

# CITY OF ARMADALE

## MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 15<sup>TH</sup> MARCH 2005 AT 7:00 PM.

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<b>PRESENT:</b>	Cr H A Zelones JP	Chair
	Cr P J Hart	Deputy Chair
	Cr G M Hodges	
	Cr J Knezevich	
	Cr L Reynolds JP	
	Cr R J Tizard	
	Cr J Everts	
<b>APOLOGIES:</b>	Nil	
<b>OBSERVERS:</b>	Cr G T Wallace	7.00pm to 8.34pm
	Cr J Stewart	7.05pm to 7.30pm
<b>IN ATTENDANCE:</b>	Mr I MacRae	Executive Director Development Services
	Mr L Fouché	Planning Services Manager
	Mr P Meyrick	Health Services Manager
	Mr I Townson	Building Services Manager
	Mr R Van Delft	Senior Environmental Planner (7.00pm to 9.38pm)
	Mrs N Cranfield	Minute Secretary
	Public	9

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***DISCLAIMER***

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The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read by the Chairman.

***DECLARATION OF MEMBER'S INTERESTS***

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Nil.

***QUESTION TIME***

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**1. Mr P F Konings – 15 Silver Mallee Close, Westfield**

In regards to Public Access Way (PAW) closures in the City of Armadale, why did the City not close the PAW in Logpine Crescent leading into Reserve No.35656 (between Redtingle Road and Jarrah Close, Westfield)?

*Chair advised that officers would need to research this information and would then advise Mr Konings in writing of the outcome of their investigations.*

*Committee advised that PAW land is not owned by Council, as it is Crown Land, and that in regard to PAW closure decisions Council can only provide advice to the Department of Planning & Infrastructure (DPI). The DPI / WA Planning Commission have the final say on closure of PAWs. Recently the DPI objected to closure for reasons of accessibility to schools, shops, reserves and other community facilities.*

***CONFIRMATION OF MINUTES***

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**RESOLVED**

Minutes of the Development Services Committee Meeting held on 15<sup>th</sup> February 2005, were confirmed.

MOVED Cr Reynolds  
MOTION CARRIED (7/0)

***ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.5/2005***

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The following items were included for information in the “Development Services Strategy section” –

- ◆ Report on Outstanding Matters – Development Services Committee
- ◆ Health Services Manager’s Report for January 2005
- ◆ Planning Services Manager’s Report for January 2005
- ◆ Planning Dept Monthly Admin Reports for January 2005
- ◆ Town Planning Scheme No.2 – Amendment Action Table
- ◆ PAW Closure Report – Significant Actions during January 2005
- ◆ Subdivision Applications – Recommendation Table (January / February 2005)
- ◆ Compliance Officer’s Report for January 2005
- ◆ District Boundary Alteration with the City of Gosnells
- ◆ Minutes – Community Heritage Advisory Committee Meeting 16/12/04
- ◆ Building Services Manager’s Report for January 2005

*Committee noted the information and no additional items were raised for further report.*

# DEVELOPMENT SERVICES COMMITTEE

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15<sup>TH</sup> MARCH 2005

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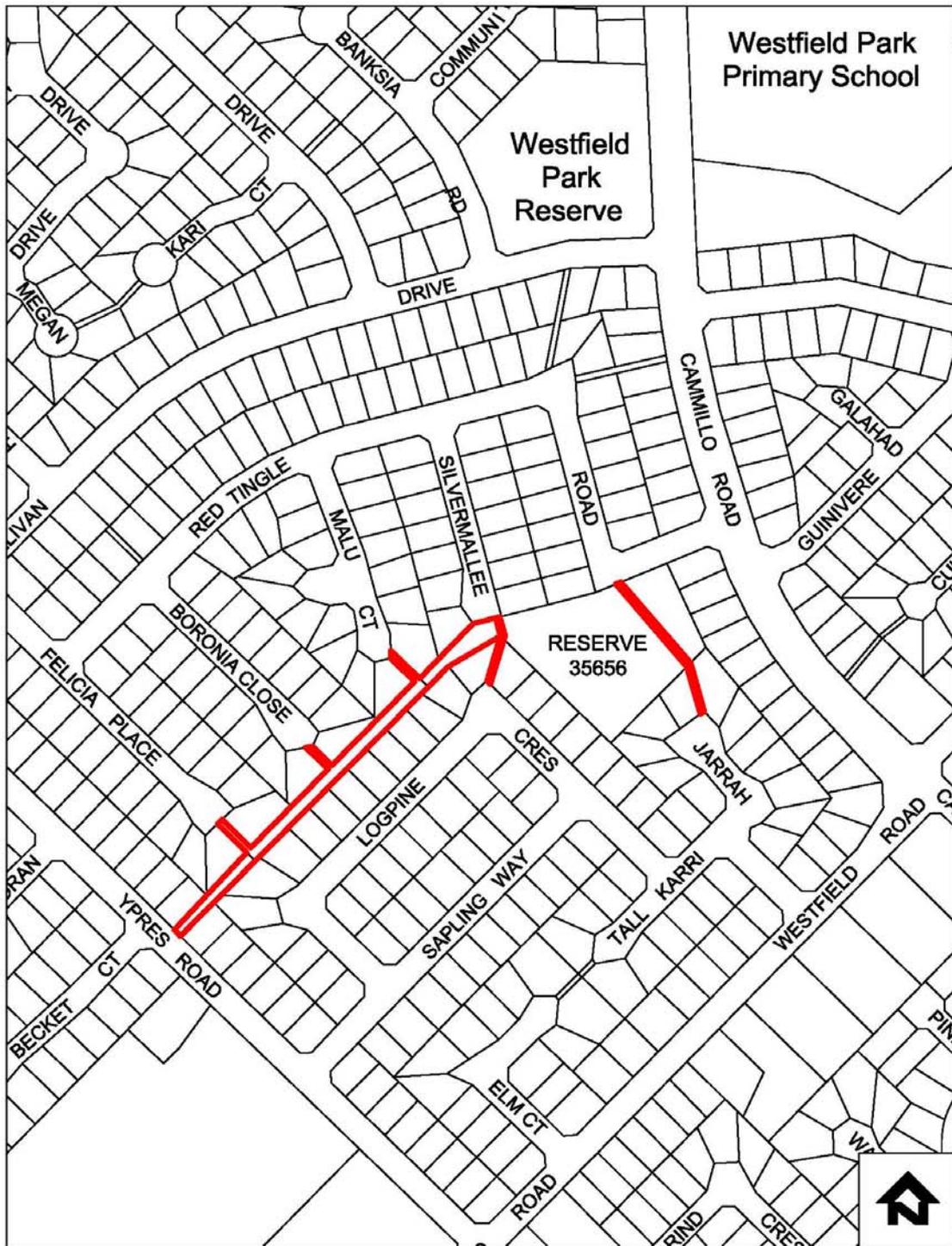
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**LOCATION PLAN  
PAWS NEAR RESERVE 35656, WESTFIELD.**

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***PUBLIC ACCESS WAYS (PAWs) IN WESTFIELD – REFERRAL ITEM***

{ XE "COUNCILLORS' ITEM:CR STEWART - PUBLIC ACCESS WAYS (PAWs) IN WESTFIELD - REFERRAL ITEM" }

At Council's meeting on 15<sup>th</sup> February 2005, Cr Stewart referred the following –

*That the matter of PAWs in Westfield and their attendant, safety and security issues be referred to the Development Services Committee.*

The following comments have been provided by Cr Stewart for consideration by Committee:

A recent assault on a resident in Westfield Ward in the vicinity of the three walkways that lead into the recreation park abutting Redtingle Road (and subsequent street meeting with local residents) has led me to seek Council's support for a change of policy focus to closure of walkways. Currently we close walkways after a lengthy process taking into consideration those that want the walkway closed for safety reasons and those that wish to leave it open for convenience reasons. More often than not there is every likelihood that there will always be more people wanting it left open on convenience grounds. However, I strongly urge Council to weight its deliberations on the side of those that seek it closed on safety issues. Council recently chopped down a number of high profile trees. This created a furore in the community and subsequent questions were asked of Council as to why these trees were cut down. The Mayor (and quite appropriately) responded by stating Council's most important focus is the safety of its residents and thus the trees were required to come down. It seems if we can make this sort of decision when cutting trees down, trees that as yet have not contributed to anybody's injury, and are being removed to stop any potential accident occurring, we should reasonably close walkways that in all likelihood contribute to burglary, assaults and easy egress after a crime is committed.

I request that the three walkways that end in the reserve of Redtingle Road be supported in closure. Council is also investigating the opportunity of providing a type of fencing that would ensure a reasonable level of safety for residents living adjacent to walkways. Whilst this may be of assistance in some instances, it is expensive and will not be available for all circumstances. It does not address the egress problem, as residents property close by to walkways will still be vandalised, burgled etc. The three walkways that converge onto the Redtingle reserve I believe are best closed. The residents that access the shops would still be able to access them at only a nominal increase in distance. Children would still be able to access the Park readily, it is in fact not well patronised, and all residents within the vicinity will be able to live in a much improved state of safety.

***Executive Director Development Services advised that:***

The three Westfield PAWs referred to by Cr Stewart are:

- ♦ between Redtingle Road and O'Sullivan Drive (a PAW which Council resolved not to close in 1997 due to submissions arguing for retention due to access to park and Westfield Park Primary School);

- ◆ between Redtingle Road and Cammillo Road; and
- ◆ between Logpine Crescent and Silver Mallee Close (a PAW currently going through the process of closure).

PAWs are Crown Land which Council does not have the power to close of itself. The WA Planning Commission (WAPC) is required to approve the amalgamation of any closed PAW into the adjoining lots under S.20(2) of the Town Planning and Development Act. The closure process is set out in WA Planning Commission Planning Bulletin No.57. PAW closure is not analogous to removing trees on grounds of safety in that the decision does not lie with the City.

The Development Services Committee requested in October 2003 that officers from Technical Services and Development Services report on the options and financial implications of PAWs with a report to be considered by Technical Services Committee. The advice of Development Services (which included a schedule of six PAWs which should be retained but which were deserving of treatment – including one between Redtingle Road and O'Sullivan Drive) has recently been provided to Technical Services.

*Cr Stewart attended the meeting and advised that the matter of PAWs in Westfield was in fact the network of PAWs in Red Tingle Road, Ypres Road, O'Sullivan Drive and Cammillo Road locality and which all lead into Reserve No.35656. (Refer to updated Plan).*

*Cr Stewart briefed Committee on the community concerns, security and safety issues warranting closure of the PAWs and requested Council's support in requesting closure to the Department of Planning and Infrastructure (DPI).*

*COMMITTEE restated for the persons in the public gallery that PAW land is not owned by Council, as it is Crown Land, and that in regard to PAW closure decisions Council can only provide advice to the Department of Planning & Infrastructure (DPI). The DPI / WA Planning Commission have the final say on closure of PAWs. Recently the DPI objected to closure for reasons of accessibility to schools, shops, reserves and other community facilities.*

*COMMITTEE requested that officers investigate and report on the possibility of closing the PAW network in Westfield.*

**D25/3/05                      RECOMMEND**

**That officers investigate and report on the possibility of closing PAW network in the Redtingle Road, Ypres Road, O'Sullivan Drive and Cammillo Road locality and which all lead into Reserve No.35656.**

MOVED Cr Reynolds  
MOTION CARRIED (7/0)

*Cr Stewart left the meeting at 7.30pm and did not return.*

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**LOCATION PLAN  
LOT 111 ARMADALE ROAD, ARMADALE.**

***WATER SUPPLY PUMP STATION, LOT 111 ARMADALE ROAD, FORRESTDAL***

{ XE "DEVELOPMENT:WATER SUPPLY PUMP STATION, LOT 111 ARMADALE ROAD, FORRESTDAL" }

WARD : FORREST

FILE REF : A027652

DATE : 4 March 2005

REF : RVD

RESPONSIBLE MANAGER : PSM

APPLICANT : Water Corporation

LAND OWNER : Water Corporation

SUBJECT LAND : Property size 2.14ha  
Map 17-03

ZONING  
MRS/TPS No.2 : Rural/ Rural C  
DRAFT TPS No.4 : RL4

**In Brief:-**

- Proposal to construct a water supply pump station at a junction of the metropolitan integrated water supply pipeline infrastructure at Lot 111 Armadale Road, Forrestdale.
- The proposal was advertised for public comment and 10 submissions and a petition were received. The Water Corporation presented their proposal to a public meeting and has modified aspects of the proposal in response to public concerns.
- Recommend that Council approve the application subject to conditions relating to construction management, wetland management, stormwater drainage, protection of the Armadale Road reserve and construction of hardstand areas.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Development - "To balance the need of development with sustainable economic, social and environmental objectives".

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Town Planning Scheme Act 1959  
Metropolitan Region Scheme  
Town Planning Scheme No.2  
Water Corporation Act 1995  
Environmental Protection Act 1986

**Council Policy / Local Law Implications**

Nil.



### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Surrounding landholders and relevant Western Australian Government agencies
- ◆ Development Control Unit

### **BACKGROUND**

At its meeting of 13 December 2004 the Development Services Committee was briefed by the Water Corporation about the proposed pump station and the Water Corporation submitted a Development Application for the proposal on 29 December 2004. The proposal was advertised to surrounding landholders which resulted in a number of submissions and a petition.

The petition was tabled at Council's meeting of 7 February 2005 when Council resolved "*That the petition be received and be referred to the Development Services Committee.*" This item addresses that resolution.

In response to the apparent extent of concern regarding the proposal and at the request of Ward Councillors, the Water Corporation organised a meeting on Monday, 7 February 2005 at the Armadale Soccer Club. People who wrote submissions or signed the petition and lived near Lot 111 Armadale Road, Forrestdale were invited to attend. Twenty two members of the public signed the attendance register at the meeting.

Following the meeting, the Water Corporation modified the proposal, continued liaison with the nearest neighbour and the City, and offered site visits to a similar pump station located in the northernmost corner of Centenary Park (off Daly Street) in Belmont.

The City has received a separate but related application for a 1400mm pipeline for the Desalination Plant project that travels east from the City's western boundary along Bartram Road and through private property, then along Armadale Road and Nicholson Road to the proposed pumping station. The pipeline application may be dealt with under delegated authority depending on the results of advertising.

### **DETAILS OF PROPOSAL**

The Development Application entails construction of a large water supply pump station in the south-eastern corner of Lot 111 Armadale Road, Forrestdale (i.e. on the south east corner of Nicholson and Armadale Roads). The pump station will be used to direct water from the proposed desalination plant and from the south west of the state to a range of facilities in the metropolitan area.



Key features of the proposal are:

- ◆ Development consisting of a pump station building, two electrical switchgear buildings and six 8m high surge vessel structures. The pump station building encloses six 1,600kW pump sets, a sodium hypochlorite dosing facility and electrical switchgear. The pump station building is 8m high, 48m long and 20m wide with a number of architectural features to break up the façade and reduce perceived building bulk and height. The sodium hypochlorite dosing facility is fully bunded to capture any spills;
- ◆ The site will be fenced, weeds controlled in the wetland area and landscaping used to screen the site will be with native plant species; and
- ◆ Access to the site will be from a driveway off Nicholson Road located about 150m south of Armadale Road. The station is fully automated and would probably be serviced once a week.

The Water Corporation has committed to acoustic treatments to meet the Environmental Protection (Noise) Regulations 1997.

## COMMENT

### *Development Control Unit*

The Development Control Unit supported the proposal subject to satisfactory construction of driveways and parking areas, stormwater drainage meeting water sensitive design principles and compliance with the relevant Building Code.

### *Environmental Protection Authority Service Unit and Department of Environment*

The Environmental Protection Authority set the level of assessment as “Not Assessed – Public Advice Given” and no appeals were received on the level of assessment. At this level of assessment the Environmental Protection Authority expects relevant decision-making authorities such as the City to consider and implement its advice through the approvals process.

Environmental Protection Authority advice covered wetlands, vegetation, weeds, acid sulphate soils, groundwater, visual impact, construction impacts and the need for the proposal to meet the objectives of the Southern River/ Forrestdale/ Brookdale/ Wungong Memorandum of Understanding.

The Environmental Protection Authority recommended that the applicant should be required to prepare management plans to address wetland management, acid sulphate soils and that construction impacts be managed through a Construction Environmental Management System. The Authority’s advice has been included as recommended conditions for this proposal.

The Environmental Protection Authority’s advice in regard to dewatering was that the Water Corporation would need to obtain a groundwater licence to dewater.



Other advice from the Environmental Protection Authority noted the following:

- ◆ With regard to vegetation a 0.15ha discrepancy between the area proposed to be cleared in the referral document and the document submitted to the Department of Environment's native vegetation clearing section was noted;
- ◆ With regard to weeds, the commitment to treating the Arum Lilly infestation needs to occur in consultation with the Department of Agriculture; and
- ◆ With regard to visual impact it was noted that the pump station would not be visible from any residential areas.

The Water Corporation has agreed to the Authority's recommendations except that the Water Corporation has legal advice to the effect that it does not need a groundwater licence to dewater. However, the Water Corporation has committed to dewater in accordance with industry best practice. It is recommended that dewatering be required to be addressed in the Water Corporation's proposed Construction Environmental Management System.

The Department of Environment's advice was that any environmental issues would be adequately addressed by the Environmental Protection Authority's advice.

### ***Main Roads Western Australia***

Main Roads commented that the development was acceptable subject to conditions to:

- ◆ ensure no earthworks, stormwater discharge, vehicle access or development other than landscaping or car parking occurs within the Armadale Road reserve;
- ◆ require any damage to existing verge vegetation in the Armadale Road Reserve to be made good; and
- ◆ removal of redundant driveways.

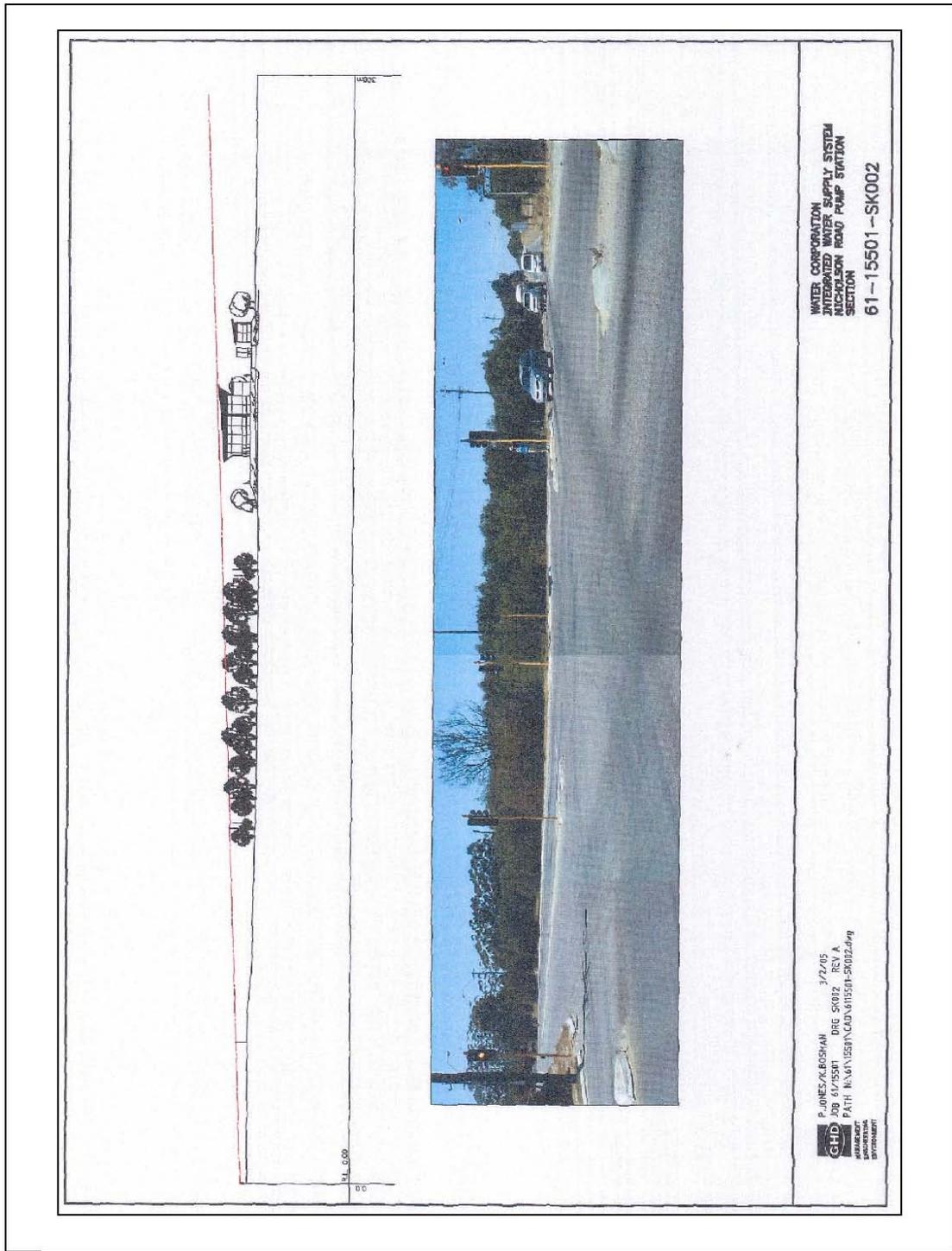
There are no redundant driveways on the subject land and no development is proposed in the Armadale Road reserve. With the exception of the conditions regarding driveways and development in the reserve conditions requested by Main Roads Western Australia have been incorporated into the recommended conditions for this proposal.

### ***Public submissions***

The proposal was advertised to adjacent landholders on 10 January 2005 with comments closing on 25 January 2005. Ten submissions and a petition with 130 signatures (after removal of duplicates) were received in response to the proposal.

Total number of individual responses received : 10  
Number opposed : 10

***A copy of a location plan of respondents is at Confidential Attachment "B4" of the Agenda.***



**VIEW TOWARDS PUMP STATION  
CORNER ARMADALE AND NICHOLSON ROADS  
LOT 111 ARMADALE ROAD, ARMADALE.**

Signatories to the petition included people living outside of the City of Armadale. The petition reads as follows:

*“We, the residents of Forrestdale object to the proposed pumping station at the southeast corner of Nicholson and Armadale Roads (Lot 111 Armadale Road) due to environmental issues and its appearance at this focal entry point of Armadale/ Forrestdale. This pumping station belongs in an industrial area”.*

The issues raised in the petition were also raised by submissions, which are summarised and responded to under Analysis below.

## **ANALYSIS**

### *Issues raised in submissions*

Issues or points raised in submissions are provided in italics below, along with an analysis of the issue raised and recommendations regarding conditions that should be applied to address the issue (if any). The Water Corporation provided a response to the issues raised **at Attachment “A1” of the Agenda**, parts of which have been reproduced in the analysis section.

*The pumping station belongs in an industrial area (various alternative locations suggested, including Forrestdale Business Park, Anstey Road Industrial area).*

The pumping station is proposed to be located at the junction of major pipelines that form the Integrated Water Supply System for the metropolitan area. (See Plan). The costs and disruption associated with constructing pipelines to relocate the pumping station to a different area are enormous.

*The visual impact at the focal entry point/ western gateway for Armadale/ Forrestdale is unacceptable and will hinder the growth of the district. It would spoil the rural aspect of Forrestdale.*

Analysis by the Water Corporation that has been verified by City officers is that the buildings will barely be visible from the intersection of Armadale and Nicholson Road, as they are set back over 160m from the intersection and screened by vegetation within the road reserve and on the subject land.

The effectiveness of screening vegetation to shield tall buildings depends on its proximity to the observer and its height. On flat ground vegetation 3m high located 30m from an observer with an eye height of 1.75m would screen a building 8m high located 150m from the observer.

At the closest point the buildings are set back 70m from Armadale Road, and are over 90m from the nearest residence to the east. Additional landscaping along the boundary of Armadale Road and the easternmost property boundary of the subject land would help to further screen the buildings from Armadale Road and the dwelling to the east. Therefore a landscaping plan requirement has been recommended as a condition for this proposal.



**AERIAL PHOTOGRAPH  
LOT 111 ARMADALE ROAD, ARMADALE.**

The Water Corporation has made significant effort to enhance the building's appearance by commissioning architects to design the buildings. Furthermore the Water Corporation has modified the proposal from that advertised by reducing the height of the surge vessel structures from 11m to 8m.

*The site is Bush Forever and wetland.*

It appears that the previous owner had requested that the Bush Forever classification be reconsidered and that as a result of surveys by the Department of Environment's botanist, the Bush Forever classification was lifted prior to purchase of the lot by the Water Corporation. The Environmental Protection Authority advice did not refer to the Bush Forever listing.

Even if the Bush Forever report applied, the development proposed by the Water Corporation would meet the outcome sought by the Bush Forever report under its classification of "Rural Complimentary". Under "Rural Complimentary" Bush Forever seeks to achieve maximum retention of native vegetation whilst permitting limited development of the site and seeks to encourage landholders to manage the land appropriately. This is being achieved by the proposal.

*The project will seriously affect flora and fauna in the conservation area of Forrestdale Lake.*

The portion of subject site that will be affected by development consists solely of *Kunzea glabrescens* with an understorey of introduced weeds.

The City's Senior Environmental Planner concurs with the Water Corporation's response in regard to the value of the subject lot for flora and fauna. Declared Rare Flora or Priority Flora have not been and are unlikely to be recorded at the site, and there is little risk to any species of conservation significance as a result of the proposal. The subject land retains a potential role as a "stepping stone" for fauna moving between Forrestdale Lake and other remnant vegetation in the area.

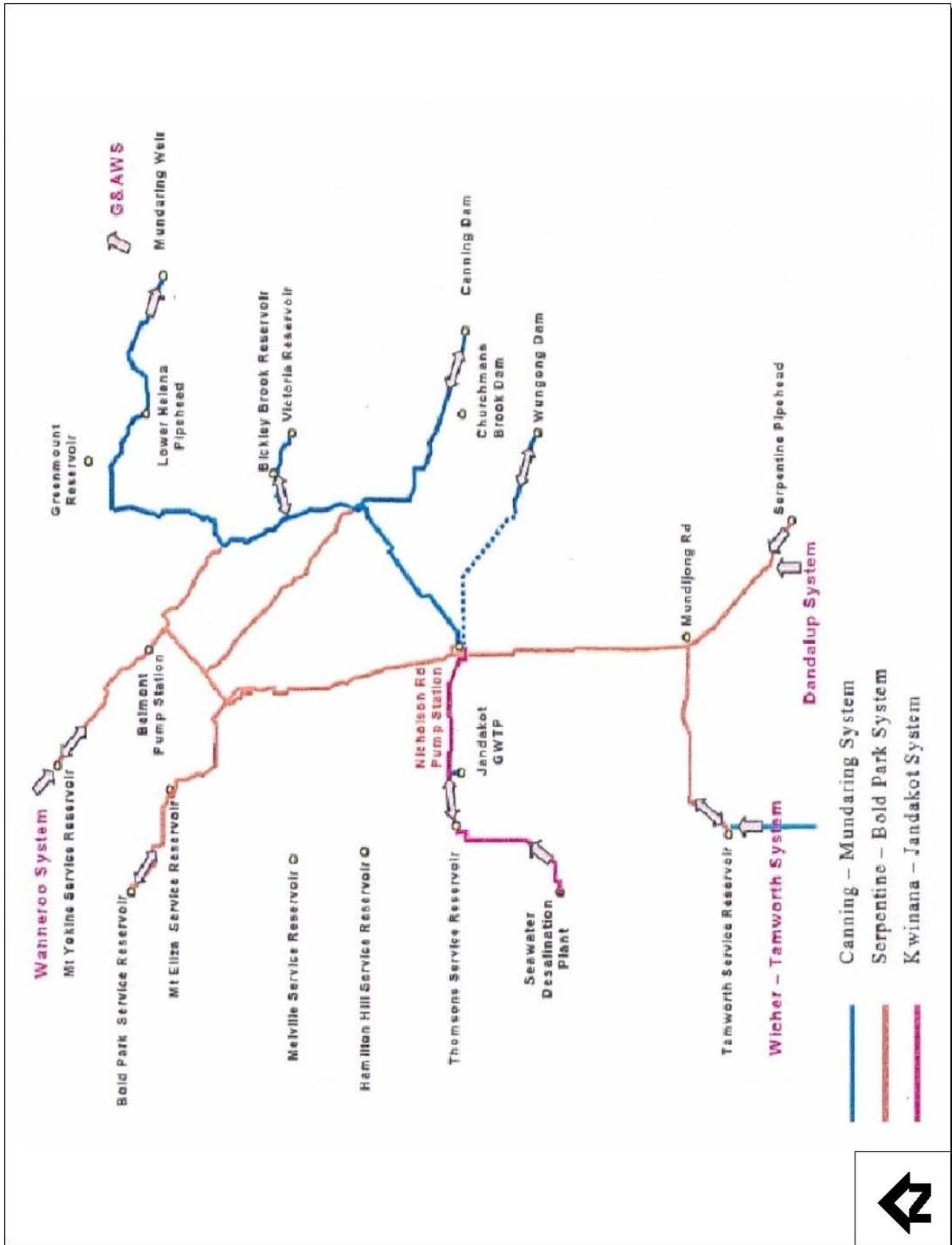
As noted above, the Water Corporation intends to rehabilitate the wetland, which is expected to lead to a net improvement in the conservation value of the subject land. Rehabilitation of the wetland is a recommended condition.

*The driveway is too close to traffic lights for safety.*

The driveway is located approximately 150m south of the traffic lights at the intersection of Armadale and Nicholson Roads. The Traffic Impact Statement includes an analysis using *AustRoads Guide to Traffic Engineering Part 5 – Intersections at Grade* and concluded that even during construction the level of traffic entering the driveway will "not interfere with the uninterrupted status of Nicholson Road". Normal operational traffic volumes of one or two vehicles per week do not warrant left or right turning lanes.

*Such a large building will de-value our land.*

Council is required to consider the proposal on its planning merits and the impact of development on land values is generally not considered. The Water Corporation's response to this issue is that the impact of the proposal on land values is debatable, and the City has no information to verify this aspect.



**WATER CORPORATION PIPELINE  
 INFRASTRUCTURE  
 LOT 111 ARMADALE ROAD, ARMADALE.**

*The public submission period should have been 30 days, not two weeks. (One submission alleges subterfuge in trying to get the proposal through).*

Under Town Planning Scheme No.2, a Public Utility use in a Rural zone is a Permitted use, and therefore the City is not legally required to advertise this application prior to determination. However, it is common practice at the City to advertise large-scale proposals that are Permitted uses for 14 days to give surrounding landholders an opportunity to comment.

*The proposal has changed since we first enquired in August 2003.*

The proposal is likely to have changed as a result of the recent Western Australian Government's decision to build a desalination plant at Kwinana. However, the application received by the City has not changed other than improvements to the proposal agreed to by the Water Corporation.

*Our lifestyle and health will be directly affected by noise and vibration that exacerbates my asthma.*

The pump station design includes extensive measures to ensure that noise emissions comply with or are less than the levels specified by the Environmental Protection (Noise) Regulations 1997 and extensive measures to minimise vibration. The Belmont pumping station demonstrates that the Water Corporation can control noise and vibration from large pumps.

### ***Town Planning Scheme No.2***

The outcome of a complex evaluation of various Western Australian Government Acts and the City's Town Planning Scheme No.2 is a legal opinion that the Water Corporation does require planning approval to undertake works in the City, and the proposal to construct water services meets the definition of Public Utility under the Scheme. As noted above, a Public Utility use in a Rural zone is a Permitted Use. Other than a clause indicating that Council may require landscaping, the scheme does not impose any other particular requirements such as setbacks.

### ***Metropolitan Region Scheme***

If a local government is of the opinion that an application on land zoned under the Metropolitan Region Scheme is of State importance, then the application may be referred to the Western Australian Planning Commission for determination. However a separate determination is still required under the local government scheme. The City's Planning Department referred this application to the Western Australian Planning Commission as an application of State importance.



**AERIAL PHOTOGRAPH  
LOT 111 ARMADALE ROAD, ARMADALE.**

### ***Draft Town Planning Scheme No.4***

The subject land is proposed RL4 under draft Town Planning Scheme No.4. Under Clause 8.2 (h), any building or works undertaken by the City or a public authority in connection with a public utility or public land does not require the planning approval of the City. Under the *Town Planning and Development Act 1928* the definition of a public authority includes a state public utility, whether corporate or not. Although other legislation may affect a final position in such a consideration, it appears likely that this proposal may not require planning approval under draft Town Planning Scheme No.4.

### **OPTIONS**

1. Council could approve the proposal subject to conditions relating to construction management, wetland management, landscaping, stormwater drainage, protection of the Armadale Road reserve and construction of hardstand areas.
2. Council could refuse the proposal if it is of the view that the proposal is likely to have a significant adverse effect on the locality.

### **CONCLUSION**

The Water Corporation has gone to significant lengths to explain the proposal to residents, respond to residents concerns and modify the proposal in response to residents concerns. The proposal has been architecturally designed to minimise visual impact and is well setback from Armadale Road so it will not have a significant adverse visual impact on the local amenity. Noise and vibration are clearly manageable, and construction impacts will be managed through a Construction Environmental Management System. The Corporation's proposal to manage the wetland will provide environmental and aesthetic benefits to the area. Although concern from surrounding property owners is understandable, it appears that the potential impacts that the development may have on the locality can be significantly mitigated and therefore it is recommended that the proposal be approved subject to conditions.

### **D26/3/05          RECOMMEND**

1. **That Council approve the application for a Water Supply Pump Station at Lot 111 Armadale Road, Forrestdale, subject to the following conditions:**
  - a) **Submission of a Construction Environmental Management Plan to the satisfaction of the Executive Director Development Services that addresses:**
    - (i) **Noise, vibration and dust;**
    - (ii) **Dewatering;**
    - (iii) **Acid Sulphate Soils;**
    - (iv) **Protection of the wetland;**

**and which includes an Environmental Management System covering monitoring, management and reporting.**

**Construction is to occur thereafter in accordance with the approved Construction Environmental Management Plan, to the satisfaction of the Executive Director Development Services.**

- b) Preparation and implementation of a Wetland Management Plan to the satisfaction of the Executive Director Development Services.**
- c) Submission of a landscape plan to indicate planting on site to maximise screening of buildings when viewed from Armadale Road or the residence located on Lot 3 Armadale Road, Forrestdale to the satisfaction of the Executive Director Development Services. Landscaping to be installed and continuously maintained thereafter in accordance with the approved landscape plan, to the satisfaction of the Executive Director Development Services.**
- d) A Stormwater Drainage Plan that reflects water sensitive design principles is to be submitted and approved by the Executive Director Technical Services. No stormwater drainage shall be discharged onto the Armadale Road reserve. All drainage work to be constructed as per approved plan.**
- e) No earthworks shall encroach onto the Armadale Road reserve.**
- f) The application shall make good any damage to existing verge vegetation within the Armadale Road reservation.**
- g) No vehicle access shall be permitted onto the Armadale Road reserve.**
- h) All hard standing areas including car parking areas, crossovers and driveway vehicle manoeuvring spaces shall be constructed, drained, sealed, kerbed, marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.**

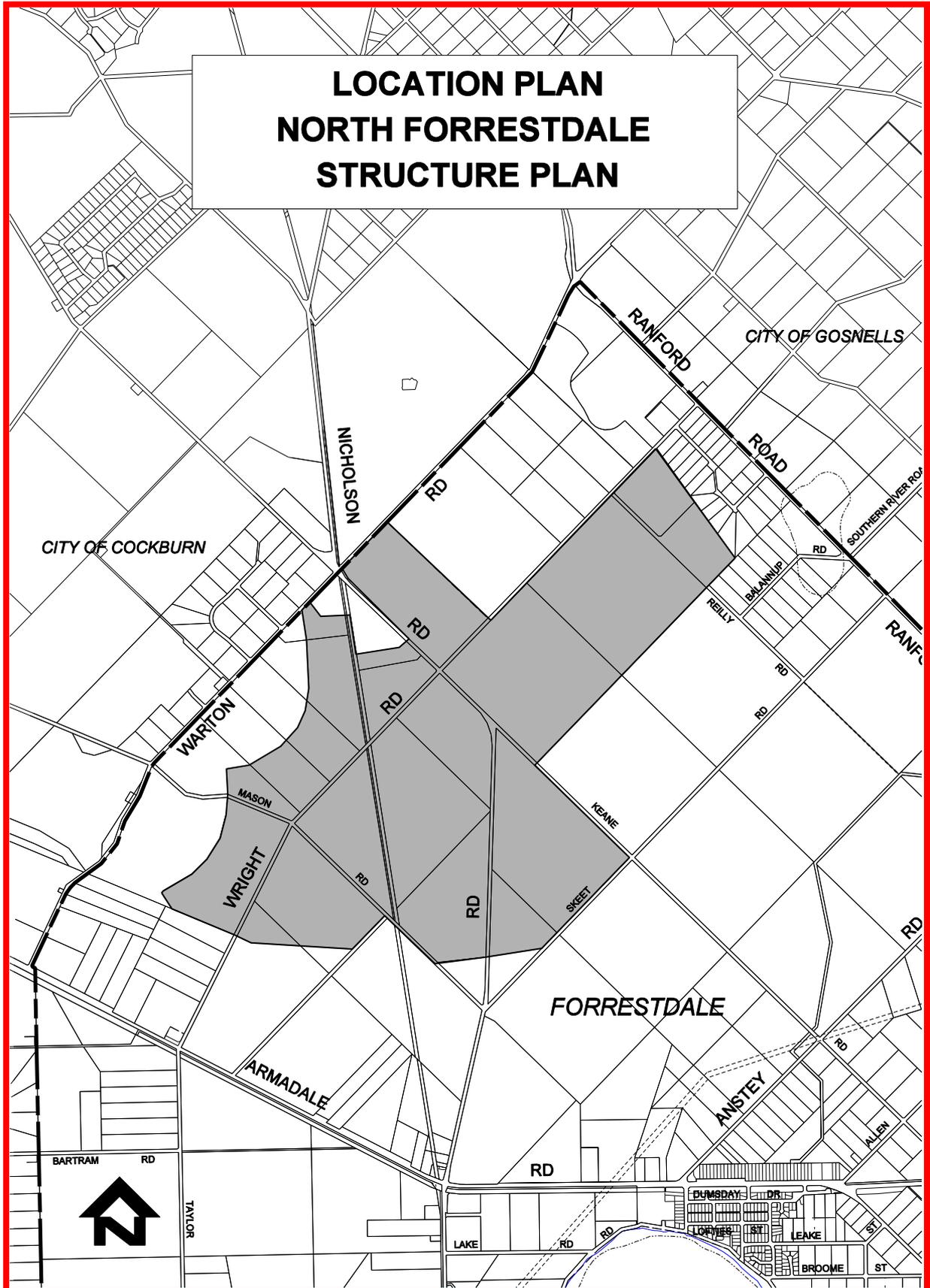
**2. That the applicant be advised that:**

- a) With respect to condition a) it is expected that Acid Sulphate Soils and Groundwater management proposals will be submitted to the Department of Environment and approved, and all site works carried out to the Department of Environment's satisfaction.**

**The Construction Environmental Management Plan is expected to be submitted and approved prior to the commencement of site works.**

- b) With respect to condition b) it is expected that the Wetland Management Plan will be prepared with the benefit of public consultation and address the following issues:
  - (i) alterations to hydrology;**
  - (ii) revegetation and enhancement of the wetland;**
  - (iii) weed control;**
  - (iv) rubbish removal and management;**
  - (v) fire management;**
  - (vi) access control; and**
  - (v) implementation and long term management of the site.****
- (c) With regard to condition c) the use of local plants is encouraged.**
- (d) A building licence or any other approval issued pursuant to this Planning Consent can only be exercised within the currency of this Consent and does not in itself authorise development or continuation of development once the Consent has lapsed.**
- (e) Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements in Part 4 of the Building Regulations 1989 and the Health Act which are to be approved by the City's Building and Health Services Managers prior to the issue of the building licence. All work relative thereto to be completed to the satisfaction of the said officers prior to the building occupancy.**
- (f) The developer is reminded of the requirement under the provisions of the Environmental Protection Act to meet the Environmental Protection (Noise) Regulations for the construction and operational phases of the proposal.**
- (g) A portion of this property is affected by land reserved in the Metropolitan Region Scheme (plan attached) and will be required for road purposes at some time in the future.**

MOVED Cr Hodges  
MOTION CARRIED (7/0)



***NORTH FORRESDALE – FIRST STAGE STRUCTURE PLAN***

{ XE "SCHEME AMENDMENTS & STRUCTURE PLANS:NORTH FORRESDALE – FIRST STAGE STRUCTURE PLAN" }

WARD : FORREST

FILE REF : PSC/36

DATE : 9<sup>th</sup> March 2005

REF : JR/IM

RESPONSIBLE MANAGER : EDDS

APPLICANT : Joint proposal from: Chappell & Lambert Planning Consultants, Development Planning Strategies, Roberts Day Town Planning & Design (Dykstra & Associates have now withdrawn).

LAND OWNER : Various landowners in North Forrestdale

SUBJECT LAND : 452 hectares comprising:  
Part of Lots 2 and 48, and Lots 3, 4, 6, 13, 15 Nicholson Road,  
Part of Lots 10, 111, 112, 113, and 143 Warton Road, Part Lots 45 and 388 and Lots 14, 46, 49 50, 1000 and 1001 Wright Road.

ZONING : MRS -Urban and Urban

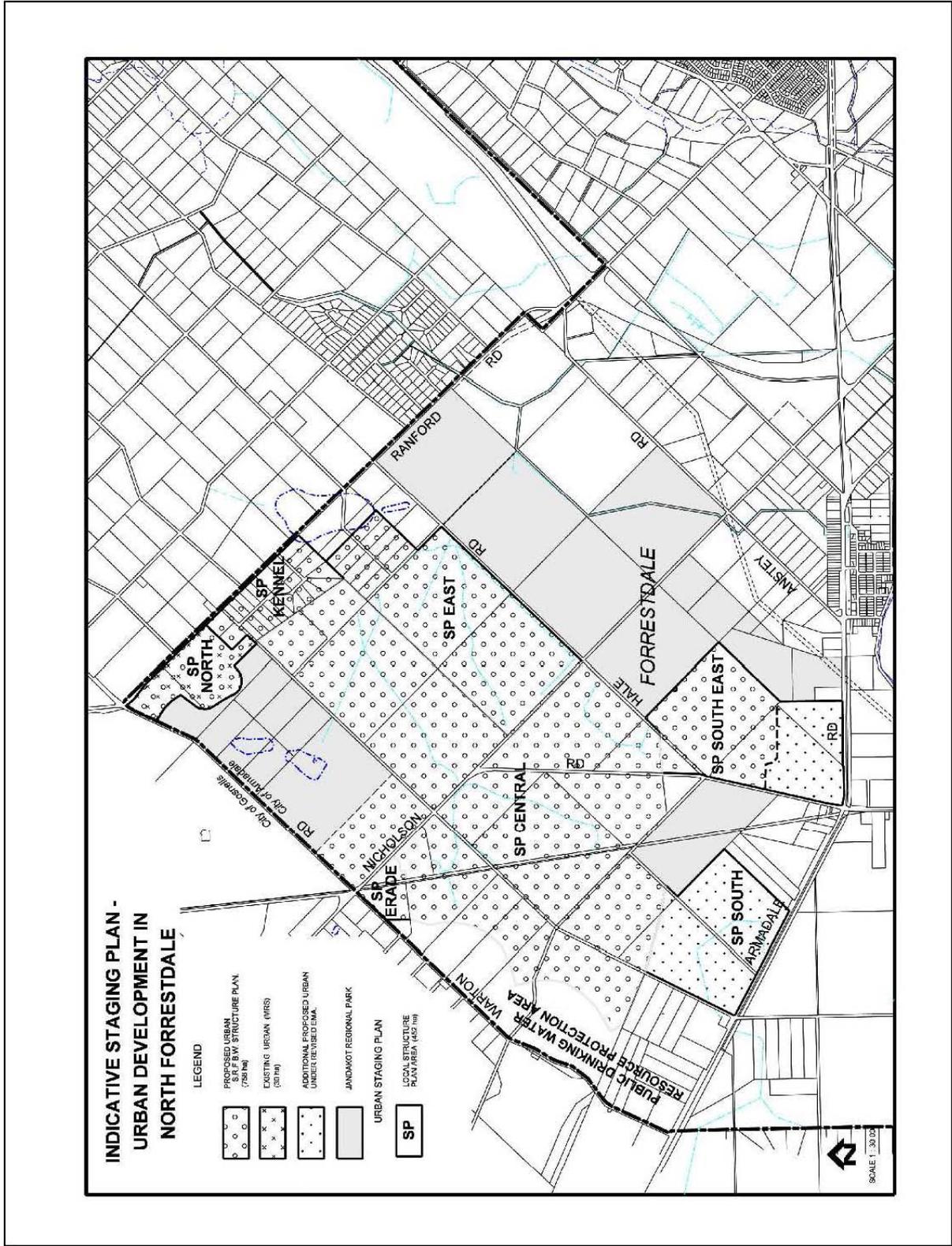
MRS/TPS No.2 : Deferred zone:

DRAFT TPS No.4 : TPS No.2 - General Rural zone (Proposed Development Zone including Development Area/ Development Contribution Area under Amendment No.190, which is currently pending gazettal):  
Draft TPS No.4 - Development zone including Development Area/ Development Contribution Area (reflecting Amendment No.190).

**In Brief:-**

- The Structure Plan was advertised for a submission period of 28 days, which formally closed on 13<sup>th</sup> December 2004 and with 33 submissions being received.
- At the conclusion of advertising, a series of meetings with consultants acting for the landowners and the key state agencies were held to address the issues raised by the submission and assessment process.
- Recommend that Council adopt the North Forrestdale First Stage Structure Plan, with modifications.

- ♦ *A representative from Parsons Brinckerhoff attended the Development Services Committee Meeting and briefed Committee on the stormwater management issues.*



**INDICATIVE STAGING PLAN  
NORTH FORRESTFIELD**

### **Tabled Items**

Nil.

### **Officer Interest Declaration**

Coordinator Strategic Planning declares that as a member of a CALM community advisory committee for another Regional Park in the City of Cockburn (Woodman Point Regional Park), he has an association with CALM.

### **Strategic Implications**

Strategic Plan - Development – “To balance the need of development with sustainable economic, social and environmental objectives”;

Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (2001) (SRFBWDSP);

- ◆ Urban Water Management Strategy - SRFBWDSP (2002);
- ◆ Memorandum of Understanding - SRFBWDSP (2004)
- ◆ Statement of Planning Policy 2.9 (draft of 2004) – Water Resources.

### **Legislation Implications**

Town Planning Scheme No.2;

Draft Town Planning Scheme No.4;

Metropolitan Region Town Planning Scheme Act 1959;

Town Planning and Development Act 1928;

Environmental Protection Act 1986;

Wildlife Conservation Act 1950;

Environment Protection and Biodiversity Conservation Act 1999;

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

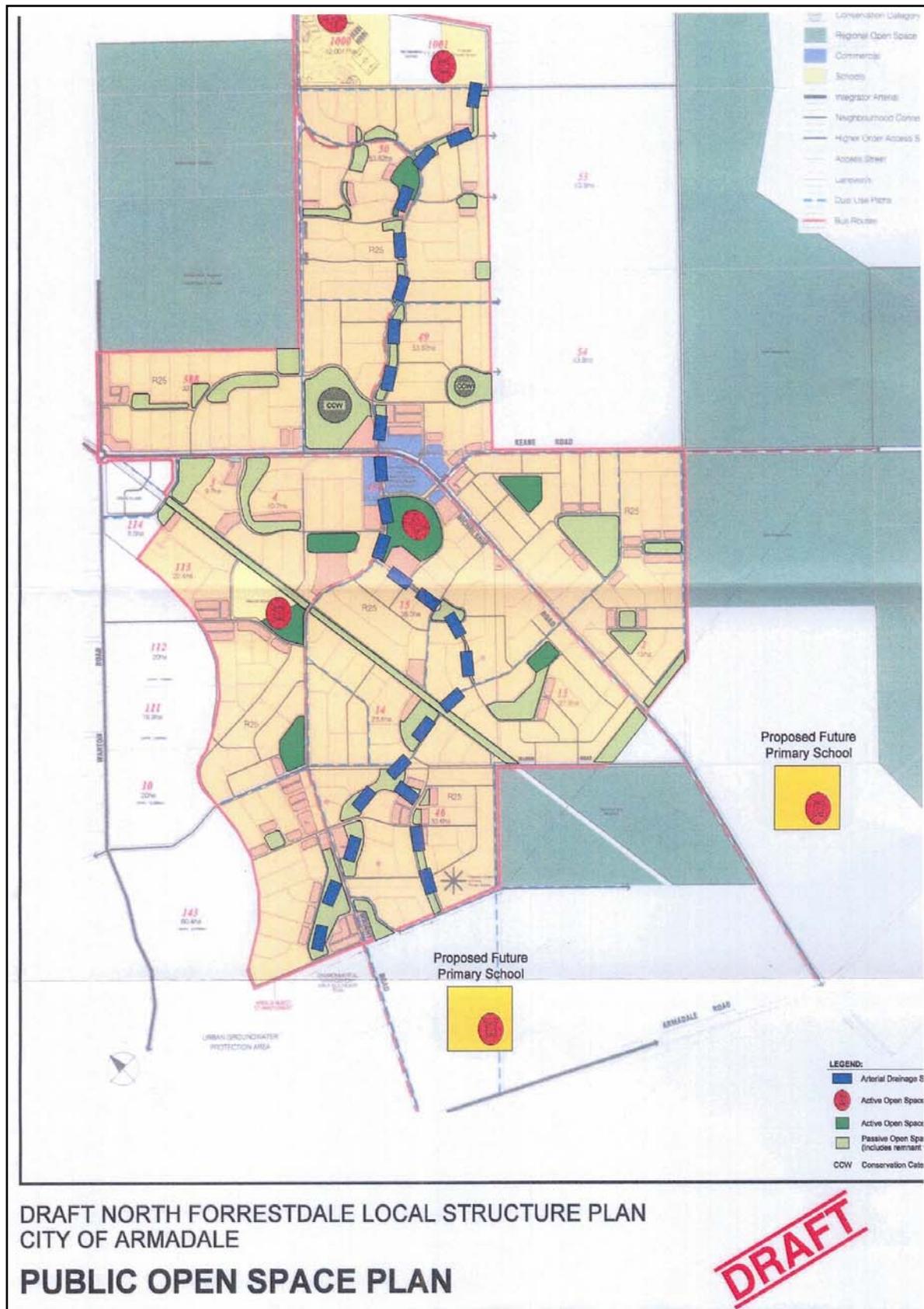
Water Sensitive Urban Design Policy.

