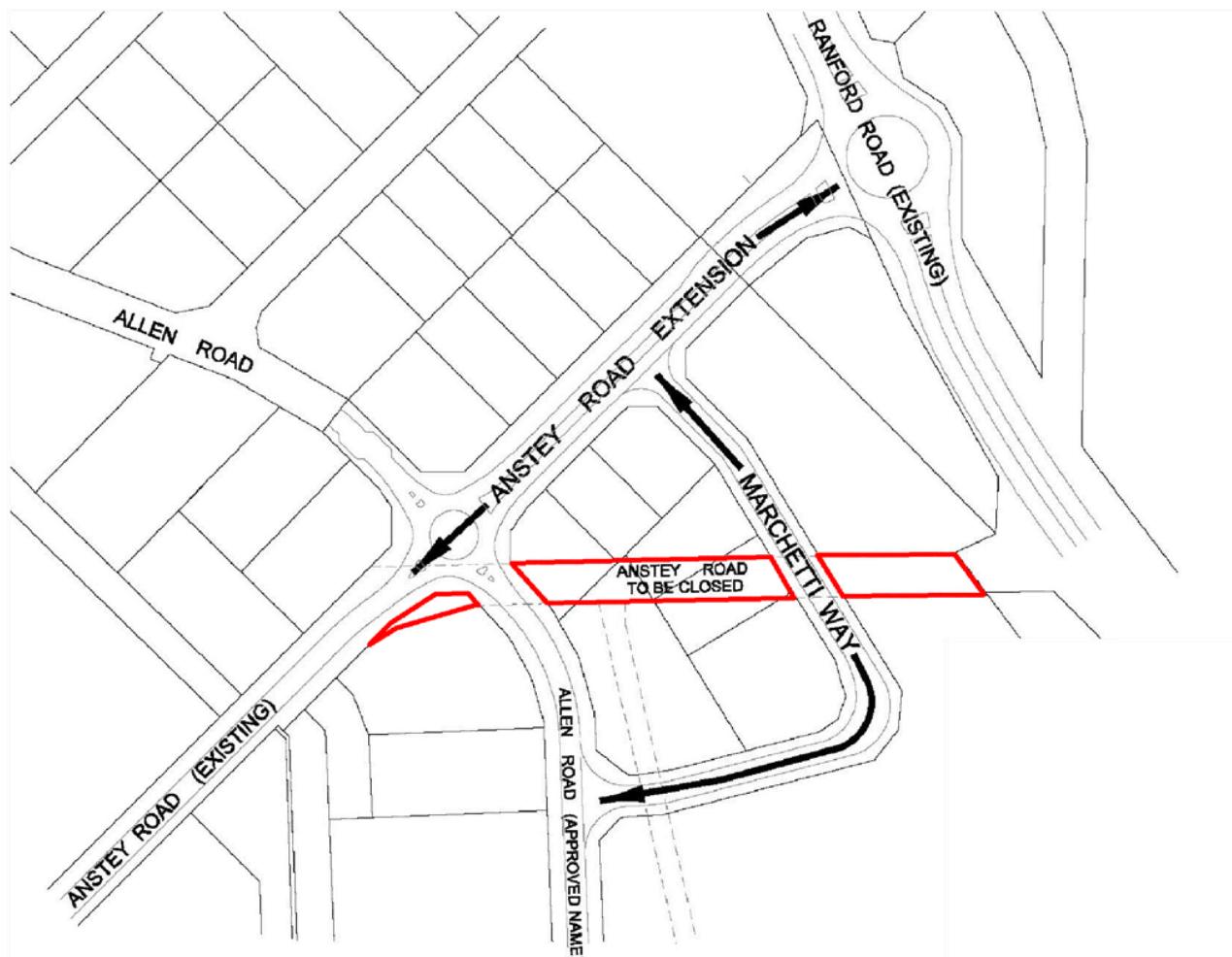
SCHEDULE OF SUBMISSIONS REVISED APPLICATION – INCREASE CAPACITY OF RESTAURANT/RECEPTION – LOT 2 MOUNT STREET, KELMSCOTT			
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION
RECOMMENDATION			
18	Landowner CE/7467n/20	Object	No comments provided.
19	Landowner CE/74674/20	Object	<p><b>19.1</b> I strongly oppose amending the existing conditions to enable the applicant to develop his business model. The conditions that were already in place when he became the licensee in February 2018 are just as relevant and necessary now as when they were defined by the Director of Liquor Licensing in April 2016.</p> <p><b>19.2</b> Increasing the numbers from 120 to 211 persons is of concern given the noise currently generated by boisterous and/or “fuelled” patrons especially of an evening as well as daytime events such at the Melbourne Cup. The chatter, laughter and yahoing generated by patrons in the outdoor area easily carries up the hill to the residents located in excess of 200m from the venue. The proposed increase from 120 to 211 patrons would only exacerbate this problem. Additionally, increasing the number of cars will potentially contribute to more traffic noise that is already apparent late at night (usually around closing time) with some patrons doing “burnouts” when leaving the venue and accessing Brookton Highway.</p> <p><b>19.3</b> This rural area of Brookton Valley has “Prime Landscape Quality” as defined by the City of Armadale TPS4 and is the reason many of the residents are attracted to live there in the first place. Unfortunately the issue of noise control at the venue has proven to be problematic for the residents. City of Armadale and RGL, for a number of years now. The applicant’s acoustic assessment states that music can be played externally, provided it was 10dB lower than patron noise. No methodology or process is supplied to indicate how that would actually work. If the crowd was particularly noisy &amp; boisterous, then amplified background ambient music would in affect be able to be “cranked up”. The acoustic assessment undertaken by the applicant only sampled properties close to the venue when most objectors reside beyond the 200m radius. An independent robust 3D acoustic assessment with agreed criteria input from all parties (e.g. recording/monitoring devices placed at residences beyond 200m) is required to provide direction going forward.</p> <p>Closing the doors to the venue when sound is 85dB is impractical given the constant movement of staff and patrons in and out of the venue during an event.</p>

