

CITY OF ARMADALE

MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 22 JULY 2008 AT 7:00 PM.

PRESENT: Cr H A Zelones JP Chair
Cr J Everts
Cr P J Hart
Cr J Knezevich
Cr L Reynolds AM JP
Cr R J Tizard
Cr C J MacDonald

APOLOGIES: Nil.

OBSERVERS: Cr R Butterfield

IN ATTENDANCE:	Mr I MacRae	Executive Director Development Services
	Mr P Sanders	Planning Services Manager
	Mr J Erceg	Health Services Manager
	Ms S Hillel	Building Services Manager
	Mr J Robinson	Coordinator Strategic Planning
	Mrs N Cranfield	Minute Secretary
	Public	8

DISCLAIMER

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

Cr Reynolds, Cr MacDonald and Cr Butterfield

Proposed Shopping Centre – Lot 700 Eighth Road, Armadale----- Page 11

Cr Reynolds and Cr Zelones

Champion Lakes Special Residential Precinct – Lake View Terrace Area
Request from Armadale Redevelopment Authority ----- Page 37

QUESTION TIME

Nil.

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 17 June 2008, to be confirmed.

MOVED Cr Hart
MOTION CARRIED (7/0)

DEPUTATION

Cr Reynolds declared an indirect financial interest in this item (proposed Shopping Centre – Lot 700 Eighth Road, Armadale) on the basis that his wife, as at 30th June 2008, owned more than the prescribed amount of shares in Westfarmers Limited (owners of Coles Limited) and left the meeting at 7.03pm.

Cr MacDonald declared a direct financial interest in this item and left the meeting at 7.03pm.

Cr Butterfield declared a non-financial interest in this item as a family member is employed by one of the three companies involved in this deputation. As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would disregard this association.

1. Proposed Shopping Centre development - Lot 700 Eighth Road, Armadale

Mr Jim Richards (Director, Western Corporate) attended the meeting at 7:04pm.

Mr Richards addressed the Committee and advised that he was representing Neerigen Brook Estate (owner of Lot 700 Eighth Road, Armadale) and Woodfield Enterprises Pty Ltd (owner of West Armadale Shopping Centre).

Mr Richards briefed the Committee on the history of events associated with the expression of interest by Farmer Jack's proprietors to relocate to Lot 700 Eighth Road, Armadale.

Woodfield Enterprises have endeavoured to relocate long term tenants of the West Armadale Shopping Centre. Negotiations with Farmer Jacks were ongoing between 2005 and 2006 and \$350,000 was expended during this time on various plans and designs. Unfortunately for a variety of reasons an agreement/commercial arrangement was unable to be reached to relocate Farmer Jack's and the West Armadale Bega Tavern.

Neerigen Brook Estate have entered into a binding agreement with Coles to develop a supermarket at the proposed Lot 700 Eighth Road, Armadale.

Neerigen Brook Estate proprietors will continue to make every effort to work with the tenants to close West Armadale Shopping Centre in line with the Deed that was signed between Woodfield Enterprises Pty Ltd and the Council.

The development of the shopping centre at Lot 700 Eighth Road is in line with the Enquiry-by-Design 1999 report outcomes which lead to the Structure Plan and rezoning approvals. Completion of the new centre is planned for mid 2010 which will mean that the West Armadale Shopping Centre may be opened for up to 8 years until the leases expire should the centre not be closed earlier by agreement between the two properties.

Mr Richards concluded that the applicant is supportive of the officer's recommendation and will work with the Council to fulfil the associated conditions. The new shopping centre will provide excellent access, exposure, ease of parking to the surrounding population, and with Coles as the major supermarket on the site would be a benefit to the surrounding community.

CHAIRMAN thanked Mr Richards for his attendance.

Deputation retired at 7.10pm.

2. Proposed Shopping Centre development - Lot 700 Eighth Road, Armadale

Raelene Doy (Farmer Jack's Foodworks, Armadale), Matthew Trichet (from a retail consultancy group) and Jack Keeley (Farmer Jacks representative) attended the meeting at 7.11pm.