### **Budget / Financial Implications**

While the structure plan itself has no direct financial implications to the City, the development of the subject land has significant financial implications arising from the additional rate base on one hand and from the need to manage infrastructure provision and provide for the maintenance of public areas and facilities on the other.

### **Consultation**

- ◆ Water Corporation, Department of Environment, Environmental Protection Authority Service Unit, CALM, Transperth, Education Department, Department for Planning and Infrastructure and various servicing agencies.
- ◆ Officers within the City’s Development Services, Technical Services and Community Services Directorates.



- ◆ Special Technical consultants Jim Davies and Associates (Urban Water Management), and Kleyn Consulting (Traffic Management);
- ◆ North Forrestdale First Stage Steering Group;
- ◆ North Forrestdale First Stage development consultants;

## **PREAMBLE**

In November 2000 - the “*North Forrestdale First Stage Urban Development Planning Steering Group*” was established by the City of Armadale as a forum to provide coordinated planning of urban development in the area. Over the past 4 years the “*North Forrestdale First Stage Urban Development Planning Steering Group*” has met on 28 occasions.

In September 2004 the “North Forrestdale First Stage” area was rezoned from Rural to Urban and Urban Deferred zones under *MRS Amendment No.1072/33*.

Amendment No.190 to TPS No.2 (and draft TPS No.4) was approved by the Minister for Planning and Infrastructure (subject to modifications) rezoning the “North Forrestdale First Stage” area from General Rural zone to the Urban Development Zone. Amendment No.190 also designates the area as a “Development Area/Development Contribution Area”.

The advertised draft of the North Forrestdale First Stage Structure Plan, which is required to be prepared prior to development, is the subject of this report.

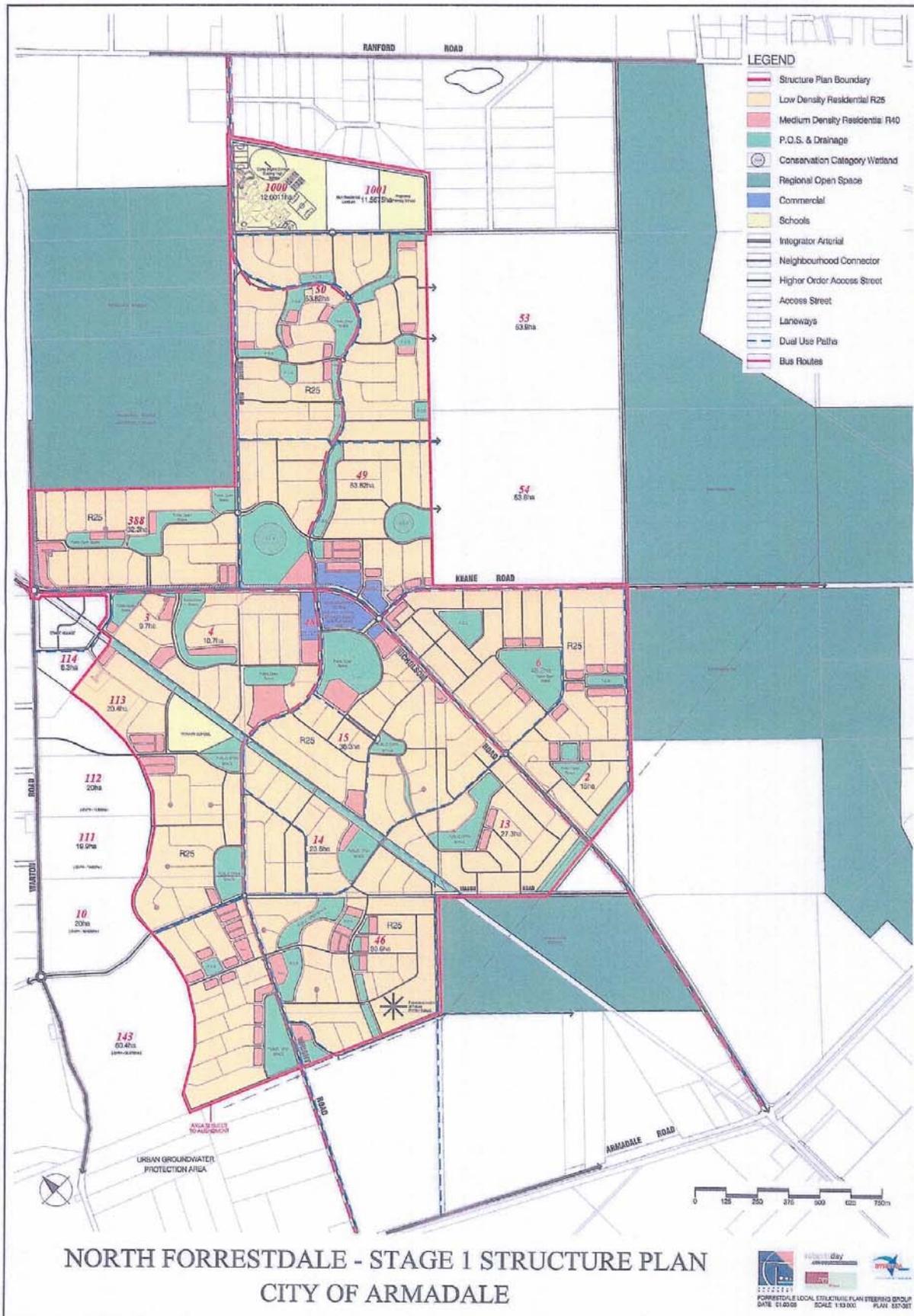
Under clause 5.8 of TPS No.2, a Development Contribution Plan (DCP) (currently in preparation) is also required to be incorporated into the scheme prior to urban development. The DCP is intended to provide an orderly mechanism for the sharing of cost of common infrastructure amongst all the benefiting landowners. The DCP will be presented to Council for consideration of initiation of a subsequent scheme amendment, when proposed infrastructure plans and details have been further refined.

## **BACKGROUND**

At its meeting of 1<sup>st</sup> November 2004 Council resolved to advertise a draft *North Forrestdale Structure Plan* prepared by the 3 development consultant groups for submissions from the community for a period of 28 days (D174/11/04).

The draft Structure Plan was presented to a public meeting held at the City of Armadale’s Administration Centre on 8<sup>th</sup> December 2004 and a display was mounted at the Armadale Shopping Centre during the submission period.

The submission period formally closed on 13<sup>th</sup> December 2004 with 32 submissions being received from the community and public agencies.



## **DETAILS OF PROPOSAL**

The three development consultant groups (Chappell & Lambert Planning Consultants, Development Planning Strategies, Roberts Day Town Planning & Design) have provided a single draft Structure Plan for the entire 452ha zoned as Urban and Urban Deferred in the First Stage Urban Development Area for North Forrestdale. The recently advertised draft First Stage North Forrestdale Structure Plan covers an area which comprises of 20 existing rural lots in 13 different landownerships and ranging in size from 4ha to 54ha.

Sub-consultants who carried out the research and design work upon which the Structure Plan is based include:

- ◆ Parsons Brinckerhoff – North Forrestdale Urban Water Management Plan;
- ◆ ATA Environmental- Environmental Assessment;
- ◆ Riley Consulting – Traffic Management;
- ◆ Wood and Grieve Engineers – Engineering Report.

The SP is linked via the provisions of Amendment No.190, to a Development Contribution Plan (DCP), which is currently being prepared by the development consultant team and intended to be incorporated into the TPS under a new amendment. The DCP will be referred to Council for consideration of advertising in the next few months.

## **COMMENT**

Providing a single structure plan over such a large area has many advantages in terms of coordination of environmental planning and servicing. While it also involves a greater investment in time and effort, the landowners have generally recognised the opportunities for improved efficiencies than would otherwise arise if individual (multiple plans) were pursued for smaller landholdings without the same degree of coordination. A wider community benefit will also result from this coordination in that the high standard of development of the leading larger more experienced developers involved will set a benchmark, which following or smaller developers will have to match in order to compete in the market.

### ***Overall Strategic Framework - Indicative Staging Plan - Urban Development in North Forrestdale***

Following the 2001 District Structure Plan, which initially identified approximately 750ha area of future urban land uses, successive Environmental Protection Authority modifications to Environmental Management Area (EMA) for Forrestdale Lake have lead to an enlargement of the area that can be considered for urban development. The area currently considered to have potential for urban development is identified in the Indicative Staging Plan - Urban Development in North Forrestdale. (See plan).

The Indicative Staging Plan identifies seven (7) nominal discrete local Structure Plan (SP) areas. These nominal Structure Plan areas have been delineated to assist landowners in the planning coordination of environmental and servicing studies and plans, which are required to produce local Structure Plans for each “SP” area. Each “SP” area provides a manageable area of land and landholdings. While serving as the initial guide to structure planning for the potential urban area, the “SP” area boundaries identified in the Indicative Staging Plan are not fixed and may be further varied as a result on ongoing subsequent detailed planning/clarification of landowner intentions. They merely identify a useful framework for further study.

### ***Urban Staging***

Urban development that is staged provides a mechanism for an “adaptive response” to the environmental impacts of earlier stages, as monitoring confirms the ability of different subdivision design approaches and particular Best Management Practices (BMPs) and stormwater technologies, to achieve the environmental targets set for the area. In the North Forrestdale area this is particularly important in respect to water quality and the phosphorus and nitrogen concentrations of stormwater outflows from the developed urban area.

Each of the identified “SP” area provides an inherent “staging mechanism”, which also accords with environmental policy established under the 2001 District Structure Plan. Individual Plans of Subdivisions within each of the “SP” areas, will also be likely to be developed on a staged basis allowing a further level of continuous improvement based on monitoring outcomes of earlier stages.

This tiered planning approach to development in North Forrestdale, is consistent both with the environmental objective of an adaptive learning approach and the ongoing processes of water management policy reform, which is occurring within the state agencies.

### ***North Forrestdale First Stage Structure Plan (“SP Central” Area)***

The Indicative Staging Plan shows the 452 ha area of the first stage local Structure Plan as the “*SP Central*” local Structure Plan area. The “*North Forrestdale First Stage Urban Development Planning Steering Group*” provided planning liaison to the landowners in the preparation of the current Stage 1 Structure Plan.

The Structure Plan provides for 4500 lots and an estimated ultimate population of 11,250 persons. This would represent a 9% increase in the current (2004) resident population of the City of Armadale of 52, 254 persons.

The purpose of a Structure Plan is to provide a guide to future land use, subdivision and development. It sets out a top-level of analysis, of how issues are to be dealt with in detailed planning for subdivision and development, including matters such as lot layout, facilities, technologies, infrastructures, etc. In this way the planning process provides a process of refinement of more detailed responses to issues at each subsequent stage of planning.

Main Features of the Structure Plan include:

- ◆ Two (2) Primary Schools;
- ◆ One Private School (existing);
- ◆ Low density residential neighbourhoods of R25 base coding;
- ◆ Nodes of Medium density residential at R40;
- ◆ Centrally located Neighbourhood Centre;
- ◆ A linear network of POS multiple use corridors;
- ◆ Two (2) areas of Conservation Category Wetland (CCW) to be protected in POS;
- ◆ Two (2) areas of enlarged POS suitable for active recreation pursuits;

The North Forrestdale Structure Plan is schematic in that it is not scaled down to the level of the individual lot. This has been generally necessary due to the large area of land and the need for the Structure Plan to focus on and set a framework for the broader structural, neighbourhood layout, landuse and multiple use corridor issues. This broad and robust structural framework allows more detailed planning including addressing the complex urban water management issues to be undertaken in a less-piecemeal and more holistic fashion than may otherwise have occurred. The onus will be on the developer to provide more comprehensive and detailed plans down to single lot level at subsequent planning stages.

Detailed planning down to lot level may be at Plan of Subdivision stage, or in some cases an intermediate level provided by a Detailed Area Plan /Outline Development Plan (DAP/ODP) stage, may be required prior to the Plan of Subdivision. It is not intended to make ODP's a generally mandatory requirement, as in many cases issues can be resolved at subdivision level. However, an "Outline Development Plan" may be called for in cases where cross-boundary, detailed landuse or more drainage catchment or environmental survey issues for example, require additional liaison to occur at a more detailed lot layout level prior to subdivision.

At this stage of planning two areas have been identified where a further ODP level of planning will be a requirement under the Structure Plan:

- ◆ the centrally located Neighbourhood Centre Commercial Village - a mandatory ODP - Centre Plan, will be required to specify a detailed landuse and subdivision plan, prior to development;
- ◆ the portion of Lot 1001 annotated as "Non Residential Landuse" - a mandatory ODP will be required to be prepared, specifically including new Flora Survey results and if a noise sensitive landuse is proposed for this area, a Noise Assessment study.

In areas of nodal medium density development, Detailed Area Plans (DAPs) may also be required and these will be of different format to DAP/ODP's in accordance with the Model Scheme Text provisions incorporated into the proposed TPS No.4.

The schematic nature of the North Forrestdale Structure Plan accords with the EPA's recommendations for a staged or "adaptive learning" approach to urban development. It allows for the flexibility for subdivision details to be varied from stage to stage, depending on outcomes and the incorporation of new or improved BMPs at each successive stage of development.

#### **"SP East"**

The landowner for the two larger lots in the "SP East" area, which is immediately adjacent to the First Stage Area, has advised he has no intention to seek rezoning for urban purposes. Notwithstanding, over the longer term this situation may change, however, it could be reasonably expected that this area would be one of the later development stages of North Forrestdale. The DSP identifies a site for a High School, which ultimately will serve the North Forrestdale and adjacent communities, in the "SP East" area. If the area does develop for residential uses a further primary school will also be required.

***“SP South-East” and “SP South”, local Structure Plan Areas***

Planning has commenced for the “*SP South-East*” local Structure Plan area, which is currently subject to Amendment No.1092/33 zoning the area to Urban zone in the MRS. Preliminary planning work has also commenced the “*SP South*”, local Structure Plan area. It is anticipated that during 2005, Council will receive a new MRS zoning proposal for consideration, which would extend the possible Urban zonings southwards to Armadale Road, in the “*SP South*” area.

An important strategic consideration for these structure plans, is that the Education Department of WA has identified the need for two additional new primary school sites to be provided in these area, one located in the “*SP South-East*” local Structure Plan area (MRS1092/33) and one in the “*SP South*” local Structure Plan area.

This means the overall North Forrestdale area (west of Anstey Road) is currently proposed to have five (5) primary schools (two in “*SP Central*” and one each in “*SP South-East*”, “*SP South*”, and one in the “*SP East*” structure plan area (assuming it is ultimately developed for urban purposes).

***“SP Kennel” Area – area of Existing Kennels on Shepherd and Hatch Court***

The City has received a letter from City Choice Holdings Pty Ltd indicating that they have obtained letters from approximately 50% of the owners of lots in the current Rural – Kennel zone (many owners could not be contacted). The applicant is seeking the City at the earliest opportunity to rezone the area from Rural to Urban in the MRS and from Rural – Kennel zone to Development Zone in the City of Armadale TPS. They advise that the Rural – Kennel zone owners require the rezoning to maintain the licensed kennel uses until they sell to a developer and that it allow development which is unaffected by the typical dog kennel buffer. The applicants consider the area is suitable as an extension to the proposed Homemaker centre on lots 106 and 107 Wright Road.

***“SP North” Area***

The “*SP North*” area has an approved Structure Plan, however, the department of Housing and Works is currently revising that plan for a demonstration “Sustainable Development” project. Development in this precinct is expected to take place later in 2005.

***“SP ERADE” Area***

The “*SP ERADE*” Area has an existing Structure Plan in association with the Special Use zone over the majority and part Residential zone of the site.

***Regional Conservation Reserves - Jandakot Regional Park***

The North Forrestdale area has had a considerable land area set aside for Regional Conservation Reserves with over 250 ha reserved for Parks and Recreation under the MRS immediately adjacent to the subject site. CALM has recently released the draft Jandakot Regional Park Management Plan (JRPMP) for public review. The City’s submission on the JRPMP highlighted particularly the importance of the Keane Road direct link to Armadale via Armadale Road.

The presence of the adjacent Regional Conservation Reserves will form an important feature of character of the new North Forrestdale urban residential area. They will also provide opportunities for passive recreational pursuits through walk trails and nature observation.

The linkages provided by the meandering network of multiple use corridors within the new First Stage urban area, together with the passive opportunities within the Park itself, will provide a high level of service for this form of low intensity recreational pursuit. The situation in respect to service provision for more active and formally organised sports is, however, less encouraging. This indicates more direct planning for active recreational opportunities may be required to be undertaken in the urban development process, to ensure a future shortfall in land for active recreation is avoided.

### ***Areas for Active Recreational Pursuits***

A large area in North Forrestdale has been set aside for conservation of bushland and nature conservation by reservations under the MRS for Parks and Recreation. The extent of land given over to nature and bushland protection has resulted in an anticipated shortfall of land available for active recreation to support the health of the new community of 20,000 people expected to locate in North Forrestdale over the next twenty five years.

Various options have been considered to address the shortfall in active recreational areas, primarily with a view of establishing a district playing field facility of at least 10 hectares.

- ◆ Firstly CALM has been approached with the request that land reserved for Regional Open Space but where natural values are not immediately apparent could be developed for active recreation. While areas distant to North Forrestdale and in adjacent local government areas have been offered, CALM has not supported the use of any of areas immediately abutting North Forrestdale for active recreation.
- ◆ Secondly, areas in the Rural zone south of Armadale Road west of Nicholson Road would be physically and locationally suitable for the development of a district facility. However this area falls within the Environmental Management Area where environmental approval appears unlikely.
- ◆ Extensions westward of the current playing fields on Armadale Road in Forrestdale would also offer excellent potential for further playing fields. The proximity to Forrestdale Lake is an impediment to the selection of this land in view of the likely detriment to the wetland arising from the runoff from the grassed areas.

The consultants have responded to the initial concerns by modifying the first stage SP area to incorporate the following mechanisms to cater for future active recreation needs of the future community :

- ◆ Two areas within the SP provided as local Public Open Space (POS) contribution (one located south of the Neighbourhood Centre and the other in conjunction with a primary school);

- ◆ Contributions through the DCP (which may be for facilities or for land purchases/compensation for additional active recreation sites possibly part of the existing Skeet oval complex south east of the SP area);
- ◆ Partnership agreements with Carey Community Resources Inc in conjunction with Carey College facilities.

In addition the SP suggests the use of MRS Parks and Recreation Reserves, although this now appears unlikely.

While the SP has been improved with respect to active open space provision it is unlikely that all the future demand will be satisfied, although the undersupply of active playing areas would be compensated by an oversupply of passive recreation space. The most realistic option would appear to be one that built on the existing facility around the Alfred Skeet oval or even contributed to a regional facility in the vicinity of the Brookdale plant. Provision for such an outcome should be made in the DCP.

### **Community Centre**

A large house of traditional character with wide verandahs, sloping metal roof and stone and brick construction, is located on Lot 49, north east of the Neighbourhood Centre. The building has a floor area of 500m<sup>2</sup> and contains a large living room and four bedrooms - all being large in horizontal and vertical area. The building would lend itself to use as a community centre. Officers of the City's Building Department and the City's Manager Property Services have confirmed the soundness of the building. The Manager of Community Development has also confirmed the potential utility of the building as a community centre.

There would be considerable savings to the City in being able to recycle the building as a community centre and a facility would be available early in the development of North Forrestdale with the resulting community benefit. In addition the building has a certain ambience which would add to the character of the locality.

The owners of Lot 49 are not interested in the retention of the building, partly because it would result in the loss of residential lots. Immediately south of the building lies a CCW classed wetland. However, this wetland has been the subject of consultant studies which have concluded that the wetland has no value. If the wetland was declassified the POS could be relocated to accommodate the building with the resulting community benefit.

It would be appropriate at this stage to qualify the approval of the SP to require an amendment to provide for the retention of the building on Lot 49 following discussions with the EPA regarding the reconsideration of the need to allocate POS to protect the designated CCW.

## **Urban Water Management**

Since the 2001 DSP, the issue of urban water management has been highlighted as a critical issue for the development of North Forrestdale. The EPA's Section 16 assessment of the DSP required the SRFBWDSP *Urban Water Management Strategy* (UWMS) to be prepared to establish the basic directions for water management in the area (completed in April 2002).

One of the major outcomes of the UWMS was the preparation of the SRFBWDSP *Memorandum of Understanding* (endorsed by key agencies in October 2003). The major outcome of the MOU was the proposal to prepare a more detailed Integrated Water Management Plan/Water Cycle Plan for the whole District Structure Plan area (IUWMP). The IUWMP is currently being prepared under project management by the Water Corporation and is expected to be completed in another 2 years.

Water Corporation's objectives include targets for water conservation and drainage water quality targets, which are believed to be consistent with the DoE's policies, principles and objectives for stormwater. These objectives include:

- ◆ Water conservation – consumption target for potable water of 40-60kl/person/year;
- ◆ Groundwater - Minimisation of pollutant discharge to groundwater including:
  - 60% reduction in total phosphorus;
  - 45% reduction in total nitrogen;
- ◆ Groundwater - minimise pollutant discharge and maintain environmental flows and hydro-periods, water quality and habitat where an ecosystem is dependent on a particular hydrologic regime according to the DoE's requirements;
- ◆ Groundwater - where stormwater infiltrates into groundwater, ensure groundwater levels do not fall or rise to the extent they threaten constructed assets or wetlands and that stormwater is treated (to achieve a 60% reduction in total phosphorus and 45% reduction in total nitrogen);
- ◆ Stormwater – In comparison to developments with no active water quality management, ensure runoff from impervious areas is reduced as follows:
  - total suspended solids by 80%;
  - gross pollutants by 70%;
  - total phosphorus by 60%;
  - total nitrogen by 45%;and
  - ensure stormwater hydrology is maintained to pre-development 1.5 year ARI conditions.

## **The Reform Process for Urban Water Management**

The major new direction for managing urban water espoused in the UWMS focus primarily on managing water quality, particularly management of the nutrient loads normally exported in stormwater.

The UWMS proposes a strategy based on what are called “source controls” and on-site detention of the majority or annual rainfall events to maintain post-development hydrology at the same level as pre-development hydrological conditions. Source controls aim at reducing nutrient inputs, rather than the old model of managing nutrients by treating them in “end of pipe” solutions, usually large artificial wetlands or lakes. The UWMS highlighted several ways of reducing nutrients by “source controls”, particularly:

- Education Campaigns
- Native Plants
- Street Sweeping
- Soil Amendment

### ***New decision process for stormwater management in WA***

The new philosophy of “source controls” and on-site detention has been reflected in a major revision of stormwater policy, which is still ongoing. Ultimately the “Manual for Managing Stormwater Quality in Western Australia”, which was first published in 1998 will be revised to fully incorporate the new models. A paper entitled the “Decision Process for Stormwater Management in WA”, outlines the major objectives for water management at the more detailed structure plan and subdivision design levels.

### **ANALYSIS**

The North Forrestdale First Stage Structure Plan is a statutory document, which will guide how future subdivision and development in North Forrestdale will occur. The North Forrestdale First Stage Structure Plan outlines the major structural elements and landuses,

The Structure Plan nevertheless provides a degree of flexibility for minor modifications to be undertaken through subsequent planning via ODPs, DAP’s or applications for Plans of Subdivision. If required, more significant variations can be considered as modifications to the Structure Plan.

In response to the completed MOU and UWMS, together with the ongoing preparation of the IUWMP, the EPA agreed it would not require a formal level of environmental assessment of Scheme Amendments in the North Forrestdale Area, providing that plans were consistent with the new principles and objectives being developed for urban water management.

Accordingly both MRS 1072/33 and TPS No.2 Amendment No.190 for the First Stage Structure Plan Area were deemed “Not Assessed – Advice Given” by the EPA and the environmental issues identified by the EPA have been incorporated into the planning process by means of Amendment No.190, specifying that the key environmental issues need to be addressed in the Structure Plan.

Under Amendment No.190, Schedule 1 of the TPS requires the First Stage North Forrestdale Structure Plan to address management responses to identified key environmental planning factors as follows:

- (i) The urban water management outcomes recommended in the Southern River / Forrestdale / Brookdale / Wungong District Structure Plan - Urban Water Management Strategy;
- (ii) Surveys of existing flora and fauna, heritage sites, conservation category wetlands, land contamination, sources of noise or odour impacts on development, permissibility of the urban land uses proposed to be established upon implementation of urban development and interfaces to adjacent conservation areas.

In Council's resolution to advertise the draft plan it highlighted a number of issues to be responded to by the developers prior to its finalisation of the plan:

- a) The mechanism to acquire the proposed area for POS (designated "non- residential landuse") adjacent to Carey Baptist College;

*COMMENT - This matter is effectively deferred as Lot 1001 is to be subject to a further planning process to determine final landuse (including a further flora survey). Further discussion will take place during the development of the DCP although the developers have indicated while they have interest in provide a funding contribution to the Carey College recreational facility in exchange for community access which is limited to construction and maintenance of facilities only (ie excludes land acquisition).*

- b) The provision of an open space plan indicating what the functions of the different open spaces are proposed to be;

*COMMENT - A (draft) plan/letter dated 25/1/05 identifies passive and active open space areas (see **Plan**) (note that the SP has evolved through further iterations since this was prepared, however, the basic disposition of active/passive POS remains valid).*

- c) Advice being received from Council's consultant supporting the concept of the UWMP;

*COMMENT - Council's independent consultant has provided two reports in the ongoing discussion of urban water management. Whilst he still has queries in regard to technical details it is considered that a degree of consensus has now been achieved between the relevant MOU partners (Water Corporation / Department of Environment / City of Armadale) and the developers as to how the First Stage North Forrestdale Urban Area can proceed to more detailed levels of planning through the revision of the UWMP associated with the Structure Plan and incorporation of the relevant current reform process and objectives for water management.*

- d) Receipt of a letter from the landowners detailing the matters to be dealt with prior to, or as conditions of, subdivision approval;

*COMMENT – This information has been received.*

- e) Clarification in the document that it reflects the UWMS requirement that 30% public and private open space needs to be planted with local native species;

*COMMENT- – This clarification has been achieved – Subdivisions will require Landscape Management Plans to ensure these are addressed.*

- f) Clarification of drainage requirements for drainage flowing from developed to undeveloped land, particularly in respect to Lots 2 and 6 Nicholson Road and detailing any interim measures required to support development until the regional drainage network is in place pursuant to development of land outside of the current Structure Plan area;

*COMMENT – The applicants have advised that Lots 2 and 6 Nicholson Road will drain towards Skeet Road and be directed to Riley Road where the system will join the main drainage route, however, they note that staging of development will need to ensure that drainage requirements can be met and that temporary storage basins and overland flow drains may need to be constructed and maintained to ensure appropriate stormwater outlets and that arrangements may need to be made downstream of development stages to ensure the stormwater flows can be accommodated. These matters will have to be resolved in the detailed designs and Subdivisional Water Management Plan that will be required to site each specific subdivision. The applicants note that development of the First Stage area will take 10 to 12 years to fully develop, so it may be that this area is one of the last stages if drainage cannot be managed satisfactorily until all necessary downstream infrastructure is in place.*

- g) Clarification regarding the method of controlling water volumes under the UWMP in view of the fact that 10 of the identified 31 sub-catchments have a required storage volume between 10,000 and 40,000 m<sup>3</sup> which could require areas in each of those 10 catchments of between 1 and 4 hectares for storage and the two largest storage areas are located on land which is outside the current structure plan area.

*COMMENT – The clarification is provided in Appendix B of the draft UWMP attached to the draft Structure Plan. The report dealt with the same catchments in the 2002 UWMS report, some of which as noted are outside of the current Structure Plan area but included to provide a comprehensive technical report. More detailed plans will have to be prepared for each site. As note above a degree of consensus has now been achieved between the relevant MOU partners (WC/DOE/CoA) and the developers as to how the First Stage North Forrestdale Urban Area can proceed to more detailed levels of planning through the revision of the UWMP.*

- h) Clarification as to whether the Resource Enhancement Wetland will be provided with standard buffers.

*COMMENT – Buffers to any REWs retained in the development will be required to be determined in detailed subdivision designs and be addressed in the Subdivisional Water Management Plan that will be required to site each specific subdivision.*

- i) Provision of evidence to confirm that Council's records have been examined for the subject land in terms of approvals and licences relating to potentially contaminating industries.

*COMMENT – The A desktop assessment of contamination has been undertaken by ATA Environmental Consultants and will be summarised in the body of the report and presented in a format that clearly shows:*

- *Known and suspected (potential) sites with soil and groundwater contamination, and sites that may be associated with pollution (eg. uncontrolled fill). Any limitations on known information should be acknowledged;*
- *Any local issues relevant to the issue of soil and/or groundwater contamination identified (eg. proposed residential development on former market gardens); and,*
- *A process for dealing with the contamination issues at the subsequent stages of planning should be identified (eg. apply local planning policies, scheme provisions, and/or manage the known/possible contamination during the subdivision application determination processes). In particular, where residential and similarly sensitive developments are proposed (eg. schools, child care centres etc), it is recommended that procedures should be in place to ensure that the potential for contamination onsite and surrounding the development has been considered.*

*The City is also researching historical landuse in the wider area to determine likely contaminated sites.*

- j) Arrangements to be made with the City regarding the submission of a road safety audit to be carried out on the road layout once completed. (Arrangements to include when the audit will be required as well as the detail to be included).

*COMMENT – the road safety audit has been completed and a number of modifications to the SP agreed with the developers and a number will be reflected in subsequent more detailed planning stages.*

The proponents were also advised that:

- ♦ in respect to the traffic plan, all details relating to road cross sections, intersection control and path provision will be subject to the City's specification following finalisation of outstanding issues;

- ◆ a Development Contribution Plan will be required by the City for the commencement of subdivision and development in accordance with the Structure Plan and that unless otherwise determined by the City, Detailed Area Plans (DAPs) will be required to be prepared, to provide a greater level of detail than that provided under the Structure Plan;
- ◆ Detailed landscape management plans will be required prior to subdivision to indicate the level of development and landscaping, and the provision of infrastructure and equipment to be provided within the areas designated as public open space.

*COMMENT – these matters will be implemented through subsequent detailed planning for each stage.*

### ***Submissions***

A total of 32 submissions were received on the advertised draft SP and a summary of issues raised by these are included in the ***Schedule of Submissions at Attachment “A2” of the Minutes.***

A number of key state agencies made submissions including Water Corporation, CALM and the EPA Service Unit. The EPA and Water Corporation generally provided a qualified support for the SP subject to the modifications noted in the submissions.

Meetings were held with key agencies and the developers during the submissions period resulting in the resolution of major issues particularly relating to water management and environmental issues. A number of minor revisions of road structure layout have also been undertaken based on an independent audit report obtained by the City (Kleyn Consulting) and in discussion with Department of Planning and Infrastructure. (***See Plan.***)

The Keane Road direct link to Armadale is of major strategic importance to the future residential community in North Forrestdale as it will be remote from social and community services. The early stages, particularly, will need a direct route to the Armadale Strategic Regional Centre where commercial and recreational services and employment opportunities will be provided. In addition the continuing development of Armadale as a Strategic Regional Centre, requires the business support of the twenty thousand people ultimately anticipated to reside in North Forrestdale.

It is recommended that the planning and construction of Keane Road between Skeet Road and Anstey Road be referred to the Technical Services Committee for incorporation of the initial design costs (including environmental assessment clearances) into the one-year plan and subsequent construction works into the 5 year plan.

The process of urban water management policy reform is rapidly evolving and several agencies are actively engaged in preparing the principle planks of the new policy. Water Corporation’s IUWMP and the Department of Environment’s (formerly Water and Rivers Commission’s) revised “Manual for Managing Stormwater Quality in Western Australia” will be the key documents.

This work has been in process for the last four years and while still two years from completion, these reforms have progressed sufficiently to enable the development of the First Stage North Forrestdale Structure Plan to take on board the new objectives and targets. It also allows the initial stages of subdivision to trial designs, techniques and technologies and measure their ability to meet the required water quality outcomes. This information can be fed back into the wider policy reform process in addition to guiding BMP's and treatment trains to be implemented in subsequent stages of development.

This requires the Urban Water Management Plan supporting the advertised Structure Plan to be revised and modified. This is currently being undertaken by Parsons Brinckerhoff.

It is known that discussions are ongoing between the owners of lot 50, 1000 and 1001 as the preferred structure and land use of the portion of Lot 1001 annotated as "Non Residential Landuse". Accordingly this land will require a separate ODP to be prepared including specific studies of Flora Survey and Noise Assessment study if a noise sensitive landuse is proposed.

## **OPTIONS**

1. Adopt the SP as advertised;
2. Adopt the SP with modifications;
3. Defer the SP for two years until the ILUWMP is finalised and released by Water Corporation;
4. Not Adopt the SP.

## **CONCLUSION**

The coming together of a large number of individual landowners and the forum provided through the North Forrestdale First Stage Planning Steering Group (NFFSPSG) for liaison with various state agencies, has enabled a comprehensive Structure Plan to be created for North Forrestdale First Stage.

The advertising of a draft plan highlighted a number of issues and concerns raised by the public submissions and by the City's own assessment processes. The modifications proposed to address these issues will result in the adopted plan being more comprehensive and robust than the originally advertised version. Accordingly option 2 is recommended, to adopt the North Forrestdale First Stage Structure Plan, with modifications and determine the submissions in accordance with the schedule of submissions.

The Structure Plan provides guidance for more detailed planning to establish the first stage of development in North Forrestdale as a new high quality land release area located in the expanding south-east corridor. The Structure Plan forms the structural and landuse framework, necessary to allow the Development Contribution Plan to be completed and subsequently referred to Council for statutory endorsement of a text amendment to incorporate the Development Contribution Plan into the Town Planning Scheme.

*Executive Director Development Services provided background to the North Forrestdale Structure Plan report covering the following:*

- ◆ *The re-zoning of the land under the MRS and TPS had been nearly completed.*
- ◆ *The Structure Plan was advertised for public submissions for 28 days resulting in 32 submissions.*
- ◆ *The main features of the structure plan were summarized.*
- ◆ *Additional information regarding the following matters had been received as a result of the Council resolution in November 2004:*
  - *POS adjacent to Carey Baptist College*
  - *The POS Plan*
  - *The Urban Water Management Plan*
  - *The matters to be addressed as conditions of subdivision*
  - *Assurance that 30% of POS would be planted with native species*
  - *Clarification of various matters relating to drainage and contamination*
  - *A road safety audit*
- ◆ *Various modifications had been proposed to the structure plan arising from the submissions:*
  - *Additional areas for active open space and provision for the Development Contribution Plan to make further provision*
  - *Need for statement of employment issues*
  - *The possible need for more detailed plans in the future and the need for such plans for Lot 1001 and the Neighbourhood Centre*
  - *The inclusion of advice on the contaminated land assessment*
  - *The need to provide an asset management plan*
  - *The need for annotation on the structure plan map.*
- ◆ *The next stage would be the referral of the Structure Plan to the WAPC for its endorsement.*

*Marino Evangelisti from Parkers Brinckerhoff provided a briefing on the stormwater drainage issues associated with the Structure Plan emphasizing:*

- ◆ *Significant progress had recently been made in gaining agreement from the government agencies to the way in which development could proceed.*
- ◆ *The rules were to be set out in the structure plan but implemented at the subdivision stage.*
- ◆ *Total water cycle planning would be incorporated in the drainage arrangements – this was a new approach.*

- ◆ *DEP had agreed that while the targets were ambitious, if they were not reached there would not be a requirement to rectify.*
- ◆ *The superficial aquifer operated separately from the wetlands which were perched and not affected by drainage patterns.*
- ◆ *Systems were being provided to enable Council officers to more easily assess the drainage requirements through the provision of a checklist.*

*Executive Director tabled an additional condition regarding Water Corporation's advice that subdivision shall be conditional upon Water Corporation confirming that the future development provides adequate detention in the upstream system of the main drainage system servicing North Forrestdale to prevent flooding. Accordingly a new Part 2(a)(vii) was added to the Recommendation.*

*Executive Director Development Services also advised that Part 2(c)(iv) of the Recommendation has been amended to reflect a Part 2(c)(iv) and a Part 2(c)(v) respectively.*

**D27/3/05**

**RECOMMEND**

- 1. That Council resolve in accordance with option 2 to determine the submissions in accordance with the recommendations indicated in the *Schedule of Submissions at Attachment "A1" of the Minutes* and adopt the advertised North Forrestdale First Stage Structure Plan, with modifications.**
- 2. That the following modifications to the advertised North Forrestdale First Stage Structure Plan, be carried out to the satisfaction of Executive Director Development Services;**
  - a) The North Forrestdale Structure Plan report to be revised to include reference to the following matters:**
    - i) an employment and business section outlining the proximity and links of the First Stage Area to strategic employment centres and the approach to planning for Home Occupations, Home Businesses and Home (corner) Store sites to be applied at the more detailed levels of planning (ODPs/Subdivision Plans);**
    - ii) in the first stage of subdivision of each of the initial englobo lots the application for subdivision approval is to be supported by:**
      - a Development Contribution Plan report (detailed analysis of infrastructure contributions in works and funds);**

- an UWMP (Drainage and Nutrient Management Strategy/Subdivision Water Management Plan) which meets the objectives and criteria of the revised decision process for stormwater in WA;
  - ~~a Plan of Public Open Space identifying the 10% contribution for the whole of the initial en-globe lot within the Structure Plan area, which is to be ceded to the crown/City of Armadale in the first Deposited Plan, irrespective of its relationship to the particular stage of subdivision of that en-globe lot in which it is located.~~
  - *A Plan of Public Open Space identifying the 10% contribution for the whole of the initial en-globe lot within the Structure Plan area;*
- iii) prior to making recommendations on subdivision referrals a *Detailed Area Plan/Outline Development Plan* may be required to be prepared by the City;
- iv) Detailed Area Plan/Outline Development Plan is a plan to meet purposes defined by the City in accordance with the Model Scheme Text as reflected in Cl.6A5 of proposed TPS No.4 (as adopted);
- v) the desktop assessment of contamination undertaken by ATA Environmental Consultants should be summarised in the body of the report and presented in a format that clearly shows:
- Known and suspected (potential) sites with soil and groundwater contamination, and sites that may be associated with pollution (eg. uncontrolled fill). Any limitations on known information should be acknowledged;
  - Any local issues relevant to the issue of soil and/or groundwater contamination identified (eg. proposed residential development on former market gardens); and,
  - A process for dealing with the contamination issues at the subsequent stages of planning should be identified (eg. apply local planning policies, scheme provisions, and/or manage the known/possible contamination during the subdivision application determination processes).

**In particular, where residential and similarly sensitive developments are proposed (eg. schools, child care centres etc), it is recommended that procedures should be in place to ensure that the potential for contamination onsite and surrounding the development has been considered.**

- vi) An Asset Management Plan is to be provided with every subdivision detailing life cycle requirements for the operation, maintenance, replacement and funding of all grassed and vegetated areas, park furniture, public equipment and infrastructure and all areas of hard and soft landscaping.**
  - vii) Water Corporation advises it needs to prepare a new post-development-model of the overall Water Corporation’s main drainage system servicing Forrestdale based on the Structure Plan proposals. Accordingly subsequent subdivision shall be conditional upon Water Corporation confirming the future development provides adequate detention in the upstream system to prevent flooding.**
- b) The North Forrestdale Structure Plan map to be annotated with the following text specifying the key requirements to be addressed in more detailed plans:**
- i) “This Structure Plan is complementary to the Development Contribution Plan for the North Forrestdale First Stage area and the two key statutory documents each should be read in conjunction with the other;**
  - ii) Each *Plan of Subdivision/ODP* to be supported by the following:**
    - a Development Contribution Plan report (detailed analysis of infrastructure contributions in works and funds);**
    - an Urban Water and Nutrient Management Strategy/Plan (including water monitoring).”**

- c) **The North Forrestdale Structure Plan map to be modified to achieve the following:**
  - i) **The multiple use corridor in the north east corner of Lot 50 is to be redesigned to remove the ninety degree change in direction of the two linear sections of multiple use corridor running parallel and then diverting southwards perpendicular to Reilly Road with the objectives of improving the kinetic characteristics of the water flows and aesthetics of the POS design;**
  - ii) **Road layouts to be modified according to the final recommendations of the Kleyn traffic management audit report;**
  - iii) **The “Dual Use Path” designation on the Map Legend to be retitled “District Dual Use Path – Development Contribution Item”;**
  - iv) **The “Commercial” designation on the Map Legend to be retitled “Proposed Commercial Neighbourhood Centre – Subject to Separate Structure Plan”;**
  - v) **Modification of the POS to provide for the retention of the building on Lot 49 as a Community Centre located on POS, following discussions with the EPA regarding the reconsideration of the CCW designation, which is not supported by recent environmental assessment.**
- d) **Lot 1001 Wright Road is to be subject to a separate Detailed Area Plan/Outline Development Plan/Structure Plan, and prior to development a detailed spring flora survey targeting flora priority species and prior to development if a noise sensitive landuse, a Noise Assessment study is to be completed .**
- e) **A separate *Detailed Area Plan/Outline Development Plan/Structure Plan* will be required for the village Neighbourhood centre area marked as “Commercial” and other areas determined.**
- f) **Prior to development of land within 200m of the Cockburn Banjup Kennel Area, a noise assessment study is to be completed to result in the delineation of appropriate buffer boundaries and measures to minimise potential conflict arising between kennel areas and noise sensitive landuses;**

- g) **The location of proposed new roads north and east of Carey College which are located outside of the draft SP area are to be clearly identified as either being located outside the SP area and thereby deleted from the SP or located within the SP boundary of Lots 1001 and 1000;**
  - h) **The annotation of the plan for a “Possible location of Future Primary School” is to specify that the school shall be located to meet the specifications of the Education Department and any relevant environmental and health buffer requirements;**
  - i) **Following completion of the IUWMP to be prepared by Water Corporation, subsequent subdivision and development is to accord with the specifications and requirements of the IUWMP;**
  - j) **All *Detailed Area Plan/Outline Development Plan/Applications* for (Plan of) Subdivision shall, unless alternative arrangements are agreed by the City of Armadale, provide a boundary road interface between all urban land uses within the SP area and adjacent areas of non-urban land use, including but not confined to, MRS Rural/Rural-Water Protection zoned land and MRS Reservation for Parks and Recreation.**
3. **That the North Forrestdale First Stage Structure Plan, as modified under 2 above, be referred to the WA Planning Commission for formal endorsement.**
4. **That the applicants be advised that:**
- a) **That consideration be given to retaining some of the natural vegetation abutting Lots 54 and 63 (Bush Forever Site No.342) in subsequent detailed planning for the south east section of Lot 6, abutting the Keane Road reserve and Lot 54.**
  - b) **That the EPA advises that proposals, which may be likely to have a significant impact on the environment may be further referred to the EPA for consideration under s.38 of the EP Act.**
  - c) **Where the subdivision of a lot is to be staged, all land identified as a common infrastructure requirement under the Development Contribution Plan is to be ceded to the Crown or City of Armadale in the first Deposited Plan.**

- d) **The shortfall in sites for active recreational opportunities is to be addressed within the Development Contribution Plan by provision of additional land and/or facilities for active recreation (Given that a sufficient site cannot be provided from entirely within the SP area provision should be made in the DCP for additional active recreation facilities to be located within the area and possibly built on the existing facility around the Alfred Skeet oval or contributed to a regional facility in the vicinity of the Brookdale plant).**
  - e) ***Detailed Area Plan/Outline Development Plans/Plans of Subdivision* which provide minor design modifications to this SP may be agreed to however, if deemed major variations, a revised SP will be required.**
  - f) **Subsequent UWMPs (ie Subdivision Water Management Plans) in conjunction with subdivision approval will be required to clarify the acceptable discharge drainage rate into the Water Corporation's main drainage system from the North Forrestdale First Stage Structure Plan area. Subsequent UWMPs to include details of runoff rates and impervious area calculations used to model flood characteristics of each subdivision.**
  - g) **Council may further specify its requirements in ongoing planning processes including:**
    - i) **Defining the specific safeguards to apply to subdivisions prior to the completion of the DCP (including severing Rural zone parts of land – arrangements to be made for infrastructure);**
    - ii) **Considering the imposition of a Special Area Rate on new lots (in view of the cost of funding ongoing infrastructure maintenance including additional open space maintenance, streetsweeping, alternative water supply regimes etc);**
5. **That in respect to the Rural – Kennel zone adjoining the SP area, Council advise City Choice Holdings Pty Ltd, that over the longer term:**
- a) **Council is generally supportive of a change in land use to the kennel area, as indicated in the District Structure Plan. The District Structure Plan is however a long term strategic plan, which is anticipated to have a life of 25 years.**

Accordingly a transition to urban uses while numerous licensed kennels remain in operation, would pose many issues and these would have to be addressed by comprehensive planning and environmental assessment.

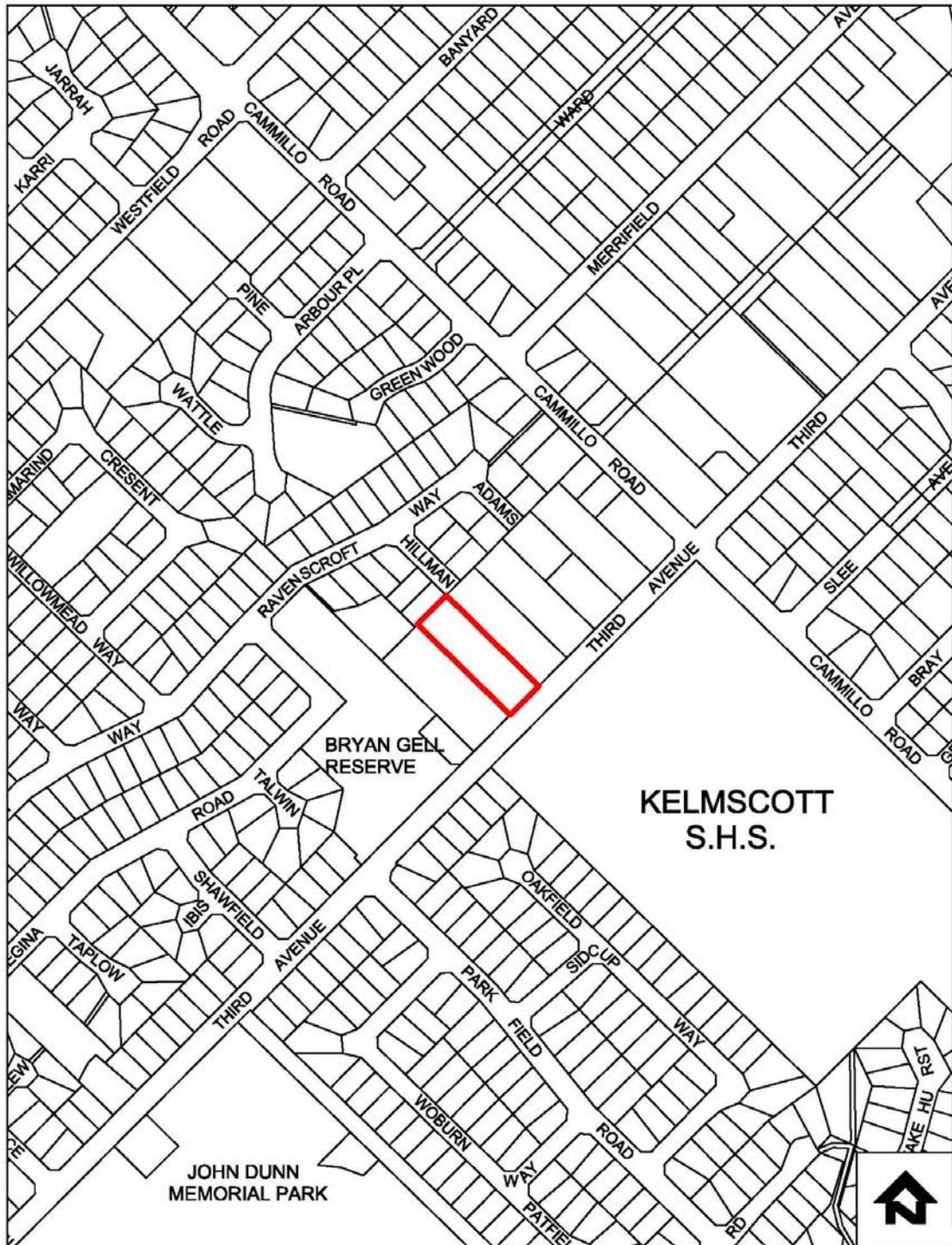
- b) While Council is supportive of some form of urban development in the future, commercial development proposals should be supported by a comprehensive commercial and retail analysis, in addition to the environmental and servicing reports that Council would require for any rezoning proposal. Zoning proposals should also have the support of all the affected landowners.