SCHEDULE OF SUBMISSIONS REVISED APPLICATION – INCREASE CAPACITY OF RESTAURANT/RECEPTION – LOT 2 MOUNT STREET, KELMSCOTT			RECOMMENDATION
NO.	SUBMITTER SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION	
		<p><b>19.4</b> The applicant does not comply with the current licence conditions and plays amplified music outside the venue. Photographic evidence of these breaches have been provided to RGL previously. Notwithstanding these licence condition breaches, an acoustic sound engineer could provide advice on new technologies that are available for directional/spotlight speakers that can target a specific area e.g. speakers placed externally near the gazebo/ river area but facing north towards the venue so that only venue patrons can hear the music. This potentially could remove one of the major irritants and concerns for residents who live south of Avocados in the hills overlooking the venue.</p> <p><b>19.5</b> In September 2016, a petition signed by 55 residents concerned about proposed changes to the liquor licence conditions was presented to the City of Armadale. The concerns articulated in the petition have been justified given the complaints and angst that still exist amongst residents. There appears to be little understanding or acknowledgement of the acoustic properties of this Brookton Valley locality and the need for this to be factored into City of Armadale development approval applications and RGL liquor licence assessments. Until this is acknowledged, the issue and acrimony that exists between residents and the venue will continue.</p>	<p>20.2 See comments above.</p> <p>20.3 See comments above.</p> <p><b>20.4</b> MRWA has not made comment in relation to increased traffic safety risk arising from the proposal.</p> <p><b>20.5</b> The City agrees that comprehensive noise monitoring is required should the proposal be approved on a temporary trial basis.</p> <p><b>20.6</b> Noted.</p>
20	Landowner CE/74674/20	<p><b>20.1</b> I most definitely oppose amending the existing conditions to enable the applicant to develop the capacity and business activities of venue. The conditions under which he became the licensee in February 2018 should remain the same for the following reasons:</p> <p><b>20.2</b> Increasing the numbers from 120 to 211 persons is of paramount concern as the noise generated by patrons at present numbers is often even louder than the music supplied at the time. When specific events such as football finals or weddings occur, the cheering, shouting and at times swearing of overzealous excited and possibly drunken patrons is not welcome. This does not make it conducive to entertaining our friends and family members' outdoors, in what should be a peaceful, picturesque and pleasant environment, all reasons for our settling in this area to start with.</p> <p><b>20.3</b> Most of the disturbances seems to come from the external and alfresco areas of the venue. Diners and drinkers take up considerable outdoor space throughout the year, as does a musician with a speaker, which is contrary to the current licence. .</p>	

SCHEDULE OF SUBMISSIONS REVISED APPLICATION – INCREASE CAPACITY OF RESTAURANT/RECEPTION – LOT 2 MOUNT STREET, KELMSCOTT			
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION
RECOMMENDATION			
			<p><b>20.4</b> Even though the increase in cars is not significant, it will potentially exacerbate the problems primarily relating to when the patrons leave the venue especially late at night when they've had a "few" and proceed to do burn-outs or accelerate loudly while speeding away. There is also a concern from a traffic safety point of view as the patrons are accessing Brookton Highway on a sweeping bend.</p> <p><b>20.5</b> The acoustic assessment submitted by the licensee is questionable as the three points of reference, A, B and C are low lying and are not affected by the amphitheatre-effect of the valley and two premises are unlikely to be affected by the present location and direction of speakers (facing south and up the hill). A valid acoustic assessment would require a 3D modelling component from where all the complaints are coming from, with the applicants' desired amplified music and over 200 drinking patrons present, as opposed to a theoretical model. Only then can a true indication of the effects of noise can be reviewed and either accepted or not. This is a valley whereby its topographic characteristics mean it acts like an amphitheatre sound bowl.</p> <p><b>20.6</b> Notwithstanding the above complaints, I see the amenity as a valuable asset to the area if mine and others residents' concerns can be resolved in a manner that is beneficial to all parties concerned moving forward</p>
21	Landowner CE/75148/20	Support	<p><b>21.1</b> We would like to raise the issue of toilet facilities having found them not to be adequate now based on existing numbers allowed. When busy three (3) toilets – 1 ladies is not enough.</p>
22	Landowner CD/48104/20	Object	<p><b>22.1</b> We have difficulty in making objection to development proposals, as we are normally supportive of such matters. However, this matter is an example of how protracted such a proposal can become.</p> <p><b>22.2</b> We also feel that the amenity of the precinct will not be enhanced for adjacent residents who have a preference for the status quo. There is also no room for what may occur in future years with any change in ownership and/or management.</p>
23	Landowner CD/48251/20	Object	<p><b>23.1</b> We have endured a certain amount of noise from the restaurant and playground, which currently disrupts our enjoyment of our property. This has worsened with the increased numbers of patrons on the riverbank. We do object to any increase in noise levels from increased numbers of patrons. In addition, we object to noise from the playground that is positioned on the river's edge and results in loud screams and crying which carries across to our home.</p>