Ms Doy and Mr Keeley briefed the Committee on the history of Farmer Jack's in West Armadale Shopping Centre and the events associated with the expression of interest to relocate to Lot 700 Eighth Road, Armadale. In summary, the following comments were raised-

- ◆ In March 2004 we read in our local paper that our shopping centre was to close. My father and I then met with Mr Ian MacRae, City of Armadale, who advised that only one Shopping Centre could operate at a time. This, we understood, meant that as the old site closes, the new site opens. It was also mentioned that the tenants of the existing centre were to be relocated to the new site.
- ◆ We are in favour of the new shopping centre project. The prospect of moving to a beautiful new location was exciting to say the least and therefore after being contacted by Mr Jim Richards, representing agent, Lease Equity, negotiations commenced. An excess of \$100,000 was spent on consultant and solicitors fees.
- ◆ Midway through negotiations and after a series of issues and events we became aware that the developers were seeking offers from other national supermarket chains. Following a meeting with Councillors and staff from the City of Armadale we received an invitation to meet with Mr Richards. Mr Richards advised that the developer was intending to lease the premises to a national supermarket chain.
- ◆ On 14 March 2008 we received a letter for Mr Richards stating that Neerigen Brook Estate Pty Ltd, owners of the Brookdale Shopping Centre, had entered into a formal binding agreement with Coles Supermarket.
- ◆ This has placed a considerable amount of stress on my family as our future is now unsure. While we have no objection to development in the City of Armadale we request that the Council refuse the application for the proposed shopping centre at Lot 700 Eighth Road as such an approval will result in two supermarkets operating in such close proximity to one another.
- ◆ We have 9 years of our lease to run and have no intention of walking out from a business that we have worked hard for over 6½ years. It is a very unfortunate situation but we feel that the public needs to be made aware of the market domination by large retail nationals and the affect that this has on local independent retailers. Based on media coverage of similar situation in the eastern states this has left us with no other option but to go to the media outlets such as newspaper, television and radio to outline our situation and highlight the affect of market domination.
- ◆ This will also result in 5 large supermarkets operating within the Armadale area, 3 of which will be Coles and no longer any presence of a family owned supermarket.

- ◆ We understand from Council 's agenda, advice has been provided that there is no legal reason for the Council to consider the detrimental impact this will have on our family. We are extremely disappointed that Council has not supported a local small business that has been servicing and supporting the community for a number of years.

CHAIR acknowledged the issues and concerns raised by Ms Doy and Mr Keeley and thanked them for their deputation. CHAIR further advised that as per the officer's report, unfortunately the issues and subsequent events of the proposed relocation of Farmer Jack's do not directly involve the City as they primarily relate to issues of commercial competition.

Deputation retired at 7.23pm.

3. Proposed Shopping Centre development - Lot 700 Eighth Road, Armadale

Mr Graeme Glass (Senior Asset Manager, ING Real Estate Investment) attended the meeting at 7.24pm.

Mr Graeme Glass addressed the Committee and advised that he was representing ING Real Estate in relation to the development application for Lot 700 Eighth Road, Armadale. Accordingly, the following issues were raised:-

- ◆ The City has failed to comply with Town Planning Scheme No.4 by failing to serve notice of the Development Application on ING Real Estate. ING clearly are "nearby owners" and "are likely to be affected by the granting of planning approval". The term "nearby" has to be considered in the context of the application to be determined and its potential impacts. That is, "nearby" is referable to those owners and occupiers that will be impacted by the application under consideration. The addition of a supermarket in the Eighth Road Centre will have an impact on the Armadale Shopping City. Consequently, in the context of the Development Application the term "nearby" includes Armadale Shopping Centre.

ING do not oppose the Development Application so long as there is immediate rationalisation of the two potential supermarkets in such close proximity. It is our view that to ensure that this occurs a suitably worded condition similar to that of a prior development application should be added to this approval.

- ◆ Clause 10.2(f) of Town Planning Scheme No.4 makes any structure plan over the Eighth Road Centre a relevant consideration in the determination of the Development Application. Pursuant of TPS No.4 any development of the Eighth Road Centre is to be generally in accordance with the Structure Plan. The Structure Plan that has been approved clearly states that arrangements are to be made to ensure the closure of the West Armadale Shopping Centre to the satisfaction of the Executive Director Development Services.

The Executive Director Development Services cannot be satisfied with the closure of the West Armadale Shopping Centre considering it could be up to 8 years before the shopping centre closes.

Whilst the Structure Plan contemplates the provision of a supermarket at the Eighth Road Centre, it does so, on the proviso that there is rationalisation of the potential supermarkets in close proximity to each other. Comments received from the Armadale Redevelopment Authority amongst others during the comment period and advertising of the Structure Plan quite clearly states that the rationalisation of the Centres is considered critical. Therefore to be in accordance with the Structure Plan the Eighth Road Centre may only include Coles if it were immediately to replace Farmer Jack's at the West Armadale Shopping Centre.