MOVED Cr Hodges  
MOTION CARRIED (7/0)

*Council resolved at its Ordinary Meeting on 22<sup>nd</sup> March 2005 that Recommendation D27/3/05 be amended by replacing the third dot point in part 2a)ii) of the recommendation as follows:-*

- ♦ *A Plan of Public Open Space identifying the 10% contribution for the whole of the initial en-globo lot within the Structure Plan area;*

*Health Services Manager left the meeting at 8.15pm and returned at 8.20pm.*



**LOCATION PLAN  
LOT 22 THIRD AVENUE, KELMSCOTT.**

***PROPOSED 14 UNIT GROUP HOUSING DEVELOPMENT –  
LOT 22 (59) THIRD AVENUE, KELMSCOTT***

{ XE "DEVELOPMENT:PROPOSED 14 UNIT GROUP HOUSING DEVELOPMENT –  
LOT 22 (59) THIRD AVENUE, KELMSCOTT" }

WARD : WESTFIELD

FILE REF : A103525

DATE : 3 March 2005

REF : PRR

RESPONSIBLE MANAGER : PSM

APPLICANT : Summit Projects

LAND OWNER : B Swain

SUBJECT LAND : Property size 4095m<sup>2</sup>  
Map 22.06

ZONING

MRS/TPS No.2 : Urban / Residential R15

DRAFT TPS No.4 : Residential R25

**In Brief:-**

- Council received an application for a 14 unit grouped housing development on Lot 22 Third Avenue, Armadale on 24 January 2005.
- The application proposes a variation to the density of the site from 'R25' (applicable under Council's Group Housing Development Policy) to 'R40'.
- The application was advertised to surrounding landowners and four (4) letters objecting to the proposal were received.
- Recommend that Council approve the application subject to appropriate conditions.
- *COMMITTEE recommended that the application be recommitted to the Development Services Committee.*

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Development – "To balance the need of development with sustainable economic, social and environmental objectives".

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Scheme Act 1959  
Town Planning Scheme No.2  
Draft Town Planning Scheme No.4

**Council Policy / Local Law Implications**

4.3.13 – Group Housing Development



### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Surrounding Landowners
- ◆ Technical Services Directorate
- ◆ Development Control Unit

### **BACKGROUND**

The City received an application for a grouped housing development on Lot 22 Third Avenue, Kelmscott on 24 January 2005. The application proposes variations to Town Planning Scheme No.2 (TPS No.2), Policy 4.3.13 – Group Housing Development (Council’s Policy) and the Residential Design Codes of Western Australia (RD-Codes). As delegation for grouped housing only exists in situations where the application is advertised and no substantiated objections are received, the matter has been referred to Council for consideration given four (4) objections have been submitted.

### **DETAILS OF PROPOSAL**

The applicant proposes the development of 14 single storey, brick and tile units on the subject property, at a density of ‘R40’ on the basis of Table 1.1 in TPS No.2. The proposal incorporates 28 private car parking bays (two (2) per unit) and four (4) visitor parking bays. Landscaping details have also been submitted as part of the application.

### **COMMENT**

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

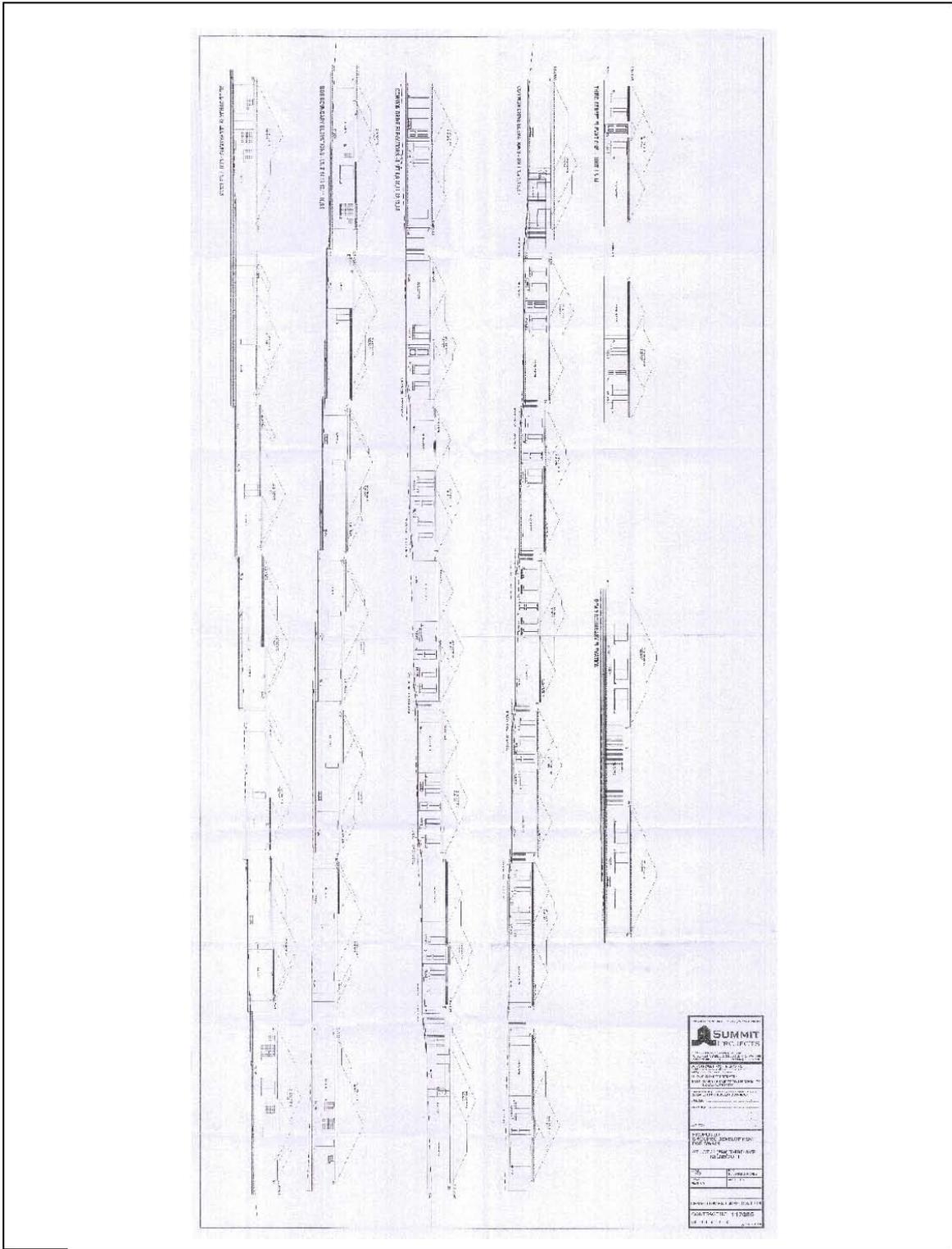
At its meeting of 10 February 2005 DCU recommended approval of the application, subject to conditions regarding the construction of the driveway and crossover, stormwater design being to Water Sensitive Design Principles, the provision of bin pads and public comment.

#### ***Advertising***

The application was advertised to surrounding landowners for a period of two (2) weeks. Four (4) submissions objecting to the proposal was received. The submissions are considered in the Analysis section of the report. ***Refer to Confidential Attachment “BI” of the Agenda for location plan of respondents.***

#### ***Technical Services – Parks Department***

Council’s Parks Department assessed the landscaping details provided by the applicant and advised that the plan did not adequately address the landscaping requirements. As such it would be appropriate to include the standard landscape plan condition and advice note on any planning approval issued.



**ELEVATION PLAN  
LOT 22 THIRD AVENUE, KELMSCOTT.**

## ANALYSIS

### *Public Submissions*

Four (4) submissions were received objecting to the proposal. The issues raised are summarised as follows:

1. *Not in favour of any unit development on the property, but realise that progress cannot be stopped.*

Group housing is a use that is not permitted unless Council exercises its discretion within the 'Residential' zone. Further, the applicant is requesting a density bonus under TPS No.2 that is greater than the 10 units per hectare that can be considered under Council's Policy. In a situation such as this, Council must be satisfied that the proposal addresses the requirements of TPS No.2, the RD-Codes and its policy satisfactorily before the development can be permitted. The way in which these documents impact on the proposal will be assessed later in the report.

2. *Not against units being constructed on the site, but do object to the number proposed on a block this size. (Two (2) submissions made this point).*

Refer to comments for previous point.

3. *Request that the number of units be reduced to enable some of the trees on site to be retained.*

There are several significant trees on the property. Under Clause 7.3 of TPS No.2, Council must consider "*the presence of vegetation on the site*" and "*the desirability of retaining portions of that vegetation*". Subsequently, under Clause 5.10.9 of TPS No.2, Council can issue a tree preservation order against a tree (or group of trees). Council must determine whether the trees are worthy of retention (refer photos), or whether the unit development should take precedence. A site inspection revealed that the trees on site are of significant size and that the existing residence is in a state of disrepair.

4. *Accommodating as many people as possible in the smallest amount of space did not work in working class areas of England, so why do it in Western Australia where there is so much space.*

The RD-Codes prescribe various standards to ensure that density development has sufficient amenity. The controls in Western Australia are the result of planning legislation which is derived from laws created in England to address the problems associated with overcrowding. The applicant has made an application based on the provisions of TPS No.2 however as stated previously, the proposed density of 'R40' is at Council's discretion.



**Photograph taken looking east toward existing residence  
Lot 22 Third Avenue, Kelmscott**

5. *The impact (presumably detrimental) on the lifestyle of existing residents in close proximity to the development.*

A 12 unit development is located on a lot immediately to the south west of the subject site and has about 1000m<sup>2</sup> more site area than Lot 22 (approximately 5000m<sup>2</sup>). Under current standards, this would equate to a density of approximately 'R25'. Immediately to the north east of the subject site, a 10 unit development is located on a lot approximately the same size as the subject lot. This development would also equate to a density of 'R25'.

Since the proposed density for this development is 'R40', it does represent a significant increase in density to the area ('R25' group housing developments and 'R15' single residence developments). However it is noted that an almost identical proposal by the applicant for 14 units at a density of 'R40' on Lot 24 (51) Third Avenue, Kelmscott was approved under delegation on 21 October 2004 and the objector does not stipulate how the development is likely to impact upon the lifestyle of surrounding neighbours.

6. *Concerned about the noise factor (two (2) submissions made this point).*

The submissions do not substantiate these claims in any way. Also, it is not expected that the noise from the development will exceed nuisance levels.

7. *Two trees on the property close to my fence lift up my brick paving. It has been fixed a couple of times, but is happening again. Please inform the owner.*

This is not directly relevant to the application, but presumably the trees will be removed by the development (if approved) and thereby overcome this concern.

8. *Invasion of privacy, proximity of units to my adjoining property.*

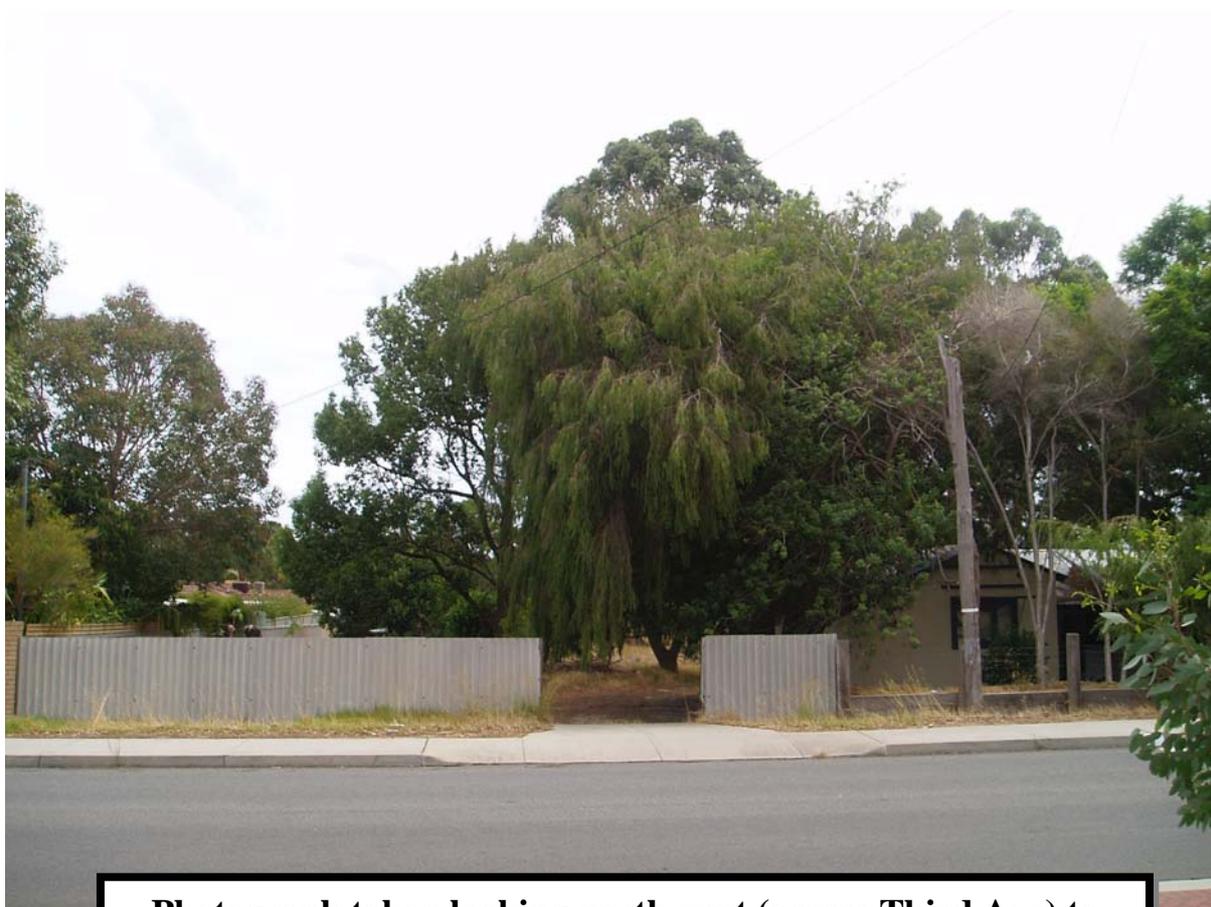
Regarding privacy, the RD-Codes contain provisions to control overlooking. In this case, the one storey units are not more than 0.5m above the natural ground level and are unlikely to overlook and as such the privacy requirements are met. With regard to the proximity of the units, the proposal adequately addresses the setback requirements of the RD-Codes based on wall length, height and whether or not they contain major openings.

9. *Reduced resale value of my property.*

This argument is not supported by evidence to provide a planning basis for refusal.

10. *Concerned units have already been constructed on what should be a cul-de-sac in Hillman Court. Road has simply been fenced off and I am forever weeding the road.*

This is not directly relevant to the application, but Technical Services will be notified.



**Photograph taken looking north west (across Third Ave) to  
Lot 22 Third Avenue, Kelmscott**

11. *Should units be approved, I would appreciate higher fencing being erected between the properties at no cost to me.*

Fencing is a civil matter legislated under the Local Laws Relating to Fencing (2000). Matters pertaining to type, height and responsibility for cost of fencing are outlined in this document.

### ***Town Planning Scheme No.2***

#### *Density*

Table 1.1 in TPS No.2 states the following relative to density: “*As per Residential Planning Density Code indicated on Scheme Map... but the Council may permit Grouped Dwellings (not exceeding R40)... where it is satisfied that the amenity of the locality will not be prejudicially affected*”. The surrounding density coding is ‘R15’ and the location of the subject site relative to the criteria set out in Council’s Policy as well as the overall quality of the design in terms of the RD-Codes will need to be considered carefully in this regard.

#### *Open Space*

Table 1.1 of TPS No.2 also requires Council to be satisfied that sufficient open space exists in the locality to offset the increased demand for recreation space caused by the development. The subject lot is 70m from the Bryan Gell Reserve (a passive recreation reserve) and 365m from John Dunn Memorial Park (an active recreation reserve). These reserves would be adequate to cater for the additional demand for recreational facilities caused by the development.

#### *Matters to be Considered by Council*

Clause 7.3 of TPS No.2 lists a range of other issues that must be taken into account in determining an application for planning consent. It is noted that the issues raised in this section of TPS No.2 are addressed by other sections of this report and include issues such as compliance with Scheme and Policy provisions, the existing and likely future character and amenity of the neighbourhood, the presence of vegetation on site and submissions received by Council.

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

Draft TPS No.4 proposes to increase the density of the subject lot from ‘R15’ to ‘R25’, with a grouped dwelling density bonus to ‘R40’, similar to that available under the current scheme.



**Photograph taken looking north at significant trees on site  
Lot 22 Third Avenue, Kelmscott**

### *Residential Design Codes of Western Australia*

Specific details relative to certain areas are provided as follows. (Where elements of the RD-Codes are not commented upon, the proposal is deemed to comply).

#### *Density*

The proposal complies with the Acceptable Development and Performance Criteria provisions of the RD-Codes relative to 'R40' development, which include a minimum lot size of 200m<sup>2</sup> and an average lot size of 220m<sup>2</sup>. It is noted however that this density is above that intended for the site, as described by TPS No.2 ('R15' with 'R40' at Council's discretion) and Council's Policy ('R25').

#### *Setbacks*

Internally, the front setback to the units should be 2.5m. A setback of 2m has been provided for all units with the exception of units seven (7) and eight (8), which achieve the setback. Given this setback is internal to the site and the driveway width could be altered to meet the requirement anyway, the front setback is deemed to meet the Performance Criteria.

The rear setbacks to all units should be 1.5m along their entire length, as the length of the wall is in excess of 9m. The applicant has provided the 1.5m setback to sections of these walls that include major openings (a window in excess of 1m<sup>2</sup> or a door opening onto a habitable room), whilst the remainder of the wall is set back only 1m. Similarly, some side setbacks separating individual units have been reduced to 1m where major openings do not exist.

Given the important parts of the wall are set back as required, it is deemed appropriate to vary the setbacks for the remaining sections of wall from 1.5m to 1m based on the Performance Criteria.

#### *Visitor Bays*

In accordance with RD-Codes Clause 3.5.3, visitor bays are to be marked appropriately and a condition should be imposed in this regard should an approval be issued.

#### *Stormwater*

No details have been provided with regard to stormwater disposal as required by RD-Codes Clause 3.9.2. A condition requiring a stormwater management plan to Water Sensitive Design Principles should be imposed should Council approve the application.



**Photograph taken looking north west at Gum trees on site  
Lot 22 Third Avenue, Kelmscott**

### *Waste Collection*

Whilst there is adequate frontage to accommodate 28 rubbish bins on pick up day as required by Clause 3.10.3, Technical Services has requested that a condition be placed on any approval issued requiring the developer to provide bin pads to accommodate all bins (i.e. 1m<sup>2</sup> per bin). This would make placement of rubbish bins on the road verge easier for residents and would result in a more defined pickup area.

### ***Policy 4.3.13 – Group Housing Development (Council’s Policy)***

Comments relative to some of the aspects of Council’s Policy follow. (Where Policy criteria are not commented upon, the proposal is deemed to comply).

### *Density*

Council’s Policy allows for a density increase relative to residential areas zoned ‘R20’ and below based on certain criteria. The density increase means a developer may apply standards relative to the density 10 units per hectare above the prevailing density (in this case ‘R15’ would become ‘R25’). The applicant in this instance has requested a density 25 units per hectare above the prevailing density, or ‘R40’.

The Policy Statement for the ‘Residential’ zone in TPS No.2 does note that “*where Council is satisfied that proper servicing and amenity is present, medium density grouped dwellings may be permitted in recognising the varied demands for residential accommodation within the community*”. Clause 2.2.1.4 of Council’s Policy requests the applicant to demonstrate that a group housing proposal is in close proximity to public transport, public open space, the footpath and cycleway system, shopping areas and community facilities to justify an increased density.

The applicant has not provided any information as to how the application meets these criteria. However, it is noted that the subject site is directly opposite the Kelmscott Senior High School, is in close proximity to two (2) public open space reserves, is approximately 750 – 800m from the Kelmscott town centre which includes shops and public transport and Third Avenue has a dual use footpath. These elements represent a strong correlation with the locational criteria outlined by the policy and were taken into account in the amendments undertaken during the preparation of TPS No.4 wherein the land is to be coded ‘R25’.

### *Proximity to Other Unit Developments*

Section 2.2.1.2 of Council’s Policy stipulates that Council will not approve group housing where an existing unit development is located on the same side of the street within six (6) lots. Council’s Policy notes however, that subject to due regard for prevailing densities in the area, this requirement may be waived if no reasonable objections are raised, the site demonstrates a high correlation between the locational requirements outlined in the Policy and the design is of high quality.

As described in the previous section, the development is suitably located to address the locational criteria of Council's Policy. However as previously iterated, three (3) nearby unit developments exist, on Lots 21, 23 and 24 Third Avenue. Lots 21 and 23 approximate a density of 'R25', whilst Lot 24 has been approved at 'R40' and the subject lot proposes the same. The mixture of densities is not ideal and it could be argued that the density of the development should be reduced. However the fact that an almost identical application at 'R40' has been approved only two (2) lots away weakens this argument considerably. As such, given the design is of a high standard and the locational requirements are met, it is recommended Council's Policy be varied from in this instance.

#### *Car Parking*

Section 3.3.3 of Council's Policy requires car parking in the front setback to be under the cover of a carport. The visitor's car parking bays are proposed within the front setback, but given they are not for continuous use as those bays provided for private residences are, it is recommended the provision be varied from.

#### *Colours and Materials*

A colour and material schedule has not been provided for the proposed development. A condition requiring the submission of a colour and material schedule (including details pertaining to fencing) should be imposed should Council approve the application.

#### *Landscaping*

As mentioned, the landscaping plan submitted did not meet the requirements of Council's Parks Department. Parks noted that the designer has not indicated the minimum requirements as listed in the Landscaping Guidelines handout, the proposal has too few plants to achieve a landscaped appearance, the plan does not show all plants listed in the legend, Azaleas should not be used in full sun positions and that the legend fails to show plant container sizes. A comprehensive landscape is required by Council's Policy and as such it would be appropriate to include the standard landscape plan condition and advice note on any planning approval issued.

#### *Demolition*

A separate demolition application for the existing structures on site will be required should Council approve the application. An advice note should be imposed in this respect should that situation eventuate.

## OPTIONS

1. Council may approve the application for 14 group housing units on Lot 22 Third Avenue, Kelmscott at a density of 'R40', subject to appropriate conditions, if it is satisfied that the proposed variations are justifiable and will not compromise the orderly and proper planning of the locality.
2. Council may refuse the proposed development for 14 group housing units at Lot 22 Third Avenue, Kelmscott at a density of 'R40' if it is of the view that the proposed density is inappropriate for the subject site, given the provisions of TPS No.2 (including prevailing densities on adjacent lots), Council's Policy (10 unit per hectare bonus equating to 'R25').
3. Council may defer the application for group housing units on Lot 22 Third Avenue, Kelmscott subject to a redesign of the proposal at a density of 'R25', if it is not satisfied the density bonus should be granted given the provisions of TPS No.2 (including prevailing densities on adjacent lots) and Council's Policy.
4. Council could defer the application for group housing units on Lot 22 Third Avenue, Kelmscott, pending further investigation by an arboriculture as to the value of retaining the trees on site.

## CONCLUSION

Two (2) objections have made direct reference to reducing the number of units on site, which is a valid request given that the provisions of TPS No.2 require Council to consider prevailing densities in the area. The unit developments either side of the subject site equate to a density of 'R25'. There is also the question of several large trees on site and their value to the area. These issues give rise to valid concerns with the proposal.

However, the fact that an almost identical proposal for 14 units from the same applicant was approved two (2) lots further down Third Avenue seriously weakens a planning argument for refusal or a reduction in the density to 'R25' in line with the adjoining properties. The previous proposal has set a precedent for this area and at any rate, the location is acceptable in terms of the criteria in Council's Policy, even though the density bonus requested is 25 units per hectare under TPS No.2, rather than the 10 units per hectare that can be considered under Council's Policy.

If the development is approved Council is faced with a site developed to a density of 'R40' against the wishes of four (4) adjoining landowners and with the loss of several large trees. On the other hand, the advantages of approving the proposal include the fact that the existing residence on site would need to be demolished and that the general untidiness of the property would be improved.

It is believed that in particular the fact that an almost identical development has been approved two (2) lots away could not be overcome on appeal should Council decide to refuse the application or attempt to limit the density. This fact coupled with the fact that in the vast majority the application complies and can at least be considered by Council under TPS No.2 leads to a recommendation that Council approve the proposal in accordance with Option 1.

*Officer's report recommends –*

1. That Council approve the grouped housing application for 14 units on Lot 22 Third Avenue, Kelmscott, at a density of 'R40' subject to the following conditions:
  - a) All hard standing areas (eg. car parking area (including visitors' bays), crossovers, driveway, vehicle manoeuvring space) are to be constructed, drained, sealed, kerbed and marked to the satisfaction of the Executive Director Technical Services.
  - b) Submission of a stormwater management plan to water sensitive design principles to the satisfaction of the Executive Director Technical Services.
  - c) Bin pads adequate to accommodate all rubbish bins (i.e. 28 bins x 1m<sup>2</sup>) are to be constructed to the satisfaction of the Executive Director Technical Services.
  - d) A schedule of colours and textures of external materials (including any fencing) is to be submitted to the satisfaction of the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved schedule.
  - c) The submission of a comprehensive landscape plan for all landscaped areas to the satisfaction of the Executive Director Technical Services. Such plan to include plant species (predominantly West Australian natives), numbers, location, container size and method of irrigation of the landscaped areas. The landscape plan is to be approved and the landscaping installed and maintained thereafter, to the satisfaction of the said officer.
2. That the applicant be advised, in addition to the standard advice notes with respect to development applications, that:
  - a) The demolition of the existing structures on site is subject to a separate planning application and approval.
  - b) With regard to Conditions 1b), 1d) and 1e), it is expected the required information and plans will be submitted prior to the issue of a Building Licence.
  - c) With regard to Condition 1d), please note that Zinalume or white or bright colours are not acceptable unless otherwise approved by Council. Colours should be associated with the natural tones of the landscape and architectural detail and trim (gutters, capping, window frames etc) will be considered an integral component of the overall appearance.
  - d) With regard to Condition 1e), please refer to the attached landscaping guide from Council's Parks Department.

*COMMITTEE requested that the report be recommitted in order to give officers an opportunity to negotiate an outcome that will take into consideration existing vegetation on site and attempt to reduce building footprint on the property.*

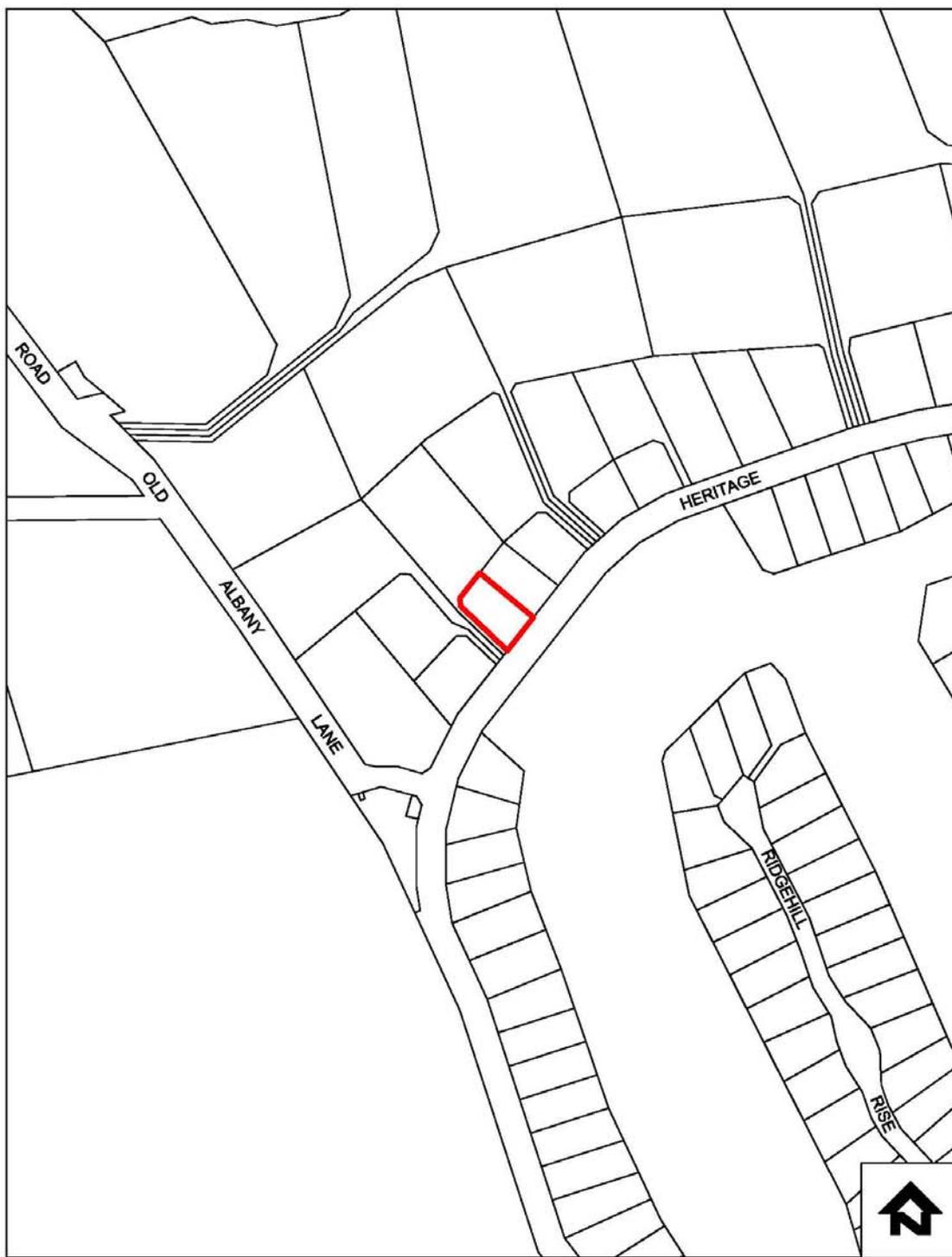
**D28/3/05            RECOMMEND**

**That the grouped housing development application for 14 units on Lot 22 Third Avenue, Kelmscott, be recommitted to the Development Services Committee.**

MOVED Cr Reynolds  
MOTION CARRIED (7/0)

**Meeting adjourned at 8:34pm**  
**Meeting reconvened at 8:40pm**

*Cr Wallace left the meeting at 8.34pm and did not return.*



**LOCATION PLAN  
LOT 129 HERITAGE DRIVE, ROLEYSTONE.**

***PROPOSED RESIDENCE ON LOT 129 (No.89) HERITAGE DRIVE ROLEYSTONE EXCEEDING PLANNING POLICY MAXIMUM HEIGHT OF 7.5 METRES***

{ XE "BUILDING:PROPOSED RESIDENCE ON LOT 129 (NO 89) HERITAGE DRIVE ROLEYSTONE EXCEEDING PLANNING POLICY MAXIMUM HEIGHT OF 7.5 METRES" }

WARD : ROLEYSTONE

FILE REF : A223610

DATE : 3 March 2005

REF : IT

RESPONSIBLE : BSM  
MANAGER

**In Brief:-**

- An application for approval to commence development to construct a residence on Lot 129 Heritage Drive, Roleystone with a height exceeding the Draft Policy maximum height by 1 metre has been received.
- Recommendation that the application be approved, as submitted.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Nil

**Legislation Implications**

Town Planning and Development Act 1928  
Draft Town Planning Scheme No.4

**Council Policy / Local Law Implications**

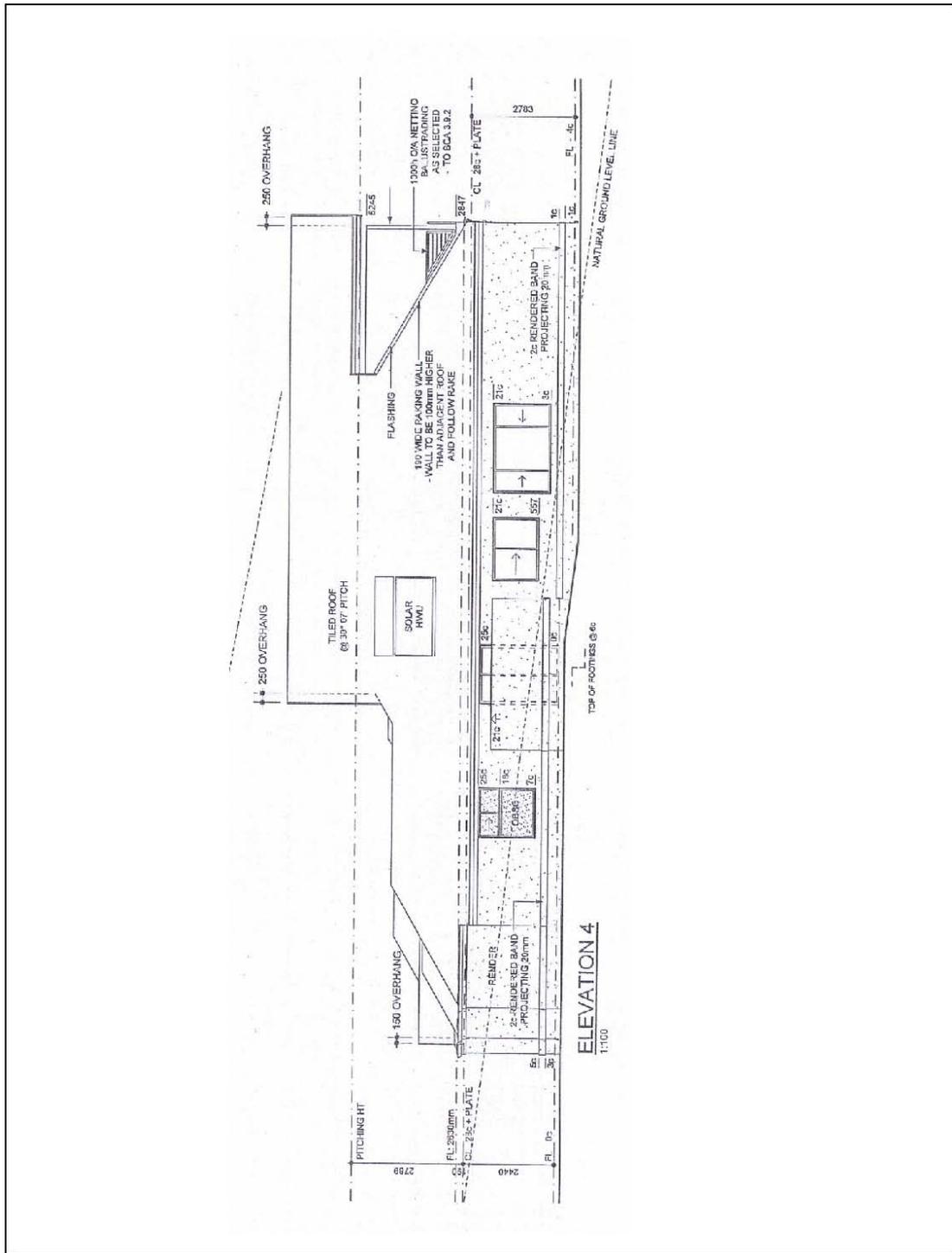
Local Planning Policies (Draft Town Planning Scheme No.4)

**Budget / Financial Implications**

No immediate budget implications unless the matter becomes an issue under appeal to the State Administrative Tribunal.

**Consultation**

Nil. (Officers considered that the proposal would have no impact on adjacent land owners on the basis of the lot being significantly below the level of Heritage Drive and the residence being sited outside the view lines of adjacent residential development)



**ELEVATION PLAN  
LOT 129 HERITAGE DRIVE, ROLEYSTONE.**

## **BACKGROUND**

Following the expiration of the Land Covenants in the Araluen Country Club Estate controlling various issues relating to residential development, Council has included a number of similar controls in the Draft Town Planning Scheme No.4 and the associated Draft Policy.

In terms of this application, the Local Planning Policy applicable to Town Planning Scheme No.4, policy number 4.5 Building Height reads, "*The maximum height of any part of a dwelling shall be 7.5 metres above natural ground level.*"

The City has received an application to construct a residence on the lower side of Heritage Drive with an overall height from the natural ground level of approximately 8.5 metres.

Officers have visited the site and confirm that the additional height will have no detrimental impact on the streetscape, the Golf Course Vista or adjacent land owners.

It is also noted that the residence conforms to the height restrictions under the Acceptable Development Standards of the Residential Design Codes, of 9 metres. The height restriction of 7.5 metres in the draft policy, while considered appropriate in many circumstances, on this lot the restriction will severely impact on the quality of the design being considered, without adding benefit to the wider community.

The height restriction in the policy is considered to be a site specific control and that on this particular lot the additional height of 1 metre will have no impact on surrounding properties.

There are also many examples in the Estate where the Estate Architect has certified buildings higher than the covenant maximum of 7.5 metres. In each case the Estate Architect has evaluated the site's topography and location to determine if the development could be certified without adversely impacting on surrounding properties, or create undesirable precedents.

## **DETAILS OF PROPOSAL**

On the basis of the above, officers believe it is possible to approve the application without any adverse impact on surrounding lots, the streetscape or the Golf Course vista. The residence has been designed to accommodate the sloping topography of the land and is considered to represent quality development in keeping with the aspirations for residential development previously contained within the Estate Covenants and now in Draft Town Planning Scheme No.4.

## OPTIONS

1. To approve the application to construct the residence in accord with the plans submitted.
2. Decide not to approve the application on the grounds that the submission does not meet the Draft Local Planning Policy in terms of maximum height.

## CONCLUSION

On the basis of the above, officers consider Option No.1 to be appropriate.

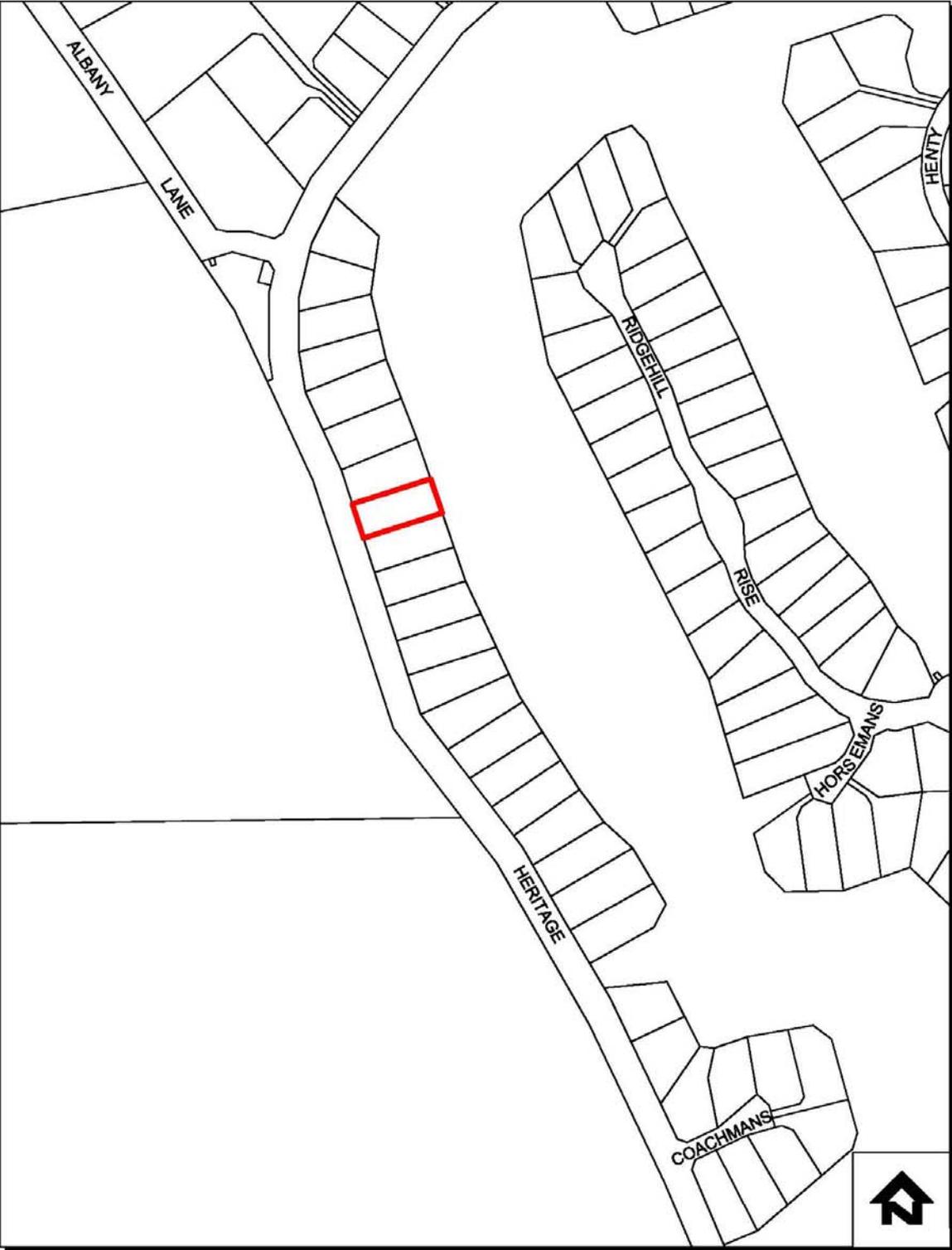
## D29/3/05 RECOMMEND

**That Council approve an Application to Commence Development to construct a residence on Lot 129 (No.89) Heritage Drive, Roleystone, with an overall height of 8.5 metres.**

MOVED Cr Hart  
MOTION CARRIED (7/0)

*Cr Reynolds left the meeting at 9.06pm and returned at 9.08pm.*

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**LOCATION PLAN  
LOT 273 HERITAGE DRIVE, ROLEYSTONE.**

***PROPOSED SINGLE RESIDENCE – LOT 273 (114) HERITAGE DR, ROLEYSTONE***

{ XE "DEVELOPMENT:PROPOSED SINGLE RESIDENCE – LOT 273 (114) HERITAGE DRIVE, ROLEYSTONE" }

WARD : ROLEYSTONE

FILE REF : A223755

DATE : 8 March 2005

REF : PRR

RESPONSIBLE  
MANAGER : PSM

APPLICANT : Darren Miller Building  
Designer

LAND OWNER : F & G Bafile

SUBJECT LAND : Property size 2049m<sup>2</sup>  
Map 27.06

**ZONING**

MRS/TPS No.2 : Rural / Special Use No.66

DRAFT TPS No.4 : Special Residential –  
(Additional Use No.30)

**In Brief:-**

- An application for a single residence on the subject site was received 3 February 2005.
- The application proposes variations to draft policy PLN 3.7 – Araluen Residential Estate.
- The application was advertised for two weeks and one submission (from the Araluen Estate Progress Association) was received objecting to the proposal.
- Recommend that Council approve the application subject to appropriate conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Development – “To balance the need of development with sustainable economic, social and environmental objectives”.

**Legislation Implications**

Town Planning and Development Act 1928

Metropolitan Region Scheme Act 1959

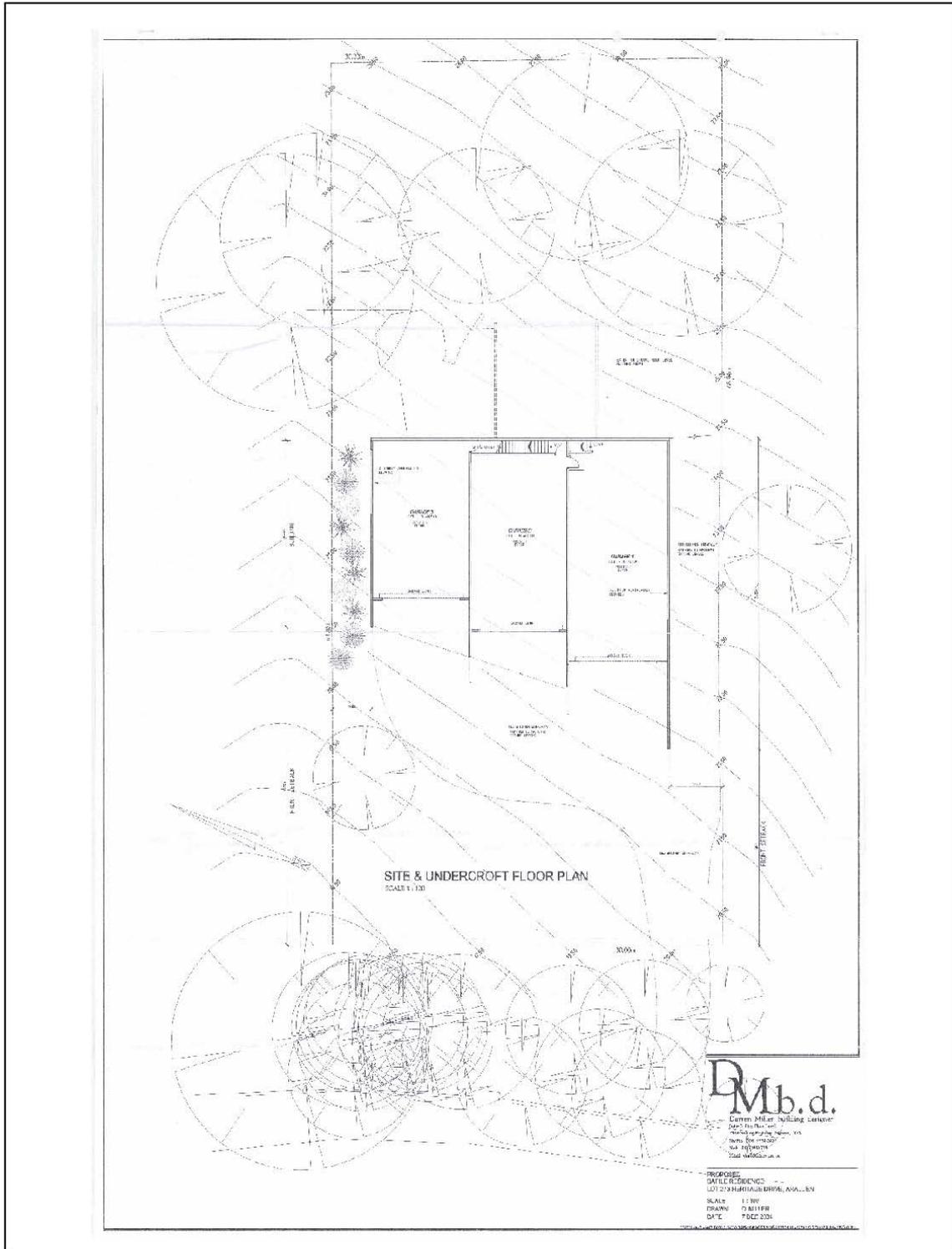
Town Planning Scheme No.2

Draft Town Planning Scheme No.4

**Council Policy / Local Law Implications**

4.4.10 – Erosion Prevention and Sediment Control

PLN 3.7 – Araluen Residential Estate (Draft)



**SITE AND UNDERCROFT FLOOR PLAN  
LOT 273 HERITAGE DRIVE, ROLEYSTONE.**

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Surrounding Landowners
- ◆ Araluen Estate Progress Association
- ◆ Development Control Unit

### **BACKGROUND**

The Araluen estate covenants and design guidelines as applied by the estate developer have been in place for 10 years, only recently expiring in October 2004. Until that time, the City had a deed of agreement with the estate developers to ensure the covenants and design guidelines were upheld. All plans were examined by the estate architect and endorsed if they were found to generally comply with the covenants and design guidelines. The plans would then be submitted to the City as part of a development application and their compliance with these elements would be assessed again in addition to the usual Scheme and Policy requirements.

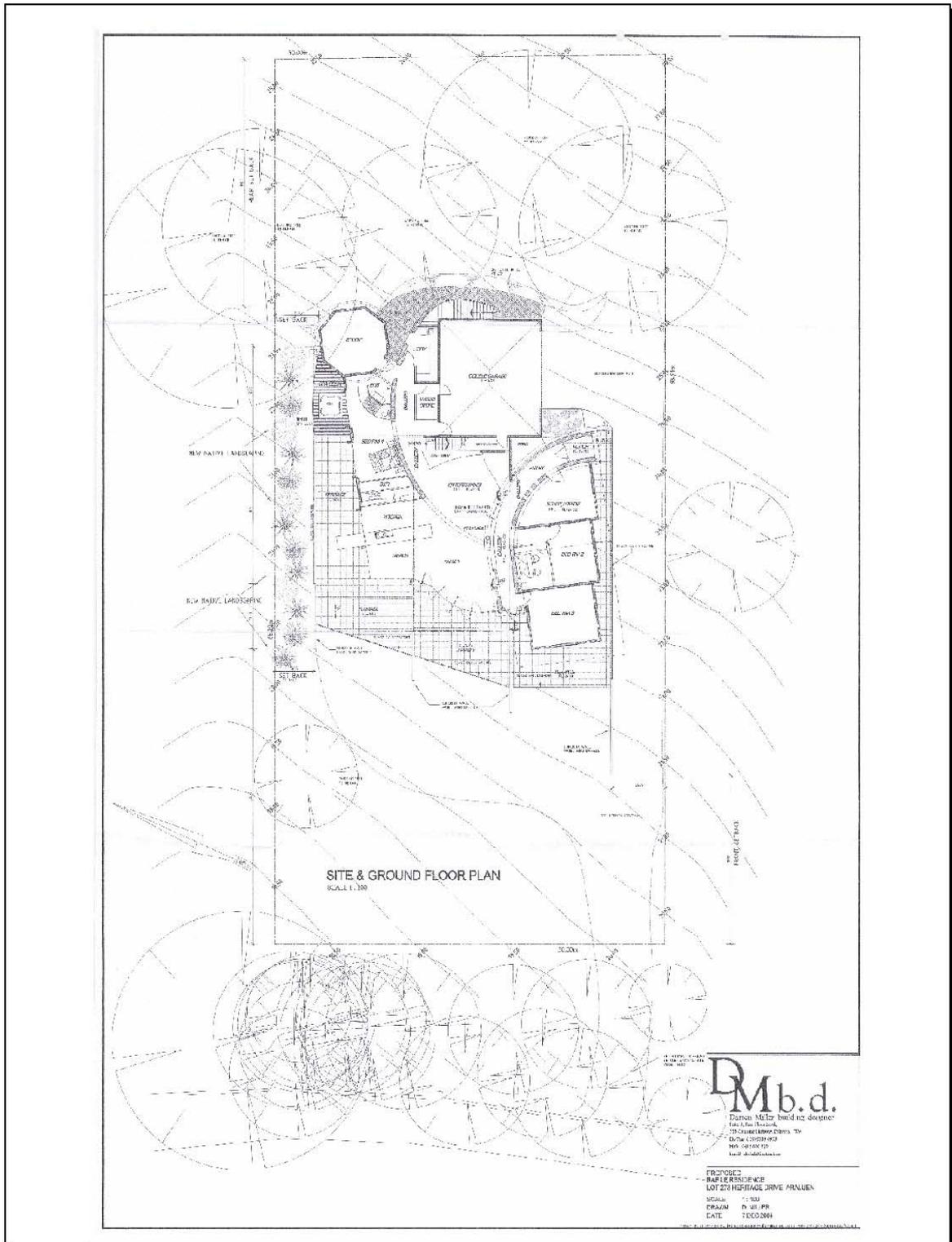
It is important to note that this particular regime of development assessment in Araluen has almost certainly focused residents' expectations toward complete adherence to the design guidelines. Since the covenants and design guidelines expired however, the City has formulated a draft policy PLN 3.7 – Araluen Residential Estate (Policy 3.7). This policy incorporates elements of the now expired design guidelines and has been advertised alongside draft Town Planning Scheme No.4.