SCHEDULE OF SUBMISSIONS REVISED APPLICATION – INCREASE CAPACITY OF RESTAURANT/RECEPTION – LOT 2 MOUNT STREET, KELMSCOTT			
NO.	SUBMITTER SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION	RECOMMENDATION
24	Landowner CD/48251/20	<p><b>24.1</b> Our main objection is the noise level and traffic due to extra persons from 120 to 211. The traffic on the Brookton Highway is a problem at the moment, particularly on weekends and holidays.</p> <p><b>24.2</b> The noise level if increased is a concern due to voices, music and cars at the Reception/Restaurant Centre.</p>	<p><b>24.1</b> - Noted, however Brookton Highway is expected to handle larger volumes of traffic as it is a primary regional road. The proposal is not considered to significantly increase traffic on Brookton Highway. MRWA has not objected to the proposal</p> <p><b>24.2</b> - Noted. The City agrees that noise is the primary issue generated by the proposal and appropriate conditions are required should a trial period be approved.</p> <p>Submission noted.</p>
25	Landowner CD/48613/20	Support	No comments provided.
26	Landowner CE/77277/20	Object	<p><b>26.1</b> - The applicant is the representative of a tenant leasing the Reception Centre and Restaurant area from the owner. It is incumbent on the City to investigate and satisfy itself as to what extent the proposals of the Applicant and those of its tenant are interrelated as a landowner may not be accountable for the actions of a tenant.</p> <p><b>26.2</b> - The proposal may not accord with the details shown in the Tavern Licence application made to the Department of Racing Gaming and Liquor, which suggest the site primarily operates as a Restaurant, not Reception Centre. The proposal would therefore allow the “facility” to serve 211 patrons meals at the restaurant either indoors, outdoors or both.</p> <p><b>26.3</b> - It is not clear and obvious where the proposed 211 patrons would congregate if all were outdoors. Neither is it clear if all 211 patrons would congregate in the “Existing Function Room”. Neither drawing shows the outdoor extent of the licensed area, which may be considered an important exclusion.</p> <p><b>26.4</b> - There is signage installed on Lot 2 indicating that the services of an accountant are available as an Office use and that the former single house may be in use as Holiday Accommodation.</p> <p><b>26.5</b> - The site may not have provided sufficient onsite car parking for all of the existing uses in accordance with Table 7A of Town Planning Scheme No. 4.</p>

SCHEDULE OF SUBMISSIONS REVISED APPLICATION – INCREASE CAPACITY OF RESTAURANT/RECEPTION – LOT 2 MOUNT STREET, KELMSCOTT			
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION
RECOMMENDATION			
			<p>26.6 – The applicant's acoustic assessment provided by Herring Stoner contains potential flaws of methodology and there is evidence that the operator has allowed outdoor amplified music in November 2019 contravening Condition 4 of the 2014 development approval.</p> <p>26.7 – The submission also includes an acoustic assessment prepared by Reverberate Pty Ltd, which forecasts that the proposal may not be able to comply with the Noise Regulations in its proposed or existing form.</p>
			<p>26.3 Noted, however the development application does not encompass the issue of liquor licensing or the demarcations of licenced areas, which is subject to a separate application process. The application only deals with overall occupancy and car parking limits covered under the 2014 development approval.</p> <p>26.4 None of the elements mentioned forms part of the application. The matter will be referred to the City's Planning Compliance for further investigation.</p> <p>26.5 – Noted, however all of the identified land uses have obtained development approval previously. The scope of the applicant's request is limited to amend Condition 10 of the 2014 approval that limits parking to no more than 72 vehicles onsite to instead use 84 vehicles. It is then incumbent on the operator to manage onsite parking accordingly.</p> <p>26.6 – Noted. The City's Health Services have revised their consideration of the Herring Storer assessment in light of the Reverberate assessment provided by the applicant. The City's Health Services have based their recommendation for a Noise Management Plan and noise monitoring program on incorporating measures in order to overcome the deficiencies in the applicant's assessment.</p> <p>26.7. The City's Health Services have acknowledged the merits in the conclusions of the Reverberate report and have attempted to incorporate findings from it into its recommended condition for a Noise Management Plan.</p>
27	Landowner CD/49609/20	Object	<p>27.1 - Of concern is that the views presented are those of the proponent of the Application, and do not necessarily reflect the views of nearby landowners.</p> <p>27.2 Of course, noise is of great concern to me as I can hear it, to a greater or less degree at my residence, depending on atmospheric conditions. On occasions, it has been very audible and, with the planned increase in functions by the proponent of the Application, these occasions are likely to increase, and destroy the tranquillity of my special rural setting.</p> <p>27.3 I disagree that the increased capacity of the 'Restaurant/Reception Centre' can easily be accommodated in the existing parking as mentioned, I have seen cars parked on the grassed areas.</p>