We therefore believe the Development Application is not in accordance with the Structure Plan and is therefore not capable of approval by the City.

- ◆ Without conceding that the City can approve the Development Application, ING submits that the City, in its exercise of discretion, should consider the orderly and proper planning of the neighbourhood and the affect on the amenity of the locality.

It is a well accepted town planning principle, and one espoused by the High Court, that if shopping facilities that are presently enjoyed by a community are put into jeopardy by a proposed development, whether that jeopardy be due to physical or financial causes, and if the resultant community detriment will not be made good by the proposed development itself, then these matters are a relevant consideration in determination of the planning application.

The Development Application for the Eighth Road Centre as proposed would jeopardise existing facilities by threatening the commercial viability of the existing supermarkets at Armadale Shopping City and other existing centres within the catchment area.

Mr Glass further advised that should the City grant approval of the Development Application without consideration of ING's submissions they reserved the right to seek legal redress in the Supreme Court.

Chairman thanked Mr Graeme Glass for his presentation.

Executive Director Development Services was requested to respond to the points raised in Mr Glass's Deputation (refer to agenda report - page 30).

Deputation retired at 7.28pm.

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.12/2008

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

- **Outstanding Matters & Information Items**
Report on Outstanding Matters - Development Services Committee

- **Health**
Health Services Manager’s Report for the month of May 2008

- **Planning**
Planning Services Manager’s Report for the month of May 2008
Town Planning Scheme No.4 - Amendment Action Table
Planning Applications Monthly Statistics – May 2008
Subdivision Applications - WAPC Approvals/Refusals – May 2008
Subdivision Applications - Report on Lots Registered for 2006/07 & 2007/08
PAW Closure Report - Significant Actions during May 2008
Road Naming Report 2007/08 & consequential action of Council Recommendation
Compliance Officer’s Report for the Month May 2008

- **Building**
Building Applications Monthly Statistics for the month of May 2008

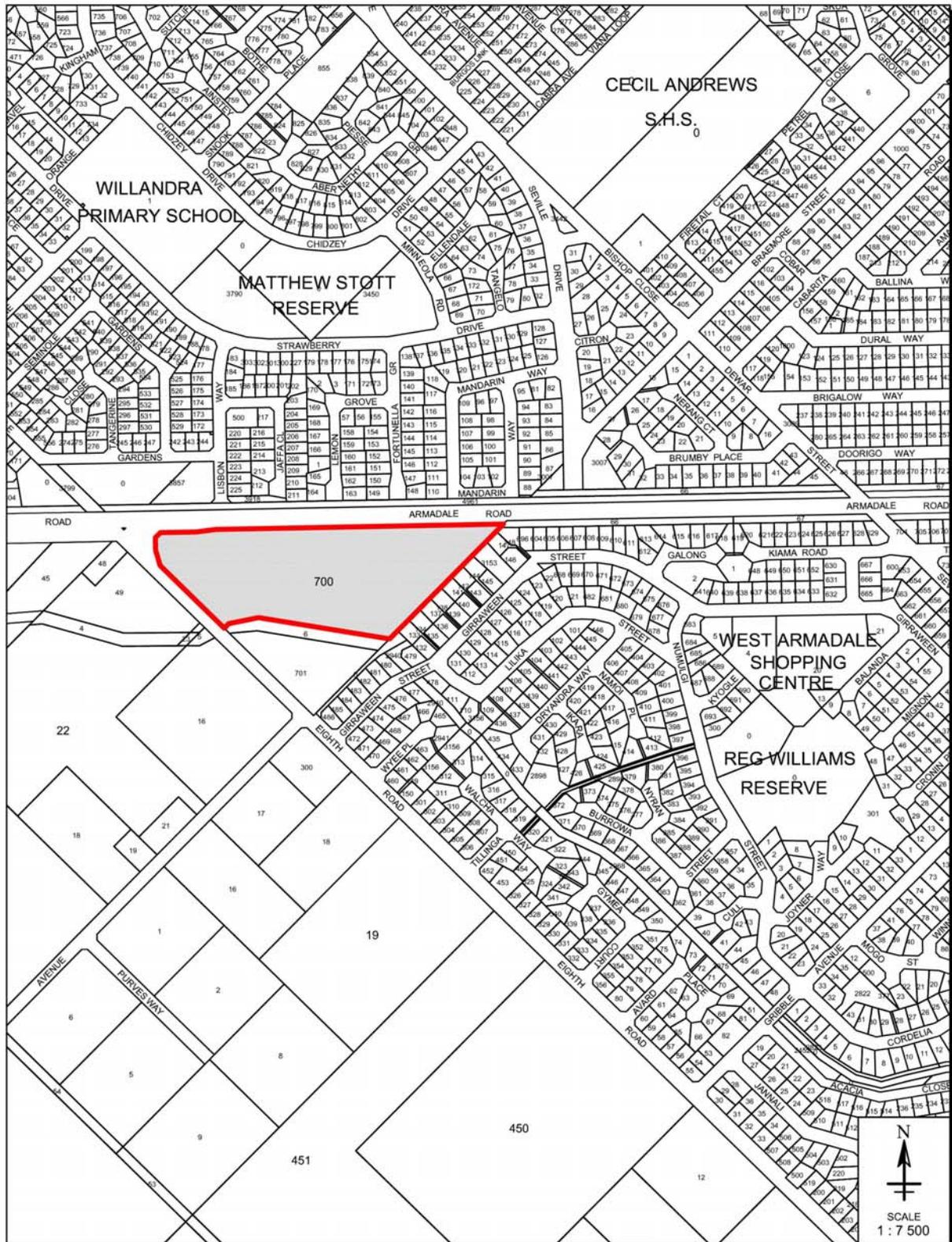
Committee noted the information and no further items were raised for discussion and/or further report purposes.