Although Policy 3.7 has not yet been endorsed by the Western Australian Planning Commission (WAPC), it has been endorsed by Council and the public are aware of its existence. As such the City has decided to assess applications against Policy 3.7 to address in some form the expectations held by Araluen residents. It is critical to establish however, that policies serve as a guide to Council's decision making process and Policy 3.7 does not carry the same statutory weight as the covenants did. Essentially, policies can be varied whereas under the covenants and design guidelines a stricter stance could be taken.

It is within this context that an application for a single residence on Lot 273 (114) Heritage Drive, Roleystone was received on 3 February 2005. The application proposes variations to Policy 3.7 and on this basis the application was advertised for two weeks (resulting in one (1) submission) and has been referred to Council for determination.

### **DETAILS OF PROPOSAL**

The applicant proposes to develop a single residence on the subject lot. The residence would be constructed 15.1m from the front property boundary, 19m from the rear property boundary and 3m and 4m from the northern and southern (side) property boundaries respectively.



**SITE AND GROUND FLOOR PLAN  
LOT 273 HERITAGE DRIVE, ROLEYSTONE.**

The owner of the subject site is a classic car collector and as such the applicant states the four (4) garages shown on the plans (three (3) at the front of the residence, one (1) to the rear) were a critical component in designing the residence. The residence itself is a three (3) bedroom, two (2) bathroom house with a studio and large outdoor spaces.

The applicant argues the design attempts to provide a modern interpretation of 'Australian vernacular' architecture while at the same time being sympathetic to the slope of the subject site and having due regard for the maximum height requirement of Policy 3.7. The residence would be constructed of 'mist green' Colorbond roofing with the walls being a mixture of natural colours (beige, ochre, brown and red) sand or water blasted onto the predominantly concrete tilt up walls for a textured effect.

## COMMENT

### *Development Control Unit (DCU)*

At its meeting of 15 February 2005 DCU recommended conditional approval of the application, subject to public comment.

### *Araluen Estate Progress Association (AEPA)*

The AEPA has made a late submission (received 8 March 2005 when advertising closed 3 March 2005) objecting to the proposal. The AEPA considers that the development is not in keeping with the character of the estate and falls outside the design guidelines and policy provisions and requests the City of Armadale not support the development as proposed as it will detract from the character and amenity of the estate. In particular, the AEPA submits:

- ◆ *That the roof pitch does not comply with the policy requirements;*

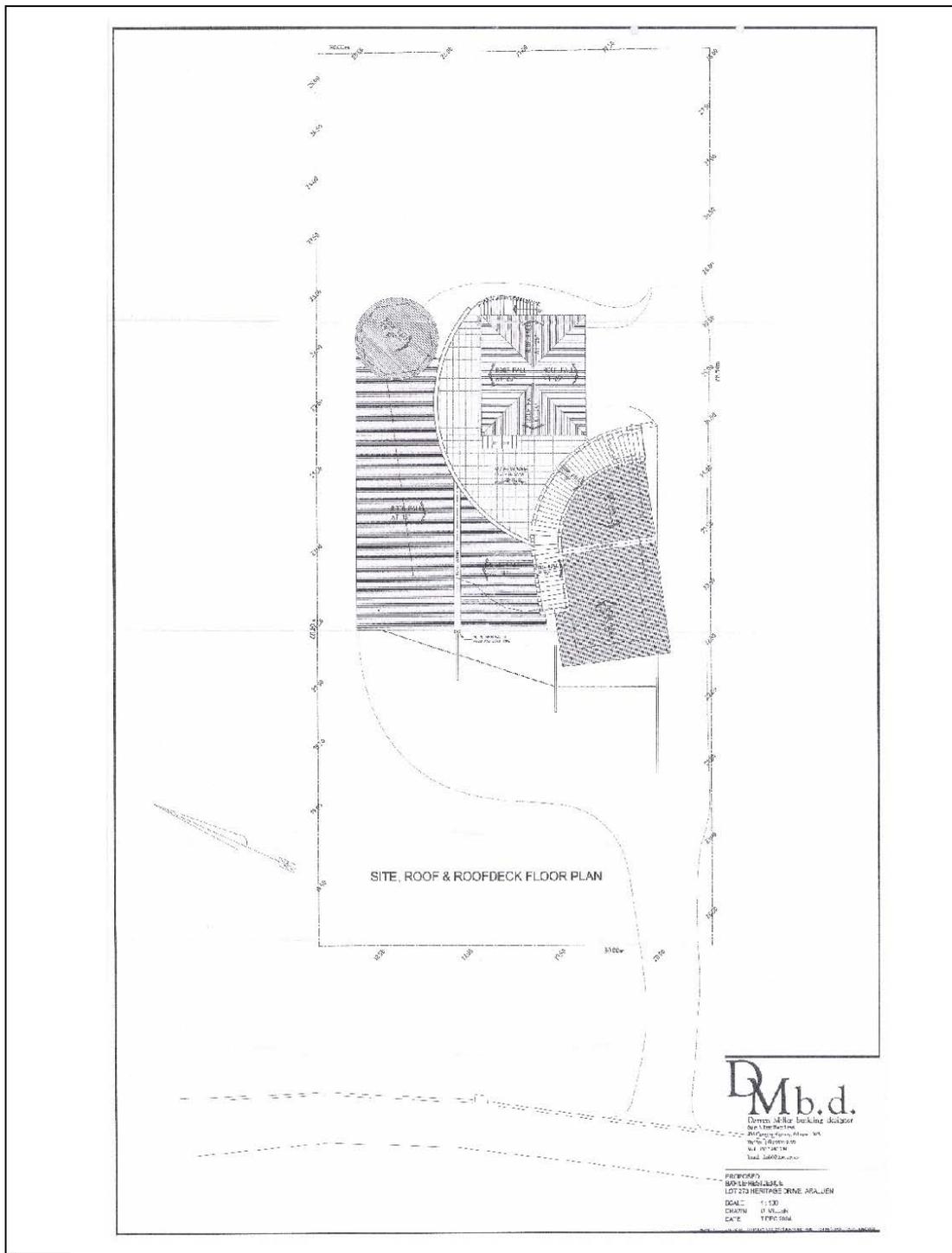
This issue is addressed in the section of the report titled 'Draft Policy PLN 3.7 – Araluen Residential Estate' under *4.3 Building Design – Roofing*.

- ◆ *The height of the building and size of the development is disproportionate to the block and not in keeping with the policy;*

Building height does not exceed the 7.5m maximum stipulated by Policy 3.7. There are no provisions in Policy 3.7 relative to building size or bulk, however the policy does note that split level designs are encouraged on sloping sites, which this development proposal meets.

- ◆ *The building is not Australiana;*

This issue is addressed in the section of the report titled 'Draft Policy PLN 3.7 – Araluen Residential Estate' under *4.3 Building Design – Vernacular*.



**SITE AND ROOF PLAN  
LOT 273 HERITAGE DRIVE, ROLEYSTONE.**

- ♦ *The wind baffles are not in keeping with the general character and amenity of the area and are more akin to a beach environment; screening of the washing lines and bins are not provided; and,*

The issue of the wind baffles is addressed in the section of the report titled 'Draft Policy PLN 3.7 – Araluen Residential Estate' under *4.3 Building Design – Vernacular*. The issue of the washing lines and bins are not however. The drying court is located at the rear of the residence directly outside the laundry and as such cannot be seen from Heritage Drive, which is considered to address the policy requirement. Whilst a bin storage area is not specified, with four (4) enclosed garages on site, it is common sense that rubbish bins could be stored in one of them, out of sight.

- ♦ *The tower and studio roof are not consistent with the general character of the area.*

This issue is addressed in the section of the report titled 'Draft Policy PLN 3.7 – Araluen Residential Estate' under *4.3 Building Design – Vernacular*.

## **ANALYSIS**

### ***Town Planning Scheme No.2 (TPS No.2)***

A single residence is a permitted use under the provisions of Special Use No.66 zone under TPS No.2 and the setbacks for a lot of this size are to comply with the R5 standards of the Residential Design Codes of Western Australia (RD-Codes), which are achieved by the proposal.

### ***Erosion Prevention and Sediment Control (Policy 4.4.10)***

The potential for erosion during construction is moderate given the slope of the site. As Policy 4.4.10 recommends, a suitable condition and advice note should be placed on any approval requiring the applicant to demonstrate how erosion will be managed during construction.

### ***Draft Policy PLN 3.7 – Araluen Residential Estate***

#### ***Policy Status***

Policy 3.7 has been endorsed by Council to proceed to advertising alongside draft Town Planning Scheme No.4. This occurred last year and all documentation associated with the Town Planning Scheme review process has since been forwarded to the WAPC for consideration. At this stage neither the draft Town Planning Scheme nor the draft policies have been endorsed by the WAPC, however the City is still considering applications against Policy 3.7 and a detailed assessment follows. As previously noted, now the design guidelines are incorporated into a policy instead of covenants they should be viewed as having greater flexibility than previously was the case.

#### *4.1 Streetscape*

The section of Heritage Drive in question runs along the western border of the Araluen estate and is the main route to the estate clubhouse. A Regional Parks and Recreation Reserve exists directly opposite the subject lot and the road verge is heavily vegetated. None of the lots along this stretch of Heritage Drive have residences at the current time.

Section 4.1.5 maintains that driveways should be a maximum width of 3.6m. The owner of the subject lot is a classic car collector and hence the number of garages on site was an essential part of the design of the residence. As a result, the driveway is wider than the maximum allowable in Policy 3.7 by as much as 3.9m in front of the residence.

As the residence would be the first on this stretch of Heritage Drive (assuming construction takes place immediately should approval be granted), it will be a prominent part of the streetscape and Council could require the applicant to amend the driveway width to comply with Policy 3.7. However, given the substantial number of trees providing screening in the road verge and the fact that other residences either side will eventually reduce its visibility from road users, it is considered that the impact of a wider driveway on the streetscape would not be significant and it is reasonable to vary the requirement. Further screening of the driveway could also be achieved through the use of landscaping, discussed later in the report.

#### *4.3 Building Design - Vernacular*

Section 4.3.1 requires dwellings to “incorporate elements of Australian vernacular character”. This firstly poses the question ‘what is Australian vernacular’. The Australian Concise Oxford Dictionary defines ‘vernacular’ with respect to architecture as being “*concerned with ordinary rather than monumental buildings*”. As such Australian vernacular can be interpreted as ‘an ordinary Australian building’. But being a multicultural society with many different styles of architecture evident from all over the world and given that architecture inevitably evolves continually over time, a concept of what makes an ordinary Australian building is also difficult to arrive at.

The original intent of the developers (as noted in their design guidelines) was a rural Australian vernacular that blends residences with the landscape, making particular note of the use of verandahs and porches. This tends to be reflected in the contemporary residences that can be seen around the estate. Policy 3.7 no longer requires the vernacular to maintain a rural component however, but does maintain the reference to verandahs and porches. Other requirements from the old design guidelines note split level (such as the proposed residence) designs on steeply sloping sites; roof forms expressing sensitivity to the contours of the land; avoidance of large bulky buildings; and, use of muted colours and natural materials.

The applicant argues that the residence reflects recent trends in Australian architecture by architects such as Glenn Murcutt and Gabriel Poole. The flat roofs extend into large overhanging verandahs, reduce the amount of roofing bulk that would be visible if a standard pitched roof were utilised and keep the residence under 7.5m high (from the natural ground level). The residence is a split level design to minimise earthworks, and large radius rammed earth walls form the backbone of the residence using earth from the site.

The 'tower' that houses the studio is a feature of the house that actually allows height to be reduced and the baffles (coloured in different natural tones discussed later in the report) separate the garages and serve to break up the scale of the front of the residence. They also partially screen the garages, so the three (3) doors are not the only element of the residence visible from the road.

The Planning Services Manager had a brief discussion with the former estate architect who used to assess plans against the design guidelines. It was noted that an absolute definition of Australian vernacular was very difficult to arrive at and that at the time, other elements such as height and earthworks were considered to be more critical. Essentially, the estate architect expressed the view that Australian vernacular is subjective and can be interpreted as anything with an Australian component.

Council could argue that because the residence is a more modern interpretation of Australian vernacular than existing residences in the estate it does not fit in and therefore should be redesigned. However the applicant's arguments are logical, and given the fact the residence appears to comply with the elements listed under the previous design guidelines and the fact that section 4.3.1 of Policy 3.7 is rather general, the proposal is seen to adequately address the requirement that the design be of the Australian vernacular.

#### *4.3 Building Design – Roofing*

Section 4.3.2 maintains roofing should be constructed to a pitch of between 25° and 45° using hips, gables or other forms where appropriate. The majority of roofing proposed is essentially 15° flat roofing, although the rear garage is hipped and achieves a roof pitch of 25°. The applicant has designed the roofing in segments, incorporating two butterfly roofs, a clerestory radius roof (which is essentially a circular tower with a sloped roof) and the rear garage roof. The remaining roof space would be utilised as a deck, accessible via a staircase at the rear of the building.

On one hand, the proposed roofing style incorporates verandahs, reduces building bulk and has been utilised to keep the overall height of the residence below the 7.5m maximum requirement, but on the other hand the style differs from the residences previously approved in the estate. Council could require the redesign of the house to meet the requirements regarding roof pitch, however this will likely result in the height requirement being exceeded and a larger expanse of roof being visible in terms of streetscape appearance. As the utilisation of this roof style has been carefully designed to address the requirements of the policy (with the exception of pitch), it is recommended the policy requirement with respect to pitch be varied from.

#### *4.4 Building Materials*

The applicant has proposed the use of 'mist green' Colorbond roofing with the walls being a mixture of natural colours (beige, ochre, brown and red) sand or water blasted onto the predominantly concrete tilt up walls for a textured effect. Other walls will be constructed of rammed earth from the site. These materials are considered acceptable, and comply with the policy requirements for a tiled or Colorbond roof, walls of rendered masonry or rammed earth and the avoidance of reflective materials.

If approved as is the applicant would have to submit a revised application should the materials change. As a precautionary measure, a condition requiring the submission of a colour / material schedule should be imposed with an advice note outlining that the submitted schedule is acceptable, to give the applicant the opportunity to submit changes if necessary.

#### *Other Policy Requirements*

Other elements of Policy 3.7 are considered to be adequately addressed by the application. It is noted that the proposal meets all the requirements of the RD-Codes.

#### *Landscaping*

The plans note some native landscaping is to be implemented as part of the proposal. As such it would be appropriate to include the standard landscape plan condition and advice note on any planning approval issued.

#### **OPTIONS**

1. Council may approve the application for the construction of a single residence on Lot 273 Heritage Drive, Roleystone subject to appropriate conditions.
2. Council may refuse the application for the construction of a single residence on Lot 273 Heritage Drive, Roleystone if it is not satisfied that the requirements of Policy 3.7 should be varied.

#### **CONCLUSION**

This application on Lot 273 Heritage Drive and the proposed residence on Lot 106 Heritage Drive represent the first applications under a new regime of development assessment within the Araluen estate. The viewpoint the public has perhaps formed over the last decade with the covenants in force whereby Council required strict adherence to the design guidelines may cause some concern. However the situation has changed and the deed of agreement which fostered that stance expired along with the covenants and design guidelines.

In order to maintain the high standard of development the estate has seen over the last ten years, the creation of a policy is a realistic approach for Council to adopt. This has been undertaken even if it has not been completed, but it must be recognised that the policy does not have the same statutory weight that the covenants did. Policies are in place to guide decision making and can be varied as long as sound reasoning exists. In this instance, the applicant has presented reasonable arguments that variations to the driveway width and roof pitch and form have sound reasoning behind them.

With respect to the issue of whether the building can be considered Australian vernacular, it can be argued that, without further criteria listed in Policy 3.7, the development meets the requirement. The proposed residence can indeed be termed an ordinary Australian building, albeit of a more modern era, given its design is based on the work of Australian architects and because it incorporates elements such as verandahs and rammed earth.

However it could equally be argued that if this building was Australian vernacular it would be difficult to envisage a building that was not. So the question arises as to whether this particular policy requirement should ever again be enforced – for future applications will certainly not be expected to display more Australian vernacular features than those displayed in the current proposal.

Planning assessments which rely on aesthetic interpretation are notoriously difficult to sustain as they inevitably rely on personal opinion. To a large extent the way the covenants and the resulting policy are drafted without clear criteria establishing what Australian vernacular is places the Council in an invidious position of having to rely on vague opinions which could readily be contested by a litigant. While it may be contrary to the objectives of the original developers of Araluen to drop the Australian vernacular requirement, from a planning point of view the key elements of urban design must be objectively measurable and relate to height, setbacks, materials, levels, openings and pitches. In these respects the application can be supported.

So in conclusion, although the proposed residence requires variations from Policy 3.7, the variations are considered to be reasonable in that they maintain the intent of the policy, which is to provide quality development. The proposed residence is of a very high standard and such developments should be encouraged within the City. As such it is recommended that Council approve the application in accordance with Option 1.

**D30/3/05            RECOMMEND**

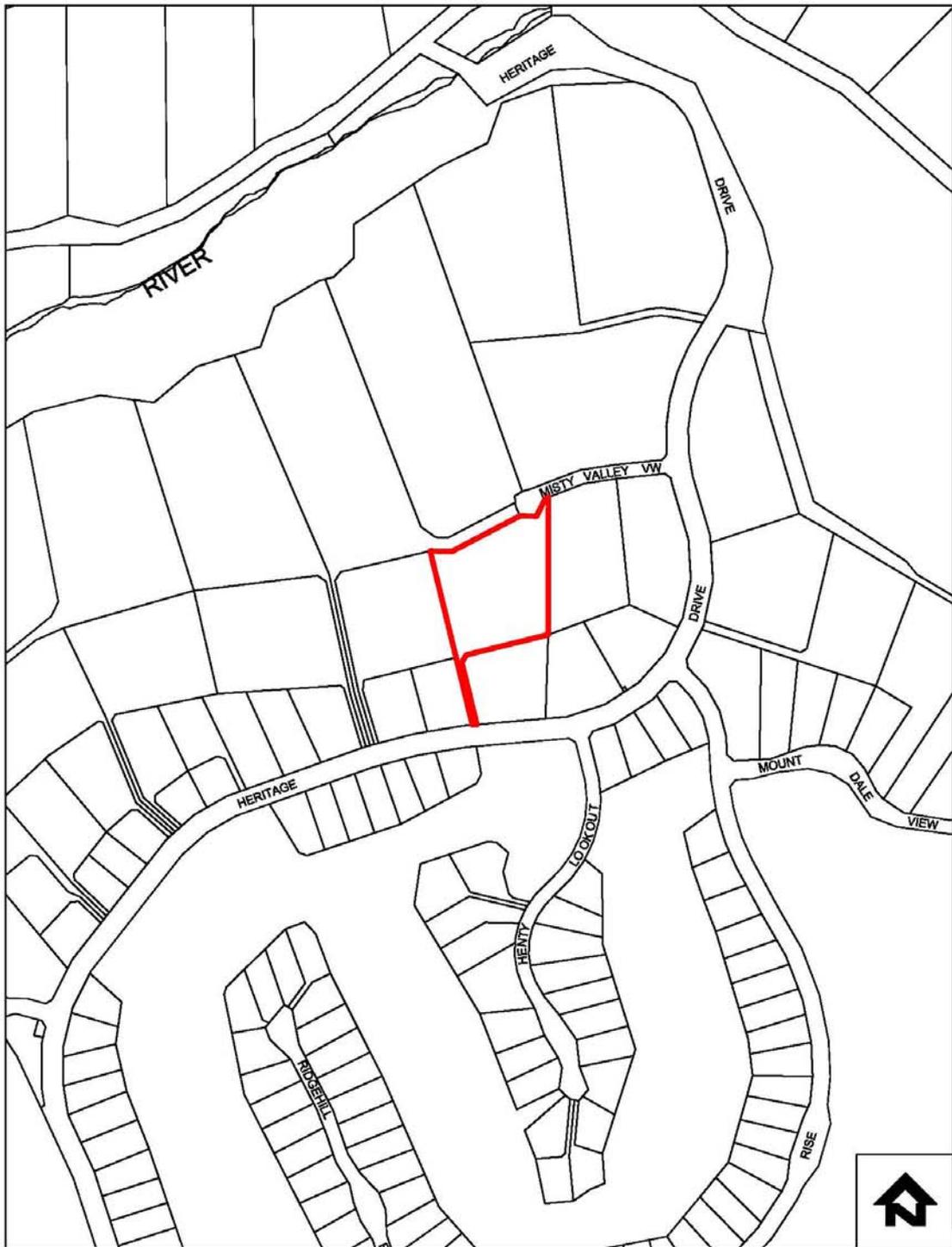
- 1. ~~That Council approve the application for a proposed single residence on Lot 273 (No.114) Heritage Drive, Roleystone, subject to the following conditions:~~**
  - ~~a) All soil shall be retained on site and appropriate measures implemented to prevent soil erosion by wind and rain during and after development, to the satisfaction of the Executive Director Development Services.~~**
  - ~~b) A schedule of colours and textures of materials (including any fencing) is to be submitted to and approved by the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved schedule.~~**
  - ~~e) The submission of a comprehensive landscape plan is required to the satisfaction of the Executive Director Development Services. Such plan to include plant species (predominantly West Australian natives), numbers, location, container size and method of irrigation of the landscaped areas. The landscape plan is to be approved and the landscaping installed and maintained thereafter, to the satisfaction of the said officer.~~**

- ~~2. That the applicant be advised, in addition to the standard advice notes with respect to development applications, that:~~
- ~~a) With regard to Condition 1(a), a soil erosion and sediment prevention plan is required. Please refer to the attached extract from the *Erosion and Sediment Control Manual for the Darling Range* (2001) and contact Council's Senior Environmental Planner for further information if necessary.~~
  - ~~b) With regard to Condition 1(b), the schedule submitted with the application is acceptable.~~
  - ~~e) With regard to Condition 1(c), please refer to the attached landscaping guide from Council's Parks Department.~~

MOVED Cr Knezevich SECONDED Cr Hodges  
OPPOSED Cr Hart  
MOTION CARRIED (6/1)

*Council resolved at its Ordinary Meeting on 22<sup>nd</sup> March 2005 that Recommendation D30/3/05 be not adopted and be recommitted to the next Development Services Committee meeting following further wider consultation with residents.*

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**LOCATION PLAN  
LOT 106 HERITAGE DRIVE, ROLEYSTONE.**

***PROPOSED SINGLE RESIDENCE AND MODIFICATION TO DEVELOPMENT ENVELOPE – LOT 106 (51) HERITAGE DRIVE, ROLEYSTONE***

{ XE "DEVELOPMENT:PROPOSED SINGLE RESIDENCE AND MODIFICATION TO DEVELOPMENT ENVELOPE – LOT 106 (51) HERITAGE DRIVE, ROLEYSTONE" }

WARD : ROLEYSTONE

FILE REF : A224315

DATE : 2 March 2005

REF : PRR

RESPONSIBLE MANAGER : PSM

APPLICANT : Lawrence J Scanlan & Assoc.

LAND OWNER : Dr L Terace

SUBJECT LAND : Property size 1.6755ha  
Map 27.06

ZONING

MRS/TPS No.2 : Rural / Special Use No.66

DRAFT TPS No.4 : Special Residential –  
(Additional Use No.30)

**In Brief:-**

- An application for a single residence and a modification to the development envelope on site was received on 23 December 2004.
- The application proposes variations to draft policy PLN 3.7 – Araluen Residential Estate.
- The application was advertised for two weeks and one submission offering no objection was received.
- Recommend that Council approve the application subject to appropriate conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Development – “To balance the need of development with sustainable economic, social and environmental objectives”.

**Legislation Implications**

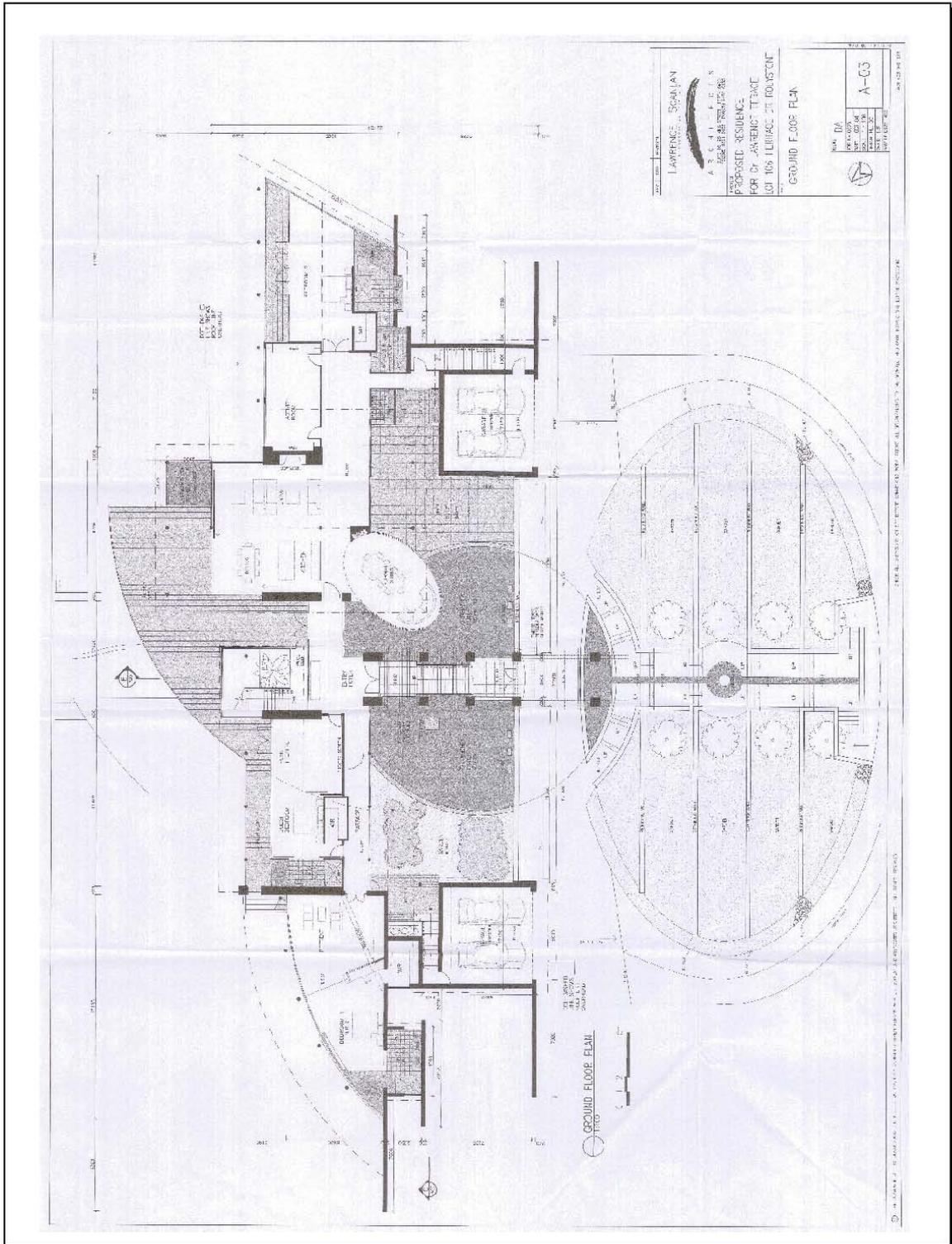
Town Planning and Development Act 1928  
Metropolitan Region Scheme Act 1959  
Town Planning Scheme No.2  
Draft Town Planning Scheme No.4

**Council Policy / Local Law Implications**

4.3.11 – Establishment of Variation of Development Envelope Locations  
4.4.10 – Erosion Prevention and Sediment Control  
PLN 3.7 – Araluen Residential Estate (Draft)

**Budget / Financial Implications**

Nil.



**GROUND FLOOR PLAN  
LOT 106 HERITAGE DRIVE, ROLEYSTON.**

### **Consultation**

- ◆ Surrounding Landowners
- ◆ Araluen Estate Progress Association
- ◆ Development Control Unit

### **BACKGROUND**

The Araluen estate covenants and design guidelines as applied by the estate developer have been in place for 10 years, only recently expiring in October 2004. Until that time, the City had a deed of agreement with the estate developers to ensure the covenants and design guidelines were upheld. All plans were examined by the estate architect and endorsed if they were found to comply with the covenants and design guidelines. The plans would then be submitted to the City as part of a development application and their compliance with these elements would be assessed again in addition to the usual Scheme and Policy requirements.

It is important to note that this particular regime of development assessment in Araluen has almost certainly focused residents' expectations toward complete adherence to the design guidelines. Since the covenants and design guidelines expired however, the City has formulated a draft policy PLN 3.7 – Araluen Residential Estate (Policy 3.7). This policy incorporates elements of the now expired design guidelines and has been advertised alongside draft Town Planning Scheme No.4.

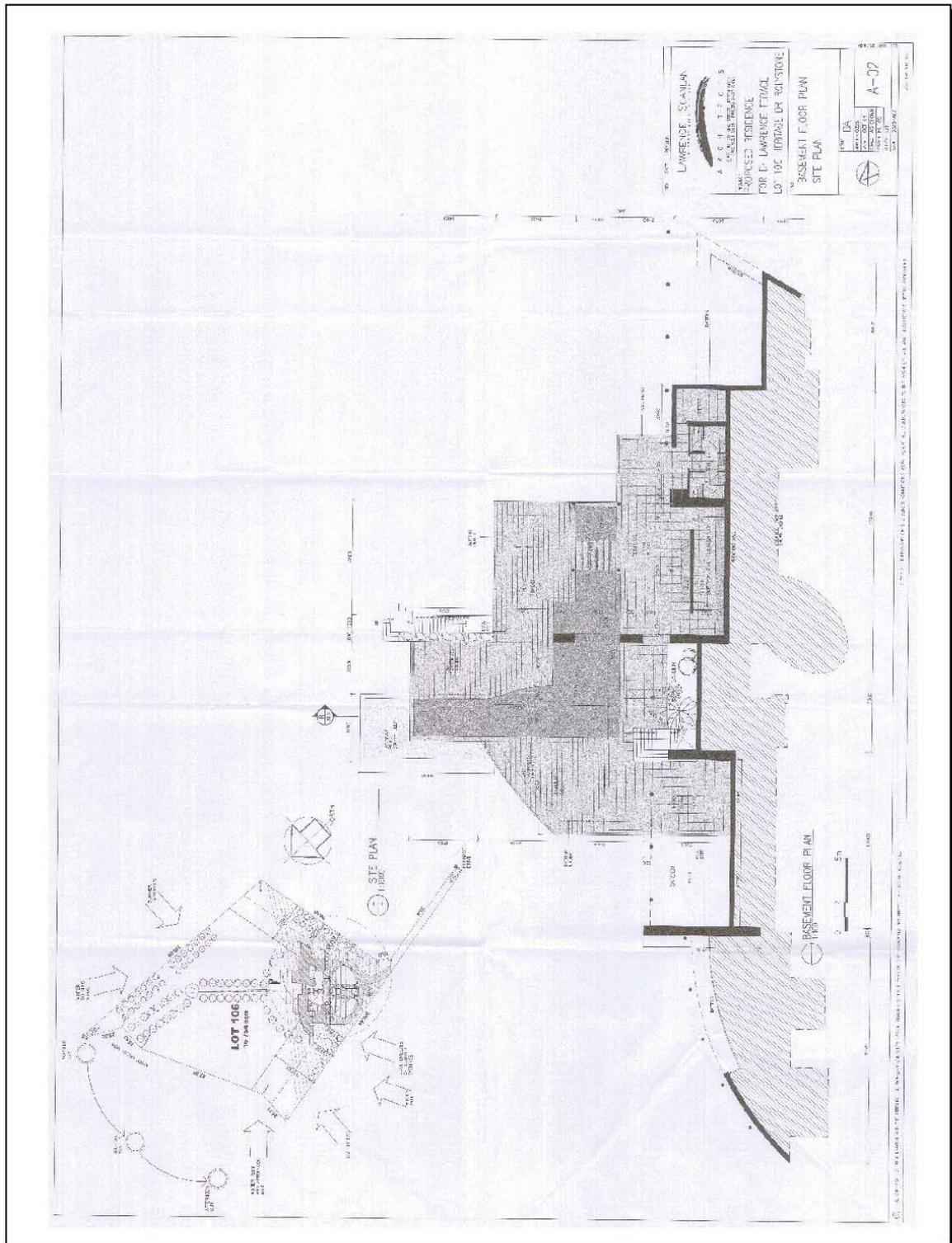
Although Policy 3.7 has not yet been endorsed by the Western Australian Planning Commission (WAPC), it has been endorsed by Council and the public are aware of its existence. As such the City has decided to assess applications against Policy 3.7 to address in some form the expectations held by Araluen residents. It is critical to establish however, that policies serve as a guide to Council's decision making process and Policy 3.7 does not carry the same statutory weight as the covenants did. Essentially, policies can be varied whereas under the covenants and design guidelines a stricter stance could be taken.

It is within this context that an application to modify the existing development envelope on site to incorporate the development of a single residence was received on 23 December 2004. The application proposes variations to Policy 3.7 and on this basis the application was advertised for two weeks (resulting in one submission of no objection) and has been referred to Council for determination.

### **DETAILS OF PROPOSAL**

The applicant proposes to enlarge the existing development envelope on site and develop a single residence. The residence would be constructed 18.9m from the southern property boundary and 17.3m from the western property boundary, at the high point of the site. Access would be from Heritage Drive via the battle axe leg, although the lot does have secondary frontage to Misty Valley View.

The proposed residence is a three (3) bedroom, four (4) bathroom dwelling, with two (2) double garages, living area, kitchen, dining and formal dining areas, activity room, home theatre room and substantial outdoor spaces. A large, terraced feature garden and ornamental pond are proposed at the front of the residence with a water feature proposed at the end of the battleaxe leg. A pool and spa with a timber deck are also proposed on the lower level, along with a barbeque area and external toilets and showers.



**UNDERCROFT FLOOR PLAN AND  
DEVELOPEMENT ENVELOPE MODIFICATION PLAN  
LOT 106 HERITAGE DRIVE, ROLEYSTONE.**

The applicant argues that the residence is a modern interpretation of two main typologies from Australian architecture. The first, a typical Australian homestead with a rectangular design and a hipped roof over encircling verandahs and the second, contemporary framed dwellings from the 1960's and 1970's. The residence would be constructed of 'shale grey' Colorbond roofing with the walls being a mixture of sand cement render in a natural earth tone and limestone in random rubble coursing. The residence is sited with its long axis running parallel to the contours of the lot and is split level to minimise earthworks. The proposed layout is also suited to maximising solar effectiveness.

## COMMENT

### *Development Control Unit (DCU)*

At its meeting of 3 February 2005 DCU recommended conditional approval of the application.

### *Public Submission*

One submission from a surrounding landowner was received, stating that no objection was held to the proposal. The submission is noted. ***Refer to Confidential Attachment "B2" of the Agenda for location plan of respondents.***

### *Araluen Estate Progress Association (AEPA)*

The AEPA states that it has no objection to the development as proposed, but stipulates it does not consider the relaxation should set a precedent and that it will consider every application on its merits. The submission is noted.

## ANALYSIS

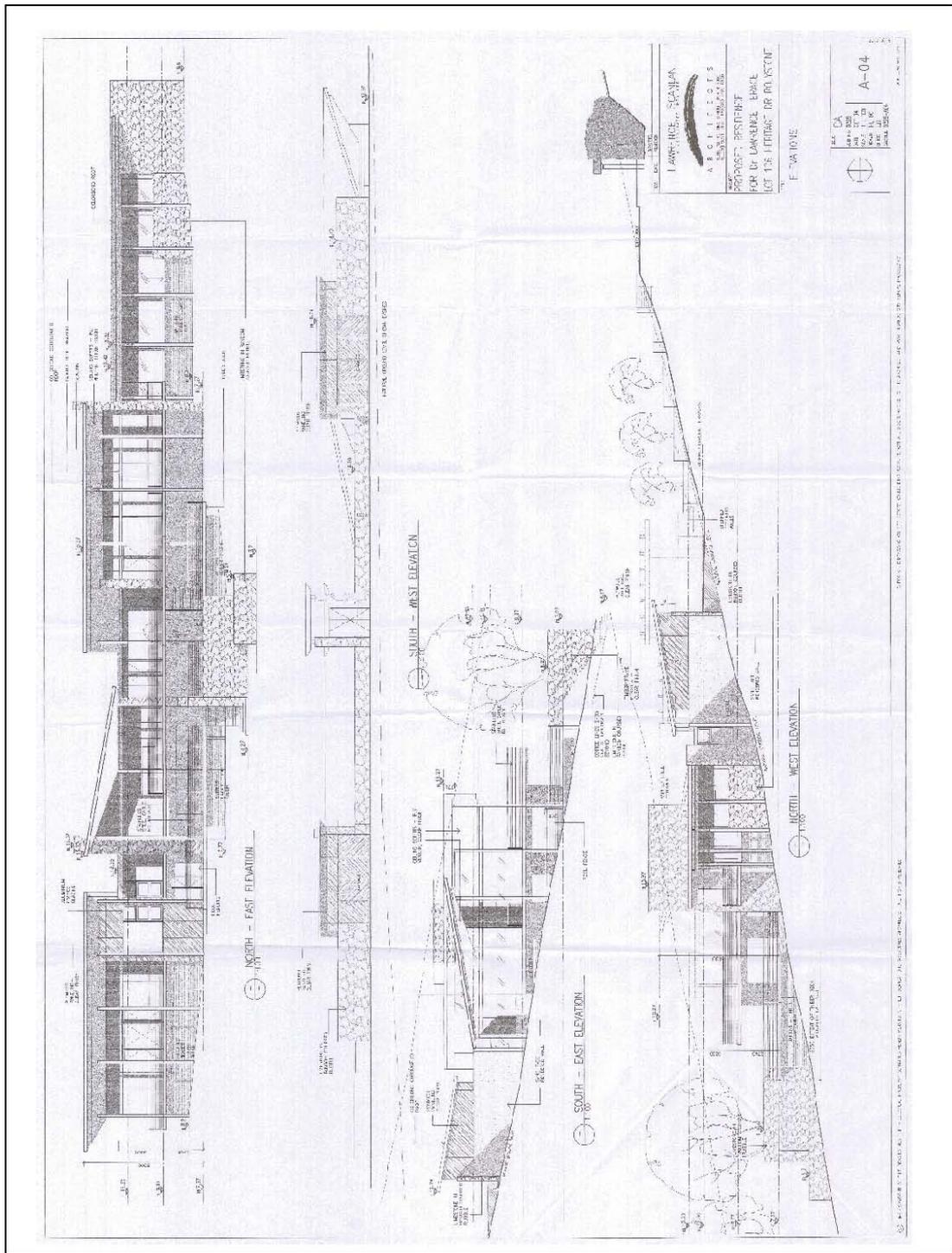
### *Town Planning Scheme No.2 (TPS No.2)*

A single residence is a permitted use under the provisions of Special Use No.66 zone under TPS No.2 and the setbacks for a lot of this size are listed as 15m, which are achieved by the proposal.

### *Establishment of Variation of Development Envelope Locations (Policy 4.3.11)*

Normally the City would consider and determine a modification to a development envelope under delegated authority. However in this instance it is appropriate for Council to consider the development as a whole rather than split the application.

The development envelopes in Araluen are referred to as "centroids", which are essentially circles around a given point on the lot. The application seeks to enlarge the envelope from a 20m radius centroid to a 42m radius centroid to accommodate the proposed residence.



**ELEVATION PLAN  
LOT 106 HERITAGE DRIVE, ROLEYSTONE.**

Policy 4.3.11 requires significant trees and vegetation stands on the property to be retained, the visual impact of buildings to be minimised and steep slopes to be avoided. Given the proposed location is clear of trees, the residence is proposed as split level to reduce visual impact and the slope is consistent over the majority of the site, it is considered that the expansion of the envelope in the existing location on site meets these criteria. The standard condition and advice note with respect to buildings being retained within the envelope should be imposed on any approval issued.

#### ***Erosion Prevention and Sediment Control (Policy 4.4.10)***

The potential for erosion during construction is quite high given the slope of the site. As Policy 4.4.10 recommends, a suitable condition and advice note should be placed on any approval requiring the applicant to demonstrate how erosion will be managed during construction.

#### ***Draft Policy PLN 3.7 – Araluen Residential Estate***

##### *Policy Status*

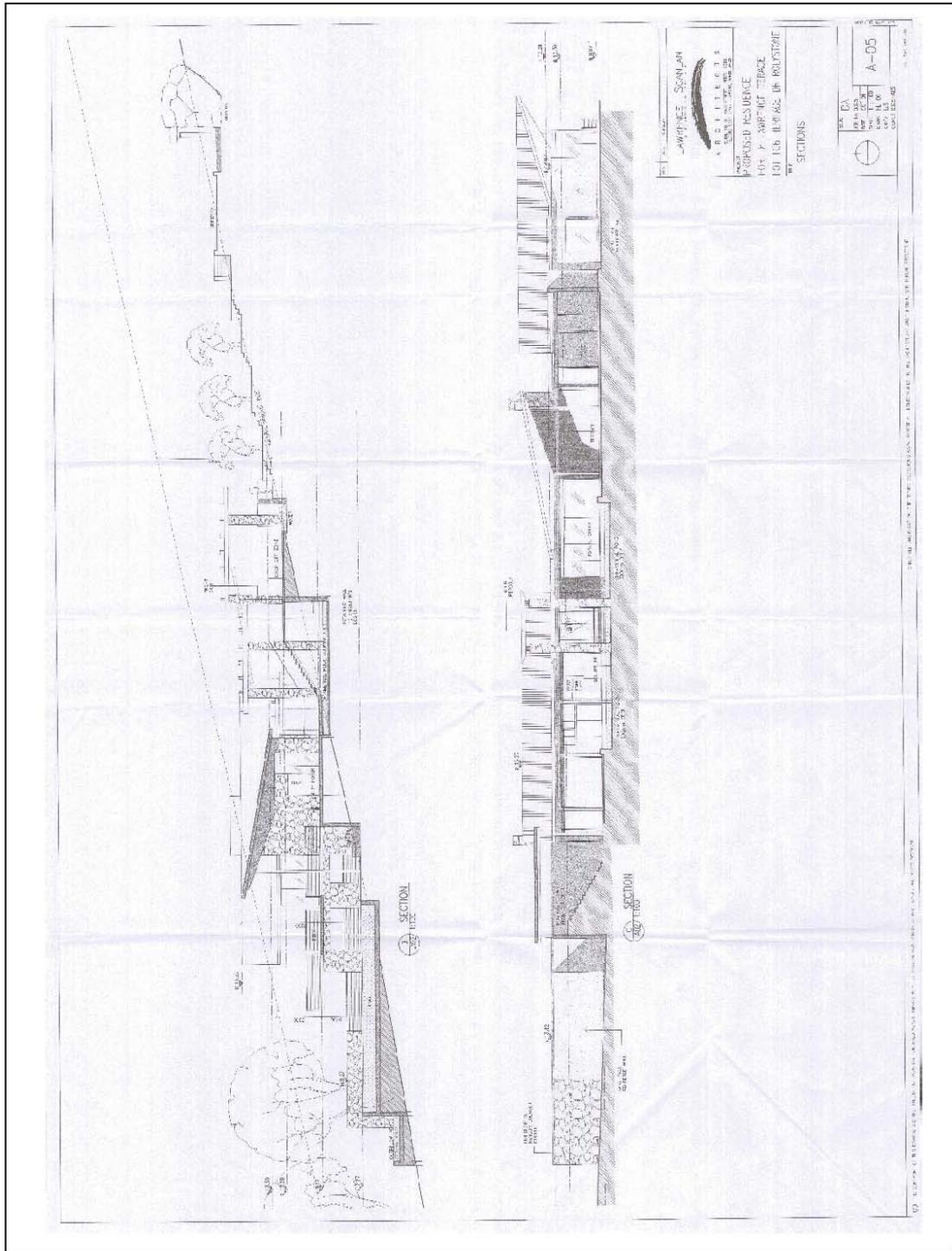
Policy 3.7 has been endorsed by Council to be finalised alongside draft Town Planning Scheme No.4. This occurred last year and all documentation associated with the Town Planning Scheme review process has since been forwarded to the WAPC for consideration. At this stage neither the draft Town Planning Scheme nor the draft policies have been endorsed by the WAPC, however the City is still considering applications against Policy 3.7 and a detailed assessment follows. As previously noted, now the design guidelines are incorporated into a policy instead of covenants they should be viewed as having greater flexibility than previously was the case.

##### *4.1 Streetscape*

The subject lot is located on the northern, downhill side of Heritage Drive. A number of residences have already been constructed in the immediate area. The battleaxe leg is lined on either side with large trees and given the sightline from Heritage Drive to the proposed residence will be 80m to 100m downhill from the road, through these trees, the streetscape impact of the proposed residence is likely to be minimal.

Section 4.1.5 maintains that driveways should be a maximum width of 3.6m. The driveway does in places achieve a width under 3.6m, however the circular layout of the driveway with two (2) garages dictates that the maximum width would be exceeded at various points, in this case the battle axe leg (some of which was constructed by the developer) and the corners adjacent to the garages.

Council could require the applicant to amend the driveway width to comply with Policy 3.7 for its entire length if it is not satisfied the greater width is necessary. Given the driveway does, in places, adhere to the policy requirement and will not be overtly visible from Heritage Drive given the slope of the land and the existing trees, it is considered reasonable to vary the requirement with respect to the portions of the driveway in question.



**ELEVATION PLAN  
LOT 106 HERITAGE DRIVE, ROLEYSTONE.**

#### *4.3 Building Design - Vernacular*

Section 4.3.1 requires dwellings to “incorporate elements of Australian vernacular character”. This firstly poses the question ‘what is Australian vernacular’. The Australian Concise Oxford Dictionary defines ‘vernacular’ with respect to architecture as being “*concerned with ordinary rather than monumental buildings*”. As such Australian vernacular can be interpreted as ‘an ordinary Australian building’. But being a multicultural society with many different styles of architecture evident from all over the world and given that architecture inevitably evolves continually over time, a concept of what makes an ordinary Australian building is also difficult to arrive at.

The original intent of the developers (as noted in their design guidelines) was a rural Australian vernacular that blends residences with the landscape, making particular note of the use of verandahs and porches. This tends to be reflected in the contemporary residences that can be seen around the estate. Policy 3.7 no longer requires the vernacular to maintain a rural component however, but does maintain the reference to verandahs and porches. Other requirements from the old design guidelines note split level designs on steeply sloping sites; roof forms expressing sensitivity to the contours of the land; avoidance of large bulky buildings; and, use of muted colours and natural materials.

The applicant argues that the residence is a modern interpretation of two main typologies from Australian architecture. The first, a typical Australian homestead with a rectangular design and a hipped roof over encircling verandahs and the second, contemporary framed dwellings from the 1960’s and 1970’s. The proposed residence incorporates overhanging roofs to major spaces, a series of floating decks on the lower side of the residence and a wide span steel frame, all derived from these two typologies.

The Planning Services Manager had a brief discussion with the former estate architect who used to assess plans against the design guidelines. It was noted that an absolute definition of Australian vernacular was very difficult to arrive at and that at the time, other elements such as height and earthworks were considered to be more critical. Essentially, the estate architect expressed the view that Australian vernacular is subjective and can be interpreted as anything with an Australian component.

Council could argue that because the residence is a more modern interpretation of Australian vernacular than existing residences in the estate it does not fit in and therefore should be redesigned. However the applicant’s arguments are logical, and given the fact the residence appears to comply with the elements listed under the previous design guidelines and the fact that section 4.3.1 of Policy 3.7 is rather general, the proposal is seen to adequately address the requirement that the design be of the Australian vernacular.

#### *4.3 Building Design – Roofing*

Section 4.3.2 maintains roofing should be constructed to a pitch of between 25° and 45° using hips, gables or other forms where appropriate. The roofing proposed is essentially a series of 10° flat roofs over interconnecting pavilions, counter posed to reduce height. The design also reduces the amount of roofing that would be visible if a standard pitched roof be utilised.

On one hand, the roof form has been utilised to limit the overall height of the residence, (given that in its current form points are higher than 7.5m from the natural ground level) and to reduce roofing bulk. On the other hand, the style differs from the residences previously approved in the estate. Council could require the redesign of the house to meet the requirements regarding roof pitch, however this will likely result in the height requirement being exceeded by a larger amount than is proposed at present and a larger expanse of roof being visible in terms of surrounding residences and other public vantage points. As the utilisation of this roof style has been carefully designed to address the requirements of Policy 3.7 as best as is possible (with the exception of pitch), in this instance variation from the policy requirement with respect to roof pitch is considered to be acceptable.