**Legend**



Portion Anstey Road  
to be closed

**ROAD CLOSURE AND NAMING PLAN**

Anstey Road, Forrestdale



NOT TO SCALE

**PLN 3.3**

**HOME OCCUPATIONS, & HOME BUSINESSES &  
RURAL HOME BUSINESSES**

**1. INTRODUCTION**

Town Planning Scheme No.4 (TPS) allows the Council discretion to approve home occupations and home businesses in the ~~#Residential, #Special Residential, Special Rural, #Rural Living and #General Rural zones and, rural home businesses in the Special Rural, Rural Living and General Rural zones.~~ Such uses may be encouraged as a means of facilitating economic development opportunity provided local amenity is not compromised.

**2. APPLICATION OF POLICY**

This policy provides guidance to the City in exercising discretion to approve or refuse home ~~occupations and home businesses in the #Residential, #Special Residential, Special Rural, #Rural Living and #General Rural zones and approve or refuse rural home businesses in the Special Rural, Rural Living and General Rural zones.~~ The policy sets out the application requirements and matters to be considered in determining applications for home occupations, ~~and~~ home businesses ~~and rural home businesses.~~

**3. POLICY OBJECTIVES**

- a) To provide residents with the opportunity to conduct activities from their homes in small/domestic scale enterprises within strict guidelines to ensure local amenity is not compromised.
- b) To facilitate activities that are of a small scale and do not necessarily warrant location in the local centre, district centre or industrial zones.

**4. POLICY STATEMENT**

**4.1 Applications for home occupations, ~~and~~ home businesses ~~and~~ rural home businesses shall be assessed with consideration to the following:**

- a) The definitions for home occupation, ~~and~~ home business and ~~rural home business~~ in the TPS;
- b) Points determined for applications by the Scale of Compatibility Table (see attached tables in section 5) based on information supplied as part of the application and any other information;
- c) The circumstances particular to each application;
- d) The impact the proposal may have on the surrounding area; and
- e) Applications for home occupations, ~~and~~ home businesses ~~and~~ rural home businesses involving food preparation for commercial purposes will not be permitted by the City unless it complies with the requirements of the relevant Health Regulations (advice from the City's Environmental Health Services should be sought in regard to this).

#### **4.2 Advertising**

Home occupation applications may be advertised by the City to surrounding neighbours in accordance with *Clause 64(3)(a) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015* where:

- a) The scale of compatibility criteria score is 20 or above; or
- b) When the City considers it necessary.

Home business and **rural home business** applications are subject to advertising in accordance with *Clause 64(1)(e) and Clause 64(3)(a) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*.

Notwithstanding, applicants are encouraged to gain signed comments from surrounding neighbours or other affected properties as part of their application.

#### **4.3 Validity of Approvals**

Approvals for home occupations, **and** home businesses **and rural home businesses** are valid for one year and must be renewed annually. Applications for renewal need to be lodged with the City prior to the current approval expiring and application fees are payable. The City may approve, approve with conditions or refuse a renewal application.

**Note:**

This policy does not apply to home offices which are “permitted development” under *Clause 61(2)(c) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015* therefore a development application is not required. However, persons must ensure their activities meet the definition of a home office in accordance with Schedule No.1 of TPS No. 4.

For reference a home office is defined as follows:

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

- *entail clients or customers travelling to and from the dwelling;*
- *involve any advertising signs on the premises; or*
- *require any external change to the appearance of the dwelling.*

By way of clarification, a home office is considered to be the use of the premises by a person who conducts the activity off site (e.g. mobile mechanic) and only conducts the administration component of the enterprise at their residence.