DEVELOPMENT SERVICES COMMITTEE

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LOCATION PLAN
LOT 700 EIGHTH ROAD, ARMADALE

Cr Reynolds declared an indirect financial interest in this item on the basis that his wife, as at 30th June 2008, owned more than the prescribed amount of shares in Westfarmers Limited (owners of Coles Limited) and left the meeting at 7.03pm.

Cr MacDonald declared a direct financial interest in this item and left the meeting at 7.03pm.

Cr Butterfield declared a non-financial interest in this item as a family member is employed by one of the three companies involved in this deputation. As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would disregard this association.

PROPOSED SHOPPING CENTRE – LOT 700 EIGHTH ROAD, ARMADALE

WARD : LAKE
APPLN NO. : 10.2008.174.1
DATE : 16 July 2008
REF : PRR
RESPONSIBLE MANAGER : EDDS
APPLICANT : Dykstra Planning
LANDOWNER : Neerigen Brook Estate P/L
SUBJECT LAND : Property size 6.2193ha
ZONING :
MRS : Urban
TPS No.4 : Local Centre

In Brief:

- An application for a shopping centre on Lot 700 Eighth Road, Armadale was received on 9 April 2008.
- The application is consistent with the Structure Plan adopted for the site in 2004.
- The application was advertised for public comment. A total of eight (8) submissions were received, including four (4) supporting or noting concern about the proposal and four (4) objecting.
- Recommend that Council approve the application subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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



AERIAL PHOTOGRAPH
LOT 700 EIGHTH ROAD, ARMADALE

Legislation Implications

Planning and Development Act 2005
Metropolitan Region Scheme
Town Planning Scheme No.4
State Planning Policy 4.2 – Metropolitan Centres Policy

Council Policy / Local Law Implications

PLN 5.1 – Highway Development
Local Planning Strategy
Southern River / Forrestdale / Brookdale / Wungong District Structure Plan

Budget / Financial Implications

Nil.