#### *4.5 Building Height*

Section 4.5.1 requires that the maximum height of any part of a dwelling shall be 7.5m above natural ground level. At some points the roof exceeds this requirement to a maximum overall height of 9m. The residence would be visible from further east on Heritage Drive (coming up the hill) and presumably from some neighbouring houses and from across the valley, however it would be difficult to argue an increase in height of 1.5m would detrimentally impact upon the landscape in such a way that the residence should be redesigned.

Although Lot 111 Heritage Drive is situated behind the subject lot, it is significantly higher due to the topography and a residence could be designed and sited to best suit the view corridor across the valley once the residence on Lot 106 is constructed. The applicant notes that the finished floor level of the proposed residence is 15m below any possible finished floor level on Lot 111. Council could recommend the redesign of the house to ensure all built form is below 7.5m from natural ground level, however given the above issues and the fact that no objections have been raised with regard to the proposed height variation, it is considered appropriate to vary from the policy in this regard.

#### *Other Policy Requirements*

Other elements of Policy 3.7 are considered to be adequately addressed by the application.

### ***Materials and Landscaping***

The applicant has proposed the use of 'shale grey' Colorbond roofing with the walls being a mixture of sand cement render in a natural earth tone and limestone in random rubble coursing. These materials are considered acceptable, but if approved as is the applicant would have to submit a revised application should the materials change. However as a precautionary measure, a condition requiring the submission of a colour and material schedule should be imposed with an advice note outlining that the submitted schedule is acceptable, to give the applicant the opportunity to submit changes if necessary.

The applicant has proposed that a landscape plan would be prepared in conjunction with the processing of a Building Licence if approval should be granted. As such it would be appropriate to include the standard landscape plan condition and advice note on any planning approval issued.

### **OPTIONS**

1. Council may approve the application for the modification of the development envelope on site and the construction of a single residence on Lot 106 Heritage Drive, Roleystone subject to appropriate conditions.
2. Council may refuse the application for the modification of the development envelope on site and the construction of a single residence on Lot 106 Heritage Drive, Roleystone if it is not satisfied that the requirements of Policy 4.3.11 (Establishment of Variation of Development Envelope Locations) and Policy 3.7 (building design and height) should be varied from.

### **CONCLUSION**

This application on Lot 106 Heritage Drive and the proposed residence on Lot 273 Heritage Drive (subject to a separate report) represent the first applications under a new regime of development assessment within the Araluen estate. The viewpoint the public has perhaps formed over the last decade with the covenants in force of Council requiring strict adherence to the design guidelines may possibly cause some concerns. However, the deed of agreement which fostered that stance expired along with the covenants and design guidelines, indeed their initial imposition was the result of a desire to establish a high standard for the initial development assuming that after 10 years the estate would have reached a level of maturity no longer requiring covenants.

In order to maintain the high standard of development the estate has seen over the last ten years, the creation of a policy is a realistic approach for Council to adopt. This has been undertaken even if it has not been completed, but it must be recognised that the policy does not have the same statutory weight that the covenants did. Policies are in place to guide decision making and can be varied as long as sound reasoning exists. In this instance, the applicant has presented arguments that variations to the driveway width, roof pitch and form and building height have sound reasoning behind them. It is the opinion of the City that these arguments are sustainable in planning terms.

With respect to the issue of whether the building can be considered Australian vernacular, it has been established that, without further criteria listed in Policy 3.7, the development meets the requirement. The proposed residence can indeed be termed an ordinary Australian building, albeit of a more modern era, given its design is based on two typologies of Australian residence and because it incorporates verandahs.

In conclusion, although the proposed residence requires variations from Policy 4.3.11 and 3.7 to be accepted, the variations are considered to be reasonable in that they maintain the intent of the policy, which is to provide quality development. The proposed residence is of a very high standard and such developments should be encouraged within the City. As such it is recommended that Council approve the application in accordance with Option 1.

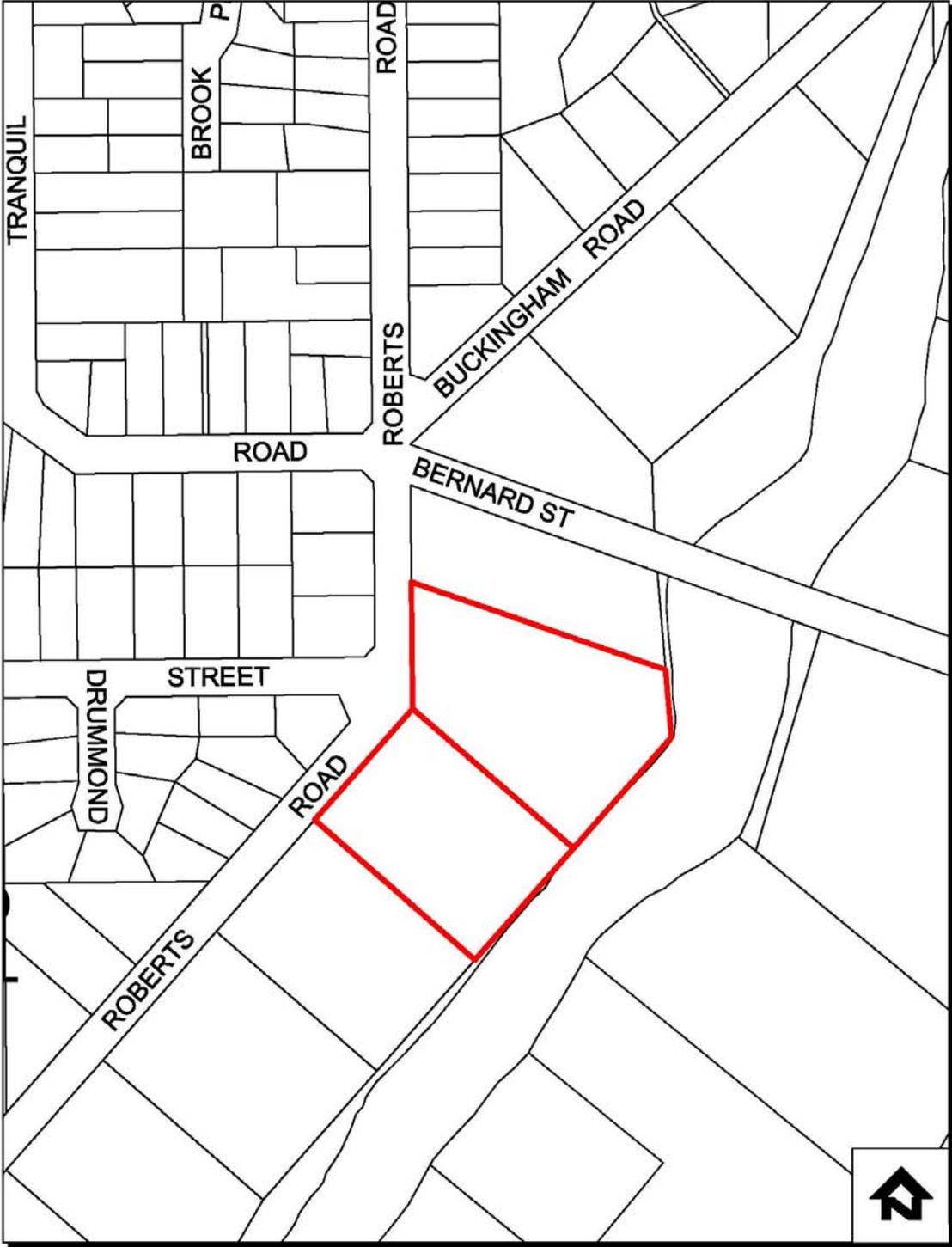
**D31/3/05            RECOMMEND**

- 1. That Council approve the application for a proposed single residence and modification to the development envelope on Lot 106 (No.51) Heritage Drive, Roleystone, subject to the following conditions:**
  - a) All soil shall be retained on site and appropriate measures implemented to prevent soil erosion by wind and rain during and after development, to the satisfaction of the Executive Director Development Services.**
  - b) All buildings and/or structures to be confined to the designated development envelope, as shown on the enclosed plan to the satisfaction of the Executive Director Development Services.**
  - c) A schedule of colours and textures of materials (including any fencing) is to be submitted to and approved by the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved schedule.**
  - d) The submission of a comprehensive landscape plan is required to the satisfaction of the Executive Director Development Services. Such plan to include plant species (predominantly West Australian natives), numbers, location, container size and method of irrigation of the landscaped areas. The landscape plan is to be approved and the landscaping installed and maintained thereafter, to the satisfaction of the said officer.**

2. That the applicant be advised, in addition to the standard advice notes with respect to development applications, that:
- a) With regard to Condition 1a), a soil erosion and sediment prevention plan is required. Please refer to the attached extract from the *Erosion and Sediment Control Manual for the Darling Range (2001)* and contact Council's Senior Environmental Planner for further information if necessary.
  - b) With regard to Condition 1b), please note that the area of land excluded from the building envelope shall not be developed, cleared or built upon. Due regard should also be given to setback requirements under the provisions of the Town Planning Scheme for the siting of development within the building envelope.
  - c) With regard to Condition 1c), the schedule submitted with the application is acceptable.
  - d) With regard to Condition 1d), please refer to the attached landscaping guide from Council's Parks Department.

MOVED Cr Hart  
MOTION CARRIED (7/0)

*Snr Environmental Planner left the meeting at 9.38pm and did not return.*



**LOCATION PLAN  
LOTS 19 AND 96 ROBERTS RD, KELMSCOTT.**

***RURAL USE – KEEPING OF FARM ANIMALS, LOTS 19 AND 96 (75) ROBERTS ROAD, KELMSCOTT***

{ XE "DEVELOPMENT:RURAL USE – KEEPING OF FARM ANIMALS, LOTS 19 AND 96 (75) ROBERTS ROAD, KELMSCOTT" }

WARD : KELMSCOTT

FILE REF : A097552

DATE : 4 March 2005

REF : RVD

RESPONSIBLE MANAGER : PSM

APPLICANT : Raffaele Fava

LAND OWNER : R & A Fava

SUBJECT LAND : Property size 2.0987ha  
Map 23-06

ZONING

MRS/TPS No.2 : Rural/ Rural E

DRAFT TPS No.4 : RL2

**In Brief:-**

- Proposal for the keeping of 20 cattle, 20 sheep and eight goats. The applicant proposes to supplementary feed and disperse manure across the subject land.
- Proposal needs to be determined by Western Australian Government and Council.
- Six submissions objecting the proposal were received.
- Grazing pressure from proposed stocking rate 15 times the acceptable level.
- Recommend that the proposal be refused on the grounds that the stocking rate is excessive which would lead to topsoil being exposed and ringbarking of trees, unacceptable adverse impacts on adjacent residential areas, including odour, dust and increased flies, and unacceptable environmental impacts on the groundwater and the Canning River.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

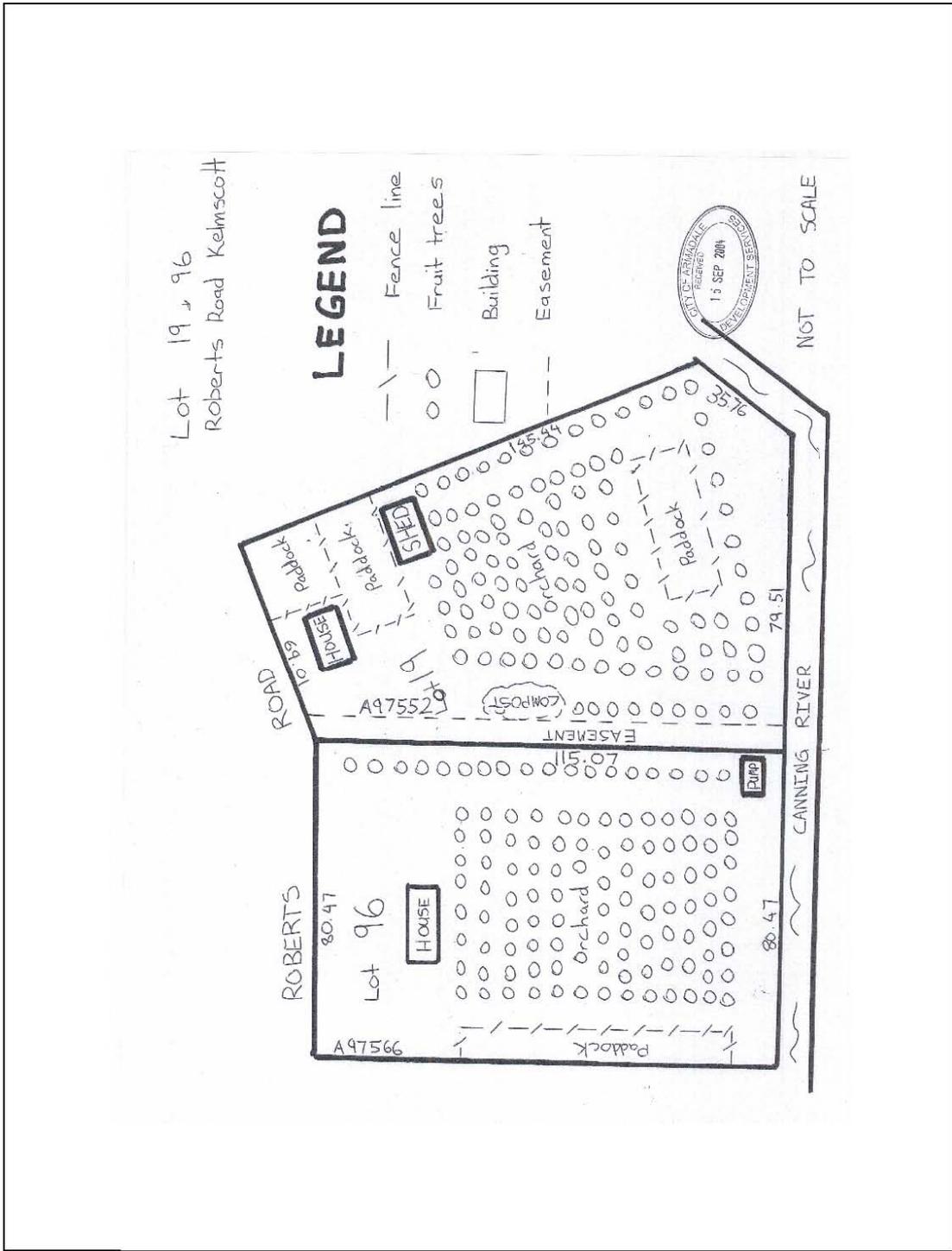
Development - “To balance the need of development with sustainable economic, social and environmental objectives”.

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Town Planning Scheme Act 1959  
Metropolitan Region Scheme  
Town Planning Scheme No.2  
Swan River Trust Act 1995  
Environmental Protection Act 1986  
Health Act 1911

**Council Policy / Local Law Implications**

Environment, Animals and Nuisance Local Laws 2002



**SITE PLAN  
LOTS 19 AND 96 ROBERTS RD, KELMSCOTT.**

### **Budget / Financial Implications**

Nil.

### **Consultation**

- ◆ Development Control Unit
- ◆ Surrounding landholders

### **BACKGROUND**

In response to complaints arising from odour, flies and dust resulting from the keeping of farm animals in a feedlot situation on Lots 19 and 96 (75) Roberts Road, Kelmscott (the subject land), the owner applied to keep farm animals on the subject land in July 2004. Processing of the application has been delayed significantly because the applicant did not provide adequate information, letters to the Western Australian Planning Commission were lost, and the City has been waiting for the Western Australian Government's determination of the issue.

The City's Health Department and compliance officer have been following up on complaints, have written to and spoken to the owner on several occasions requesting removal of the animals and provided warnings that an infringement notice would be issued if action was not taken. On 4 February 2005 an infringement notice was issued under the City of Armadale Environment, Animals and Nuisance Local Laws 2002.

### **DETAILS OF PROPOSAL**

The applicant is seeking to keep 20 cattle, 20 sheep and eight goats. The Management Plan consists of a statement that the animals will be fed hay and will keep the grass down. It also states that manure will be collected on a daily basis to be stored, mixed with sand and spread under the fruit trees on the subject land.

### **COMMENT**

#### ***Development Control Unit***

The Development Control Unit considered that the stocking rate was unacceptable and that the proposal did not comply with the Environment, Animals and Nuisance Local Laws 2002. The Development Control Unit considered that the proposal should not be approved.

#### ***Public submissions***

The proposal was advertised to adjacent landholders on 26 October 2004 with comments closing on 10 November 2004. Six submissions were received in response to the proposal.

Total number of responses received	:	6
Number opposed to proposed stocking rate	:	6

***A copy of a location plan of respondents is at Confidential Attachment "B3" of the Agenda.***



**AERIAL PHOTOGRAPH  
LOTS 19 AND 96 ROBERTS RD, KELMSCOTT.**

The issues raised by submissions have been summarised and responded to under Analysis below.

***Swan River Trust/ Department of Environment***

The Swan River Trust will be considering the matter at its meeting of 21 March 2005, based on a report prepared by the Department of Environment. Further information may be provided at the Development Services Committee meeting.

**ANALYSIS**

***Issues raised in submissions***

Issues or points raised in submissions are provided in italics below, along with an analysis of the issue raised.

*This venture has already caused significant problems. The smell outside is unacceptable and permeates the house, and dust frequently blows off the subject land with dust resembling faecal matter affecting air conditioners. Flies and rats have become a problem as a result of this venture. The animals are currently fed vegetables and bread retrieved from the markets that decay on the subject land and contribute to odour. During winter a green liquid drains from the paddock to my property and into the river, and the smell worsens after rains.*

The point raised above concern the existing operation, which does not have approval and for which an infringement notice has been issued. However, it is considered likely that similar problems would arise if the Development Application were approved in its present form.

*A few goats and sheep are acceptable, but this proposal is essentially a feedlot proposal as the amount of livestock is far greater than the lot can cope with. The number of stock proposed would damage the fruit trees and it would not be practical to remove the manure over the entire lot, creating flies and disease. We object to cattle on the subject land, and operation of the subject land like a feedlot.*

Analysis of the carrying capacity of the subject land using the Department of Agriculture's stocking rate guidelines and having regard for the proximity of the subject land to the river indicates 12 Dry Sheep Equivalent could be kept on the subject land without adverse effect if they were grazed evenly across the subject land. Cattle have a grazing pressure of eight Dry Sheep Equivalent, and goats and sheep have a grazing pressure of one Dry Sheep Equivalent. In regard to cattle only one animal could be kept on the subject land.

The applicant is seeking to keep 20 cattle, 20 sheep and eight goats, which would provide a grazing pressure of 188 Dry Sheep Equivalent, 15 times the grazing capacity of the subject land. Such numbers cannot be sustained without keeping animals in a feedlot situation, which provides unacceptable impacts in a Rural zoned area that abuts a residential area. Significant soil structure decline would result if this grazing pressure was permitted over the subject land.

*The noise factor from so many stock would be unacceptable.*

Given that the subject land abuts a residential area, it is possible that noise from the operation could be perceived by residents as unacceptable. The City's Health Department advises that noise levels from the proposal would be difficult to predict, and complaints would be difficult to manage.

*The aquifer and the river will be polluted by so many livestock.*

The subject land has a very high groundwater level, with groundwater being evident approximately half a metre below the surface within one of the paddocks. This shallow groundwater table will increase the risk of nutrient loss to the environment and contamination of the groundwater. The land abuts the Canning River. Groundwater and river contamination would result from the stocking rates proposed unless the stock were housed to prevent rainfall moving through faecal material and faecal material accumulated on sealed floors, as occurs in modern feedlots. The applicant proposes to disperse the manure amongst the fruit trees. However, the nutrient load in the manure from 188 Dry Sheep Equivalent animals far exceeds the nutrient requirements of the fruit trees so would lead to groundwater contamination and export of the nutrients to the river at unacceptable levels.

Aerial photography shows fruit trees extending beyond the boundary of the subject land into the Canning River reserve and the 1:100 year floodway. If the rear fence does not follow the property boundary but is located where the fruit trees end, it is possible that stock would be grazing within the reserve and the floodway exacerbating the potential for nutrients in the manure to contaminate the river. Officers have not inspected the location of the rear fence.

### ***Planning and Swan River Trust legislation***

As this proposal abuts the Swan River Trust Management Area (under the Swan River Trust Act), clause 30A(1)a(i) of the Metropolitan Region Town Planning Scheme Act 1959 is invoked. Essentially this initiates a process where the application is referred to the Western Australian Planning Commission, who refer it to the Swan River Trust who in turn provides a recommendation to the Minister for Environment, who gives a notice in writing to the Minister for Planning who considers the notice and advises the Western Australian Planning Commission who determine the application consistent with the notice.

The application will be considered by the Swan River Trust at its meeting of 21 March 2005.

Council is also required to determine the application separately under Town Planning Scheme No.2.

### ***Town Planning Scheme No.2***

Under Town Planning Scheme No.2 the proposal is a "Rural Use" which is a use not permitted unless the Council has exercised its discretion by granting planning approval. Other than a clause indicating that Council may require landscaping, the Development Table does not impose any other particular requirements such as setbacks.

Under Clause 7.3.2 of the Scheme Council needs to consider the proposal with regard a range of matters including zones affecting subject land and land in the locality. The subject land is zoned Rural E (i.e. 2ha average lot size). Land across the road to the west is zoned Residential (R10), land to the east is reserved as “Waterway” or “Parks and Recreation (Local)”, and land to the north and south is Rural E. The concerns identified through the analysis of submissions regarding adverse impacts from overstocking are therefore relevant to the consideration of this application.

#### ***Environment, Animals and Nuisance Local Laws 2002***

Under the City’s Environment, Animals and Nuisance Local Laws 2002 persons keeping farm animals are obliged to maintain the place or places where animals are kept in a clean condition, collect manure daily, provide a manure receptacle that is kept closed, and not permit a farm animal within 15 metres of a dwelling. The management proposal described by the applicant only refers to daily collection of manure, but does not address the other obligations under the City’s Local Laws.

#### ***Draft Town Planning Scheme No.4***

Under Draft Town Planning Scheme No.4 the proposal would be considered as “Animal Husbandry – Intensive” because the number of animals proposed is essentially a feedlot situation. The subject lot is zoned Rural Living (RL2) and “Animal Husbandry – Intensive” is a use not permitted by the Scheme.

### **OPTIONS**

1. Council could refuse the application on the grounds that the proposed stocking rate and management regime will have adverse impacts on the amenity of the locality including odour, dust and flies, and would contaminate the Canning River.
2. Council could approve the application subject to conditions requiring the stocking rate to be maintained at or below 12 Dry Sheep Equivalent, and submission of a land management plan. The land management plan would need to ensure grazing pressure was managed appropriately across the subject land, demonstrate compliance with the City’s Environment, Animals and Nuisance Local Laws 2002 and ensure that grazing did not occur too close to the Canning River.

### **CONCLUSION**

The proposal and management regime proposed by the applicant identifies a grazing pressure 15 times that which the subject land is capable and would result in unacceptable off-site impacts on adjacent residential areas and sensitive environments, as well as non-compliance with the City’s Local Laws. Whilst it is common practice to modify a proposal through conditions, it is considered in this instance that conditions necessary to make this proposal acceptable modify the proposal to such an extent that it no longer resembles the proposal put forward by the applicant. This proposal would not be permitted under draft Town Planning Scheme No.4. Therefore, Option 1, which is refusal of the proposal is recommended.

**D32/3/05**

**RECOMMEND**

**That Council refuse the application for the keeping of farm animals (20 cattle, 20 sheep and eight goats) on Lots 19 and 96 (75) Roberts Road, Kelmscott on the grounds that:**

- a) the proposed stocking rates significantly exceed Department of Agriculture guidelines and would cause topsoil to be exposed and the fruit trees to be ring-barked to the general detriment of the character and good management of the area;**
- b) the proposal will result in unacceptable adverse impacts on adjacent residential areas, including odour, dust and increased flies; and**
- c) the proposal will have unacceptable environmental impacts including soil structure decline, groundwater contamination and unacceptably high nutrient export to the Canning River.**

MOVED Cr Zelones  
MOTION CARRIED (7/0)

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**LOCATION PLAN  
LOT 101 RUPERT STREET, ARMADALE**

***APPLICATION FOR HOME OCCUPATION APPROVAL TO CONDUCT FURNITURE UPHOLSTERY AT LOT 101(3) RUPERT STREET, ARMADALE***

{ XE "HOME OCCUPATION:APPLICATION FOR HOME OCCUPATION APPROVAL TO CONDUCT FURNITURE UPHOLSTERY AT LOT 101(3) RUPERT STREET, ARMADALE" }

WARD : WEST ARMADALE  
FILE REF : A48806  
DATE : 9 March 2005  
REF : SA/KLD  
RESPONSIBLE : PSM  
MANAGER  
APPLICANT : Mr B Fairfield  
LAND OWNERS : Mrs V Fairfield  
SUBJECT LAND : Lot 101 (3) Rupert Street  
Property size 673m<sup>2</sup>  
Map 22-03

**In Brief:**

- Application for Home Occupation approval to conduct furniture upholstery from a residential property.
- Proposal advertised to the immediate landowners for comment. Two objections were received.
- Recommendation for conditional approval.

ZONING  
MRS/TPS No.2 : Urban / Residential R 15  
DRAFT TPS No.4 : Residential R 15

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

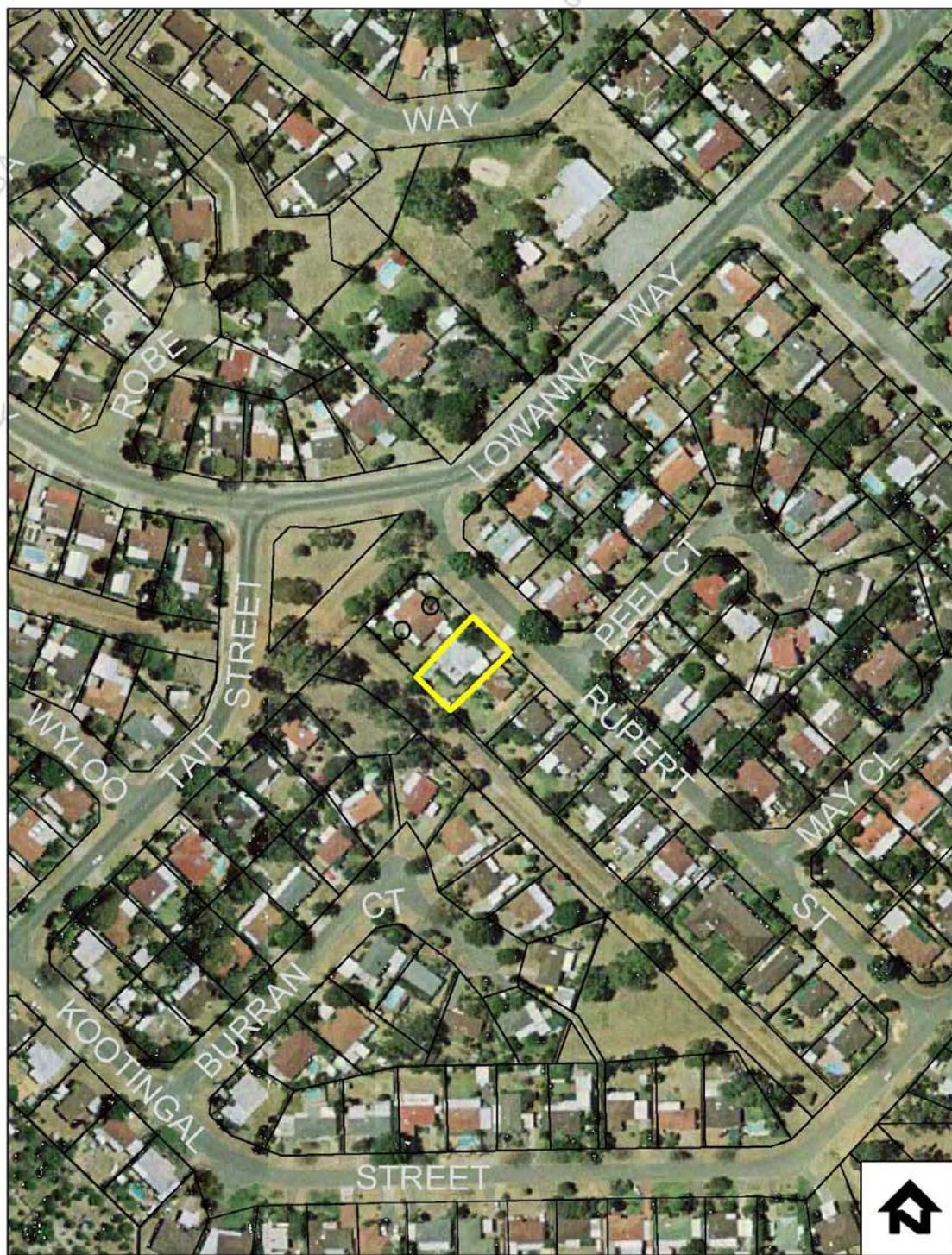
To balance the need of development with sustainable economic, social and environmental objectives.

**Legislation Implications**

Town Planning & Development Act 1928  
Town Planning Scheme No.2.  
Environmental Protection Act 1986  
Draft Town Planning Scheme No.4

**Council Policy / Local Law Implications**

Council's Home Occupation Policy 4.4.7.  
Environmental Protection (Noise) Regulations 1977



**AERIAL PHOTOGRAPH  
LOT 101 RUPERT STREET, ARMADALE.**

**Budget / Financial Implications**

Nil.

**Consultation**

- ◆ Surrounding neighbours.
- ◆ Health Services Department.

**DETAILS OF PROPOSAL**

An application has been received that proposes to conduct furniture upholstery from a portion of a garage on a 673m<sup>2</sup> residential property. The applicant will be utilising 15 m<sup>2</sup> of an existing garage that will contain, amongst other things, two air drills, an upholstery staple gun and a compressor. The proposed hours of business are from 7.30am to 2.30pm Monday to Friday. No customers will attend the premises and stock, such as fabric and frames will be stored on site.

***Results of advertising***

In accordance with Council Policy the proposal was advertised for a period of two weeks. Four (4) neighbouring property owners were canvassed. Two responses were received;

No. objecting to the proposal: 2  
No. not objecting to the proposal: 0

***Refer to Confidential Attachment “B5” of the Agenda for location plan of respondents.***

**COMMENT**

The objections and officer responses are given below.

*Dust is one of the main issues, with potential fire hazard and some noise from the stapling gun or drill.*

As the proposed activity is concerned with upholstery (if any), little dust is likely to be generated, however whatever dust is generated needs to be controlled.

Apart from the frames and fabric stored on the site it is difficult to justify how such an operation could constitute a fire hazard.

The compressor and air tools are likely to create noise, which needs to be satisfactorily addressed to ensure that occupants of adjoining properties are not prejudicially affected.

*The activity should be operated from a property in an industrial estate.*

Larger scale activities of a similar nature are generally located within the Industrial zones of the City. Given that the activity is an owner operator, it is considered that providing a management plan is submitted detailing adequate measures for the suppression of noise, dust and odour, and these measures are satisfactorily implemented, this activity could operate in the residential zone with minimal effect to the amenity.

## **ANALYSIS**

Under the provisions of Town Planning Scheme No.2, Council has the discretion to approve Home Occupations that, amongst other requirements, will not cause injury to or adversely affect the amenity of the neighbourhood.

This application scored 21 on the assessment compatibility scale and is, on face value, marginal with regard to acceptability.

The proposed activity involves the use of equipment that has the potential to cause noise given that the compressor is likely to be required to be operating for much of the time to power the equipment. The subject property and property in proximity to it are relatively small residential lots therefore homes are close to the area where the activity is proposed to take place with the result that the amenity of the surrounding properties could be prejudicially affected if adequate measures are not implemented to suppress the emission of noise, dust and odour.

Council's Environmental Health Officer, who inspected the site and spoke with the applicant, believed that noise from the equipment might be an issue, given the proximity of neighbouring property and the limited attenuation measures proposed by the applicant. Whilst it would be possible to insulate the compressor, the noise from the air tools is a concern. The structure in which the activity is proposed to take place is a zincalume construction with the likelihood of the doors being left open for ventilation especially in summer, resulting in noise being heard at neighbouring properties. Therefore, a management plan should be prepared and submitted to Council that satisfactorily addresses the escape of noise, dust and odour from the building where the activity is proposed to be operated.

## **OPTIONS**

1. Council may refuse the application due to the activity having the potential to adversely impact on the amenity of the neighbourhood.
2. Council may approve the application, subject to the conditions contained in the Home Occupation provisions of Council's Town Planning Scheme No.2. and could impose additional conditions requiring that the business shall only operate within the provisions of the Environmental Protection (Noise) Regulations 1977 and also the applicant presents a management plan to eliminate the escape of noise, dust and odour from the building.

## **CONCLUSION**

The proposed activity is a one man operation engaged in furniture upholstery employing tools that have the potential to emit noise and dust and where fabrics need to be protected preparations could be used that give off odours. These elements of the activity need to be addressed to ensure that occupiers of adjoining property are not adversely affected.

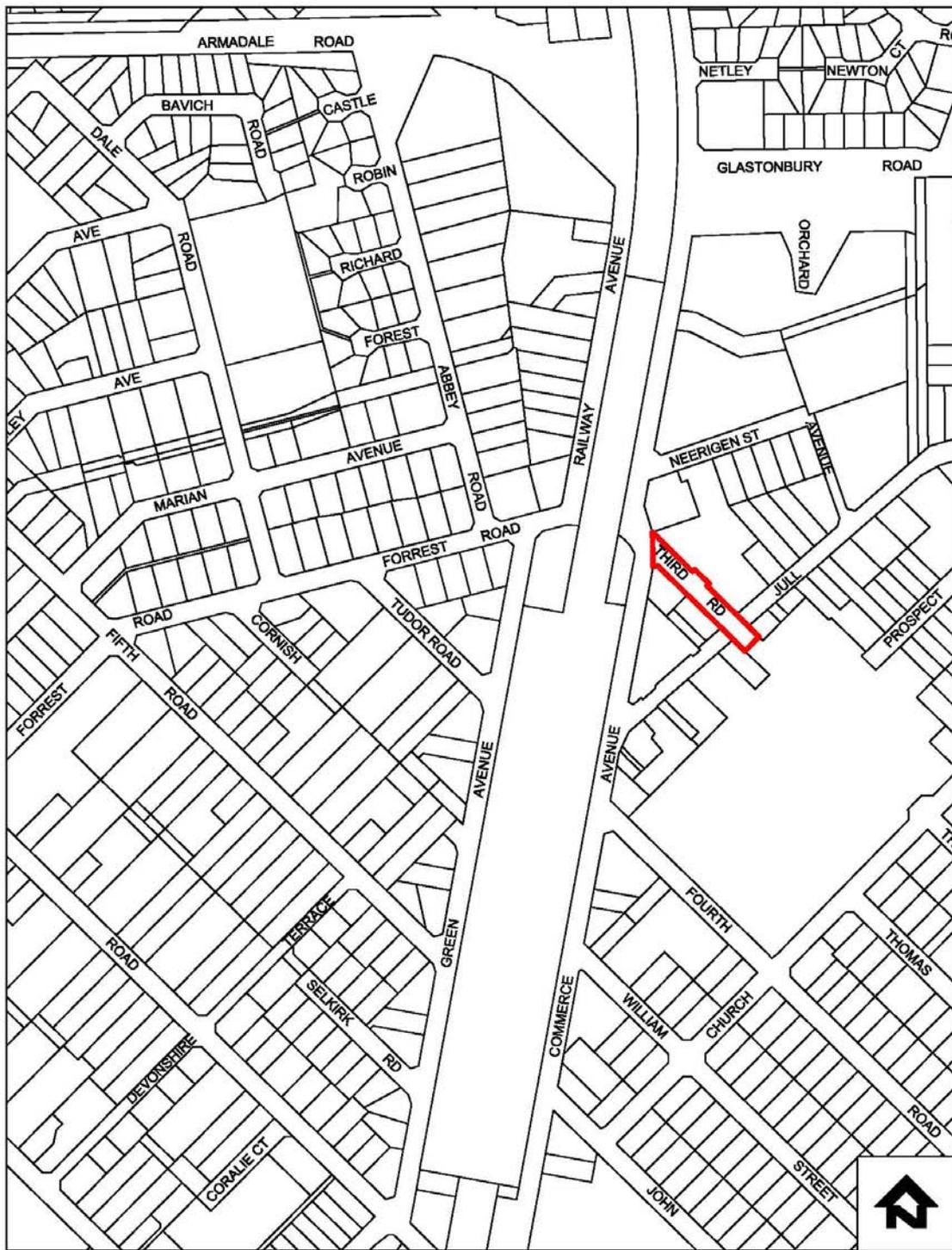
Under the Home Occupation provisions of the Scheme the approval is required to be renewed every year at which time the conduct of the operation will be reassessed. On balance it is recommended that Council conditionally approve the application in accordance with Option No.2.

D33/3/05

**RECOMMEND**

1. That Council approve the application for a Home Occupation to conduct Furniture Upholstery at Lot 101 (3) Rupert Street, Armadale, subject to the conditions contained in the Home Occupation provisions of Town Planning Scheme No.2, such that the “Home Occupation”:
  - a) does not entail employment of any person not a member of the occupier’s household;
  - b) will not cause injury to or adversely affect the amenity of the neighbourhood;
  - c) does not occupy an area greater than 20m<sup>2</sup>;
  - d) does not display a sign exceeding 0.2m<sup>2</sup> in area;
  - e) does not entail the retail sale, display or hire of goods of any nature;
  - f) in relation to vehicles and parking, will not result in the requirement of a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle more than 2 tonne tare weight and does not include the provision for the fuelling, repair or maintenance of motor vehicle;
  - g) does not involve the use of essential services of greater capacity than normally required in the zone;
  - h) complies with the provisions of the Environmental Protection (Noise) Regulations 1977;
  - i) is accompanied by the submission of a management plan that addresses the elimination of noise, dust and odour escaping from the subject property and the HOP is conducted in accordance with the management plan; and
  - j) activity be limited to the operating hours of 7.30am to 2.30pm Monday to Friday and not at all on Saturdays, Sundays and Public Holidays.
  
2. That the applicant be advised that in relation to Condition 1(i), the management plan is to be produced by suitable qualified professionals (ie. Acoustic Consultants).

MOVED Cr Hart  
MOTION CARRIED (7/0)



**LOCATION PLAN  
RENAME PORTION OF THIRD ROAD TO  
FORREST ROAD.**

***REQUEST TO RENAME PORTION OF THIRD ROAD, ARMADALE TO FORREST ROAD***

{ XE "ROAD NAMING:REQUEST TO RENAME PORTION OF THIRD AVENUE, ARMADALE TO FORREST ROAD" }

WARD : ARMADALE

FILE REF : NAM/2

DATE : 2 March 2005

REF : HC

RESPONSIBLE  
MANAGER : PSM

APPLICANT : Armadale  
Redevelopment  
Authority

**In Brief:-**

- Portion of Third Road between the railway line and Armadale Shopping City is truncated from the rest of Third Road.
- The proposal to rename this section of road as “Forrest Road” is examined.
- Recommend that Council advertise the proposal to rename the portion of Third Road between the railway line and Armadale Shopping City, seeking community opinion on the proposal for:
  - a) the name Forrest Road,
  - b) or whether a unique name for the portion of road should be found with suggestions for an appropriate name.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

To foster ownership, pride and a supportive and caring community.

**Legislation Implications**

Land Administration Act 1997.

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

\$1000 for advertising and incidentals.

**Consultation**

- ♦ Armadale Redevelopment Authority

## **BACKGROUND**

The Armadale Shopping City truncates Third Road. Whilst the portion of Third Road from South Western Highway to the shopping centre remains viable, the small portion from the roundabout with Commerce Avenue to Jull Street could be a source of confusion particularly if emergency services are required, especially as many contact numbers nowadays are answered at points outside WA.

## **DETAILS OF PROPOSAL**

The applicant proposes that the small portion of Third Road between Jull Street and the Commerce Avenue roundabout be renamed to Forrest Road.

## **COMMENT**

The proposal is made because this portion of Third Road can be seen as an extension of Forrest Road, to the east of the railway line.

## **ANALYSIS**

The proposal has some merit as this portion of road has a closer and logical relationship with Forrest Road than with the rest of Third Road on the South Western Highway side of the shopping centre.

There are two properties that will require renumbering should the name of the road change. These are numbers 92 and 101 Third Road. While there are other properties abutting this portion of Third Road, these are all configured in a way that they are numbered as Jull Street. As the numbers for Forrest Road on the west side of the railway line commence with 6 and 9, renumbering of two properties below this should not be a problem.

However, the railway line forms a distinct cadastral barrier between Third Road and Forrest Road and this in its turn could lead to confusion regarding location. It may therefore be more appropriate to consider a unique name for this small portion of Third Road.

Considering the position of the road and its importance to the City Centre, the proposed renaming must be advertised to give the community an opportunity to consider the proposal, or a suggestion for a unique name and offer any appropriate alternative names.

Geographic Names Committee criteria requires that “The changes of names of roads, localities and features should conform to the relevant policy and in addition, should have broad community support. Road name changes should have the support of those residents affected by the name change. Proposals require the support of local government, but the Minister for Lands is the final authority in all such matters. It is incumbent on local government to ensure there is community support for a change of name. Non essential road name changes also incur a service charge”.

As Third Road appears to have been one boundary of Martin Jull's property, consideration could perhaps be given to considering the use of his wife's name - Roberta Jull or Fergusson-Stewart (her maiden name).

Alternatively a non-heritage style name such as City Gate or City Entrance could be considered.

## **OPTIONS**

Council appears to have two (2) options regarding naming of the portion of Third Road between Commerce Avenue and Armadale Shopping City:

1. Decline to seek a name change for this portion of Third Road.
2. Advertise the proposal to the community and seek support for either the proposed name change to Forrest Road, or for a unique name with community suggestions for an appropriate name.

## **CONCLUSION**

A change of name for the south west portion of Third Road between Armadale Shopping City and Commerce Avenue appears to be a prudent option as it is physically separated from the rest of Third Road near the South Western Highway and could benefit by having a different name. However, the proposal to name it Forrest Road, as a continuation of that road, may not be the most suitable option because of the physical barrier presented by the railway crossing, which crossing acts as a sensible start to Forrest Road proper.

As it is a requirement to have broad community support for a change. It is recommended that the proposal be advertised for community comment, presenting the various options and seeking the community's input for an appropriate name in accordance with Option 2.

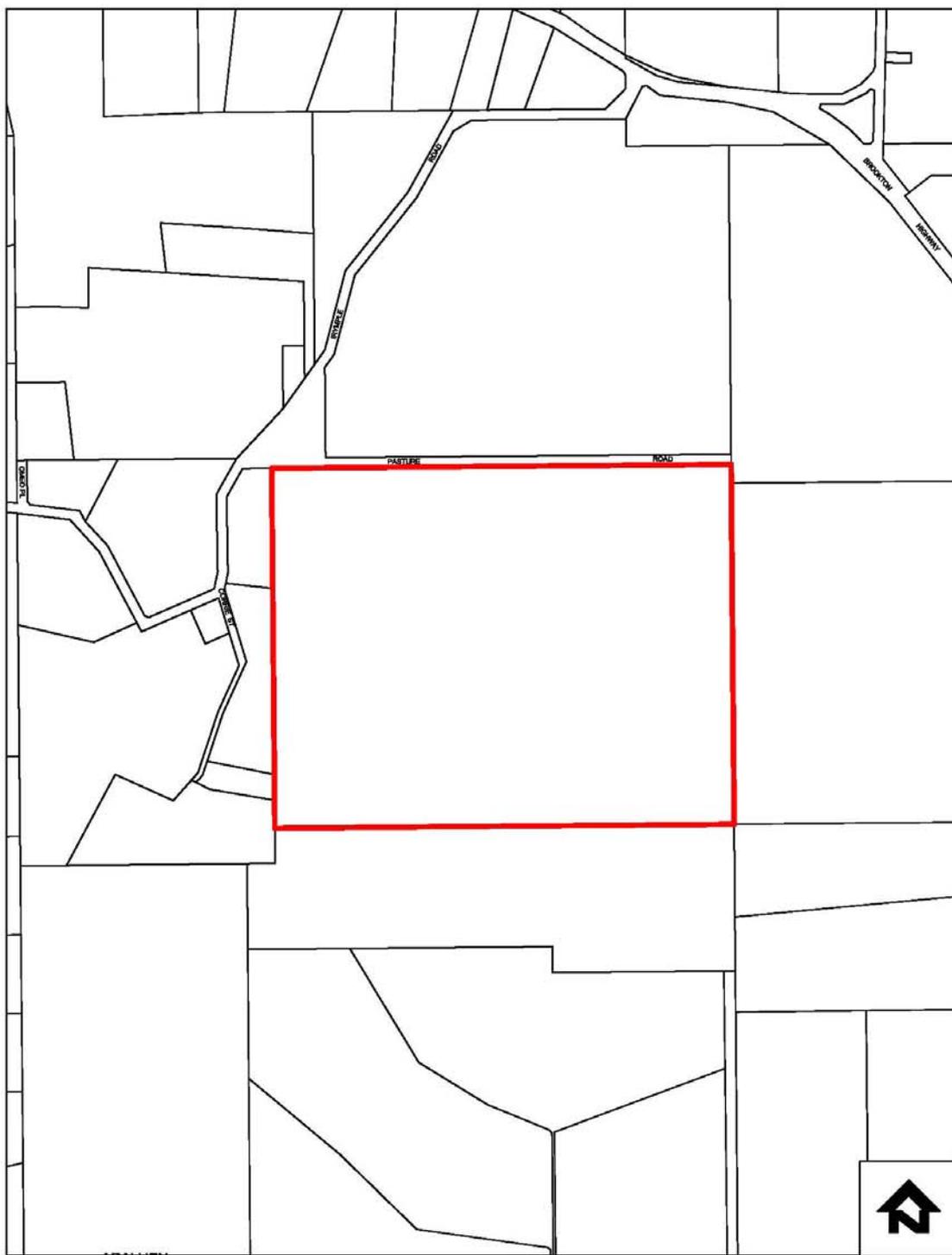
**D34/3/05**

## **RECOMMEND**

**That Council advertise the proposal to rename the portion of Third Road between the railway line and Armadale Shopping City shopping centre, seeking community opinion on the proposal:**

- a) for the name Forrest Road; or**
- b) whether a unique name for the portion of road should be found in which case suggestions for an appropriate name are sought.**

MOVED Cr Tizard  
MOTION CARRIED (7/0)



**LOCATION PLAN  
PROPOSED ROAD NAMING TO WEEDON  
LOOP, ROLEYSTONE.**

***ROAD NAMING – LOT 2 IRYMPLE ROAD, KARRAGULLEN***

{ XE "ROAD NAMING:ROAD NAMING – LOT 2 IRYMPLE ROAD, KARRAGULLEN" }

WARD : ROLEYSTONE

FILE REF : NAM/2

DATE : 9 March 2005

REF : TJB

RESPONSIBLE : PSM  
MANAGER

APPLICANT : Prestige Project Management

LAND OWNER : VA & MM Bettenay

SUBJECT LAND : Property size 64.7088ha  
approx.  
Map 28.08

ZONING

MRS/TPS No.2 : Rural / Special Use

Draft TPS No.4 : RL2

**In Brief:-**

- Council has received a proposal to name a new road reserve “Weedon Loop” at Lot 4 Irymple Road, Roleystone.
- The proposed name comes from Council’s reserve list and complies with Geographic Names Committee (GNC) criteria.
- Recommend that Council approach the GNC seeking approval for the road name Weedon Loop.
- *COMMITTEE recommended that the report be recommitted to the Development Services Committee.*

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

To foster ownership, pride and a supportive and caring community.

**Legislation Implications**

Land Administration Act 1997.

**Council Policy / Local Law Implications**

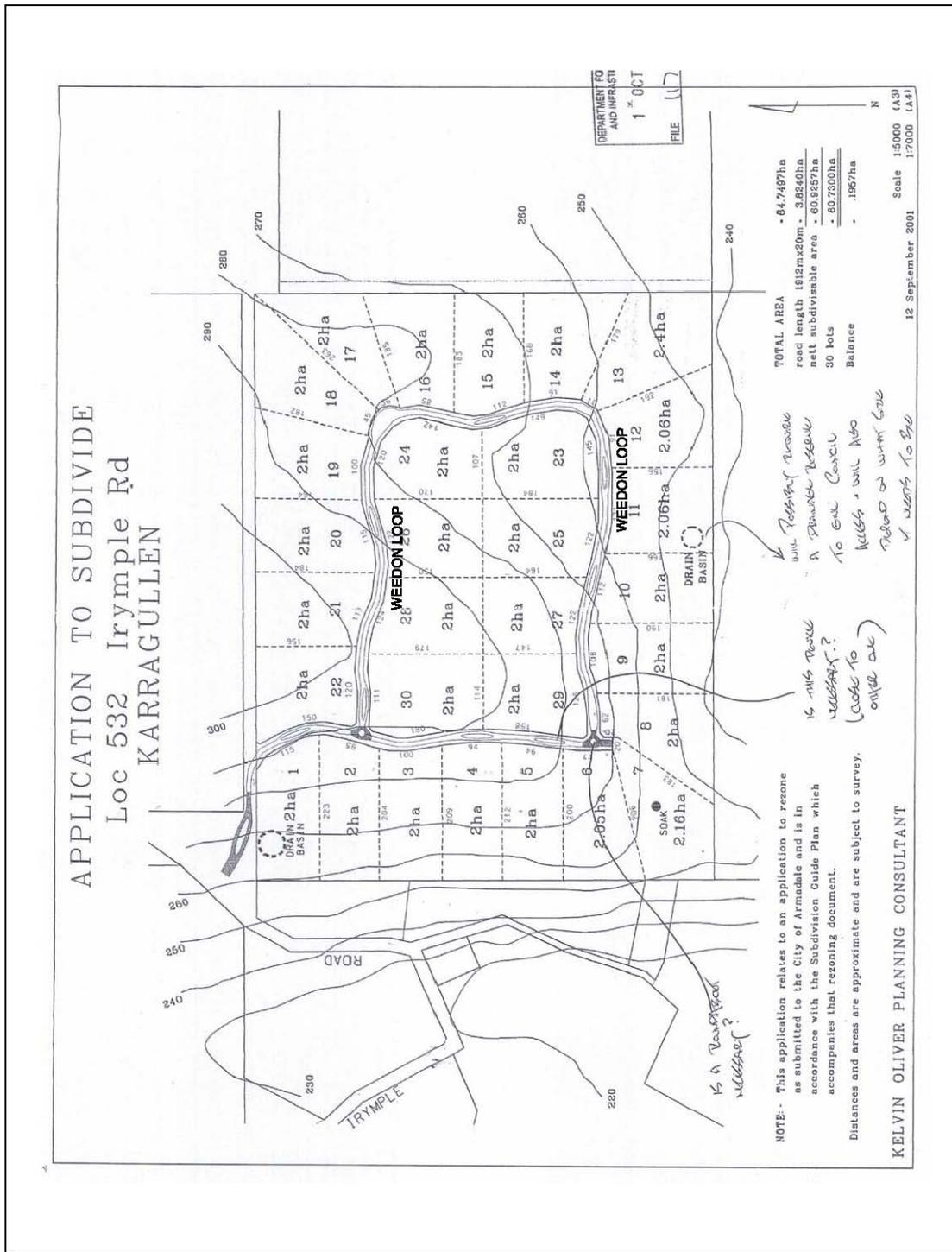
Nil.