## 5.0 COMPATIBILITY TABLES

### 5.1 HOME OCCUPATION COMPATIBILITY SCALE – SCORE NOT TO EXCEED 30 POINTS

SCORE	1 Point	2 Points	3 Points	SCHEME LIMITS
ACTIVITY TYPE e.g.	Arts	Storage; Crafts using electrical equipment	Activities proving a Service, Creation of goods or instruction	Must be associated with applicant's residence.
OCCUPIED AREA (including storage area)	< 10m <sup>2</sup>	10m <sup>2</sup> - 15m <sup>2</sup>	>15m <sup>2</sup> <b>-and ≤ 20m<sup>2</sup></b>	Not greater than 20m <sup>2</sup>
LOCATION	Inside the residence	Inside an Outbuilding	Exposed	
ADVERTISING SIGN (confined to subject property)	Nil		Required	Not to exceed 0.2m <sup>2</sup>
COMMERCIAL VEHICLE	Nil	One parked on property (approval required); none calling	More than one calling	Any commercial vehicle involved in the business to comply with the Scheme provisions
EQUIPMENT e.g.	Nil	Office equipment, telephone, word processor, kitchen appliances etc.	Power tools, mechanical tools, tools generally of a noisy nature.	Electric motor only
EMPLOYEES	Applicant only at all times	Two household members (includes intermittently)	More than two household members (includes intermittently)	
CUSTOMERS ATTENDING PER DAY	Nil	0 - 5	> 5	
OPERATING HOURS	< 10 hours per week	10-35 hours per week	> 35 hours per week	
PREVAILING LOT SIZE	> 2000m <sup>2</sup>	600m <sup>2</sup> – 2000m <sup>2</sup>	< 600m <sup>2</sup>	
STOCK/GOODS	Inside a building	In view	Questionable or unsightly	Not to prejudice amenity
TOTAL SCORE :	< 20	- Approval recommended		
	20-30	- Can be approved by Delegation or submit for Council decision		
	> 30	- Refusal on basis of cumulative score from above		

**5.2 HOME BUSINESS COMPATIBILITY SCALE – SCORE NOT TO EXCEED 30 POINTS**

SCORE	1 Point	2 Points	3 Points	SCHEME LIMITS
<b>ACTIVITY TYPE e.g.</b>	Arts; Administration;	Crafts (using electrical equipment)	Activities proving a Service, Creation of goods or Instruction	Must be associated with applicant's residence.
<b>OCCUPIED AREA (includes storage areas)</b>	< 20m <sup>2</sup>	20m <sup>2</sup> - 30m <sup>2</sup>	>30m <sup>2</sup> - and ≤ 50m <sup>2</sup>	Not greater than 50m <sup>2</sup>
<b>LOCATION</b>	Inside the residence	Inside an Outbuilding	Exposed	
<b>ADVERTISING SIGN</b>	Nil		Required	Not to exceed 0.2m <sup>2</sup>
<b>COMMERCIAL VEHICLE</b>	Nil	One parked on property (approval required); none calling	More than one calling	Any commercial vehicle involved in the activity to comply with the Scheme provisions
<b>EQUIPMENT e.g.</b>	Nil	Office equipment, telephone, word processor, kitchen appliances etc.	Power tools, mechanical tools, tools generally of a noisy nature.	Electric motor only
<b>EMPLOYEES</b>	Applicant only at all times	Two household members (includes intermittently)	Up to two employees not part of the household	
<b>CUSTOMERS ATTENDING PER DAY</b>	Nil	0 - 5	> 5	
<b>OPERATING HOURS</b>	< 10 hours per week	10 - 35 hours per week	> 35 hours per week	
<b>PREVAILING LOT SIZE</b>	> 2000m <sup>2</sup>	1000m <sup>2</sup> - 2000m <sup>2</sup>	< 1000m <sup>2</sup>	
<b>STOCK/GOODS</b>	Inside a building	In view	Questionable or unsightly	Not to prejudice amenity
<b>TOTAL SCORE</b>	< 20 -	Approval recommended		
	20-30 -	Can be approved by Delegation or submit for Council decision		
	> 30 -	Refusal on basis of cumulative score from above and that the proposal is likely to have an adverse impact on the neighbourhood		