Consultation

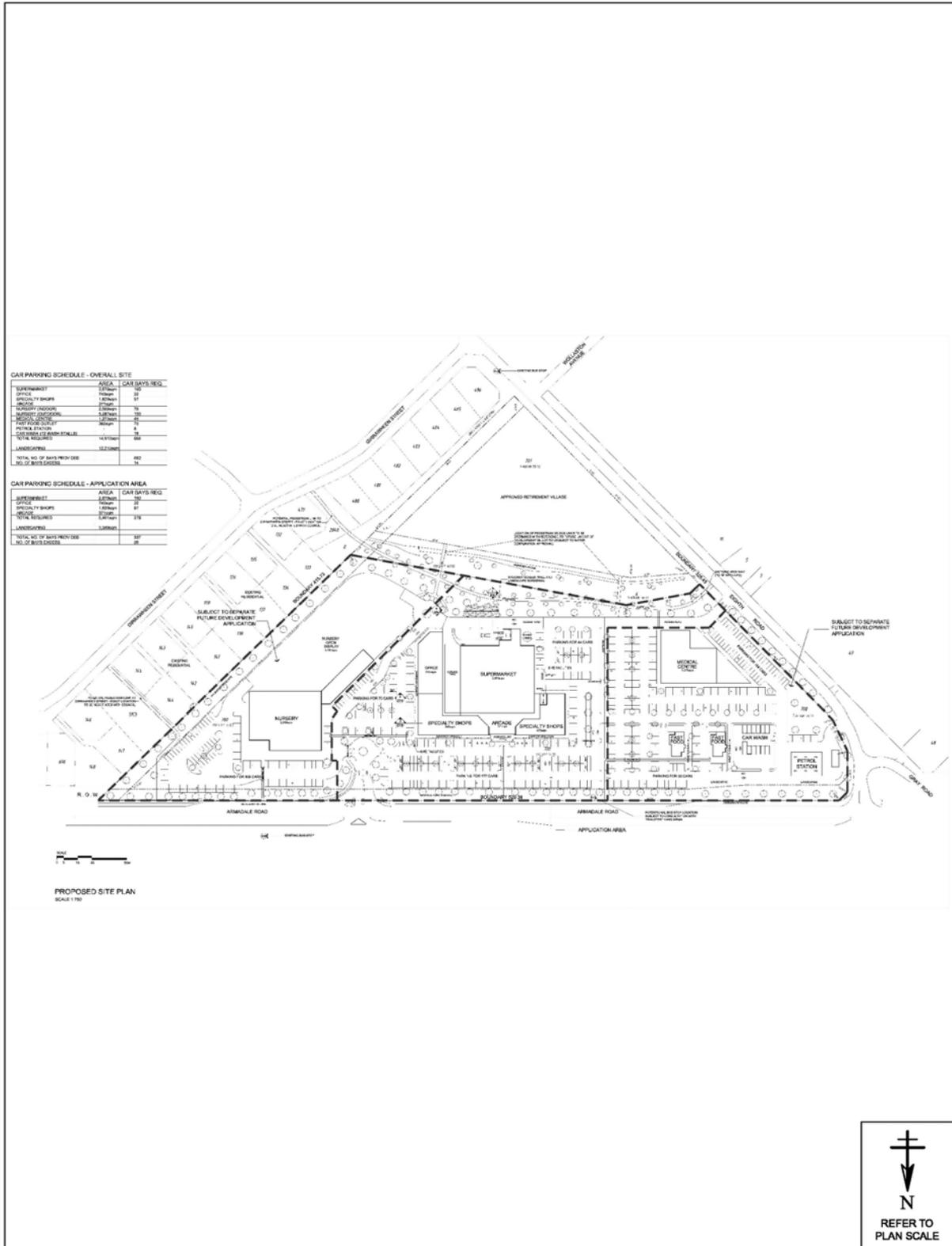
- ◆ Development Control Unit
- ◆ Surrounding Landowners
- ◆ West Armadale Shopping Centre tenants

BACKGROUND

In 1999, the Armadale Enquiry-By-Design (an intensive workshop facilitated by State Government aimed at producing design based solutions to the issues facing Armadale) identified that the West Armadale Shopping Centre was not meeting its potential. The workshop identified that issues affecting the centre included its minimal catchment, poor exposure with little passing trade and a surrounding network of streets involving cul-de-sacs, making pedestrian access more difficult. As such, ways to retrofit or relocate the centre via negotiation with the owner were examined by the working group and the report recommended that action be taken along those lines.

Council at its meeting held in January 2004 resolved to finally adopt a Structure Plan for Lot 600 (now Lot 700) Eighth Road Armadale, subject to modifications (D2/1/04). In February 2004, Council approved an application for a shopping centre, medical centre, fast food outlet, service station / car wash, hardware store and nursery (D18/2/04), which conformed to the Structure Plan approved the month before.

As the proposed shopping centre is to replace the West Armadale Shopping Centre, there have been a number of delays associated with that process. The planning approval issued in 2004 was due to lapse in February 2006, so the developer resubmitted the development application and it was again approved in November 2005. That approval was due to lapse in November 2007 so another request for an extension was received in October 2007. That application was cancelled as the developer advised that a new application with revised plans would be lodged.



SITE PLAN
 LOT 700 EIGHTH ROAD, ARMADALE

Since the original Structure Plan approval in 2004, the site has been subdivided into two (2) lots divided by a drainage reserve, Lot 700 (the subject of the current application) and Lot 701 (on which a planning approval has been issued for 44 grouped dwellings).