**Budget / Financial Implications**

Nil.

**Consultation**

- ♦ Geographic Names Committee



**PROPOSED ROAD NAMING  
 WEEDON LOOP, ROLEYSTONE.**

## **DETAILS OF PROPOSAL**

Council has received a proposal for the name Weedon Loop for a road that has been created by a subdivision of Lot 4 Irymple Road in Roleystone. The name is taken from the City's Reserved Road Names list and was chosen by the developer. R Weedon was a local Armadale resident who served in World War 1. His name appears on the War Memorial in Memorial Park.

## **ANALYSIS**

The GNC has been consulted informally and, as "Weedon" is already on Council's reserve list has no objection to its use.

## **OPTIONS**

1. Approve the road name Weedon Loop (or other suitable road type acceptable to the GNC) as submitted.
2. Approve an alternative name chosen from Council's reserve list by the developer. The alternative names provided are:
  - a) Oleander Loop (botanical name)
  - b) Watford Loop (name of city in England)
3. Historical name of significance to the area.

## **CONCLUSION**

The name Weedon was chosen from Council's Reserve road name list which has previously been approved by the GNC, should meet GNC criteria and appears to be an appropriate road name for Council to approve.

*Officer's report recommends –*

That Council approach the Geographic Names Committee seeking approval for the new road name Weedon Loop (or suitable road type acceptable to the GNC) for the new subdivision of Lot 4 Irymple Road, Roleystone.

*COMMITTEE requested that the report be recommitted pending further investigation of a alternative historical name.*

**D35/3/05            RECOMMEND**

**That the report regarding the new road name for the new subdivision of Lot 4 Irymple Road, Roleystone be recommitted to the Development Services Committee.**

MOVED Cr Hart  
MOTION CARRIED (7/0)



***PETITION SEEKING TO CHANGE THE NAME OF THE LOCALITY OF WESTFIELD TO CHAMPION LAKES***

{ XE "LOCALITY NAME CHANGE:PETITION SEEKING TO CHANGE THE NAME OF THE LOCALITY OF WESTFIELD TO CHAMPION LAKES" }

WARD : WESTFIELD AND SEVILLE

FILE REF : NAM/1

DATE : 2 March 2005

REF : HC

RESPONSIBLE MANAGER : PSM

APPLICANT : Petitioners

**In Brief:-**

- Council resolved that a petition signed by 370 residents requesting that the boundaries of Champion Lakes be amended to include the suburb of Westfield within Champion Lakes be received and referred to the Development Services Committee.
- The proposal and previous background to locality changes in the area is examined.
- Recommend that Council advertise for community comment the proposal to rename Westfield as Champion Lakes and for Westfield's absorption into the locality of Champion Lakes, also giving the community the option of leaving the Westfield locality as it is but suggesting a different name for the locality.

**Tabled Items**

Nil.

**Officer Interest Declaration**

The Administrator Planning Services has close family members who are residents of Westfield and there may be a perception on the basis of this non-financial interest that his impartiality may be affected. He declares that he has put aside that association and considered the matter on its merits.

**Strategic Implications**

Relates to our commitment to the future is to create a caring and vibrant City, rich in history, heritage and lifestyle, and in the area of social infrastructure to foster ownership, pride, and a supportive and caring community.

**Legislation Implications**

Land Administration Act 1997.

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

- ♦ Advertising costs in the vicinity of \$2,000.
- ♦ Stationery and postage costs approximately \$1,000.

### **Consultation**

Nil.

### **BACKGROUND**

At its meeting on 20 April 1998, Council resolved to recognise the high level of public opinion demonstrated in respect of proposed locality boundary changes in the Kelmscott/Westfield area and include such area bounded by Cammillo Road, Third Avenue, Trangie Way and Westfield Road as an area to be canvassed for community comment in addition to other affected areas as previously determined by Council meeting on 16 March 1998.

At its meeting on 16 November 1998, Council resolved to authorise the Executive Director Development Services to approach the Geographic Names Committee (GNC) to include the area bounded by Westfield Road, Cammillo Road, Third Avenue and Champion Drive into the Kelmscott locality.

Following the refusal of the proposal by the GNC, Council, at its meeting on 15 February 1999 resolved to undertake a broad consultation process by way of notice being placed in the local newspapers (advertising period of 4 weeks) canvassing the community as to the desirability of a section of Westfield bounded by Westfield Road, Cammillo Road, Third Avenue and Champion Drive being transferred into the Kelmscott locality.

At its meeting on 21 June 1999, Council resolved to make a further proposal to the GNC seeking its approval to include the area bounded by Westfield Road, Cammillo Road, Third Avenue and Champion Drive into the Kelmscott locality stating the strong community support and previous history of the name of the area. (The GNC ultimately approved the proposed boundary change on 2 September 1999).

At its meeting on 21 May 2001, Council resolved to seek approval from the GNC to rename the area bounded by Lake Road, Ranford Road, Tonkin Highway and Seaforth Avenue as a new locality to be called “Champion Lakes” reflecting the community’s support for the name change. Champion Lakes was created out of portion of Westfield and Armadale.

Initially the GNC did not support the proposal. At its meeting on 20 August 2001, Council resolved to receive the GNC’s information and request the GNC to reconsider the proposal to rename the area bounded by Lake Road, Ranford Road, Tonkin Highway and Seaforth Avenue to Champion Lakes, affirming the community’s and Council’s strong support for the proposal. (The GNC ultimately approved the new locality as Council requested).

At its meeting of 21 February 2005, Council resolved that a petition signed by 370 residents requesting that the boundaries of Champion Lakes be amended to include the suburb of Westfield within Champion Lakes be received and referred to the Development Services Committee.

## **DETAILS OF PROPOSAL**

The prayer of the petition reads:

“We the undersigned request that you consider changing the boundaries of Champion Lakes along Champion Drive, Westfield Road and Railway Avenue so that the suburb of Westfield is known as Champion Lakes. This will allow the area to be associated with the future major sporting facility which will dominate the locality”.

## **COMMENT**

It could be noted that should this request be successful, the locality of Westfield will disappear.

## **ANALYSIS**

There has been disquiet in some quarters of the community with the name Westfield as evidenced in the background deliberations above. It has been suggested that a new name will assist to rid the area of a stigma of a perceived low socio economic status and poor property values. The petition reflects this attitude and seeks to elevate the status of the remaining area of Westfield by alignment with Champion Lakes and the perceived status and benefits of this high profile development.

The GNC has fairly consistently opposed the diminution of Westfield. When considering previous boundary changes the GNC stated “the rapidly diminishing area of Westfield is a concern and continued boundary changes will soon remove any evidence of the locality”. To have any likelihood of success, a proposal must have broad based community support. Evidence of such community support can sometimes sway the GNC decision. An initial response from the GNC on the current proposal has not yet been received.

It could also be noted that as well as the petition, 19 letters (encompassing 28 people who have mostly also signed the petition) have been received from Westfield residents supporting a name change for Westfield. Most supported the proposal fully. There were, however, two letters suggesting that the “John Wollaston” area of Westfield could be changed to Champion Lakes but the older area should be left as Westfield.

Westfield is separated from Champion Lakes by Lake Road. Council has previously used this separation and the different character (rural areas that also include the Champion Lakes development) of Champion Lakes from the residential development to the south east of Lake Road in the areas of Westfield and (the now) Seville Grove as an argument for the creation of the Champion Lakes locality. It could therefore also be considered whether a change of name should be sought for the Westfield locality with its current boundaries.

## OPTIONS

1. Decline to consider the proposal to rename Westfield as Champion Lakes and continue the status quo.
2. Advertise the proposal to the community and seek support or otherwise for the change of Westfield to Champion Lakes.
3. Advertise the proposal to the community and seek support or otherwise for the absorption and change of Westfield to Champion Lakes, also giving the community the option of leaving the Westfield locality as it is but suggesting a different name for the locality.

## CONCLUSION

In view of the community interest shown to date, it is suggested that the proposal to change the locality of Westfield to Champion Lakes be advertised, but that the community is also given the opportunity to consider an alternative name for the present locality of Westfield, without its incorporation into Champion Lakes, as outlined in Option 3.

### *Officer's report recommends –*

That Council advertise for community comment the proposal to rename Westfield as Champion Lakes and for Westfield's absorption into the locality of Champion Lakes, also giving the community the option of leaving the Westfield locality as it is but suggesting a different name for the locality.

*COMMITTEE requested an alternative recommendation which clearly addressed community comment on the proposed name change.*

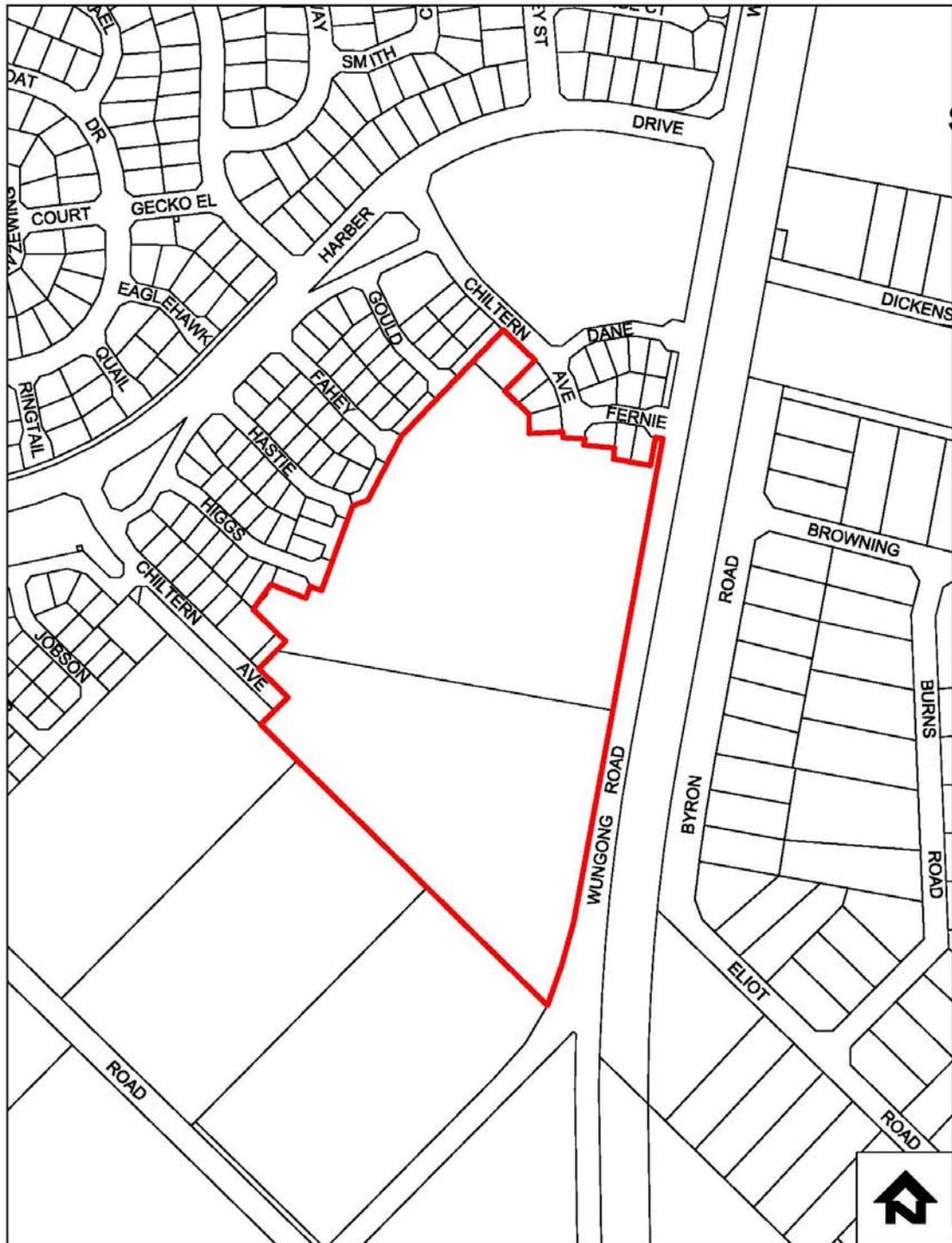
## **D36/3/05            RECOMMEND**

**That Council advertise for community comment the proposal to rename the locality of Westfield:-**

- a) **as Champion Lakes; or**
- b) **another name that may arise during the request for public comment.**

MOVED Cr Reynolds  
MOTION CARRIED (7/0)

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**LOCATION PLAN  
LOT 31, Pt 161 WUNGONG ROAD  
AND PART 131 CHILTERN AVENUE, BROOKDALE.**

**\* PROPOSED MODIFICATION TO URBAN UNIT A15 / A16 OUTLINE DEVELOPMENT PLAN – LOT 31 AND PART LOT 161 WUNGONG ROAD AND LOT 131 CHILTERN AVENUE, BROOKDALE**

{ XE "SCHEME AMENDMENTS & STRUCTURE PLANS:PROPOSED MODIFICATION TO URBAN UNIT A15/A16 OUTLINE DEVELOPMENT PLAN – LOT 31 AND PART LOT 161 WUNGONG ROAD AND LOT 131 CHILTERN AVENUE, BROOKDALE" }

WARD : FORREST

FILE REF : A219930

DATE : 3 March 2005

REF : PRR

RESPONSIBLE MANAGER : PSM

APPLICANT : Taylor Burrell Barnett

LAND OWNER : State Housing Commission

SUBJECT LAND : Lot 31 (4.7339ha), Pt Lot 161 (5.6850ha), Lot 131 (1308m<sup>2</sup>)  
Maps 22.01 & 22.40

ZONING

MRS / TPS No.2 : Urban / Residential Development Area

DRAFT TPS No.4 : Residential R20 & Unzoned, ARA Scheme Area

**In Brief:-**

- Council considered a proposal to amend the A15/16 Outline Development Plan at its meeting of 17 January 2005.
- Officers have met with the applicant to discuss the reconsideration of two (2) conditions imposed as part of Council's resolution in January 2005.
- Technical Services advised that the two conditions were no longer considered to be necessary.
- Recommend Council amend resolution D11/1/05 to remove the two conditions in question and add two new conditions.

**Tabled Items**

Nil.

**Officer Interest Declaration**

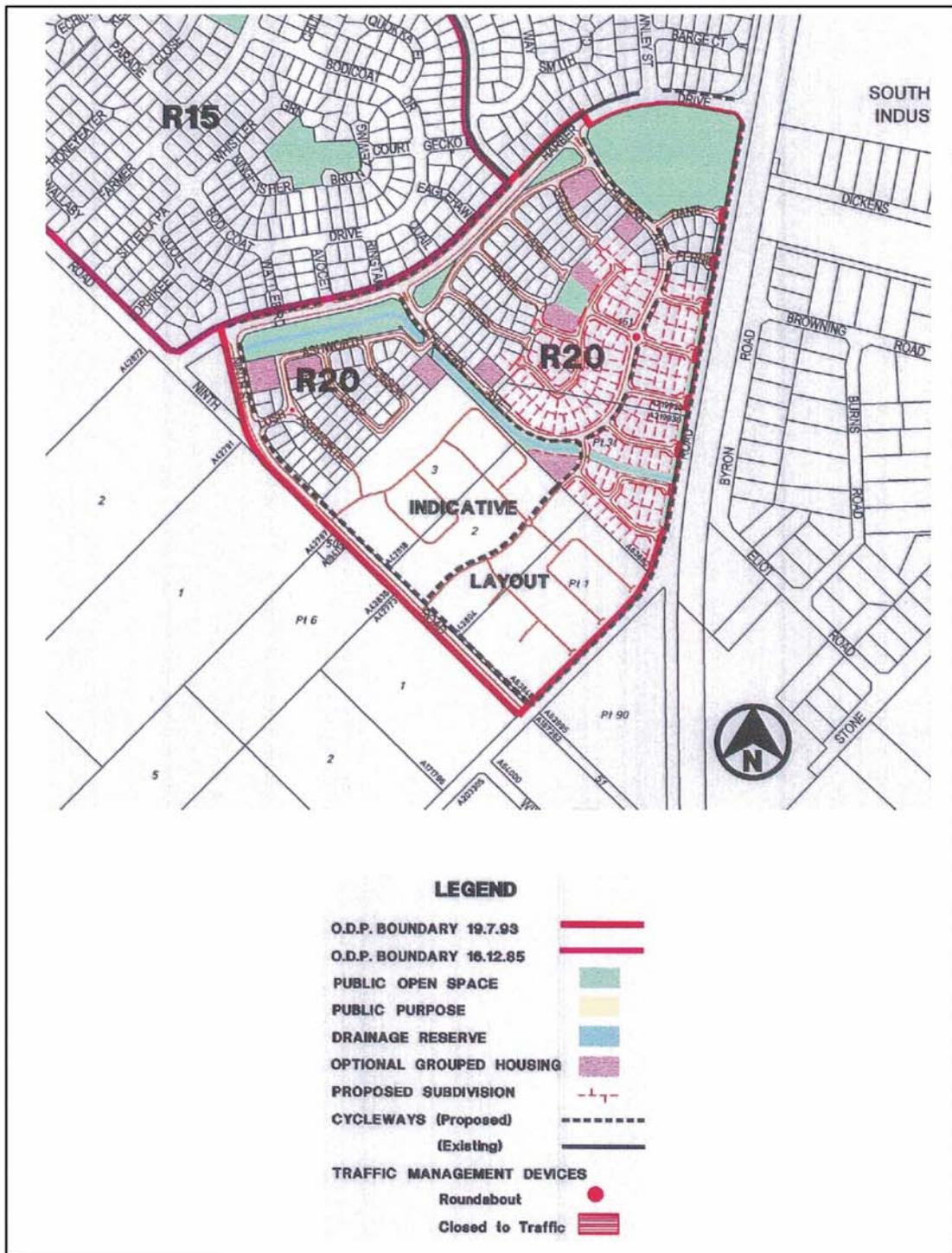
Nil.

**Strategic Implications**

Urban Unit A15 / A16 Outline Development Plan  
Liveable Neighbourhoods 2000

**Legislation Implications**

Town Planning and Development Act 1928  
Metropolitan Region Scheme Act 1959  
Land Administration Act 1997  
Transfer of Land Act 1893  
Armadale Redevelopment Act 2001  
Armadale Redevelopment Scheme 2004  
Town Planning Scheme No.2  
Draft Town Planning Scheme No.4



**EXISTING A15/A16 STRUCTURE PLAN  
 LOT 31, Pt LOT 161 WUNGONG ROAD  
 AND PART 131 CHILTERN AVENUE, BROOKDALE.**

**Council Policy / Local Law Implications**

Nil.

**Budget / Financial Implications**

Nil.

**Consultation**

- ◆ Technical Services Directorate
- ◆ Applicant

**BACKGROUND**

At its meeting of 17 January 2005 Council resolved (D11/1/05) to conditionally adopt a proposed modification to the Urban Unit A15/16 Outline Development Plan and refer it to the Western Australian Planning Commission for endorsement. A request has been received from the applicant to reconsider the imposition of two (2) conditions.

**DETAILS OF PROPOSAL**

The applicant has approached officers requesting reconsideration of two (2) conditions imposed by Council in the resolution of January 2005. Both conditions were originally required by the Technical Services Directorate and read as follows:

*1a)ii – The road reserve widths for Chiltern Avenue and the road leading to the land to the south of the subject land to be 18m, to the satisfaction of the Executive Director Technical Services; and,*

*1a)vii – The proposed one-way ingress and egress lane onto Wungong Road to be deleted and replaced with a revised access arrangement to the satisfaction of the Executive Director Technical Services.*

It is also proposed to add two (2) new conditions to replace those being deleted, relating to notifications on titles and a bond provided by the developer pertaining to the one way road system.



**ADVERTISED STRUCTURE PLAN  
 LOT 31, Pt LOT 161 WUNGONG ROAD  
 AND PART 131 CHILTERN AVENUE, BROOKDALE.**

## COMMENT

### *Technical Services Directorate*

Officers met with the applicant to discuss the subject conditions and the reasoning behind their imposition. At the meeting, Technical Services decided that a 16m wide road reserve (in lieu of the 18m required by the condition) would be sufficient to accommodate the extension of Chiltern Avenue. It was also agreed that the one way access / egress points could be left in place (as opposed to removing them as the condition requires), as long as a bond is provided by the developer to remove them should it be determined that they were not functioning as intended. The two (2) new conditions would address this altered position.

## ANALYSIS

### *Technical Services Comments*

Technical Services is now satisfied that condition 1a)ii is not necessary as Chiltern Avenue will function as a standard access street rather than one which provides an important link between Harber Drive and Wungong Road and that condition 1a)vii can be addressed through the alternate means described. The Planning Department is reliant on the advice of Technical Services in such matters and as such concurs with the modified position.

## OPTIONS

1. Council may resolve to amend resolution D11/1/05 of 17 January 2005 to remove conditions 1a)ii and 1a)vii, add two (2) new conditions regarding the notification of future purchasers as to the possible change of the one way access arrangements and the finalisation of a suitable bond and to renumber subsequent conditions accordingly, if it is satisfied that doing so will not compromise the orderly and proper planning of the area.
2. Council may resolve not to amend resolution D11/1/05 of 17 January 2005 if it is not satisfied that doing so is in the interest of the orderly and proper planning of the area.

## CONCLUSION

Given the conditions were initially required by Technical Services, who are now satisfied the conditions are not necessary, removal of these conditions seems appropriate. The addition of two (2) new conditions is also necessary to ensure people purchasing the lots are aware that access arrangements may change and that the access arrangement can be altered should it not function as intended. It is therefore recommended that the resolution be amended in accordance with Option 1.



**PROPOSED STRUCTURE PLAN  
LOT 31, Pt LOT 161 WUNGONG ROAD  
AND PART 131 CHILTERN AVENUE, BROOKDALE.**

D37/3/05

**RECOMMEND**

1. That with regard to the proposed modification to the Urban Unit A15 / A16 Consolidated Outline Development Plan over Lot 31 and Part Lot 161 Wungong Road and Lot 161 Chiltern Avenue, Brookdale, Council revoke parts 1a)ii and 1a)vii of Resolution D11/1/05 of its meeting on 17 January 2005, add new Conditions numbered 2 and 3, and renumber subsequent conditions accordingly as follows:
  - a) A revised Outline Development Plan is to be submitted, indicating the following:
    - i. Footpaths to be located on all streets to the satisfaction of the Executive Director Technical Services;
    - ~~ii. The road reserve widths for Chiltern Avenue and the road leading to the land to the south of the subject land to be 18m, to the satisfaction of the Executive Director Technical Services;~~
    - ii. The culs-de-sac of Gould Close, Fahey Court, Hastie Close and Higgs Court are to remain closed to through traffic, to the satisfaction of the Executive Director Development Services;
    - iii. The provision of bin pads at 'R30' sites is to be indicated on the Outline Development Plan, to the satisfaction of the Executive Director Technical Services;
    - iv. The provision of two (2) extra on street bays adjacent to the Public Open Space should be finalised with the City and indicated on the Outline Development Plan, to the satisfaction of the Executive Director Technical Services;
    - v. Provision of additional duplex lots (where appropriate) to the satisfaction of the Executive Director Development Services;
    - ~~vii. The proposed one-way ingress and egress lane onto Wungong Road to be deleted and replaced with a revised access arrangement to the satisfaction of the Executive Director Technical Services.~~

2. That a notice be included on the titles of the lots affected by the one way road system in accordance with Section 70A of the Transfer of Land Act 1893 notifying future purchasers that if the one way system does not function as intended, the City may require the closure of the access points to and from Wungong Road.
3. That the applicant provide a sufficient bond (the amount for which is subject to negotiation with the Executive Director Technical Services) to ensure that the one way road system can be altered if it is found that it is not functioning as intended.
4. That the applicant be advised that compliance with the requirements of Alinta Gas, the Water Corporation and Western Power is necessary.
5. That, in accordance with the Land Administration Act 1997, Council support the inclusion of the existing 10m Public Access Way in a new 15m road reserve and indemnifies the Minister for Lands against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
6. That subsequent to the receipt of the revised plan to the satisfaction of the Executive Director Development Services in accordance with Council's resolution, that plan be forwarded to the Western Australian Planning Commission for endorsement.

**\*\* ABSOLUTE MAJORITY OF COUNCIL REQUIRED \*\***

MOVED Cr Knezevich  
MOTION CARRIED (7/0)

***LATE ITEMS***

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Nil.

***HEALTH SERVICES MANAGER REPORTED***

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The Health Services Manager briefed Committee on the outcome of the prosecution of four charges (two each against Peter and Paul Casotti) heard before Mr Malley SM in Armadale Court of Petty Sessions on Wednesday, 2 March 2005.

The City was represented by Mr Matthew Handcock and Mr Stephen Blyth appeared on behalf of the defendants.

Within minutes of the matter being called on for hearing, Mr Blyth made what amounted to a public declaration that his clients wished to explore some means of resolving the matter, rather than proceeding to trial. The City's officers and Mr Handcock then embarked on quite extensive discussion and negotiations, the negotiations and the ultimate outcome being underpinned by the following matters.

1. The evidence that was available to the City in relation to the offences on 28 April 2004 was compelling. For that reason the non-negotiable position was adopted that any agreement necessarily must involve a conviction against each of the Casottis for the offences on that date.
2. The evidence in relation to the offences on 12 June 2004 was primarily focused upon the use that day of the gas gun. The intended strategy was to (if necessary) seek to amend the particulars, and instead refer to excessive use of the shotguns that day, as an alternative;
3. It was the considered view of Mr Handcock and officers that if (after a full 2 day hearing) a conviction on 12 June was recorded for the use of the gas gun, then it did not add a great deal to the 'consent' conviction for that same device on 28 April;
4. On the other hand, if (after a full 2 day hearing) a conviction for the use of shotguns on 12 June 2004 was obtained, then it was immediately appreciated that such a conviction would necessarily have been of very limited ongoing precedent value because the noise produced by shotguns has a number of variable factors including:
  - ◆ how many shotguns were used; and
  - ◆ the location from which the shotguns were discharged.
5. In the circumstances, it was considered that, given the limited precedent value of any Court produced outcome on the 12 June offences, it was more appropriate to seek some form of longer term commitment in relation to shotguns and a commitment for the non-use of the gas gun (given that a conviction in relation to the use of the gas gun had been obtained) in order to protect local residents from potential disturbance from either increased use of shotguns or further use of the gas gun.

6. Most of the focus was then on what steps would be needed in order to get the parties back to the relative degree of harmony that they had enjoyed before the introduction of the gas gun (that is, pre March 2004).
7. It was agreed that the most useful starting point would be to obtain a series of measurements relating to the noise generated by the discharge of shotguns from various locations using various different gauges with different types of loads. This would be done by agreement with the principal complainant and the Casotti family. As well as providing the City with information that it had previously been unable to obtain, this would provide the Casottis with some certainty as to the legitimacy or otherwise of their activities.

Agreement was reached that:

- ◆ Peter and Paul Casotti would plead guilty to the charges on 28 April 2004 with an agreed penalty of \$500 each with no order as to costs;
- ◆ the complaints against each defendant relating to the offences on 12 June 2004 would be dismissed;
- ◆ the gas gun would not be used again unless there was a change in the law that effectively permitted its use;
- ◆ the City would, in conjunction with the Casottis, conduct a number of noise measurements of shotgun emissions, from agreed locations using set parameters, from the principal complainant's residence, and the Casottis would contribute up to \$500 towards the City's cost of this exercise; and
- ◆ underlying the whole agreement was a mutual commitment (by Peter and Paul Casotti and the principal complainant) that the parties would work towards restoring the pre 2004 equilibrium by which the orchardists and residents had managed for some 15 years previously to coexist.

Those negotiations took approximately two and a half hours to complete. Thereafter, the "package" was put before the Court. His Worship acceded to the request that was put to him and ordered that:

- ◆ on the plea of guilty entered by each of Peter and Paul Casotti in relation to the 28 April 2004 charges, convictions were recorded and each was fined \$500 with no order as to costs;
- ◆ the offences against both defendants for offences on 12 June 2004 were dismissed with no order as to costs.

As the party most directly affected by these discussions, the principal complainant was involved at all material times in all discussions. Indeed, prior to putting the "package" before the Court, all parties concerned stood together as a group, articulating the agreement, and confirming it.

As part of the 'packaging' of the 'agreement' the principal complainant was quite emphatic that the Casottis' pleas of guilty on the 28 April offences be accepted in order to secure those convictions on the day. He felt extremely strongly that they would find a reason to retreat from that position if all charges were simply adjourned (as was recommended) pending the foreshadowed noise measurements. He was repeatedly warned of the risk that, if there were no charges left 'pending' then there would be no ability to enforce their undertakings in relation to those tests.

On Thursday 10<sup>th</sup> March (the day before the shot gun measurements were to be undertaken) Mr Handcock advised that Mr Blyth had been in contact with him saying that, as his clients had been informed of potential changes to the law, allowing the use of gas guns, they did not now intend to proceed with the noise measurements the following day.

Subsequent contact with WALGA and the Department of Environment, both of which had been involved in a recent meeting with the Minister's office on this issue, did not suggest that a change of law was imminent or, indeed, seriously contemplated.

On 11<sup>th</sup> March, a letter was forwarded to each of the Casottis pointing out that the agreement reached on 2<sup>nd</sup> March was underpinned by a commitment from them and the principal complainant that they would all work towards restoring the situation prevailing prior to 2004, in which orchardists and residents had coexisted in reasonable harmony. This was a position not arrived at easily and without weighty consideration, and was entered into in good faith by the City in a genuine attempt to achieve long term improvement in the situation rather than invoke heavy penalties for past offences.

It was therefore surprising to that measurements scheduled for that day (and towards which some preparatory work had already been done) were cancelled on the basis that they had apparently heard that the Minister intends to amend the law to allow the use of gas guns in orchards.

It was indicated that enquiries so far had revealed nothing that would suggest that any amendment of the law is being contemplated.

That notwithstanding, it was pointed out that the nature of the undertaking given were not such as to allow them to pick and chose the circumstances in which they would keep to their word or unilaterally withdraw from their commitment. In any event, whether or not the use of gas guns is permitted in future was not germane to the use of shot guns now. Their action could not be seen as anything other than a most serious breach of an undertaking forming the very basis of an agreement resulting in the dropping of a charge against them.

They were therefore urged to reconsider their position, with a failure to do so leaving the City with no option other than to take a direct and rigid regulatory approach in the event of any future complaint relating to the use of audible bird scaring devices of any sort on the orchard. It was emphasized that the agreement of 2<sup>nd</sup> March at least had the potential to introduce some flexibility which was more likely to be in their long term interest.

Committee will be advised when and as further developments take place.

***COUNCILLORS' ITEMS***

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*Cr Hart*

**1. Release of Drainage Reform Document**

Cr Hart advised of the delay in the release of the Drainage Reform document which is currently with the Minister for the Environment and requested that the Mayor write to the Minister enquiring about the progress of the Document.

**D38/3/05            RECOMMEND**

**That the Mayor write to the Minister for the Environment requesting release of the Drainage Reform document.**

MOVED Cr Hart  
MOTION CARRIED (7/0)

***EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTED***

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The Executive Director updated the Committee on the following matters:-

- ◆ Outcome of Legal Proceedings re Unauthorised Use at Lot 1 Clifton Street & Lots 2, 3 & 21 Gilwell Avenue, Kelmscott;
- ◆ Town Planning Scheme No.4 is on schedule and has now been considered by the Western Australian Planning Commission and will shortly be submitted to the Minister for Planning & Infrastructure;
- ◆ The commencement of the Canning River Precinct Study;
- ◆ Progress of the Municipal Heritage Review.

**MEETING DECLARED CLOSED AT 10:04 PM**

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDALE FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
1	K. & A. McKay No 67 (Lot 514) Balannup Road, Forrestdale, 6112		<ol style="list-style-type: none"> <li>1. Concerned that the new drain, which is only 5 metres from their boundary and runs the length of Lot 514 Balannup Road on an unmade section of Reilly Road, is unsightly. The submittees would like an assurance it will not be forgotten about because it is out of the current “development area” and therefore may not be landscape-treated and revegetated as a natural waterway, as is the part of the drain located inside the current “development area”.</li> <li>2. Concerned that the removal of the thick belt of trees removed for the above new drain, now provides unsavoury types who inhabit the bush adjacent with opportunities for a direct means of access to Lot 514 allowing them to exit out of the bush via their property.</li> <li>3. In other respects the submittees supports the plans and consider it a benefit to their property.</li> <li>4. Suggest the name of Quenda (bandicoot) be incorporated into the locality name now that “Princeton” has been abandoned because of the numerous bandicoots that live there and forage around the whole area.</li> <li>5. Concerned that the bandicoots still survive in the developed area (can they be given enough space with corridors to move around).</li> </ol>	<ol style="list-style-type: none"> <li>1.1 Noted - the site is located outside of the subject Structure Plan area. However, it is noted that drains on the un-constructed road reserve for Reilly Road have been recently upgraded by the City’s Technical Services Directorate. The vehicle access and landscaping issues have been discussed and resolved with the submittee.  As the drain will also service the “SP Central” First Stage area in the short term, until Lots 53 and 54 in the “SP East” local Structure Plan Area (<i>Indicative Staging Plan – Urban Development in North Forrestdale</i>) are developed, the developers consider that landscaping of this drain can be undertaken as a Developer Contribution Plan (DCP) cost, if necessary. The details of the DCP are currently being prepared and will be subsequently submitted to Council for the adoption of a scheme amendment.</li> <li>1.2 Noted - refer to 1.1 above.</li> <li>1.3 Noted – submittee supports the Structure Plan in other respects;</li> <li>1.4 Noted – while there have been no new proposals put forward to the GNC for change to the locality name, which currently remains as Forrestdale, should alternative names be further addressed, it is recommended that Council consider Quenda as a potential name for this part of Forrestdale.</li> <li>1.5 Supported in part - Bandicoots will be required to be captured and translocated under CALM supervision prior to any clearing of vegetation associated with the future proposed subdivision development of the area. It is noted that a substantial corridor of P&amp;R reserve over 7km in length which runs northeast of the SP site from Ranford Road to southwest and south of Forrestdale Lake could provide a translocation site.</li> </ol> <p><b>Recommend: That the submission’s concerns for native fauna be supported in part by recommending appropriate subdivision conditions and that the other matters raised in respect to the upgraded Reilly Road drain and locality name and the general support for the Structure Plan, be noted for consideration in more detailed planning via the DCP and locality name procedures.</b></p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDAL FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
2	Kook Wong 1 Shreeve Road, Canning Vale, 6155	Lot 320 Jandakot Road Banjup	<ol style="list-style-type: none"> <li>1. Concerned that the future traffic issues regarding Mason Road/ Jandakot Road/Warton Road intersection have not been evaluated in the Structure Plan.</li> <li>2. Concerned that traffic volumes on Jandakot Road will increase to unacceptable levels as the road could be used as an east-west link through to Kwinana Freeway (the report states Jandakot Road is a district distributor B in MRWA functional Road hierarchy with Cockburn data indicating 2000-2500 vehicles per day).</li> <li>3. Concerned that even now traffic turning to Jandakot Road from Warton Road is very dangerous due to the slight bend in this dangerous junction. The submittee queries whether any studies have been done to alleviate this potential hazard in future.</li> <li>4. Queries how Council will control future traffic increases on Jandakot Road if it is used as a quieter east-west bypass instead of Armadale Road.</li> <li>5. The submittee would like road features to slow down traffic and reduce traffic volumes.</li> </ol>	<ol style="list-style-type: none"> <li>2.1 Noted - Warton Road will be upgraded to provide a roundabout intersection treatment with Mason Road. These matters are detailed in the Traffic Assessment report.</li> <li>2.2 Noted - adding the future flows from the Forrestdale development to the current flow of 2,500vpd would result in up to 12,000vpd. While this is within the standards acceptable for a district distributor type B road the use of Jandakot Road will depend on the travel time and delays on Armadale Road. Therefore there may be increases in traffic which the City of Cockburn will need to monitor and if required, discuss with City of Armadale.</li> <li>2.3 Noted – the Mason Road/ Jandakot Road/Warton Road intersection is addressed in the Riley Report Table 6 and Figure 8. It is identified for a roundabout see 2.1 above;</li> <li>2.4 Noted - Riley consulting for the “SP Central” developers advise that traffic increases on Jandakot Road can be controlled by retaining it as a single carriageway road and letting congestion at Berrigan Drive create longer journey times than can be achieved by using the Armadale Road alternative route. However, these are matters under the control of the City of Cockburn.</li> <li>2.5 Noted - Riley consulting also advise that traffic features will slow down traffic but are unlikely to reduce the flow, unless the journey speed falls significantly making alternative routes quicker. Subdivision conditions can implement traffic features but only in the “SP Central” area in Forrestdale, noting that Jandakot Road is under control of the City of Cockburn west of Warton Road. The proposed Mason Road/Warton Road intersection roundabout will slow traffic with speeds under control of the local authority (a 50kmph limit is assumed in the traffic modelling undertaken for the subject First Stage Structure Plan).</li> </ol> <p><b>Recommend: That the submission be noted and that the correspondence be conveyed to the City of Cockburn in respect to the suggested road works and monitoring within the City of Cockburn. That the roundabout located at the Mason Road/Warton Road intersection be considered for inclusion as part of subdivision of the relevant properties (Lots 143 and 10) and be considered as a matter to be addressed by the proposed DCP.</b></p>

SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDAL E FIRST STAGE STRUCTURE PLAN				
No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
3	Department of Education and Training L1, 151 Royal St, East Perth.	Primary School sites identified on the Structure Plan.	<p>1. The Department confirms that the location of the Two Primary School sites identified on the Structure Plan are satisfactory.</p> <p>2. The Department is concerned that the existing site of the possible third future Primary School site would not be acceptable as it is in close proximity to high tension power lines. While it is recognised that the possible third future Primary School site (to the south and marked with an asterisk) is notional, it is expected that it will be moved further south as development in that area occurs.</p>	<p>3.1 Noted - that the Department supports the primary school locations.</p> <p>3.2 Supported - that the unsatisfactory proximity of the notational primary school to the power lines be noted. This notational primary school site also serves the catchment area to the south of the First Stage Structure Plan between Armadale Road and Mason Road and hence the school site is expected to be subsequently relocated further south and delineated on the separate SP for the "SP South" local Structure Plan Area. Notwithstanding, as the current Structure Plan should be able to stand-alone and while unlikely it cannot be ruled out at this stage that the third primary school may have to be built within the current "First Stage area, the notational site should be relocated away from power lines.</p> <p><b>Recommend – that the submission’s support for the two primary school sites and the relocation of the notational third school site to a more satisfactory location, be supported.</b></p>
4	H. & D.A. Walker 12 Hatch Court Forrestdale, 6112		<p>1. Concerned that the development should have a proper buffer maintained adjacent to the kennel zone as even if rezoned there will still be some kennels that will have rights of non-conforming use so the need for a buffer will remain.</p> <p>2. Concerned that the bushland on Lot 1001 is of very high conservation value and contains a great diversity of flora species (ie so far about 130 species including 26 orchid species, 68 species of birds, marsupials, reptiles and insects have been identified). The submittees propose that the bush should be retained and remain as "General Rural" until it is rezoned for inclusion in the Conservation Estate in the long term.</p> <p>The submittees note that Caladenia huegelii have been seen and photographed on Lot 1001 over many years. Concerned that</p>	<p>4.1 Supported – a buffer to the existing kennels is identified on the District Structure Plan and any lots created will have a memorial on titles alerting buyers to the existence of the kennel noise nuisance. It is noted that the Urban Deferred zone under the MRS and the existing private school and proposed future primary school are non-residential landuses that are not considered so sensitive to kennel noise, which can co-exist within the kennel buffer. The balance of the land between the two school sites is identified on the draft Structure Plan for a "Non Residential Landuse" and is to be subject to a more detailed planning process prior to any development.</p> <p>4.2 Noted – the remnant bushland on Lot 1001 is noted, however, planning at the district scale, including assessment of conservation values were undertaken through the Jandakot Land Use study and rezoning amendments to the Metropolitan Region Scheme in the Forrestdale and Jandakot localities, prior to the SRFBW District Structure Plan (2001), which identified the potentiality of the subject land for urban development. More recently Lot 1001 has been confirmed as Urban Deferred zone in the MRS.</p> <p>The ATA Environmental 2004 spring flora and vegetation survey recorded a total of 64 species from Lot 1001. The Lot still regenerating after December 2002 fire, which may explain the reduced number of species recorded. The</p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESDALE FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>inference in the Structure Plan environmental report that as the flowers were not seen this spring the plants are extinct in the area may not be correct as the last fire was on 17 December 2002, well after the orchid would have finished flowering (September/October) and therefore it would not have been killed by this fire. Concerned that proper surveys should be conducted over at least a few more springs.</p> <p>3. Concerned that the bushland on Lot 1001 acts as an important ecological link between Harrisdale Reserve, Ballanup Reserve and Anstey/Keane Reserve and that the very narrow corridors along a re-routed Wright Road that are proposed in the Structure Plan would only bring fauna to their deaths and would not provide a corridor for plant seed.</p> <p>4. Strongly urge Councillors and Council environmental staff to personally view this bushland and not base their decision on an environmental report commissioned by the developers.</p> <p>5. Concerned that the deep drain recently dug through Lot 50 and Lot 54 has been dug down to the water table and is draining a lot of water both because they rely on a bore for all their water needs and drainage would cause stress to the nearby bushland but also because the water is running straight off to Southern River without being filtered through a wetland which would otherwise prevent silt and nutrients being poured into the river system.</p>	<p>condition of the vegetation on Lot 1001 was considered Very Good according to the condition rating scale used in Bush Forever (WA Government, 2000).</p> <p>Although there has been a reported observation of <i>Caladenia huegelii</i> from Lot 1001, there is no CALM Rare Flora Report form indicating precise location or date of records etc. Intensive surveying of Lot 1001 by ATA Environmental during the September 2004 survey failed to locate the species. The survey report acknowledges that CALM is likely to recommend that an additional targeted survey of Lot 1001 be conducted during spring 2005 and this is supported. Lot 1001 has been earmarked as a future primary school and possible POS and if any <i>Caladenia huegelii</i> were to be recorded during the 2005 surveys, there may be some potential to retain these flora in any vegetation to be retained on the site.</p> <p>DRF are protected under the Wildlife Conservation Act and any actions would have to accord with the provisions of that legislation prior to any disturbance. The site should be subject to more detailed site specific planning prior to development or subdivision.</p> <p>4.3 Noted - the SP corridors are intended to primarily serve passive recreation and movement functions in addition to drainage and urban water management functions and while they may also serve as wildlife corridors to a limited extent (chiefly for aquatic and avian fauna), the major corridors which would be suitable for vertebrate fauna are those that have been provided at the district scale through the MRS – see submission 1.5 above.</p> <p>There is no evidence to support an ecological link between Ballanup Swamp and Harrisdale Swamp as these sites are separated by land currently developed as small rural holdings. There is a tenuous linkage between Harrisdale Swamp and Anstey Keene Swamp, resulting from the historical use of the partly cleared larger rural landholdings of this area for grazing purposes and the dieback infection of vegetation to the immediate south of Carey Baptist College. What value the land currently has in terms of habitat is entirely dependent on a continuation of the current low intensity rural uses as nothing prevents establishing the more intensive rural uses that are permitted by the General Rural zoning of the land that has been in place for the past 20 years. However, given the demand for residential lots in this</p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDAL FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
				<p>part of the corridor, low intensity rural uses are unlikely to continue.</p> <p>4.4 Noted.</p> <p>4.5 Noted - the City's Technical Services directorate has recently undertaken works on drains in the area and drainage run-off is being monitored. The issues raised in this submission have been referred to Technical Services for any investigation/action, as appropriate.</p> <p>Urban water management associated with the proposed urban/residential development under the final structure plan will have to accord with approvals from the Water Corporation and Department of Environment.</p> <p><b>Recommend –</b></p> <ul style="list-style-type: none"> <li>• <b>That Technical Services investigate as appropriate the impact of recent drainage works on groundwater levels, nearby bush reserves and the Southern River;</b></li> <li>• <b>That a further flora survey be conducted on lot 1001 prior to development;</b></li> <li>• <b>That Lot 1001 be subject to separate DAP/SP/ODP prior to subdivision.</b></li> </ul>
5	J. Haliczenko 16 Hatch Court, Forrestdale, 6112	16 (Lot 113) Hatch Court/Ranford Road Forrestdale	<p>1. Concerned that prior to purchasing the land, the prospective residents of these new communities should be made aware of the noise which can be generated from the kennel area, as it will not be the everyday noise that aggravates people but the lonely boarders during holidays and late at night which result in complaints.</p> <p>2. Concerned that the high tension power lines especially those crossing Wright Road and passing through Lot 50 should not be diverted along the back of the submittee's property and past Carey College and another proposed Primary School, as the submittee chose Lot 16 Hatch Court because of its</p>	<p>5.1. Supported – buffers are identified on the SP and Memorials on titles will be provided on new lots created within the stipulated distance of kennels - see 4.1 above.</p> <p>5.2 Noted – however the Western Power lines are not intended to be relocated closer to the Hatch Court area. The ultimate route will require Western Power approval for subdivision works. It is also noted that the relocation that does take place through the Structure Plan area will be to a higher standard of pole structure, which is more appropriate for an urban setting than are the current structures in the rural setting.</p> <p>5.3 Noted – while the current rural uses within and adjacent to the Structure Plan area provide limited habit connections between adjacent conservation areas, it is questionable whether encouragement of fauna movement into urban areas where they would be at risk from traffic and domestic pets would be in accordance with the conservation objectives of these reserves. The land set</p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDAL FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>distance from the high tension power lines which pass through the kennel zone.</p> <p>3. Concerned that the proposed integration of a redirected Wright Road with a drainage and local parks system, will only encourage the fauna currently using the connections of the three major adjacent reserves (Harrisdale swamp, Piara nature reserve and Anstey/Keane dampland), which is provided by the open farm land and bush areas, to come to the roads and be killed.</p> <p>4. Concerned that the environmental study was conducted over 452 ha in only 3 days and therefore it was not surprising that no significant vegetation was found and recommends that a more comprehensive study be undertaken over a much longer period and using people with local knowledge as in 20 years living in the area the submittee has seen Redbeaks orchid (<i>Pyrochis nigricans</i>) flower twice and has witnessed the flowing of the orchid <i>Caladenia huegelii</i> on Lot 1001 over a number of years and in one location, and as an endangered species it should be preserved.</p> <p>5. Would like to see a good stretch of land on the northern boundary of Lot 1001, maintained as a further ecological link between reserves in the North Forrestdale Structure Plan and Lot 125 Ranford Road (Reserve 34077), especially for the numerous birds that inhabit what the submittee considers a beautiful piece of natural bushland with great flora diversity.</p>	<p>aside for the Jandakot Regional Park provides refuges for extant populations of fauna and flora. It is likely that the adjacent P&amp; R reserves will require fencing and this matter is subject to the Jandakot Regional Park Management Plan (currently in draft form) see 1.5 and 4.3 above.</p> <p>5.4 Supported in part - while <i>Caladenia huegelii</i> hasn't been recorded from Lot 1001 during the two flowering seasons since the December 2002 fire, a further survey is to be undertaken prior to any development. Additionally, as DRF are protected under the Wildlife Conservation Act any development proposals would have to accord with the provisions of that legislation - see 4.2 above.</p> <p>It is noted that the Spring 2004 survey was conducted over 4 days between September 15 and September 25, 2004 and only those lots that retain significant stands of remnant vegetation were surveyed as the majority of the 452ha proposed North Forrestdale Development area has been previously cleared for agriculture. The survey was conducted in accordance with EPA Guidance Statement No. 51. <i>Pyrochis nigricans</i> is one of the most common and widespread orchids in WA, ranging from Shark Bay to Israelite Bay.</p> <p>5.5 Noted - however, the bush reserve which fronts Ranford Road (Reserve 34077) is separated from the SP area by land already developed for kennels and consequently there is little existing ecological linkage. It is also noted that further medium term change in landuse is likely for the kennel area as it is identified as future urban in the district structure plan. Lot 1001 will be subject to a further flora survey and more detailed planning before development - see 4.2 above. Given the requirement for a more detailed SP for this Lot 1001 and the flora survey, there is potential for a reserve buffer to be considered at that time, however it is noted that Lot 50 proposed POS is only in the north – eastern part of Lot 50 and given the requirements for multiple use corridors to meet drainage, local movement and passive recreational corridors and for the shortfall in active POS sites be addressed within the SP area, the 10% contribution for POS cannot be extended to accommodate objectives for bushland conservation, which have not been accorded regional significance via identification in major studies such as Bush Forever.</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>6. Suggests Council or the developers have all cats confined either indoors or to cat enclosures to protect fauna (as dogs are currently restricted by the Dog Act).</p>	<p>5.6 Not supported - the Dog Act is state legislation, however no equivalent legislation exists for cats. There are diverse views in the community regarding management of cats including opinions that some people benefit from cats as pets and accordingly, prohibition from specific subdivisions is not considered an appropriate method of dealing with the problems associated with native fauna predation, which should be managed via legislative controls at the state level. It is noted however that CALM will need to consider controlling non-native animals in the Management Plan for Jandakot Regional Park.</p> <p><b>Recommend – that the submission be supported in part by:</b></p> <ul style="list-style-type: none"> <li>• <b>Specifying further noise assessments if any noise sensitive developments are proposed in existing kennel buffer provided by Urban Deferred zone;</b></li> <li>• <b>Requiring a further flora survey before development of Lot 1001;</b></li> <li>• <b>Consideration of ecological links in any SP prepared for Lot 1001.</b></li> </ul>
6	D.F James on behalf of the “Friends of Forrestdale Conservation Group” 134 Commercial Road, Forrestdale, 6112		<p>1. Requests that the green corridors shown in the Structure Plan be improved upon to allow for wildlife corridors to function between the 3 Jandakot Regional Park CALM reserves (Harrisdale swamp, Piara nature reserve and Anstey/Keane dampland) and has attached a copy of the Structure Plan with new and expanded corridors (map attached).</p> <p>2. Concerned that the existence of their flora and fauna content depends on the prevention of isolation so that gene mixing can occur and opportunities provided for mammals like the bandicoot to replenish a reserve should a terrible fire engulf the Regional Park.</p> <p>3. Appreciates the recognition given to the two Conservation Category Wetlands by including them in the green areas, however, is concerned that their hydrological needs</p>	<p>6.1 Supported in part - a new link has been provided connecting Harrisdale Swamp to the corridor linking to Piara Nature Reserve. However it is noted that the Forrestdale area has been subject to considerable previous investigation and study, with a substantial land area identified for conservation purposes by MRS Parks and Recreation Reservations, Bush Forever sites and Conservation Category Wetlands. All of the above have been duly protected and subsequently considerable advancement has been made in identifying areas for urban development, including in the SRFBWDSP in 2001 and the MRS Amendments No 1092 and 1072 of 2004. Given land area requirements for provision of sites for drainage and water management and local recreation and community purposes, green wildlife corridors of the scale suggested by the submission are not feasible for local structure planning associated with urban residential development. The previous district and regional level studies which included processes and mechanisms by which affected private landowners are compensated for land taken by the state for nature conservation purposes has considered the issue of major land requirements for the conservation estate in Forrestdale. Accordingly this issue is considered to have been previously addressed - see also 1.5 and 4.3 above.</p> <p>6.2 Noted - the biological requirements of species found in land set aside for</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>should not be altered from their current natural wet and dry cycle.</p> <p>4. Recommends that buffers should be incorporated now to ensure direct impacts on the Jandakot Regional Park reserves are prevented.</p> <p>5. Questions the adequacy of the flora survey which found no rare flora (excepting <i>Aotus cordifolia</i>) as local knowledge has shown that the bushland east of Carey Baptist College has produced a wide variety of orchid species over the years.</p> <p>6. Recommends that cats and dogs be excluded to create a wildlife friendly suburb as they prey on mammals and birds.</p>	<p>conservation purposes in the Jandakot Regional Park is a matter which has been addressed in district level planning by the several previous studies in Forrestdale. The Park's Management Plan will need to consider and make provision for biological processes of fauna within its current boundaries and these may have to involve more active management of a highly modified landscape, than the purely passive processes, suggested by the submission.</p> <p>6.3 Noted - the support for the retention of the two (2) Conservation Category wetlands to be included in local public open space under the SP is noted. No disturbance to the long term hydrological regime of wetlands within the structure plan area is proposed. Current AAMGLs in all three CCW within the SP area will be maintained. Current evidence indicates that there is not likely to be any impact on the hydrological regime of the wetlands. Continued groundwater monitoring will confirm this over time.</p> <p>6.4 Supported in part – the Structure Plan identifies buffers in the form of hard-edged boundary roads proposed for future subdivision planning in the area and ensuring impacts on the Jandakot Regional Park (i.e. Piara NR, Anstey/Keane Dampland and Harrisdale Swamp) are prevented – see also 4.3 above.</p> <p>6.5 Not supported - the flora survey was conducted by qualified environmental scientists who noted that the Priority 4 taxa <i>Jacksonia sericea</i> was also recorded from several locations within the study area. The degraded nature of the majority of the study area meant that species richness is fewer than the less degraded adjacent Bush Forever sites. A total of six species of orchid were recorded from Lot 1001 during the 2004 spring survey.</p> <p>6.6 Not supported – see 5.6 above.</p> <p><b>Recommend – Supported In part:</b></p> <ul style="list-style-type: none"> <li>• <b>the revised advertised SP should provide a new link from POS south of Harrisdale Swamp; and</b></li> <li>• <b>all interfaces with conservation areas should be bounded by a road.</b></li> </ul>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
7	B.J Stewart 625 Warton Road, Forrestdale	625 Warton Road, Forrestdale.	1. Strongly supports the submission on behalf of the CY O'Connor Village.	7.1 Noted – the adjacent proposed CY O'Connor Village is subject to a separate approved Structure Plan and the SP land uses are generally considered to be complementary to the research centre.  <b>Recommend – That the support for the SP be noted</b>
8	Dr T.N. Tye as Director of Industronics Pty Ltd, 49 Dunkley Avenue Applecross, 6153	Lots 53 and 54 Hale & Keane Roads Forrestdale	1. Concerned that the subdivision will not be carried out in a fair and equitable manner and as the submittee has not consented to the Southern River / Forrestdale / Brookdale / Wungong District Structure Plan's proposed location of the High School site on Lot 54, the submittee recommends the High School site be removed from Lot 54 and incorporated into the First Stage development area.  2. Concerned that the Education Department will be acquiring 14ha from Lots 53 and 54 land (a High School and a Primary School site) and therefore, if the landowner subdivides some time in the future it will lose the profit yield from the 150 lots that could be provided on this land and the submittee accordingly recommends the landowner be compensated for this loss in profits and not just for the en globo land value that the Education Department will pay.  3. Recommends that the School sites be acquired by Council on the basis of the "Net Expectancy Value" and then on-sold to the Education Department so that all owners bear the cost of any delay in the Education Department agreeing to acquire the school site and not just the owner unfortunate to	8.1 Not Supported – the Education Department of WA considers the DSP location of the HS on Lot 54 an appropriate location, and while it would ultimately provide a service to residents from the First Stage area, it will also support the future population of Lots 53 and 54 as well as other surrounding areas. It is noted the site referred to in the submission does not form part of the First Stage SP area. It is anticipated that in a future MRS amendment, the High School site would be reserved as a Public Purpose site and the land subsequently purchased from the owner by the state government's Education Department.  8.2 Not supported – however, all developers are required to contribute towards primary schools and if Lots 53 and 54 develop for residential purposes the Education Department of WA will require a PS site to be provided by the landowner in accordance with standard Ed WA requirements. Both the High School and Primary School sites will be compensated by state government. It is noted the landowner has indicated that he has no intention of developing the land for urban uses, however, if urban development did follow for Lots 53 and 54, the complexity of a calculation of the equitability of profits and costs, among the various landowners subdividing at different time periods and in differing contexts is not considered a matter which can be anticipated or predetermined to a level that would allow a rational public policy intervention in the manner proposed. Profit is usually seen as a reward for risk and those innovators establishing new suburbs tend to carry additional risks. Subsequent following developers can capitalise on the infrastructure and "product" provided by innovators. It is noted the First Stage landowners have made considerable investments in proving-up the urban-residential capabilities of their own landholdings, over the past 5 years. Adjacent (dormant) landholdings are likely to reflect enhanced land values as a result of these investment efforts. Logically these "free-rider" effects should be factored into any rational equation which looked at overall profits and costs amongst earlier and later developers, however, such consideration is beyond