**5.3 RURAL HOME BUSINESS COMPATIBILITY SCALE – SCORE NOT TO EXCEED 30 POINTS**

SCORE	1 Point	2 Points	3 Points	SCHEME LIMITS
<b>ACTIVITY TYPE e.g.</b>	Arts; Administration;	Crafts (using electrical equipment)	Activities proving a Service, Creation of goods or Instruction	Must be associated with applicant's residence.
<b>OCCUPIED AREA (includes storage areas)</b>	< 50m <sup>2</sup>	50m <sup>2</sup> to 100m <sup>2</sup>	>100m <sup>2</sup> and ≤ 200m <sup>2</sup>	Not greater than 200m <sup>2</sup>
<b>LOCATION</b>	Inside the residence	Inside an Outbuilding	Exposed	
<b>ADVERTISING SIGN</b>	< 1m <sup>2</sup>	1 to 2m <sup>2</sup>	>2m <sup>2</sup>	
<b>COMMERCIAL VEHICLE (NUMBERS)</b>	One parked on property (approval required); or calling	Two parked on property (approval required); or calling	Three parked on property (approval required); or calling	3
<b>COMMERCIAL VEHICLE (SIZE)</b>	< 10 tonnes	10 to 20 tonnes	>20 and ≤ 30 tonnes	30 tonnes
<b>EQUIPMENT e.g.</b>	Nil	Office equipment, telephone, word processor, kitchen appliances etc.	Power tools, mechanical tools, tools generally of a noisy nature.	Electric motor only
<b>EMPLOYEES</b>	Applicant only at all times	Two household members (includes intermittently)	Up to two employees not part of the household	
<b>CUSTOMERS ATTENDING PER DAY</b>	Nil	0 - 5	> 5	
<b>OPERATING HOURS</b>	< 10 hours per week	10 - 35 hours per week	> 35 hours per week	
<b>PREVAILING LOT SIZE</b>	> 4 hectares	4ha -1ha	< 1ha	
<b>STOCK/GOODS</b>	Inside a building	In view	Questionable or unsightly	Not to prejudice amenity
<b>TOTAL SCORE</b>	< 20 -	Approval recommended		
	20-30 -	Can be approved by Delegation or submit for Council decision		
	> 30 -	Refusal on basis of cumulative score from above and that the proposal is likely to have an adverse impact on the neighbourhood		

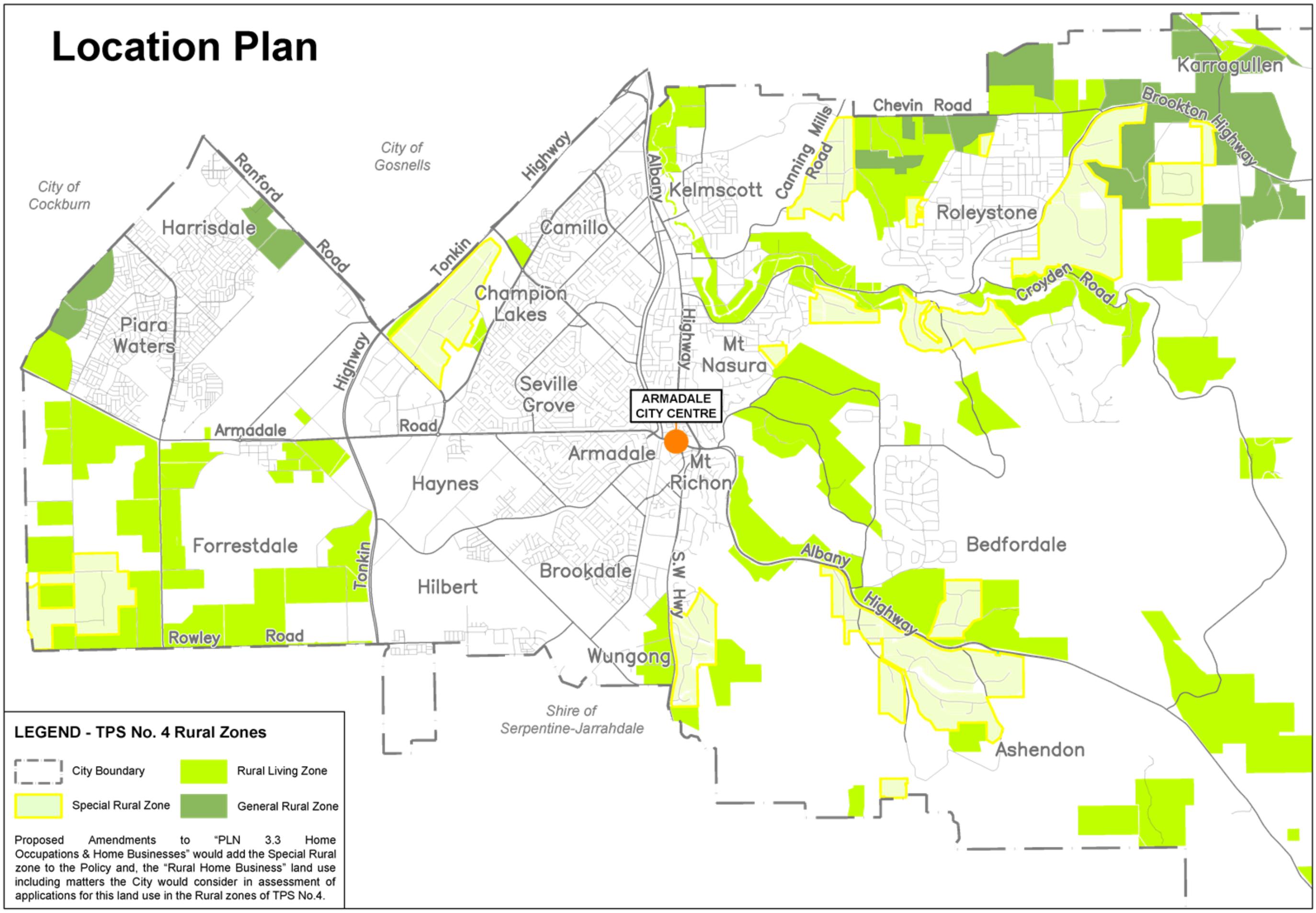
D106/6/03 Development Services Committee 9 June 2003 - Adopted by Council 16 June 2003