The City received the new application on 9 April 2008. Unlike the previous application, which included numerous land uses, this application utilises approximately one third of Lot 700 Eighth Road, Armadale and comprises only the shopping centre itself. The remaining uses shown are indicative only and will be subject to further development applications in the future. Given this new application has been altered from that originally considered by Council in 2004, it is being referred to Council for determination.

DETAILS OF PROPOSAL

The applicant proposes the development of a shopping centre on the middle third of the subject site. The shopping centre would consist of:

- Supermarket – 2670m² (2520m² retail floor space);
- Specialty shops – 1620m² (1620m² retail floor space);
- Offices – 740m² (does not count as retail floor space); and
- Arcade – 371m² (does not count as retail floor space).

296 car parking bays have been identified in the third of the site to be developed as a shopping centre. The remaining uses shown on the site plan (including a medical centre, fast food outlets, service station / car wash and nursery) and an additional 392 car parking bays would be subject to future development applications (688 bays in total).

COMMENT

Development Control Unit (DCU)

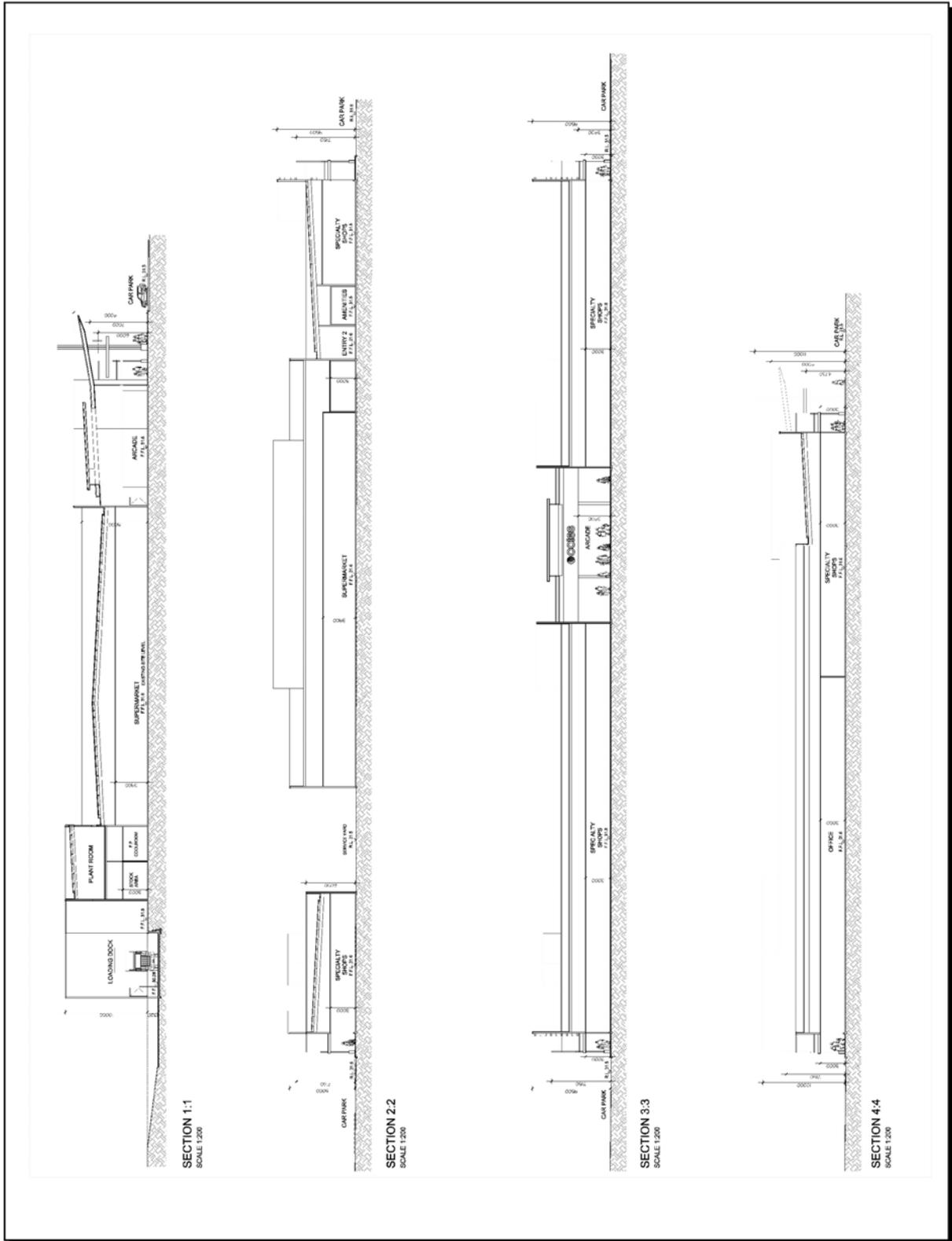
At its meeting of 8 May 2008, DCU recommended the proposal be supported subject to some design changes and appropriate conditions being imposed on any approval.