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			<p>have a school site location on his land.</p> <p>4. Alternatively the submittee recommends that for school sites required by the Education Department, the Development Contribution Plan for common infrastructure items should pay out the difference between the payment received from the Education Department and the money, which would have accrued if the land were valued under the “Net Expectancy Value” provisions of the scheme.</p> <p>5. Acknowledges that the High School will serve a much larger catchment but is concerned that the District Structure Plan High School location will require the construction of Keane Road across a resource enhancement wetland and through Bush Forever sites contradicting environmental principles espoused in the ATA environmental reports.</p> <p>6. Concerned that Council will presumably be required to fund roads and infrastructure construction required for the school sites located on Lots 53 and 54 as the landowner has no plans to develop this land and therefore will not be contributing to such costs.</p> <p>7. Concern that Southern River Road extends through and bisects Lots 53 and 54.</p> <p>8. Concerned that drainage should retain stormwater within the development area and seeks assurance that hydraulic studies confirm that stormwater can be detained within the development area consistent with</p>	<p>the role of planning traditionally accepted in Western Australian land development.</p> <p>8.3. Not supported – matters of compensation for government school sites need to be addressed to the appropriate state government agency as there are accepted processes for determining land values in these circumstances and to add an additional layer of costing and compensation to existing mechanisms is not considered a necessary or efficient use of public resources.</p> <p>8.4. Not supported – there is an existing policy operated at state government level for the acquisition of government school sites and compensation of the landowners and the Development Contribution Plans under the local Town Planning Scheme are intended to cover those matters not otherwise addressed - see 8.3 above</p> <p>8.5. Noted – however, resource enhancement wetlands are not an absolute constraint to development, particularly as Keane Road has been planned for and a cadastral road reservation, which is recognised in the local Town Planning Scheme, has been in place for its ultimate construction, for many years.</p> <p>The Keane Road reserve is unzoned road reserve in TPS No 2 and draft TPS No 4. The road reserve is within and abuts a large area Reserved for Parks and Recreation in the MRS. Consequently, construction of the planned extension of Keane Road would have to meet strict environmental requirements as well as meeting the important socio-economic objective of providing a direct road connection to the Armadale Strategic Regional Centre. The construction of Keane Road will have to undergo the normal environmental assessment processes of any similar project before commencing. Keane Road exists as an un-constructed Crown reserve over part of its length and is identified in the SRFDSP (2001). It is recommended that the future construction of Keane Rd be referred to Technical Services Directorate with a view to making budgetary provision for the design and environmental impact assessment and review costs in the one-year plan for the forthcoming financial year.</p> <p>8.6. Noted - there are no designs in the North Forrestdale First Stage Structure Plan impacting on the submittee’s (Lots 53 and 54). Should the submittee</p>

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			Water Sensitive Urban Design principles.	<p>contemplate future development of Lots 53 and 54, the design and location of linkages and connections to the wider regional, district or local distributor road network, including any link to Southern River Road will be subject to a separate process of preparing a Structure Plan for Lots 53 and 54. Should the Education Department wish to develop the school, it will have to provide adequate road access if such is not already in place.</p> <p>8.7 Noted – This land is not part of the current SP and it is noted the submittee will be able to put forward his preferred road proposals for roads outlined in the DSP for consideration at such time that urban development is proposed for Lots 53 and 54. Current advice is that the owner has no intention to undertake such development.</p> <p>8.8 Noted - the developers have advised that hydrologic and hydraulic models developed for the North Forrestdale Structure Plan area have had to be based on several conservative assumptions to calculate the storage requirements within each catchments to attenuate the peak 10 year ARI event post-development flow rates to predevelopment levels and storage volumes, as limited details are currently available regarding subdivision layouts, site conditions etc. The drainage system adopted in the UWMP utilises off-line storage systems and specifies storage requirements in each catchment to satisfy the peak allowable discharge rates. Consequently, storage will be required within each development site to detain flood levels and there should be no discharge from the development during smaller more frequent storm events.</p> <p><b>Recommend – that Technical Services directorate refer the planning and construction of Keane Road between Skeet Road and Anstey Road to the Technical Services Committee for incorporation of the initial design costs (including environmental assessment clearances) into the one year plan and construction into the 5 year plan.</b></p>

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9	D. Diflorio 387 Nicholson Road Forrestdale, 6112		1. Supports the Structure Plan as it will raise the desirability of living and working within the municipality.	9.1 Noted - the submittee supports the SP, which will create the first stage of a whole new suburb in North Forrestdale and has the potential to establish a new standard of urban development, contributing significantly to the wider Armadale economy and community.  <b>Recommend – the submission’s support for the SP be noted.</b>
10	Satterley Property Group on behalf of Much University PO Box 410 South Perth 6951	Lot 6 Nicholson/Ke ane Roads	1. Supports the Structure Plan as; <ul style="list-style-type: none"> <li>▪ it accords with the Southern River / Forrestdale / Brookdale / Wungong District Structure Plan which identifies the land as future “Urban”;</li> <li>▪ it is relatively unconstrained land and is close to the encroaching urban fronts of Canning Vale and Southern River;</li> <li>▪ it has proximity to major employment nodes, regional services and infrastructure and is a logical extension to the expanding Canning Vale urban development front;</li> <li>▪ the Structure Plan represents the extensive work undertaken by the major adjoining landowners to progress a coordinated and quality development initiatives for their various landholdings.</li> </ul>	10.1 Noted - the submittee supports the S.P – see 9.1 above.  <b>Recommend – the submission’s support for the SP be noted.</b>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
11	Jandakot Regional Park Community Advisory Committee PO Box 1535 Fremantle 6959		<ol style="list-style-type: none"> <li>1. Concerned the Jandakot Regional Park and its values will only exist for future generations to enjoy if the necessary requirements to ensure its long term survival are put in place now.</li> <li>2. Concerned the fragmentation and lack of connectivity between the blocks of land that make up the Jandakot Regional Park will impact on its long term viability in terms of its flora, fauna, wetlands and landforms.</li> <li>3. Proposes that the Structure Plan provides a great opportunity to establish habitat corridors between isolated sections of Jandakot Regional Park to link fragmented patches of bushland and facilitate the migration of wildlife and natural dispersal of plants and help ensure the long term survival of the Park and the hydrological requirements of its wetlands. This can be achieved by connecting the numerous areas of public open space to establish habitat corridors and green links between the Parks isolated landholdings.</li> <li>4. Suggests that residents and prospective purchasers of lots should be informed of the natural values of the Park such as in “welcome packages” or point of sale information or letter drops and in this respect the submittee would be happy to assist by providing relevant information.</li> </ol>	<p>11.1 Noted - the development of urban residential uses on land adjacent to the park poses issues for CALM’s operational planning and management of the park to protect the parks values. The structure plan will contribute to ensuring these values are protected by providing:</p> <ul style="list-style-type: none"> <li>• road interfaces between development and conservation areas;</li> <li>• additional conservation areas in the form of conservation category wetlands reserved as local open space;</li> <li>• protection of the hydrological regimes of adjacent conservation areas;</li> <li>• linear local urban recreation and drainage networks including areas of natural vegetation, which will assist fauna movements;</li> <li>• planting of indigenous vegetation in public spaces and encouraging private native gardens;</li> <li>• alternative areas for local recreation reducing pressures on conservation areas;</li> <li>• community environmental education through “welcome” packages;</li> <li>• community facilities to aid community building and encouraging local “ownership” of local conservation areas.</li> </ul> <p>11.2 Supported in part – while the degree of connections which urban subdivision can provide between discrete conservation areas is limited by WAPC policies on public open space contributions, a modification to the advertised SP has provided a green link between Harrisdale Swamp and Piara Nature Reserve.</p> <p>It is noted that the previous studies identifying important conservation areas did not identify the extent of conservation corridors and scale of landscape connectivity implied by this submission. The submission identifies a critique of the park’s formulation and establishment processes, which while not relevant to the limited local recreation connections that area provided by the current Structure Plan, is however, relevant to the future planning of other conservation areas and regional planning. Its relevance to local structure planning for urban residential development is only through the limited provision of POS that can be provided through the 10% contribution, which can be demanded under state planning legislation. Public open space has been provided in the area in excess of the 10% requirement and located to achieve a number of criteria, including creation of habitat corridors, regional and stormwater drainage and provision of both active and passive recreation spaces for the future population. It is not considered that additional land can</p>

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				<p>be set aside for conservation purposes. The surrounding regional reserve adequately performs this function - see 1.5, 4.3, 6.1 and 6.2 above.</p> <p>11.3 Supported in part – an additional link has been provided – see 11.2 above. Given the land area requirements for provision of sites for conservation category wetlands, water management and local recreation and community purposes to support urban residential development at the standards demanded by the community, local structure plans can only provide limited linkages. Local urban structure plans are not appropriate for the scale of green wildlife corridors suggested by the submission. These should have been considerations at the previous district and regional level studies which also included the processes and mechanisms, by which affected private landowners are compensated for land taken by the state for nature conservation purposes - see 6.2 above. Note previous planning studies – Jandakot Botanic Park study/MRS Reservations/Bush Forever plan/DSP, which have resulted in an extensive conservation estate being located in the Forrestdale locality.</p> <p>11.4 Supported - the provision of educational materials related to natural values of the area is supported and will be promoted in discussion with the subdividers. A range of environmental considerations can be incorporated into welcome packages for new resident, including, the Regional Parklands, water management, native vegetation and nutrients. Given the special environmental sensitivities of the area and the City’s endorsement of the MOU it would be appropriate to provide a subdivision condition to require community environmental information packages.</p> <p><b>Recommend - That the submission be supported in part by provision of:</b></p> <ul style="list-style-type: none"> <li>• <b>community environmental information materials through the subdivision process: and</b></li> <li>• <b>a new green link to reserves connecting Harrisdale Swamp and Piara Nature Reserve.</b></li> </ul> <p><b>That the SP’s preservation of Conservation Category Wetlands, and provision of links to adjacent conservation reserves where this is compatible with public active and passive recreational needs and water management requirements, be noted.</b></p>

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12	Dawkins, Tillbrook Nominees (Telephone 9397 0055)		<p>1. Supports the Structure Plan.</p> <p>2. Requests the CY O'Connor Village and its commercial viability be included in planning.</p>	<p>12.1 Noted - the submittee supports the Structure Plan.</p> <p>12.2 Noted - the CY O'Connor Village for an education research and development and employment village and Neighbourhood Centre is subject to a separate Structure Plan. As a research and education establishment and smaller centre, its commercial viability is not relevant to the current Structure Plan.</p> <p>The full range of services appropriate for the scale of the expected community in the wider area will be provided in the centrally located larger Neighbourhood Centre planned for the intersection of Nicholson Road, the central north - south spine road and the Keane Road direct link to the Armadale Strategic Regional Centre, where higher order facilities and services are available.</p> <p><b>Recommend – That the support for the Structure Pan be noted.</b></p>
13	J.B. Fleming and J.C.M. Catchpole 9 Shepherd Court Forrestdale 6112	9 (Lot 110) Shepherd Court Forrestdale	<p>1. Request that their property be rezoned to align with the First Stage Structure Plan and that they retain their Kennel Licence until redevelopment goes ahead.</p>	<p>13.1 Noted - the site is not part of First Stage Structure Plan area (separate correspondence received in regard to rezoning the current kennel area is discussed in the report), however, it is noted the SRFBWDSP identifies longer term potential for urban uses.</p> <p>It is noted that the change of zoning for subdivision of the Kennel area cannot be accommodated through the First Stage Structure Plan. To do that a separate amendment would be required to both the MRS and local TPS. Prior to that occurring, environmental and servicing assessments, would have to be prepared to prove-up the suggested urban land use capabilities including addressing DoE/EPA requirements that environmental buffers be maintained between existing kennels and any new residential or other noise sensitive landuses – see 14.3 below.</p> <p><b>Recommend – Note that rezoning of the submittee's property in the future is supported by the DSP, however initiation at this time is not considered desirable given the lack of supporting environmental and servicing and land use studies and the need to establish the First Stage as a core area as a matter of priority before consideration of expanding to adjacent areas.</b></p>
14	J. Boekelman	Lot 108	1. No objection provided people purchasing in	14.1 Supported – The current Urban and Urban Deferred zoning of the land within

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	5 Shepherd Court Forrestdale 6112	Shepherd Court Forrestdale	<p>the proposed subdivision are made aware of proximity to the Kennel Zone and the noise emanating from the kennels.</p> <p>2. Recommends the 250m buffer to the kennels be enforced.</p> <p>3. Requests the City replace the Kennel zone signs surrounding the kennel area.</p>	<p>the Structure Plan area south of the existing Forrestdale kennels was based upon the buffers of 250 and 500 metres which were agreed to by the EPA. Land within the 250 metre buffer is only zoned Urban Deferred. Therefore, all development will be outside of this 250 metre buffer.</p> <p>14.2 Supported - subdivision applications within the kennel buffer will be referred to relevant agencies and if affected by the buffer subdivision will be conditional upon satisfying deemed requirements such as memorials on titles - see 4.1 above.</p> <p>14.3 Not supported – it is noted that under proposed TPS No 4, the area currently zoned Rural – Kennels will revert to a General Rural zone and existing kennels will retain Non-Conforming Use rights under TPS No 4. As no new kennel establishments will be approved and over time the existing kennels are likely to be replaced by more intensive uses, new signage is not considered appropriate. Following the zoning change with the gazettal of TPS No 4 later this year it would therefore be appropriate for existing Kennel Area signs to be removed.</p> <p><b>Recommend – Supported in part - Memorials on Titles of land will be recommended within the buffer of existing Armadale kennels as agreed by the EPA.</b></p>
15	M.C. and A. M. Boulton 31 Hybrid Court Banjup	31 (Lot 4) Hybrid Court Banjup	<p>1. Inform the City that their area generates noise in the form of barking dogs and are concerned that if the Structure Plan proceeds, then their rights to board dogs should continue as per the Cockburn Shire Plan and that no noise complaints be entered against them as a result of the Structure Plan.</p>	<p>15.1 Supported – these kennels to the west (Warton Road) were examined under a Noise Impact Assessment undertaken in September 2003 as part of the ERADE Village TPS Amendment. The assessment concluded that an area of ERADE Village within approximately 200m of the City of Cockburn's Resource (Kennel Operations) Zone is affected by noise. As such, the assessment recommended that Memorials be placed on lots created within the affected area. The 2003 acoustic assessment however was site specific to the ERADE Village site and did not examine future urban areas proposed by the North Forrestdale Structure Plan. In this regard, it is considered appropriate for a detailed acoustic assessment to be undertaken of the land within the SP area adjoining the kennel zone to ensure a suitable buffer and memorial area is identified (if required).</p> <p>See submission 20 below.</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
				<p><b>Recommend - A Noise Impact Assessment report is to be prepared by a suitably qualified acoustic consultant to the satisfaction of the City of Armadale and the Environmental Protection Authority. The report is to demonstrate/determine any appropriate buffer zones from the adjoining City of Cockburn's Resource (Kennel Operations) Zone in which residential development may be prohibited and in which Memorials are to be placed on Certificates of Titles on future residential lots to advise prospective purchasers of the potential impacts of noise and odours.</b></p> <p><b>The Subdivision Plan to illustrate buffer/memorial areas in accordance with the recommendations of the Noise Impact Assessment referred to above.</b></p>
16	Alinta GPO Box W2030 Perth 6846		<p>1. Informs the City that the developer must contact Dial Before You Dig (1100) to reference the Gas Network or any changes to it immediately before the proposal goes ahead.</p> <p>2. If the Gas Network is affected by the proposal and Alinta Works are required then the following conditions must be met:</p> <ul style="list-style-type: none"> <li>▪ All work carried out on Alinta's existing network to accommodate the proposed subdivision/amalgamation or any development will be at the proponents expense;</li> <li>▪ Alinta requires one month's notice prior to the commencement of the work on site. Notice should be given to the Project Coordinator at Alinta Network Services on 9486 3766.</li> </ul>	<p>16.1 Noted - this is a standard requirement prior to subdivision works and does not require response through the SP.</p> <p>16.2 Noted – see 16.1 above.</p> <p><b>Recommend – That the development works matters be noted</b></p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDALE FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
17	Telstra Locked Bag 2522 Perth 6001		<ol style="list-style-type: none"> <li>1. Concerned that the existing Telstra network is protected during construction works and that major network plant exists in the vicinity of the Structure Plan.</li> <li>2. Informs the City that it is the constructor's responsibility to identify the presence of any utility services and assess the possibility of impact of their project (plans showing approximate locations Telstra plant in the vicinity are attached together with interpretive guidelines).</li> <li>3. Recommends that the Telstra network be physically located by pot-holing and surveying and plans be prepared to have minimal impact on the Telstra Network as the relocation of Telstra plant is not a priority in Telstra's works programme and the timing and availability of resources for relocations have to be accommodated in the developers plans.</li> </ol>	<p>17.1 Noted – it is the developer's responsibility to protect and make provision for any infrastructure in the subdivision area.</p> <p>17.2 see 17.1 above.</p> <p>17.3 see 17.1 above</p> <p><b>Recommend - That the development works matters be noted</b></p>
18	Department for Planning and Infrastructure		<p>1 Local Centres – The District Structure Plan identifies a series of walkable Neighbourhood Centres within the SP area however, the map does not recognise this centre hierarchy and only facilitates the provision of a Village (District) Centre. Liveable Neighbourhoods policy recognises a need for balance between fewer centres with better viability and application of the arbitrary 400m catchment radius. The Structure Plan's design and location of arterial and neighbourhood connector street network, appears to indicate additional locations within the First Stage area that are suited to local centre or home store</p>	<p>18.1 Supported - the intersection of Mason and Wright Roads be identified as a local centre/corner store site and guidelines for other potential home store locations be included in the revised SP report;</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>commercial uses and which therefore should be identified on the SP, particularly the intersection of Mason and Wright Roads.</p> <p>2 Work from home opportunities – Nicholson Road is probably the most appropriate location for work from home opportunities and these need to be reflected/annotated on the SP map and it needs to be demonstrated that the road hierarchy will facilitate convenient access from Nicholson Road which is appropriate for this use.</p> <p>3 Water Corporation Drainage Reserve – the existing reserve which is identified as a common infrastructure item for usable open space and drainage, is a major link in pedestrian/cyclist movement, however, no credit will be provided to the overall POS requirement and a trilateral agreement will be required between Water Corporation, the City and the developers on development, maintenance, access and liability issues, prior to endorsement of the SP. The proponents seeking of reduction in road reserve widths adjacent to this corridor on the basis it provides a “road verge” function is similarly not supported.</p> <p>In respect to all Public Open Space, the SP should be transparent on what underpins the POS however, it is noted there are no details in the SP on total POS areas and credits (particularly given the extent of drainage, conservation assets within the SP area. The SP should also reflect the POS allocation for each lot and DPI will require a POS schedule as part of the SP and provisions</p>	<p>18.2 Supported in part – The new scheme (TPS 4) allows discretion for Home Occupations, Home Businesses and Home Stores in residential areas (Home Offices are also permitted uses). The final SP should be revised to incorporate an employment and business section outlining the proximity and links of the First Stage Area to strategic employment centres and the approach to planning for Home Occupations, Home Businesses and Home Store (corner) sites to be applied at the more detailed levels of planning (ODPs/Subdivision Plans). Any subdivision approval including along Nicholson Road would be required to accord with the approved strategy;</p> <p>18.3 Supported – the SP report should be revised to acknowledge a trilateral agreement will be required between Water Corporation, the City and the developers on development, maintenance, access and liability issues related to the existing Water Corporation Drainage Reserve, prior to endorsement of any subdivision approval pursuant to the SP. The SP should also be revised to address the total POS areas and credits in addition to the POS allocation for each lot and acknowledging that DPI will require a POS schedule as part of the SP and providing provisions within the SP to require an audit to be provided for each stage of subdivision to ensure that POS allocation is consistent with the SP POS outcomes.</p> <p>18.4 Supported – the SP report should be revised to acknowledge that the Freight route is to be removed from Nicholson Road and that embayment parking or increased road pavement be provided adjacent to Grouped Development sites (&amp; POS), will be required as a condition of subdivision.</p> <p>18.5 Supported – the SP report should be revised to acknowledge that road interfaces will be provided between the Urban zone SP area and the groundwater protection zone.</p> <p>18.6 Supported – the SP report should be revised to acknowledge that the DUP’s on the SP map only indicate the “regional” network which will be funded via the DCP and to acknowledge that additional DUP’s will be required as conditions of subdivision.</p>

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			<p>within the SP to require an audit to be provided for each stage of subdivision to ensure that POS allocation is consistent with the SP POS outcomes and schedule.</p> <p>4 Road Network - the SP text should acknowledge that the Freight route is to be removed from Nicholson Road and as DPI will generally require as a condition of subdivision that embayment parking or increased road pavement be provided adjacent to Grouped Development sites (&amp; POS), it may be appropriate to reflect this in the LSP text.</p> <p>5 The interface between the Urban zone SP area and the groundwater protection zone to the west should be clarified.</p> <p>6 Dual Use Paths – will be required to be consistent with WAPC’s policies and while the SP indicates the “regional” network which will be funded via the DCP, the SP should also note that additional paths will be required as conditions of subdivision.</p> <p>7 Interface with Bush Forever site (No 253 - Harrisdale Swamp) – the SP should be amended to provide a hard edge (ie road) interface between the Bush Forever site and the Urban area.</p> <p>8 Interface with Carey College – the interface between the College and the residential lots to the south west do not accord with WAPC policy and practice and should be modified to provide direct frontage to the proposed neighbourhood connector. The implications</p>	<p>18.7 Supported – the SP map and report should be revised to acknowledge that a hard edge (ie road) interface will be provided between the Bush Forever sites and the Urban area.</p> <p>18.8 Supported – the City supports WAPC policy being applied, however, it is noted that the SP is a general guide and does not address a scale that shows individual lots and this submission therefore primarily concerns the subdivision application for Lot 50, which is a separate statutory process. The SP identifies the road concerned as located along the battleaxe leg of Lot 1001 (as a linear extension of Reilly Road), however, at subdivision both suggested options would be consistent with the SP if the road was redesigned to be part of Lot 50 or if the respective owners came to an arrangement for road construction on the Reilly Road alignment as shown by the SP. It is understood the subdivision applicants have recently submitted modified lot designs for the Lot 50 subdivision application and are also liaising with the owner of Lot 1001 in regard to provision of the road and that these matters be resolved through the subdivision process and the SP which has been revised to show the roundabout is sufficiently robust to accommodate possible outcomes.</p> <p>18.9 Supported – the SP and its UWMP will be revised to ensure all subdivision and development will accord with WC/DoE/EPA requirements, however it is noted that the ILUWMP being prepared by WC for the district is still 2 years away from completion and a staged and adaptive learning implementation of water sensitive and environmental designs has been accepted by WC/DoE/EPA based on the City’s endorsement of the MOU with the other agency signatories and the structured planning process that has provided for development of North Forrestdale through the local planning scheme.</p> <p><b>Recommend – That the submission be supported by requiring the following modifications to the SP:</b></p> <ul style="list-style-type: none"> <li>• <b>an additional local centre site be identified on the SP map at the corner of Wright and Mason Roads;</b></li> <li>• <b>an employment and business section be incorporated into the report outlining the proximity and links of the First Stage Area to strategic employment and adjacent commercial centres and the approach to</b></li> </ul>

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			<p>of the proposed subdivision (Lot 50) should be considered and reflected in the SP (the subdivision application must either include the road located on Lot 1001 or the road should be relocated into the current application area). The road network traffic devices (round-a-bout) and likely traffic movements through to Carey College will need to be addressed at subdivision however, is also flagged for consideration in the SP.</p> <p>9 UWMS/Environmental Considerations – the WAPC will require confirmation that the outstanding Water Corporation/DoE/EPA issues have been resolved in the SP or will be at subdivision.</p>	<p><b>planning for Home Occupations, Home Businesses and Home Store (corner) sites to be applied at the more detailed levels of planning (ODPs/Subdivision Plans);</b></p> <ul style="list-style-type: none"> <li>• <b>a trilateral agreement will be required between Water Corporation, the City and the developers on development, maintenance, access and liability issues related to the existing Water Corporation Drainage Reserve, prior to endorsement of any subdivision approval of land adjacent to the drainage reserve pursuant to the SP;</b></li> <li>• <b>the total POS areas and credits in addition to the POS allocation for each lot and acknowledging that DPI will require a POS schedule as part of the SP and providing provisions within the SP to require an audit to be provided for each stage of subdivision to ensure that POS allocation is consistent with the SP POS outcomes;</b></li> <li>• <b>to acknowledge that the Freight route is to be removed from Nicholson Road and that embayment parking or increased road pavement be provided adjacent to Grouped Development sites (&amp; POS), will be required as a condition of subdivision;</b></li> <li>• <b>to acknowledge that road interfaces will be provided between the Urban zone SP area and the groundwater protection zone;</b></li> <li>• <b>to acknowledge that the DUP's on the SP map only indicate the “regional” network which will be funded via the DCP and to acknowledge that additional DUP's will be required as conditions of subdivision;</b></li> <li>• <b>to acknowledge that a hard edge (ie road) interface will be provided between the Bush Forever sites and the Urban area;</b></li> <li>• <b>to ensure the UWMP is revised and that all subdivision and development will accord with WC/DoE/EPA requirements in an adaptive learning approach to staged development.</b></li> </ul>
19	Sytka Pty Ltd 70 Parry St Perth	Lot 1001 Wright Road Forrestdale	<p>1. Concerned that while the Structure Plan is very dependant on a road reserve of about 18m width and located on the Structure Plan on the south side of Lot 1001 near the boundary with Lot 50, that nevertheless no one may acquire the land and construct the road and if this scenario arises the Stockland subdivision to the south of Lot 1001 will be incomplete and not integrated with the future school site located at the eastern end of Lot</p>	<p>19.1 Noted – the SP proponents advise the road has been located as a linear extension of the existing (un-constructed) Reilly Road reserve to the north of Lot 50 (on Lot 1001). Structure Planning does not prescribe a level of detailed precision for the location of roads as this is done at the more detailed subdivision level. Where a structure plan has shown such a road along the boundary of two lots the subsequent subdivision can locate the road either on the northern (Lot 1001 with the agreement of the owner) or on the southern lot (50). Alternatively if both owners agree it can be located partly on each lot (50:50) thereby providing a basic equitability of distribution of land costs between the two owners. These are private matters for the</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>1001.</p> <p>2. Concerned that Lot 1001 is at the moment effectively quarantined as, while Cary Baptist College have expressed an interest in acquiring some of Lot 1001 with the future Primary School site occupying approximately 4ha, it is unlikely that the landowner will be able to develop its land and will therefore receive no benefit from the road.</p> <p>3. Concerned that this will leave the landowners a balance of unused land and this needs to be taken into account in any subdivision approval to ensure there is provision for land swap/sharing between the landowner and Stockland and any approvals reflect that portion of the landowners balance of land between the road and Stockland's land be part of any future subdividable land.</p> <p>4. Recommends that the road should be acquired from the landowner under the scheme costs for basic common infrastructure.</p>	<p>owners to resolve.</p> <p>Ultimately, the developer of the land would be most likely to construct the road, however if Lot 1001 remains undeveloped due to environmental constraints the road may not be developed. The road could be located further south to Lot 50, however while this is a matter that can be accommodated under subdivision of lot 50 the current subdivision shows the road to the immediate north of Lot 50. Under this plan the initial stages of the subdivision of Lot 50 to the south may not be dependent on the road to the north, however providing the road is ultimately constructed by another party, through connections may be provided in the later stages of the subdivision of Lot 50, including integration with and linkage to the proposes school site. If the Reilly Road extension is not ultimately constructed it would be detrimental to the SP's overall permeability.</p> <p>19.2 Noted – the advertised SP identifies the future land use development of Lot 1001 as “Non-residential Landuse” and “Proposed Primary School” and an additional flora survey and/or procedures under the Wildlife Conservation Act will need to be completed before final landuses are confirmed. Given the non-specified landuse over part of the site a Detailed Area Plan - Outline Development Plan should be required prior to subdivision or development see point 1 above.</p> <p>19.3 Noted - Lot 1001 is a battleaxe lot whose street access is to Wright Road via a 20m battleaxe leg which is a general constraint in terms of redevelopment/re-subdivision requiring negotiation between adjoining landowners (Lot 1000 and Lot 50) to determine appropriate subdivision/amalgamations. Presumably the constraint represented by a battleaxe configuration would also be reflected in relative land valuations vis a vis a conventional lot with full street frontage.</p> <p>19.4 Not supported - The ability of the DCP to fund the acquisition of the land is constrained, as the road is a local subdivision road and not a district distributor road, which would have support for contributions under Planning Bulletin 18. As indicated above these are private matters between adjoining landowners, unless in extreme circumstances a local authority invokes its powers of resumption to provide a needed road access.</p>

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				<p><b>Recommend – That the SP be annotated that:</b></p> <ul style="list-style-type: none"> <li>• “Subdivisional Roads which do not yet exist and which are located on a boundary between two lots in differing ownerships, shall be deemed to be located 50:50% on each lot and the location of the final constructed road shall be determined by the negotiations between the two owners at the time of subdivision”;</li> <li>• “That where there are issues concerning equity of infrastructure provision, access and connectivity between land in different ownerships a Detailed Area Plan - Outline Development Plan may be required prior to be prepared and advertised for the comments of affected landowners prior to Council making recommendations on subdivision referrals.”</li> </ul>
20	City of Cockburn PO Box 1215 Bibra Lake 6965	Adjoining local authority area	<p>1. Concerns with page 30 of the Structure Plan report which discusses the dog kennel area in the City of Cockburn and stresses that the dog kennel area is being retained and therefore appropriate buffers should be applied (a map of proposed buffers included).</p> <p>2. Does not support residential development within the 200m buffer set for the ERADE Village for development south of the village as it is understood that the village did not contain permanent residential development and therefore in that circumstance the reduction of the buffer to 200m was acceptable but permanent residential development within the 200m requires a different response. Notwithstanding, the submittee agrees that Memorials should be placed on all titles within the 200m to 500m buffer.</p> <p>3. Does not support the significant number of low density and residential developments on the northern side of Nicholson Road within the 250m buffer and requests these lots be</p>	<p>20.1 Supported – See 15.1 above.</p> <p>20.2 Noted - See 15.1 above.</p> <p>20.3. Noted - See 15.1 above.</p> <p>20.4 Supported - the structure plan report identifies that traffic control will be required at the intersection of Armadale Road and Warton Road and a roundabout is suggested. The Armadale Road and Warton Road intersection is clearly at high risk of serious accidents due to combination of speed and the number of regional traffic movements on Warton Road, especially right turns west onto Armadale Road, which are clearly likely to increase once urban development proceeds along Nicholson Road.</p> <p>No capacity calculations have been undertaken to look at the operation of a roundabout and signals may be a better solution. This issue needs to be addressed closer to the time of the intersection installation so that more accurate traffic flow information may be sought.</p> <p>Traffic signals will have a reduced land requirement and it would be expected that the costs for each type of control would be similar. However, delays to traffic on Armadale Road may be less with a roundabout.</p> <p>Technical Services directorate has begun liaising with Cockburn in regard to intersection controls. There is little likelihood of the area immediately abutting the intersection being subdivided as it is in the Groundwater</p>

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			<p>removed from the Structure Plan. Again the City supports the placement of Memorials on all titles within the 200m to 500m buffer.</p> <p>4. Proposes that traffic signals should be installed at the intersection of Warton and Armadale Roads as a result of a high rate of crashes and the installation of these signals should be incorporated into subdivision approvals for this area.</p>	<p>Protection Area and already subdivided into small rural holdings. Grant funding opportunities should be explored for this intersection.</p> <p><b>Recommend – that:</b></p> <ul style="list-style-type: none"> <li>• A Noise Impact Assessment report is to be prepared by a suitably qualified acoustic consultant to the satisfaction of the City of Armadale and the Environmental Protection Authority.</li> <li>• The report is to demonstrate/determine any appropriate buffer zones from the adjoining City of Cockburn's Resource (Kennel Operations) Zone in which residential development may be prohibited and in which Memorials are to be placed on Certificates of Titles on future residential lots to advise prospective purchasers of the potential impacts of noise and odours.</li> <li>• The Subdivision Plan to illustrate buffer/memorial areas in accordance with the recommendations of the Noise Impact Assessment referred to above.</li> <li>• Council's Technical Services directorate to instigate processes to pursue grant funding opportunities and to construct an improved controlled intersection at the corner of Armadale and Warton Roads.</li> </ul>
21	Department for Planning and Infrastructure – Land Asset Management Services PO Box 1575 Midland 6936		1. Advises that as the development is outside of the 300 metre notification zone for high pressure gas pipelines actions of referral to the gas pipeline operators under the Dampier to Bunbury Pipeline Act 1997 have not been required.	<p>21.1 Noted.</p> <p><b>Recommend - Noted</b></p>
22	Landcorp Locked Bag 5 Perth Business Centre 6849	<ul style="list-style-type: none"> <li>▪ Lots 68 and 70 corner of Ranford and Anstey Roads (Nearby land zoned</li> </ul>	1. Concerns that the subject properties proposed urban zoning may have an impact on the ability of Landcorp to provide suitable industrial land through the negative impact of buffer requirements on the land zoned General Industry corner of Ranford and Anstey Roads,	22.1 Noted - the urban zoning in the Structure Plan area is now in place and is more than 1km from the General Industry site at its nearest point. The majority of the industrial land uses listed in the EPA's Separation Distances between Industrial and Sensitive Land Uses document have a generic buffer distance of less than 1 kilometre. Any new industrial developments need to incorporate appropriate technologies to reduce external impacts and therefore the need for buffer zones to be established on land located outside of the

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		General Industry); ▪ Lot 775 corner of Champion Drive and Lake Road; ▪ Champion Lakes Residential Precinct on Lake Road.	2. Landcorp requires the Council to ensure urban development does not encroach into DEP's buffer distances and hence reduce the development envelope of Landcorp's land and thereby restrict the economic growth of Armadale and employment opportunities that could be provided on the Landcorp site, however if Council deems the proposal falls outside of the influence of Landcorp site, the submittee does not object to the development.  3. Concerns that appropriate staging and land release volumes should be put in place in accordance with projected demands, taking into account other proposed developments within the area, including the Champion Drive and Champion Lakes sites, however as the future developer of the ARA Champion Drive and Champion Lakes residential precincts, the submittee generally supports the type of high quality residential land development proposed as this will add critical mass and support a range of services in the Armadale Town Centre.	industrial site itself is reduced.  22.2 Noted – the Structure Plan therefore does not represent any constraint to the future use of the Landcorp site, which has been zoned General Industry for many years - see 22.1 above.  22.3 Noted – in accordance with the objectives of the WAPC's Metropolitan Development Programme, an adequate supply of serviced land should be made available to satisfy expected demand in the south-east corridor, part of which will be in North Forrestdale.  <b>Recommend – Noted that there is an adequate separation between future residential areas and the future industrial area on Ranford Road and that there is a need to carefully plan for the expected demand for residential lots in the South East Corridor.</b>
23	Wildflower Society of Western Australia PO Box 64 Nedlands 6909		1. Notes that CALM have confirmed that Declared Rare Flora <i>Caladenia huegelii</i> (Grand Spider Orchid) is present on Lot 1001 following verification of a photograph from the site provided to CALM by the Wildflower Society.  2. Concerned that while the spring 2004 targeted rare flora survey did not find <i>Caladenia huegelii</i> on the site, this does not	23.1 Noted - however, although there has been a photograph of <i>Caladenia huegelii</i> reportedly observed on Lot 1001, there is no CALM Rare Flora Report form, which would otherwise indicate a precise location and date of record etc. Verification of the presence of this taxa on Lot 1001 is based on a single, undated photograph of the species taken by the Wildflower Society. Accordingly, an accredited verification report would be required in order to confirm the lot as the location of a population of <i>Caladenia huegelii</i> . In that regard it is noted that intensive surveying of Lot 1001 by ATA Environmental during the September 2004 survey failed to locate the species. Accordingly a further spring survey will be conducted during 2005. If the