D160/9/04 Development Services Committee 13 Sept 2004 - Adopted by Council 20 Sept 2004

D27/4/12 Development Services Committee 16 April 2012 - Adopted by Council 23 April 2012

D32/8/16 Development Services Committee 16 Aug 2016 - Adopted by Council 22 Aug 2016

- Revised February 2018 (as per Amendment 86)



SCHEDULE OF SUBMISSIONS – TOWN PLANNING SCHEME AMENDMENT NO.111			
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION
			RECOMMENDATION
1	CE/65212/20	Comment	<p>The Department has no comment to provide on the proposed Amendment No.111 to TPS No.4.</p>
			<p>Not Supported.</p> <p>The City acknowledges the submission and notes the comments made.</p> <p>The purpose of the Heritage List is to ensure that properties of significant heritage value are protected and one of the tools that Local Government can use to ensure the protection of heritage properties is by use of 'Conservation Notices' which can be used to instruct landowners to maintain their heritage properties to a minimum standard. In most instances however, Local Government will negotiate with landowners to ensure significant heritage properties can be maintained to a minimum standard.</p>
2	CE/65106/20	Objection	<p>The submission objects to the heritage property at 12 Wangoola Terrace, Mount Nasura (Wirra Willa) being included in the Heritage List on the basis that the Local Government has powers to issue 'Heritage Notices' (Conservation Notices) to landowners with properties on the Heritage List which will impose financial burdens on owners. If the Heritage property is of public value then Local Government should purchase properties on heritage list or failing that, assist financially in their maintenance. In addition:</p> <ul style="list-style-type: none"> <li>▪ Property in question (Wirra Willa) is not justified as a Category 1 under the Local Heritage Survey;</li> <li>▪ Object to the Local Heritage Survey being done by one Architect.</li> <li>▪ Government should reduce administrative burdens on landowners not increase it.</li> <li>▪ The amendment erodes the rights of property owners.</li> </ul> <p>Wirra Willa is classified as a Category 1 significant property in the Local Heritage Survey. The property is also identified on the State Heritage List highlighting its significance to the community. When the Local Heritage Survey was prepared by Stephen Carrick Architects, the proposal to list Wirra Willa as a Category 1 was based on the historical significance of the property to the community and in acknowledgement of the properties State Heritage Listing. The classification was also advertised for public comment with no objections received and the property was identified under the previous Municipal Heritage Inventory as a Category A.</p> <p>The protection of heritage properties is important to the cultural history of a place. Whilst the use of 'Conservation Notices' can be seen as an erroneous requirement and burden to the rights of property owners, it should be noted that landowners should be maintaining these properties as a minimum for safety reasons.</p>
3	CE/68782/20	No Objection	<p>The submission has no objection to the proposed amendment.</p> <p>Acknowledged.</p>

SCHEDULE OF SUBMISSIONS – TOWN PLANNING SCHEME AMENDMENT NO.111				
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION	RECOMMENDATION
4	CE/69046/20	Comment	<p>The Department notes that the following properties are Crown Reserves subject to a Management Order and as such, the care, control and management of the Reserve is vested with the respective management body. It is therefore suggested that the City consult the respective management body of each Reserve for comment.</p> <ul style="list-style-type: none"> <li>• Kelmscott Agricultural Showground (Rushton Park)</li> <li>• Forrestdale Lake Nature Reserve</li> <li>• Port Jackson Fig Trees (Henrietta Reserve)</li> <li>• Roley Pool</li> <li>• Cole's Shaft</li> <li>• Armadale District Hall</li> <li>• St Frances Xavier Church</li> </ul>	<p>Acknowledged</p> <p>The City has sent letters also to the Management Body during the consultation process.</p>
5	CE/69141/20	Comment	<p>Given the proposal seeks to identify a list of existing assets within the local government of significant heritage value as per your correspondence, which may not be considered an intensification of land use, the application of <i>State of Planning Policy 3.7 Planning in Bushfire Prone Areas</i> (SPP 3.7) may not be required, in this instance.</p>	<p>Acknowledged</p> <p>The City acknowledges the comments made and notes no further action is required.</p>
6	CD/46650/20	Support	<p>Support for Morton Bay Fig (24 Aragon Court, Armadale) to be retained and also maintained by the City.</p>	<p>Acknowledged</p> <p>The tree falls within private property and will be the responsibility of the landowner to maintain.</p>
7	CE/74903/20	Support	<p>The submission supports the inclusion of 'Stonehaven', Lot 181 Buckingham Road, Kelmscott into the Heritage List.</p>	<p>Acknowledged</p> <p>The City acknowledges the comments made and notes no further action is required.</p>
8	CE/68782/20	No Objection	<p>The submission has no objection to the proposed amendment.</p>	<p>Acknowledged</p> <p>The City acknowledges the comments made and notes no further action is required.</p>