Legal Advice

The City obtained its own legal advice in relation to issues raised by submitters acting on behalf of Farmer Jacks. The issues raised do not directly involve the City as they primarily relate to issues of commercial competition. The main issues in the submission are discussed further below. The application must be considered on its merits. A copy of this legal advice is included at ***CONFIDENTIAL Attachment "B2" of the Agenda.***

Main Roads Western Australia (MRWA)

As part of the previous application, the developer was required to comply with the requirements set out by MRWA. This included the upgrading of the Armadale Road / Eighth Road intersection, the construction of a full movement intersection on Armadale Road, including footpaths, a deceleration lane in the western carriageway of Armadale Road, a median island break, and a deceleration lane in the eastern carriageway of Armadale Road. Those works have been carried out but where necessary are currently blocked off to traffic for safety reasons until the shopping centre opens or is under construction.



ELEVATION PLAN
LOT 700 EIGHTH ROAD, ARMADALE

Surrounding Landowners

The proposed development was advertised for 14 days, closing on 6 June 2008.

Total No. of submissions received	:	8
No. of submissions of conditional support/no objection	:	4
No. of submissions of objection	:	4

Refer to Confidential Attachment "B1" of the Agenda for location plan of submitters.

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

Key Issues

- 1. Cannot see the need for a new shopping centre when there is an excellent shop and chemist in Girraween Street. A medical centre is going to waste as well. With new development in Armadale and existing shops empty, why build another centre?*

Comment

The West Armadale Shopping Centre on Girraween Street has been rezoned to Residential R40. A private developer has made an application for a shopping centre on land zoned Local Centre and the City has a statutory obligation to consider that application.

Recommendation

That the issue is not supported.

- 2. The land would be better developed for young people who have nowhere to go. Build a BMX / skate park and show them some encouragement.*

Comment

The land is not owned by the City of Armadale and as such the City cannot simply utilise it for community facilities. A private developer has made an application for a shopping centre on land zoned Local Centre and the City has a statutory obligation to consider that application.

Recommendation

That the issue is not supported.

3. *Not another scheme to develop the area. First shops, then residential, now shops again. Why not leave it as residential? The shop on Girraween Street will be destroyed. I have viewed plans and don't like them.*

Comment

The subject site is zoned under TPS No.4 for Local Centre purposes and an appropriate design has been submitted.

Recommendation

That the issue is not supported.

4. *When first put forward years ago, the developer promised to build a security fence along the back boundaries of the adjoining residential properties. This should be undertaken before building any shopping facilities. Issue raised in two (2) submissions.*

Comment

On the previous planning approvals issued, the City has imposed a condition requiring the construction of a 2.1m high masonry fence along the eastern property boundary, which is the boundary in question. This condition can be imposed again if an approval is issued for the current application. The fence will not necessarily be constructed prior to the shopping centre itself if the development is approved, but could logically form part of the construction works once crews are on site.

Recommendation

That the issue is supported in part.