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			<p>mean it does not occur as the site is <i>Baksia</i> woodlands which is <i>Caladenia huegelii</i> habitat.</p> <p>3. Concerned that, as remaining populations of <i>Caladenia huegelii</i> are severely fragmented and there is a continuing decline in the extent of occurrence, area of occupancy, quality of habitat, number of locations and number of individuals, its habitat should be preserved.</p> <p>4. Suggests that the conservation of Lot 1001 provides an opportunity to conserve <i>Caladenia huegelii</i> habitat particularly as the 20ha Lot 1001 is recovering well from a fire in 2002 and had a bushland condition of “very good” to “excellent” condition (as rated by Bush Forever 2000) with 3 vegetation communities and only small isolated areas of local disturbance and weed invasion. In addition to the above reasons the submittee suggests the conservation value of Lot 1001 is high because additionally it is of a viable size and has potential for an ecological linkage with Harrisdale Swamp (Bush Forever Site 253) and Ballanup Lake (413)</p> <p>5. Suggests the rezoning of Lot 1001 from General Rural to Urban Development is environmentally unacceptable and it should be retained and remain as “General Rural” until it is rezoned for inclusion in the Conservation Estate in the long term and linked via local and/or regional corridors with other bushland sites (Harrisdale Swamp, Ballanup Lake and Anstey/Keane Dampland).</p>	<p>existence of <i>Caladenia huegelii</i> were to be subsequently confirmed by a CALM Rare Flora Report, there may nevertheless, be some potential for the species to be retained in vegetation associated with the future primary school and possible POS earmarked as likely future landuses for Lot 1001 on the Structure Plan. - see Submission 4.2 above and 29 below.</p> <p>23.2 Supported - a further flora survey will be required prior to approval of any development of Lot 1001.</p> <p>23.3 Noted – CALM advises that any <i>Caladenia huegelii</i> species confirmed on the site will fall under the legislative protection of the Wildlife Conservation Act 1950 and the federal Environment Protection and Biodiversity Conservation Act 1999 - see 23.1 above.</p> <p>23.4 Not Supported – Lot 1001 has not been identified for conservation by previous studies, which examined conservation values and set aside areas for conservation in Forrestdale. These included the Jandakot Land Use Study and Bush Forever or subsequent Reservations for Parks and Recreation under the Metropolitan Region Scheme.</p> <p>The SRFBW DSP identifies Lot 1001 as future “Urban”. MRS 1072/33 zoned Lot 1001 as Urban Deferred/ Urban under the MRS.</p> <p>ATA consultants advise that while the recent flora survey noted that vegetation on Lot 1001 is recovering well and is classified as being in Very Good condition, species richness is likely to be considerably less than prior to the December 2002 fire - see submission 4.3 above.</p> <p>23.5 Not supported – it is noted that under the current “General Rural” zone the site could be developed for a number of permitted rural land uses. The land is predominantly zoned Urban Deferred in the MRS and is proposed as Urban Development zone under Amendment No 190 to TPS No 2.</p> <p>The current SP designation of Lot 1001 as “Non Residential Landuse” is an interim arrangement which needs to be subject to a further separate DAP/ODP/SP being prepared and adopted prior to development and clarifying its ultimate use and development. It is recommended that the</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>6. In December 2004/January 2005 the Society was sent a specimen collected from Lot 1001 subsequently identified by Elizabeth George as <i>Verticordia lindleyi</i> subspecies <i>lindleyi</i>, which is listed as a CALM Priority 4 Flora, and this occurrence should be recorded by the City and CALM as part of the assessment process.</p>	<p>Urban Deferred zone be maintained until this further step and the additional flora survey is completed see 23.1 – 4 and above.</p> <p>23.6 Supported in part – that the revised SP report note the siting of Priority 4 Flora species <i>Verticordia lindleyi</i> subspecies <i>lindleyi</i> on Lot 1001 and including it in future targeted spring flora survey and seeking confirmation from CALM.</p> <p><b>Recommend – Supported in part by requiring further targeted flora survey prior to development on Lot 1001 including seeking confirmation of Priority 4 Flora species <i>Verticordia lindleyi</i> subspecies <i>lindleyi</i> and that the revised SP report note the siting of <i>Verticordia lindleyi</i> subspecies <i>lindleyi</i>.</b></p>
24	<p>David Porter Consulting Engineer on behalf of Rich Haul Holdings Pty Ltd PO Box 1036 Canning Bridge 6153</p>	<p>Lot 143 Warton Road Forrestdale</p>	<p>1. Supports in principle the proposed North Forrestdale Structure Plan.</p> <p>2. Concerned that as the Structure Plan deals only with the eastern part of Lot 143, there is no further research being undertaken on the validity of the boundary of the groundwater protection area that includes the western part of Lot 143 and which remains in the Rural Groundwater Protection zone.</p> <p>3. Suggests the construction bores which shape the eastern boundary of the groundwater protection area are no longer in production and that the boundary could be moved further west to at least Warton Road.</p> <p>4. Suggests the Structure Plan should provide some indication as to what the western section of the land could be used for, if not for residential purposes, and suggests a special residential area could be considered</p>	<p>24.1 Noted - the submission's support for the SP be noted.</p> <p>24.2 Noted - the area referred to is not within the Structure Plan area nor is it subject to the recent rezoning to MRS Urban Zone. The submittee is referred to the Statement of Planning Policy No 2.3 Jandakot Groundwater Protection Policy for strategic guidance on land use within the MRS Jandakot Groundwater Protection Zone. Local TPS zoning is established by TPS No 2 (and draft TPS No 4).</p> <p>24.3 Noted - the boundary of the Jandakot Mound public drinking water resource protected by the Rural Groundwater Protection zone will need to be taken up with DoE, however it is a separate issue and not relevant to the current advertised Structure Plan. The consultants for the landowners, have advised that hydrological investigations are currently being undertaken regarding the validity of the bores which determine the demarcation of the Rural Groundwater Protection zone with the North Forrestdale Urban zone to the east.</p> <p>24.4 Noted – the Structure Plan only intends to guide the Urban portions of the lots fronting Warton Road. The submittee should refer to S24.2 above for guidance on land use within the MRS Jandakot Groundwater Protection Zone. Any subdivision proposal for the Rural parts of those lots would require a separate SP and are not relevant to the current matter under consideration.</p> <p><b>Recommend – Noted that the submission supports the SP in principle and that other matters raised in the submission are external to the SP area.</b></p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDAL FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
25	<p>EPA Service Unit PO Box K822 Perth 6842</p> <p>&amp; Dept of Environment 7 Ellam St Victoria Park 6100</p>		<p>1. Meetings of relevant stakeholders were held on 24 February and 1 March 2005 and after due consideration of the issues, the EPA SU advises it supports in principle the proposed North Forrestdale Structure Plan with the following provisos:</p> <p>2. Potential Soil and Groundwater Contamination - the desktop assessment of contamination undertaken by ATA should be summarised in the body of the report and presented in a format that clearly shows:</p> <ul style="list-style-type: none"> <li>• Known and suspected (potential) sites with soil and groundwater contamination, and sites that may be associated with pollution (eg. uncontrolled fill). Any limitations on known information should be acknowledged;</li> <li>• Any local issues relevant to the issue of soil and/or groundwater contamination identified (eg. proposed residential development on former market gardens); and,</li> <li>• A process for dealing with the contamination issues at the subsequent stages of planning should be identified (eg. apply local planning policies, scheme provisions, and/or manage the known/possible contamination during the subdivision application determination processes). In particular, where residential and similarly sensitive developments are proposed (eg. schools, child care centres etc), it is recommended that procedures should be in place to ensure that the potential for contamination onsite and surrounding the development has been considered.</li> </ul> <p>3. Remnant Vegetation - It is not clear what areas proposed for POS will retain their natural vegetation and there are several pockets of</p>	<p>25.1 Noted – the submission provides conditional support for the SP.</p> <p>25.2 Supported – the SP report should be revised accordingly to reflect the EPA SU requirements.</p> <p>25.3 Supported in part – that consideration be given to retaining some of the natural vegetation abutting Lots 54 and 63 (Bush Forever Site No. 342) in subsequent detailed planning for the south east section of Lot 6, abutting the Keane road reserve and Lot 54, however noting there are current rural uses that are subject to only very limited regulation in respect to retention and preservation of the quality of remnant vegetation on land which it is noted, has not been identified by any previous study as conservation land. That subsequent more detailed DAP/ODP/SP or subdivision application plans (whichever is appropriate) for Lot 6 Nicholson and Lot 1001 Reilly Road be referred for further assessment by the EPA.</p> <p>25.4 Noted – that proposals which may be likely to have a significant impact on the environment may be further referred to the EPA for consideration under s.38 of the <i>Act</i>.</p> <p>25.5</p> <p>a) Note - a majority of the area is marked as having low to moderate risk of ASS occurring. A thorough ASS investigation should be carried out if potential ASS are identified during geo-technical preliminary research.</p> <p>b) Noted - the owners have provided legal documents stating that they will cease poultry farming permanently and demolish all poultry farm structures before any new houses in a residential subdivision within 500 metres of a poultry farm shed are occupied (the EPA Service Unit has received correspondence - letter from Mrs Jabado (received by Rachel Mercy on 26 February 2004) and more recently a copy of the deed). Note that Mrs Jabado has already ceased operations.</p> <p>c) Noted - the purpose of the structure plan is primarily to allocate land uses for a future residential community and is not planning for the conservation estate, which has been completed under previous studies – see submissions 4.3 and 29 and 25.3 above.</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>remnant vegetation in Good and Very Good condition that are unfortunately not being retained, in particular, Lot 1001 Reilly Road (proposed school site) and the south east section of Lot 6, abutting the Keane road reserve and Lot 54, which may require further assessment by the EPA. The EPA Service Unit is of the view that consideration should be given to retaining some of the natural vegetation abutting Lots 54 and 63 (Bush Forever Site No. 342) given the uncertainty for future development of Lots 53 and 54.</p> <p>4. Note that the EPA SU's support for the North Forrestdale Structure Plan does not negate the requirement for individual subdivision or development proposals which may be likely to have a significant impact on the environment to be referred to the EPA for consideration under s.38 of the <i>Act</i>.</p> <p>5. Other advice in the EPA SU submission includes:</p> <p>a) Acid Sulfate Soils – the Structure Plan area has areas considered of “Low” and “Moderate” risk of ASS occurring and there are “High” risk areas in the vicinity, therefore should development of the site disturb areas with a risk of Acid Sulfate Soils, an acid sulfate investigation will have to be undertaken and if ASS are identified, an ASS management plan will need to be approved by DoE prior to works commencing;</p> <p>b) Odour – providing the legal agreement prevents recommencement, odour is not considered a risk as the poultry farm operations have ceased, (the legal agreement should be forwarded to the EPA).</p>	<p>d) Noted –It is intended to revegetate and improve the ecological function and values of the REW occurring through Lots 49 and 50 Wright Road. In-principle support of this proposal has been provided by the previous manager of the DOE's Wetlands Program. Areas of local POS including areas with natural vegetation will be managed as local space and not be dependent on natural biological processes for their long term viability.</p> <p>e) Noted – buffers and interfaces in the form of a hard-edged boundary (i.e. roads) are proposed for future subdivision planning in the area to ensure impacts on the Jandakot Regional Park (i.e. Piara NR, Anstey/Keane Dampland and Harrisdale Swamp) are prevented. Road interfaces will also be provided for environmentally significant open space areas in the Structure Plan area.</p> <p>f) This criticism is valid for the original documents, but amendments have been made by consultants in discussion with the key MOU agencies to address the concerns advanced in the submission. Accordingly these concerns have been addressed and now can be noted – Parsons Brinckerhoff's UWMP creates a hydraulic model and stormwater management guidelines for the North Forrestdale Structure Plan in accordance with the UWMS (JDA, 2002). This document was based on the UWMS (2002), which was endorsed by the WRC.</p> <p>No additional detail was provided in regard to water quality management in the UWMP. The UWMP only summarises the major points and requirements outlined in the Forrestdale Local Structure Plan Drainage &amp; Nutrient Management Plan (JDA, 2001) and the UWMS (JDA, 2002), which are endorsed by the WRC.</p> <p>It is also noted that, the Stormwater Management Manual for WA (2004) was not available when the UWMP was produced and to date only two chapters of this document have been made available to the public. The intention of the monitoring program is to provide data to calibrate the current models of the structure plan area and provide baseline data for stormwater quantity and quality management. It was intended that the specific BMPs be specified and designed for each subdivision based on this data to minimise any uncertainty and identify the most appropriate BMPs for each site (as per current studies</p>

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			<p>c) Fauna – The vegetated corridors highlighted in Figure 10 – Structure Plan (p37) demonstrates limited connectedness to other areas of regional open space thereby limiting ease of movement for some fauna species.</p> <p>d) resource enhanced wetlands - vegetated POS corridors do not appear to have maintained much of the vegetation on Lots 1001, 49, and 50 related to the resource enhanced wetlands (REW) in the northern portion of the Structure Plan area and the EPA Service Unit considers retention as a more desirable ecological outcome than replanting. The lack of connectedness between some pockets of native vegetation may limit the viability of these vegetated areas in the longer term;</p> <p>e) Conservation/Development Interfaces:</p> <ul style="list-style-type: none"> <li>• the Structure Plan does not discuss the design of Conservation/Development interfaces or how they will be incorporated and managed;</li> <li>• the documentation only highlights the need for an interface between the Bush Forever Sites and Urban areas but there is also a need for interfaces between areas of high conservation value within the development area, including the conservation category wetlands (CCW) and REW to be retained;</li> </ul> <p>f) Urban Water Management Plan - the November 2004 UWMP as submitted was extremely deficient and not supported as it stood as it was based on the WRC 1998 Manual for Managing Urban Stormwater Quality in WA , which has been replaced by the DOE Stormwater Management Manual</p>	<p>for the Newhaven subdivision).</p> <p>It was intended that the water quality management criteria be consistent with the UWMS. In that regard it is noted that the concepts proposed in the UWMS, apparently no longer conform with the Stormwater Management Manual (2004).</p> <p>The scale of the study area and the minimal detail in respect to subdivisional layouts required simplification of the hydraulic models. Consequently, storage volumes to attenuate the peak post development 10 year ARI event to predevelopment flow rate within each catchment were reported. It was intended that the UWMP for the North Forrestdale Structure Plan be only an initial guidance for stormwater management of the study area and that further study be undertaken for each subdivision (Subdivisional Water Management Plan - SWMP be developed) when the layout of each subdivision are finalised (this process is being undertaken for the Newhaven subdivision). The SWMP would identify the most appropriate and effective BMP's for each subdivision when specific site conditions (groundwater levels, geotechnical parameters etc) are identified.</p> <p>The UWMP refers to 'basins' as a BMP for the stormwater management strategy, in accordance with the UWMS. It was not intended to specify basin sizes but rather the storage volumes that each catchments would be required to contain to achieve the peak allowable outflows from each catchment. This storage could be achieved by numerous BMPs not just basins.</p> <p>It is acknowledged that the methods used to achieve this storage were not specified and it was only recommended that new innovative measures be adopted.</p> <p>As indicated above, it was not intended that the UWMP promote wet detention basins for each catchment but instead estimate the storage volumes that each catchment would need to contain to achieve the peak 10 year ARI outflow requirements.</p> <p>It was the intention of the UWMP to promote these at-source management methods through the subsequent subdivision planning processes (i.e. to maximise infiltration as is being addressed for the Newhaven and Vertu</p>

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			<p>for WA (2004) describing the principles, objectives and guidelines for stormwater management in WA.. The comments of the Program Manager Stream and Storm Water Quality Management are:</p> <ul style="list-style-type: none"> <li>• the outcomes, conclusions and criteria contained in the Executive Summary of the UWMP, do not address how water quality issues will be managed, other than to continue the monitoring program;</li> <li>• the criteria for water quality management are not supported and both the UWMP report and the Executive Summary of the Structure Plan report require substantial revision to be consistent with current DOE policy on Stormwater Management;</li> <li>• the modelling approach used to determine flood management requirements has also been used to advocate the use of large artificial water bodies (basins and constructed wetlands) as the principal water quantity and quality management technique and while there is text which indicates other more innovative solutions may be investigated at the detailed design stage, it is unlikely that should this document be endorsed in its present form, that subsequent users would adopt a different design concept due to so much attention to “basin sizing”;</li> <li>• DOE no longer supports or endorses the construction of artificial “wet detention basins” as a stormwater quantity or quality management technique due to the modification of the local environment, high construction costs and ongoing management issues, which include inefficient water use (through evaporation) and water quality (algal</li> </ul>	<p>Subdivisions). The UWMP was developed to provide initial guidance in regard to flood management (10 year and 100 year ARI events) and promote the nutrient management criteria specified in the UWMS (2002).</p> <p>It is noted that a meeting between the DoE and Parsons Brinckerhoff was held on the 20/01/05 and it is understood that the DoE requires that the stormwater management strategy be based on the partially completed new stormwater manual (however, it is important to note that the UWMS itself is no longer consistent with the new DoE Stormwater management requirements and hence it follows draft SP report would not be consistent with the UWMS).</p> <p>Detailed analysis for the 1 or 2 year ARI events etc will be undertaken when detailed subdivisional layouts are available, however, this level of detail is not possible at this structure Plan stage.</p> <p>PB proposes that the UWMP recommend that more detailed investigations be undertaken for each subdivision to determine these parameters when further detail regarding the layout of the subdivision and specific site conditions are revealed (groundwater levels, geo-technical parameters etc).</p> <p>This will vary depending on the layout of the subdivision and hence it is recommended that this be addressed during the subdivisional investigation.</p> <p>g) Not supported - “Resource Enhancement” is a generally accepted term of classification established by others and the word “enhance” cannot be detached from this term. Notwithstanding, it is the intention to rehabilitate and improve the ecological functions and values of the REW occurring through Lots 49 and 50 Wright Road. This is in accordance with the in-principle support previously provided by the former manager of the DoE’s Wetlands Program (Marnie Leybourne).</p> <p>No disturbance to the long term hydrological regime of wetlands within the structure plan area is proposed. Current AAMGLs in all three CCW within the SP area will be maintained.</p> <p>Rehabilitation of wetlands will use endemic plant species sourced from local provenance. Management plans will be prepared and submitted to the DoE</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>blooms and potential mosquito and midge nuisance) and consequent high ongoing recurrent management costs;</p> <ul style="list-style-type: none"> <li>• DOE is now promoting a distributed “at source” and “in-system” catchment management approach (2004 Stormwater Manual for WA) that addresses community behaviours and land use management, and water quantity and quality management by retention/detention (eg through swales and bio retention systems) and infiltration “at source” (eg flush or broken kerb roads and car park and permeable or porous paving);</li> <li>• the documents need revision to address the following issues: <ul style="list-style-type: none"> <li>- acknowledge and be consistent with current policies, principles, objectives and guidelines (Stormwater Manual, draft Water Resources SPP etc);</li> <li>- provide a synopsis of current knowledge of the hydrologic regime, including a map of separation between maximum groundwater levels and current (or proposed) ground levels;</li> <li>- present a synopsis of the results of the pre-development surface and groundwater quality monitoring program undertaken to date and discuss how current water quality will influence the proposed stormwater management system;</li> <li>- present the proposed design criteria and objectives for the development area, or the methodology and timeframe proposed to develop them;</li> <li>- present the proposed conceptual</li> </ul> </li> </ul>	<p>for approval.</p> <p>The higher quality portions of the REW on Lots 49 and 50 will be retained and enhanced as part of the “living stream” proposed through the area, however these areas will be subject to more detailed planning through the subdivision and development process, which may include locating a community centre on the east side of Lot 49.</p> <p>25.6 Noted</p> <p>25.7 Noted</p> <p><b>Recommend – That the submission be supported in part by revising the SP as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Acknowledging that site contamination report will be required prior to subdivision and a remediation and management plan prepared and approved by EPA prior to development works approval;</b></li> <li>• <b>Providing road interfaces to conservation areas;</b></li> <li>• <b>Identifying a new “green link” between Harrisdale Swamp and the reserve connection to Piara nature reserve;</b></li> <li>• <b>Revising the UWMP to be consistent with current policy directions and recent refinements of the UWMS policy directions and requiring more detailed UWMPs prior to approval of subdivision; and</b></li> </ul> <p><b>Advising the applicants that consideration be given to retaining some of the natural vegetation abutting Lots 54 and 63 (Bush Forever Site No. 342) in subsequent detailed planning for the south east section of Lot 6, abutting the Keane Road reserve and Lot 54; and that the EPA advises that proposals which may be likely to have a significant impact on the environment may be further referred to the EPA for consideration under s.38 of the EP Act.</b></p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDALE FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>stormwater management system for the development area (include modelling results as an Appendix including further modelling of system performance during the 1 or 2 year ARI events, to determine the capacity for onsite infiltration and the sizing of retention/detention areas) to guide the detailed design of the system;</p> <ul style="list-style-type: none"> <li>- describe how the proposed conceptual stormwater management system links to and interacts with adjacent wetlands;</li> <li>- describe the proposed monitoring program to measure system performance against the proposed design criteria and objectives;</li> <li>- describe how the plan will be implemented, including roles and responsibilities.</li> </ul> <p>g) Wetlands:</p> <ul style="list-style-type: none"> <li>• the term “enhancement” is not supported by the EPASU as it implies that there will be some level of modification to the wetlands natural state and hydrological regime;</li> <li>• all wetlands within the structure plan area should remain a part of natural flood management subject to no disturbance to the long term hydrological regime of the wetlands;</li> <li>• all rehabilitation of wetlands should include only species sourced from local provenance to ensure that no new genetic populations are introduced to the area and management plans should be prepared and approved by DOE;</li> <li>• The REW area do not appear to have been documented to be retained in</li> </ul>	

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDALE FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>Figure 10 – Structure Plan (p37) despite the report stating that the higher quality portions of the REW on Lots 49 and 50 will be retained.</p> <p>6. EPA SU notes that the Structure Plan has addressed the information requirements under the previous assessments of MRS Amendment No 1072/33 and TPS No 2 Amendment No 190 in respect to the following environmental factors:</p> <ul style="list-style-type: none"> <li>▪ Vegetation;</li> <li>▪ Wetlands;</li> <li>▪ Nutrient Export and drainage issues;</li> <li>▪ Fauna and Fauna Habitat;</li> <li>▪ Potential Site Contamination; and</li> <li>▪ Potential Acid Sulphate Soils.</li> </ul> <p>7. The above summarises advice from various technical branches within the Department of Environment and indicates the EPA's expectations for environmental protection as part of the S.P which is supported in principle subject to the matters identified in 1 to 4 above being addressed in subsequent planning.</p>	
26	Department of Indigenous Affairs PO Box 7770 Cloisters Square Perth 6850		1. Advises that it is possible the proposed development will impact on Aboriginal sites and recommends that a comprehensive Aboriginal heritage study be undertaken, including a desktop study of any previously registered sites and a further ethnographic and archaeological survey be undertaken to ensure that any unrecorded sites are identified	<p>26.1 Supported in part - an ethnographic desktop report on the proposed Structure plan area was completed by Daniel de Grand an Anthropologist of de Grand Pty Ltd in September 2004. No recorded sites were found within the site. The landowners and developers will be required to comply with all requirements of the Aboriginal Heritage Act throughout the planning and development of the North Forrestdale area, including the reporting of any unrecorded sites.</p> <p><b>Recommend – That subdivision referrals recommend that site works be monitored by an archaeologist to identify and report any unrecorded sites encountered.</b></p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDAL E FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
27	<p>Development Planning Strategies on behalf of Stockland WA Pty Ltd</p> <p>and the Dawkins family, PO Box 8088 Subiaco East 6008</p>		<p>1. Supports the Structure Plan as:</p> <ul style="list-style-type: none"> <li>▪ it is generally consistent with the Southern River Forrestdale Brookdale Wungong District Structure Plan;</li> <li>▪ it will facilitate a diverse, integrated sustainable residential neighbourhoods and high quality of lifestyle;</li> <li>▪ the land uses are appropriate for its location in terms of surrounding development and infrastructure;</li> <li>▪ it protects areas of environmental significance and locates parklands to enable retention of remnant vegetation and conservation category wetlands;</li> <li>▪ it will implement water sensitive urban design recommended in the Urban Water Management Plan and thereby protects surface and groundwater quality in the area;</li> <li>▪ the internal street pattern is walkable, permeable and legible and supports all modes of transport;</li> <li>▪ roads have been designed for passive solar home designs;</li> <li>▪ A variety of lot sizes is provided for a variety of lifestyle choice;</li> <li>▪ All residents will be within walking distance of a park;</li> <li>▪ The neighbourhood commercial centre is centrally located on a high order road and with a pedestrian “Main Street” focus, however it will be subject to more detailed planning before implementation;</li> <li>▪ The Education Department is satisfied with the primary school location which abuts a large area of open space to facilitate shared recreation opportunities;</li> <li>▪ All major landowners have agreed to a</li> </ul>	<p>27.1 Noted.</p> <p>27.2.1 Noted.</p> <p>27.2.2 The concept of the open space south of the Neighbourhood Centre is supported, however its size and associated group housing site, needs to be determined and the proposed sports/community pavilion needs to be planned to ensure it meets the ongoing needs of the community in this location. These details must be separately agreed to by the City as part of the DCP and DAP/ODP or SP for the commercial village and are not part of the current SP.</p> <p>27.2.3 Noted – see 27.2 above.</p> <p>27.2.4 Noted – see 27.2 above.</p> <p>27.2.5 Noted</p> <p><b>Recommend - That the proposals for providing active POS in conjunction with Carey Resources and south of the Local Centre be noted and considered, but that the method of funding the associated infrastructure be addressed during the assessment of the DCP.</b></p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDAL E FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>list of common infrastructure items to be jointly funded by the landowners and a Development Contribution Plan will shortly be submitted to the City for a separate Town Planning Scheme amendment;</p> <ul style="list-style-type: none"> <li>▪ The landowners and developers have all the necessary resources, skills, finances and track records in land development to deliver an integrated residential cell;</li> <li>▪ The Structure Plan has been coordinated through and Planning Steering Group with involvement of the DPI, City of Armadale and other stakeholders, which will continue to oversee the implementation of the Structure Plan;</li> <li>▪ The site's development will boost Armadale's residential stocks with estates not dissimilar to nearby localities of Canning Vale and Southern River; and</li> <li>▪ Employment opportunities will be provided in the adjacent ERADE Village, the neighbourhood centre and in home business and the primary school.</li> </ul> <p>2. The Following changes to the advertised Structure Plan (shown on plan attached to submission) are proposed on behalf of Stocklands:</p> <p>2.1 a 1405m2 Grouped Housing site is proposed south of the ERADE Village precinct and directly abutting open space to the west and preliminary discussion with DPI and City officers for the subdivision of Stage 1a Newhaven indicates support for the site on the basis of the higher levels of</p>	

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			<p>amenity provided by the POS and services to be located in the ERADE Village.</p> <p>2.2 As the Structure Plan area is deficient in formal active open space mainly due to the need to provide a linear system of open space/multiple use drainage corridors and buffers to the two conservation category wetland on Lot 49 Nicholson Road, Stocklands propose a modification of the open space south of the Neighbourhood Centre to accommodate a multiuse district sports oval (inclusive of recommended buffer areas) and an associated sports/community pavilion and additional medium density housing sites overlooking the southern part of the oval to compensate for lost residential density opportunities. Such an oval is ideally located within the centre of the Structure Plan area.</p> <p>2.3 Stocklands are keen to accommodate the above active sports oval by reconfiguring the Structure Plan design (and not altering the current extent of public open space provision) but wants the construction of facilities on the land to qualify as common infrastructure scheme cost item (estimated at \$750,000) and thereby avoiding land acquisition as a scheme cost by directing funding exclusively towards the physical construction of facilities.</p> <p>2.4 Stocklands consider that district</p>	

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			<p>supporting facilities within the Structure Plan area are best provided through a dispersed provision approach whereby key facilities are provided within strategic locations, such as additional facilities on Lot 1001 and possibly the existing Skeet/Keane Road Parks and Recreation Reserve or possibly on a portion of Lot 113 Warton Road which is affected by the Priority 2 underground water protection area and used for hardstand active courts (tennis, basketball etc).</p> <p>2.5 Stocklands and some of the larger landowners have initiated a series of negotiations with CALM and Carey Baptist College to explore all viable options for active recreation ovals.</p>	
28	Water Corporation PO Box 100 Leederville 6992	(clarifies previous submission No 28) (Can't these be made into one submission?)	<p>1. Water Corporation requires the NF UWMP within the SP document to address the following issues:</p> <ul style="list-style-type: none"> <li>◆ Commitment to incorporate design objectives for urban water management and some detail demonstrating the proposed approach for meeting the objectives;</li> <li>◆ Commitment to a monitoring program to establish baseline information for the site prior to development – this ideally considering a coarse level of assessment across the whole North Forrestdale Structure Plan area, and some more detailed assessments for each development area;</li> <li>◆ Commitment to an assessment of the</li> </ul>	<p>28.1 Supported – while the advertised report touches on these issues they should be elaborated on the revised report to be referred to the WAPC for endorsement. Some matters are proposed for inclusion in the DCP.</p> <p>A series of meetings have been held with DoE, WC, CoA and the developers and general agreement reached to incorporate the commitments listed by the submission.</p> <p>28.2 Supported in part – when completed the ILUWMP will identify a high-level policy within which all new developments will have to fit. The ILUWMP will elaborate and refine the strategic directions established in the 2002 UWMS. The ILUWMP will be likely to be completed in 2 years.</p> <p>Notwithstanding, initial individual subdivisions in the North Forrestdale Structure Plan area will proceed within the next two years and therefore before the ILUWMP will be completed. These early subdivisions will need to be designed and managed according to the best management practices available at the time of subdivision. As the state of knowledge improves with</p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDAL FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>monitoring data and how the water quality will influence the proposed drainage system;</p> <ul style="list-style-type: none"> <li>◆ Commitment to provide adequate information to allow the Water Corporation to assess the impact on its Main Drainage System; and</li> <li>◆ commitment to a process of refinement as further knowledge of the development proceeds.</li> </ul> <p>2. Water Corporation also requires the MOU Group's Integrated Land and Urban Water Management Plan (ILUWMP) to be adhered to when it is completed</p> <p>3. Water Corporation's objectives include targets for water conservation and drainage water quality targets, which are believed to be consistent with the DoE's policies, principles and objectives for stormwater. These objectives include:</p> <ul style="list-style-type: none"> <li>◆ Water conservation – consumption target for potable water of 40-60kl/person/year;</li> <li>◆ Groundwater - Minimisation of pollutant discharge to groundwater including: <ul style="list-style-type: none"> <li>- 60% reduction in total phosphorus;</li> <li>- 45% reduction in total nitrogen;</li> </ul> </li> <li>◆ Groundwater - minimise pollutant discharge and maintain environmental flows and hydro-periods, water quality and habitat where an ecosystem is dependent on a particular hydrologic regime according to the DoE's requirements;</li> <li>◆ Groundwater - where stormwater</li> </ul>	<p>research and monitoring improvements will be implemented in subsequent subdivisions.</p> <p>28.3 Supported – These objectives they should be elaborated on the revised report to be referred to the WAPC for endorsement. Some matters are proposed for inclusion in the DCP.</p> <p>A series of meetings have been held with DoE, WC, CoA and the developers and agreement has been reached to incorporate the commitments listed by the submission.</p> <p>28.4 Noted – the City supports the ongoing work of the MOU Group – see 28.2 above.</p> <p>28.5 Noted – in North Forrestdale staged subdivision combined with monitoring of outcomes will provide the knowledge required for a continual learning approach to selection of Best Management Practices. The SP is schematic in nature so that flexible responses to the lessons learned and adapted Best Management Practices can be accommodated in each successive subdivision stage depending on outcomes of previous stages.</p> <p>28.6 Supported – the City recognises that the current paucity of knowledge of water management on Perth's Swan Coastal Plain can only be improved through the type of adaptive learning proposed and that the lessons learned will have more widespread application elsewhere in WA.</p> <p>28.7 Supported – a series of meetings have been held with DoE, WC, CoA and the developers the water sensitive urban design requirements of the DoE are to be incorporated into the revised report to be referred to the WAPC for endorsement. Some matters are proposed to be further addressed in the DCP.</p> <p>Over the past 3 years, meetings with the WC, DoE and CoA through the planning Steering Group established by the CoA, have determined that the wider study for the whole District Structure Plan area (ILUWMP) and more detailed work for the First Stage North Forrestdale Structure Plan area, would be undertaken concurrently in a parallel in a two-pronged research effort. Water Corporation's submission reflects and is consistent with this approach.</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>infiltrates into groundwater, ensure groundwater levels do not fall or rise to the extent they threaten constructed assets or wetlands and that stormwater is treated (to achieve a 60% reduction in total phosphorus and 45% reduction in total nitrogen);</p> <ul style="list-style-type: none"> <li>◆ Stormwater – In comparison to developments with no active water quality management, ensure runoff from impervious areas is reduced as follows:               <ul style="list-style-type: none"> <li>- total suspended solids by 80%;</li> <li>- gross pollutants by 70%;</li> <li>- total phosphorus by 60%;</li> <li>- total nitrogen by 45%;</li> </ul> </li> </ul> <p>and ensure stormwater hydrology is maintained to pre-development 1.5 year ARI conditions.</p> <p>4. The MOU group will be undertaking further ongoing work towards completion of the ILUWMP including:</p> <ul style="list-style-type: none"> <li>◆ clarifying any gaps between the current (interim) objectives and DoE policies, principles and objectives for stormwater;</li> <li>◆ identifying how the water management objectives should be applied in the land development process, particularly the stage in the rezoning and subdivision process to set conditions to apply and conducting an actual trial project which implements the water management objectives;</li> <li>◆ trialling and testing a software modelling tool (the Music modelling software is currently being trialled) to demonstrate compliance with the water quality objectives.</li> </ul>	<p><b>Recommend - That the submission be supported by revision of the Structure Plan and SP Report to outline how subsequent detailed planning will implement the water sensitive urban design/adaptive learning and precautionary approaches and that the statutory framework for subsequent subdivision/Detailed Area Plan/outline development plans reflect these commitments (note also that some detailed comments received from WC have been provided directly to the applicants for their information in revising the SP).</b></p>

**SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDALE FIRST STAGE STRUCTURE PLAN**

No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>5. Water Corp advises that achieving the water quality objectives will require a flexible response to improve knowledge and experience with the performance of Best Management Practices for managing drainage water quality and achieving water conservation at the subdivision level in Perth.</p> <p>6. The Water Corporation believes the precautionary principle proposed by the DoE, will be demonstrated by applying a continual learning approach to stages of development to ultimately determine the Best Management Practices which yield the appropriate level of performance.</p> <p>7. The Water Corporation suggests a joint discussion between the DoE and the UWMP consultant occur to coordinate direction for finalisation of the UWMP and to meet the water sensitive urban design requirements of the DoE.</p>	
29	Dept of Conservation and Land Management		<p>1. CALM previously provided comments on A190 and MRS Amendment No 1072/33 and additional comments are now provided as they related to:</p> <ul style="list-style-type: none"> <li>▪ Rare and Priority Flora;</li> <li>▪ Vegetation Protection;</li> <li>▪ Greenway Corridors;</li> <li>▪ Boundary Treatments;</li> <li>▪ Jandakot Regional Park.</li> </ul> <p>2. Rare and Priority Flora:</p>	<p>29.1 Noted – these submissions have been addressed previously. It is recommended that CALM and adjacent landowners and land managers such as the City of Armadale will need to establish a body of policies and protocols for managing the Jandakot Regional Park in a new urban context. It is recommended this objective be built into the final Jandakot Regional Park Management Plan.</p> <p>29.2</p> <p>a) Noted – however the siting details are deficient - see Submission 23 above.</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>a) CALM records indicate and CALM has previously advised the City, that Declared Rare Flora (DRF) orchid species <i>Caladenia huegelii</i> has been recorded on Lot 1001 Wright Road. While the SP report states that the recent survey did not identify any DRF plants, it is likely that the orchid does exist within the lot but did not produce flowers this year and may have been very difficult to identify. CALM considers Lot 1001 is habitat for <i>Caladenia huegelii</i> and therefore the provisions of the state Wildlife Conservation Act 1950 and the federal Environment Protection and Biodiversity Conservation Act 1999 continue to apply. Lot 1001 is one of the largest and most intact areas of remnant vegetation in the area and is therefore likely to be able to retain its values to support a population of <i>C. huegelli</i> over the long term and CALM's previous advice on the MRS and TPS Amendments has been that areas containing significant flora should be retained within POS.</p> <p>b) CALM supports the retention of the Priority 3 flora species <i>Aotus cordifolia</i> within the POS associated with the Conservation Category Wetland on Lot 49 Wright Road.</p> <p>c) As the results of the spring 2004 ATA flora survey were not in the draft SP report, they need to be provided to CALM so it can provide further advice on rare and priority flora and vegetation.</p>	<p>(ATA Environmental have also requested CALM to clarify its position in regard to successive flora surveys which yield negative results (in regard to DRF) and the implications for the land, which is otherwise constrained from productive uses/potential development).</p> <p>b) Noted.</p> <p>c) Noted – the supplementary 2004 ATA Environmental flora and vegetation survey report has now been provided to CALM for comment.</p> <p>29.3 Noted - however it should be pointed out that a quarter of the total area of Southern River Complex vegetation protected in secure conservation reserves is found in the immediate vicinity of the SP area (ie Piara, Anstey/Keane and Harrisdale Swamp Bush Forever sites) (total of 446ha of the SR Complex). Bush Forever (WA Government, 2000) also refers to 11% of Southern River Complex being proposed for protection. Lot 1001 is to be subject to further flora survey and more detailed planning prior to development, however it is noted the land is currently zoned General Rural and could be used for this purpose at the current time.</p> <p>29.4</p> <p>a) Noted - however, Greenway 91 is proposed to be retained and enhanced through development of “living stream” or multiple use corridor, while Greenway 97, which comprises of Forrestdale Main Drain through the SP area, is proposed for retention and enhancement.</p> <p>b) Noted – several continuous greenway corridors assisting the movement of fauna and contributing to the long term viability of ecosystems within Jandakot Regional Park are identified by the SP area. A new green link is proposed between Harrisdale Swamp and POS linear link to Piara Nature Reserve. The Keane-Anstey Dampland Bush Forever Site and Piara Nature Reserve link needs to be considered in the SP for the “SP South” area on the Indicative Staging Plan.</p> <p>c) Noted – CALM will have to work with the City and new residents in the adjacent proposed urban area to manage and minimise disturbances.</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>3 Vegetation Protection</p> <p>While the environmental assessment is correct in stating that the remnant vegetation within the development area has not been identified for protection through Bush Forever, it has been identified as Southern River Vegetation Complex which has only 1.5% protected in secure conservation reserves in the metropolitan area. The Draft Bushland Policy for the Perth Metropolitan Region – Statement of Planning Policy 2.8 states that native vegetation outside Bush Forever is local bushland and it provides guidance for local governments on how to identify and protect local bushland, with measures including a general presumption against clearing of bushland containing DRF. The City of Armadale’s position on local bushland should be taken into consideration in progressing the North Forrestdale Structure Plan, particularly for Lot 1001.</p> <p>4 Greenway Corridors</p> <p>a) The system of “multiple use corridors’ that have a POS, drainage and linkage function is noted. However the Structure Plan does not address “Greenway” corridors, which are defined as “networks of land containing linear elements that are planned, designed and managed for multiple purposes including ecological, recreational, cultural, aesthetic, or other purposes compatible with the concept of sustainable use” (see Tingay and</p>	<p>d) Supported in part – however, it is noted that the opportunities to identify and implement linkages at the broad landscape level between and within the park to adjoining areas of ecological significance have not been identified or taken up by Bush Forever and MRS Amendments. The ability of the urban structure planning process to reconcile landscape level conservation objectives with WAPC policy on public open space resulting from residential subdivision is limited - refer to in S4.3 above, particularly given the considerable increase in land values and with so little attention provided to district active recreational needs in regional planning.</p> <p>29.5</p> <p>a) Supported - Buffers in the form of hard-edged boundary (i.e. roads) are proposed for future subdivision planning in the area to ensure impacts of the Jandakot Regional Park (i.e. Piara NR, Anstey/Keane Dampland and Harrisdale Swamp) are prevented.</p> <p>b) Noted – developers will be encouraged to undertake preliminary liaison with CALM.</p> <p>29.6</p> <p>a) Noted.</p> <p>b) Noted – see S29.4 above.</p> <p>29.7</p> <p>a) Noted - while POS network can play a limited role as wildlife corridors, the merits of encouraging larger vertebrate fauna to enter into close proximity to urban land uses, has to be questioned and it is noted the POS contribution associated with residential development has to accommodate a range of functions including regional drainage and local stormwater drainage in addition to the recreation needs of the future population. The mechanisms of acquisitions of land to be set aside for conservation purposes through MRS Reservations are well established however, it is a fact that these have not been exercised in this area, which has been subject to considerable previous</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>Associates – “A Strategic Plan for Perth’s Greenways, Final Report”, Perth Western Australia 1998). Two greenways in the plan applicable to the North Forrestdale Structure Plan area, these being Greenway 91 – Southern River – Jandakot Botanic Park and Greenway 97 - Southern River – Forrestdale Lake – Thomas Road – The Spectacles.</p> <p>b) CALM is concerned the Structure Plan lacks continuous and adequate greenway corridors to assist fauna movement and contribute to the long term viability of ecosystems within the following Bush Forever sites within Jandakot Regional Park, Harrisdale Swamp, Piara Nature Reserve and Anstey/Keane Block.</p> <p>c) Jandakot Regional Park comprises a series of disparate estates spread across a large area and with a substantial perimeter in relation to area that makes the relatively undisturbed landscapes within the park particularly vulnerable to the pressure of adjacent landuses.</p> <p>d) Linkages between and within the park to adjoining areas of ecological significance are important in maintaining the biodiversity of each park area and ensuing the vigour of the park’s ecological systems and integrating the park with the broader landscape.</p> <p>5 Boundary Treatments</p> <p>a) CALM supports the proposed street</p>	<p>study aimed at conservation objectives. By contrast the 10% standard POS contribution of residential development has to achieve multiple objectives and by virtue of the Conservation Category Wetlands to be set aside as local POS by the Structure Plan, the conservation aspects of the SP area have clearly not been ignored.</p> <p>b) Noted – see above comments.</p> <p><b>Recommend – That the submission be supported in part by the final SP report stating that buffers in the form of hard-edged boundary (i.e. roads) will be provided between the urban and Jandakot Regional Park conservation areas and that the final SP identify a green link between Harrisdale Swamp and the drain connecting to Piara Nature Reserve.</b></p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>network providing a hard road edge between housing developments and CALM lands as it provides access for management and fire control, creates a firebreak and acts as a buffer.</p> <p>b) Planning for future stages of North Forrestdale adjacent to the Jandakot Regional Park should be discussed with and referred to CALM's Regional Park Unit.</p> <p>6 Jandakot Regional Park</p> <p>a) Previous submissions on the MRS and TPS Amendments outline that the regional open space comprising the Jandakot Regional Park is managed primarily for conservation purposes, with some passive recreation uses. This position is unchanged and intensive recreation pursuits should be promoted within local open space and have no impact on the Jandakot Regional Park.</p> <p>b) The Structure Plan states the intention that the landowners will continue to work with CALM regarding the use and management of adjoining regional reserves and to ensure that the local open space network can be integrated to complement the regional reserves and the future community can benefit from proximity to these conservation areas, however, an integrated open space network would also be one which includes Greenways.</p>	

SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.2 - NORTH FORRESTDALE FIRST STAGE STRUCTURE PLAN				
No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>7 CALM's comments on the form and layout of the Structure Plan is</p> <p>a) Consideration of amending the POS to increase the functionality of the "multiple use corridors" as ecological linkages;</p> <p>b) Consideration of the biodiversity values of vegetation on Lot 1001 Wright Road and its possible retention as POS.</p>	
30	Main Roads WA PO Box 6202 East Perth 6892		<p>1. The proposal does not affect any roads under MRWA control.</p> <p>2. While there is no indication as to whether any traffic signals are proposed MRWA believes that traffic signals do not necessarily provide a solution to all road user problems and if unwarranted or inappropriately located close to other signalised locations can potentially lead to inefficiencies causing delays and crashes.</p> <p>3. MRWA approval is required prior to implementing traffic signals and should be justified and evaluated with alternative measures including supporting information such as predicted traffic and pedestrian volumes, SIDRA analysis and traffic impact reports.</p>	<p>30.1 Noted.</p> <p>30.2 Noted – the need for traffic control, which could be by means of signals has been identified at the intersection of Armadale Road and Warton Road – see S20.4 above.</p> <p>30.3 Noted – see S20.4 above.</p> <p><b>Recommend – Council's Technical Services directorate to instigate processes to pursue grant funding opportunities and to construct an improved controlled intersection at the corner of Armadale and Warton Roads.</b></p>
31	Cary Baptist College PO Box 1409 Canning Vale WA 6970	Lot 1000 Wright Road	<p>1. Supports the Structure Plan proceeding however seeks some matters to be addressed in finalising the plan.</p> <p>2. Infrastructure Costs</p> <p>a) The Structure Plan and Development Contribution Plan should be amended so that education providers (including private colleges) are excluded from</p>	<p>31.1 Noted – the College is within the SP area and has liaised directly with the consultants and through the Planning Steering Group during preparation of the plan.</p> <p>31.2</p> <p>a) Noted – this matter relates to the Development Contribution Plan for the First Stage Area and is not a part of the subject SP. A Development Contribution Plan is currently being prepared for consideration by Council and will be</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>sharing the infrastructure costs.</p> <p>b) Infrastructure costs should include provision for drainage from the college and no recompense should be required for any crossovers constructed by the college on to distributor roads.</p> <p>3 Active Recreational Reserve</p> <p>a. The decision to position an active recreation reserve on Lot 1001 between the college and the proposed Education Department Primary School is supported. When this reserve is combined with that provided by the two schools, a significant active recreation space would be created and a resource of this size is required given the number of people expected to live in the area.</p> <p>b. The submittee is willing to assist the City in establishing the reserve and believe there are joint use opportunities that would benefit both the City and college. The submittee proposes to develop ovals in conjunction with the City and then assist in maintaining them under an ongoing usage agreement to be agreed. However, the submittee proposes to acquire 3ha of Lot 1001 which would leave 4ha for active recreation reserve between the college and the Education Department Primary School. The owner of Lot 1001 seeks that the whole of the lot be acquired.</p> <p>c) Acquisition of 3ha of Lot 1001 by the submittee would allow the private primary school, which is almost full, to expand and cater for new demand. It</p>	<p>advertised separately for public comment. Clause 5.9.9 generally sets out the Model Scheme Text provisions and while contributions in respect of development of land for a private school, would not attract the same level of contribution as in the case of subdividing land for the creation of residential lots or development of a motel, for example, there nevertheless may be some infrastructure items for which a contribution in respect to the development of private schools may be warranted. For example the extension of sewer and drainage services may considerably expand the development potential of the currently un-serviced school site. In that regard, the value of the site would be enhanced and therefore a contribution at an appropriate rate, justified. For development and extensions to a private school an appropriate rate would have to be calculated and adopted at the time of development approval. Accordingly the submittee is recommended to make a submission when the scheme amendment on the DCP is advertised for public comment.</p> <p>b) Noted - if drainage were provided in the area as is proposed by the First Stage development, then there may be potential for the school to connect at its own expense. If this was the case a contribution would be appropriate. Crossovers constructed by the college to the road network are separate matters not relevant to the SP however, any new crossovers would be subject to Council approval and would be at the expense of the applicant. Existing crossovers affected by subdivisional roadworks would be altered as necessary at the developer's expense.</p> <p>31.3</p> <p>a) Noted – however the ultimate use of Lot 1001 has not been determined at this stage and while an active recreation site funded by the DCP is one possibility being considered for the “Non-Residential Landuse” Urban Deferred zone land located adjacent to existing kennels and between Carey College and the proposed primary school, other landuses may subsequently be endorsed. There may need to be further consultation on this land and preparation of a separate DAP/ODP/SP, which specifically addresses Lot 1001 and its interfaces with adjacent developments.</p> <p>b) Noted – the City has no objections to the submittee acquiring part or all of Lot 1001 as noted in the submission, however, it is noted a further flora</p>

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			<p>would also provide for additional oval space (concept plan attached to submission).</p> <p>4 Community Centre</p> <p>a The contribution to be made to community facilities by the developing landowners is a key matter that is not yet resolved in the Development Contribution Plan, which is also not yet finalised.</p> <p>b The College and the Carey Community Resources Inc body are in the process of finalising plans for the first stage of its Carey Community Recreation Centre and plans are currently with the City for approval.</p> <p>c All community and recreation developments in North Forrestdale and surrounding areas should be complementary to each other, this applies particularly to the proposed Carey Community Recreation Centre development. Accordingly the submittee would like to work with the City and the developing land owners to this end.</p>	<p>survey and more detailed planning will be required prior to development of Lot 1001. The use and development of any POS in the area would need to be subject to a separate dialogue with the City possibly as part of a DCP proposal put forward by the First Stage Landowners.</p> <p>c) Noted – there has been some discussion between the City and the College regarding the possibility of joint use agreements in respect of private school and public facilities, however, these have been very preliminary in nature and would be presented separately to Council should the matter be progressed further.</p> <p>31.4</p> <p>a) Noted – see point 31.2a above.</p> <p>b) Noted – this matter is a separate Development Application which has been approved.</p> <p>c) Noted.</p> <p><b>Recommend – That it be noted that the Development Contribution Plan will be subject to consultation through a new TPS amendment and a further flora survey and more detailed planning will be required prior to development of Lot 1001.</b></p>
32	Jason Bouwhuis representing GHD 239 Adelaide Terrace Perth 6004 on behalf of a client.		<p>1. Queries developing a retirement village in a medium density locality adjacent to the commercial area near the intersection of Nicholson Road and Wright Road (100 aged care facilities and 200-300 houses of 2 to 4 bedrooms).</p> <p>2. The area proposed for a retirement village needs to have a supermarket/grocery shop within walking distance.</p>	<p>32.1 Noted – Aged Persons housing is generally addressed by the R Codes. In respect to 49 Nicholson Road a location within easy walking distance (for the elderly) adjacent to the proposed Neighbourhood shopping centre would be appropriate for such use.</p> <p>32.2 Noted – however, the detailed layout of uses within the Nicholson Road shopping centre has not been finalised and a separate Outline Development Area Plan/Centres Plan will be prepared and a new submission may be made in respect to the location of specific land uses when that plan is advertised for public comment.</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
			<p>3. Queries Council's thoughts on reimbursing the owner of Lot 49 Nicholson Road for the area of land set aside for the conservation wetland adjacent to Lot 54 (the conservation wetland is approximately 3 or 4 ha).</p> <p>4. The submittee understands all created lots will be required to contribute a set fee per lot which has apparently been nominated as \$3,500 to \$4000 per lot and notes that these numbers can escalate and will have to be monitored.</p> <p>5. Queries as to what scope the Council perceives for a retirement village, which will be sold under life lease via the creation of one large lot for the retirement village.</p> <p>6. Queries what value is being used to then reimburse lot 49 as it is anticipated that a value of \$400,000 to \$450,000 per ha would be appropriate given that the conservation wetland is approximately 3 or 4 ha.</p> <p>7. Queries the timing and direction of the services which have to be brought to the site, which may depend on when Stocklands decides to move forward and whether a review of services may be required as the provision of services to Lot 49 will require urban development to occur in Stocklands owned land.</p>	<p>32.3 Generally, landowners are required to contribute 10% POS in respect to residential subdivision. Land for a conservation wetland would be given up by ceding the land to the crown at the time of subdivision or development of the first stage.</p> <p>Current preliminary discussions with the landowners on the DCP indicate provision of mechanisms for landowners contributing in excess of this 10% POS requirement as a result of having a conservation wetland on their land, to be able to seek reimbursement of funds valued at the date of ceding the land to the crown from the DCP account.</p> <p>Under the DCP scenario, the DCP account will accumulate a funding contribution from all the landowners within the infrastructure cost sharing/DCP area, who will pay a proportion on the cost of the land. Once sufficient funds have been accumulated, the landowner of Lot 49 could seek compensation.</p> <p>Notwithstanding the DCP would need to be initiated as a separate scheme amendment and subsequently advertised for comment. The above comments represent the preliminary stage of discussions and a further submission is therefore invited on this matter at the appropriate time.</p> <p>32.4 Noted – contributions will not be made on the basis of a set fee per lot but will be made according to the provisions of 5.9 of TPS No 3 or equivalent if TPS No 3 has replaced TPS 2 at the time of development. Clause 5.9.6 provides that <i>“Cost Contributions are to be based upon the proportion that the area of that owners land bears to the total area of land within the Development Contribution Area for which Cost Contributions have yet to be made”</i>.</p> <p>32.5 Noted – see point 32.1 above.</p> <p>32.6 Noted – see point 32.4 and 32.3 above. Generally values will be calculated at the time of ceding the land.</p> <p>32.7 Noted – the submittee is invited to discuss servicing intentions with the major landowners. In general any approvals will be conditional upon availability of/provision of services. Landowners and prospective developers are</p>

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No	NAME & ADDRESS	LOT	RESUMÉ OF SUBMISSION	COMMENT & RECOMMENDATION
				<p>encouraged to liaise with each other in respect to servicing and in general services will be implemented at subdivision/development. Some matters relating to urban services are expected to be included in the DCP with the initial subdividers/developers doing the works and then being reimbursed by subsequent developers from the DCP when sufficient funds accumulate from later development contributions.</p>

**Acronyms used in the Report.**

**ARI - Annual Recurrence Interval ( the number of years between rainfall events of this magnitude)**

**ASS - Acid Sulphate Soils**

**ATA - ATA Environmental Consultants**

**BMP - Best Management Practices (ie best available methods of achieving Water Sensitive Design)**

**CALM - Department of Conservation and Land Management**

**CCW - Conservation Category Wetland (ie to be protected)**

**DAP - Detailed Area Plan**

**DCP - Development Contribution Plan**

**DoE - Department of Environment**

**DPI - Department for Planning and Infrastructure**

**DRF- Declared Rate Flora**

**DUP - Dual Use Path**

**EDDS - Executive Director Development Services (City of Armadale)**

**EMA - Environmental Management Area**

**EPA - Environment Protection Authority**

**EPASU - Environment Protection Authority Service Unit**

**ERADE - Education, Research and Development and Employment Village**

**ILUWMP - Integrated Land and Urban Water Management Plan (being prepared by Water Corporation - ie the same project as IUWMP)**

**IUWMP - Integrated Land and Urban Water Management Plan (being prepared by Water Corporation - ie the same project as ILUWMP)**

**JRPMP - Jandakot Regional Park Management Plan**

**MOU - Memorandum of Understanding (on the UWMS)**

**MRS - Metropolitan Region Scheme**

**MRWA - Main Roads Western Australia**

**NFFSPSG - North Forrestdale First Stage Planning Steering Group (a liaison forum provided by the City of Armadale)**

**ODP - Outline Development Plan (Detailed Area Plan which provides an outline of lots to be developed)**

**POS - Public Open Space**

**REW - Resource Enhancement Wetland (ie capable of being modified)**

**SP - Structure Plan**

**SRFBWDSP - District Structure Plan (2001)**

**SWMP - Subdivisional Water Management Plan**

**TPS - Town Plan Scheme**

**UWMP - Urban Water Management Plan**

**UWMS - Urban Water Management Strategy**

**WAPC - Western Australian Planning Commission**

**WC - Water Corporation**