SCHEDULE OF SUBMISSIONS – TOWN PLANNING SCHEME AMENDMENT NO.111				
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION	RECOMMENDATION
9	CE/76311/20	No Objection	The submission has no objection to the proposed amendment.	Acknowledged The City acknowledges the comments made and notes no further action is required.
10	CE/77756/20	No Objection	The submission has no objection to the proposed amendment.	Acknowledged The City acknowledges the comments made and notes no further action is required.
11	CD/56363/20	Comment	The submission provides a list of dates and comments in relation to selected historical places from the City's Local Heritage Survey. There are no specific comments in relation to the Heritage List and the support or objection to any properties proposed to be listed in the Heritage List.	Acknowledged The City acknowledges the comments made and notes no further action is required.
12	CE/83396/20	No Objection	The submission has no objection to the proposed amendment.	Acknowledged The City acknowledges the comments made and notes no further action is required.
13	CE/82947/20	Comment	The submission has no comment on the proposed amendment.	Acknowledged The City acknowledges the comments made and notes no further action is required.
14	CE/84580/20	Support	The submission has no concerns with the proposed Amendment.	Acknowledged The City acknowledges the comments made and notes no further action is required.
15	CE/86389/20	Support	The establishment of a Heritage List for the City of Armadale is a positive outcome. The City is encouraged to adopt the Heritage List in accordance with Part 3, Clause 8 of 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.	Acknowledged The City acknowledges the submissions support for the preparation of a Heritage List. In respect to the appropriate mechanism for adopting a Heritage List, the City has considered the pathway of the 'Deemed Provisions', however has elected to adopt the Heritage List via an amendment to the Town Planning Scheme. Both pathways achieve the same aim.

SCHEDULE OF SUBMISSIONS – TOWN PLANNING SCHEME AMENDMENT NO.111				
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION	
			RECOMMENDATION	
16	CE/90308/20	Object	<p>The submission objects to 112 River Road, Kelmscott (Butcher's Residence – Category 2) being included on the proposed Heritage List. The property is currently included in the Local Heritage Survey and is protected as such. The listing of the property in the Local Heritage Survey strikes the right balance between heritage protection and property rights of owners. Generally concerned over the extended powers granted to the Local Authority for properties listed on the Heritage List as it increases 'red tape' for minor changes proposed to the property.</p>	<p>Acknowledged</p> <p>The City acknowledges the submissions objection to 112 River Road being included on the Heritage List and the extended powers given to Local Government as a result.</p> <p>The Heritage List intends to offer greater protection to heritage properties that are considered the most significant in the City. Accordingly Council has agreed to list all properties identified in the Local Heritage Survey that are Category 1 and 2. The property at 112 River Road is identified as a Category 2 listing which is similar to its listing under the former Municipal Heritage Inventory which was a Category B.</p> <p>Minor internal changes to the property do not require a development application or review by a heritage professional. Circumstances where internal changes to a property would require a development application and response from a qualified heritage consultant are properties listed as State significance and therefore are subject to provisions in the Town Planning Scheme and Heritage Act 2018.</p>
17	CD/55911/20	Object	<p>The submission objects to 111 Clifton Street, Kelmscott (Martins Cairn) being included on the proposed Heritage List. The submission claims that the Cairn is not located on the property but instead is on the verge.</p>	<p>Acknowledged</p> <p>The City acknowledges the submissions objection to 111 Clifton Street, Kelmscott being included on the proposed Heritage List. The City's records show with photographic evidence that Cairn is located on the border of the verge and property boundary. The Cairn is significant not only as a monument but refers to the significance of the previous residence which was located within the boundaries of the current property. The previous residence was also the first building constructed in Kelmscott in 1830 and itself is significant from a 'place' perspective.</p> <p>It is recommended that the proposal to list 111 Clifton Street, Kelmscott on the Heritage List be retained and that there be no further modification to the Local Heritage Survey.</p>
18	CE/91493/20	No Objection	<p>The submission has no objection to the proposed amendment.</p>	<p>Acknowledged</p> <p>The City acknowledges the comments made and notes no further action is required.</p>

SCHEDULE OF SUBMISSIONS – TOWN PLANNING SCHEME AMENDMENT NO.111			
NO.	SUBMITTER	SUPPORT, OBJECT, COMMENT	SUMMARY OF SUBMISSION
		RECOMMENDATION	
19	CE/95140/20	Comment	<p>Acknowledged</p> <p>The inclusion of Forrestdale Lake in the Heritage List is due to its significance as a 'place' and its environmental value. It is not envisaged that inclusion of Forrestdale Lake in the Heritage List will inhibit the Department's ability to manage the reserve in accordance with approved Management Plans.</p> <p>It is the expectation of the Department that the inclusion of Forrestdale Lake on the Heritage list will not affect the Department's implementation of management programs undertaken under the Forrestdale Lake - CALM Act Management Plan.</p>