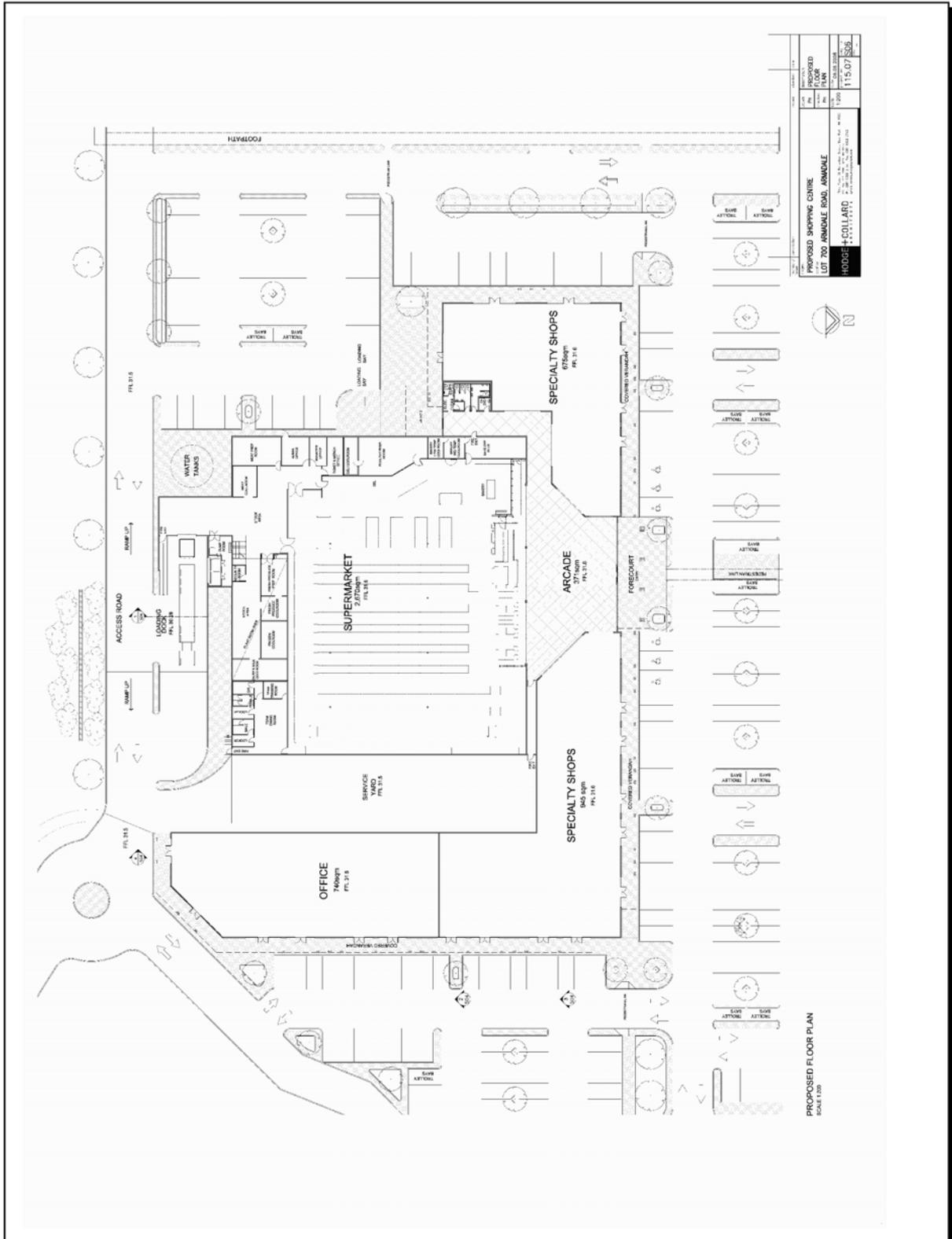
5. *The path to provide access to Girraween Street should follow the creek rather than using the drainage basin. Before fencing was installed, the creek was a convenient link, whereas the drainage basin has overflowed twice in 24 years and if it is filled in, the residents will suffer. The basin would be a hazard for children. Issue raised in two (2) submissions.*

Comment

It is unclear at this stage whether a footpath will be established through to Girraween Street. The basin is on a reserve vested in the City of Armadale and would not be filled if a footpath were to be constructed as it is an essential part of the drainage network. The creek is on a reserve vested in the Water Corporation, so their permission would need to be gained to establish a footpath. In both cases, the water bodies would need to remain fenced off for safety reasons. The applicant will need to negotiate further with the City and the Water Corporation to determine whether one alignment, both alignments, or no alignments are possible. This could be addressed by an appropriate condition should Council approve the proposal.

Recommendation

That the issue is noted.



FLOOR PLAN
 LOT 700 EIGHTH ROAD, ARMADALE

6. *Concerned that the footpath through the drainage basin is likely to increase “break-ins, theft and/or anti-social problems” as detailed in the City of Armadale publication ‘Public Access Ways’.*

Comment

The publication includes these as reasons that could be put forward for closure of a Public Access Way, which is a narrow pathway (3-4m wide) that in general has limited pedestrian traffic and poor surveillance due to boundary fencing on either side of the footpath.

The drainage reserve however is much wider (approximately 27m) and is likely to have a greater amount of pedestrian traffic and both these factors would actually make it less likely that break-ins, theft and/or anti-social problems would occur. However, as noted in response to issue 5 above, it is not clear whether a footpath can be established through to Girraween Street as further investigation is required. An appropriate condition could be imposed requiring the developer to make provision for any security fencing / retaining as required (if a suitable alignment can be accommodated).

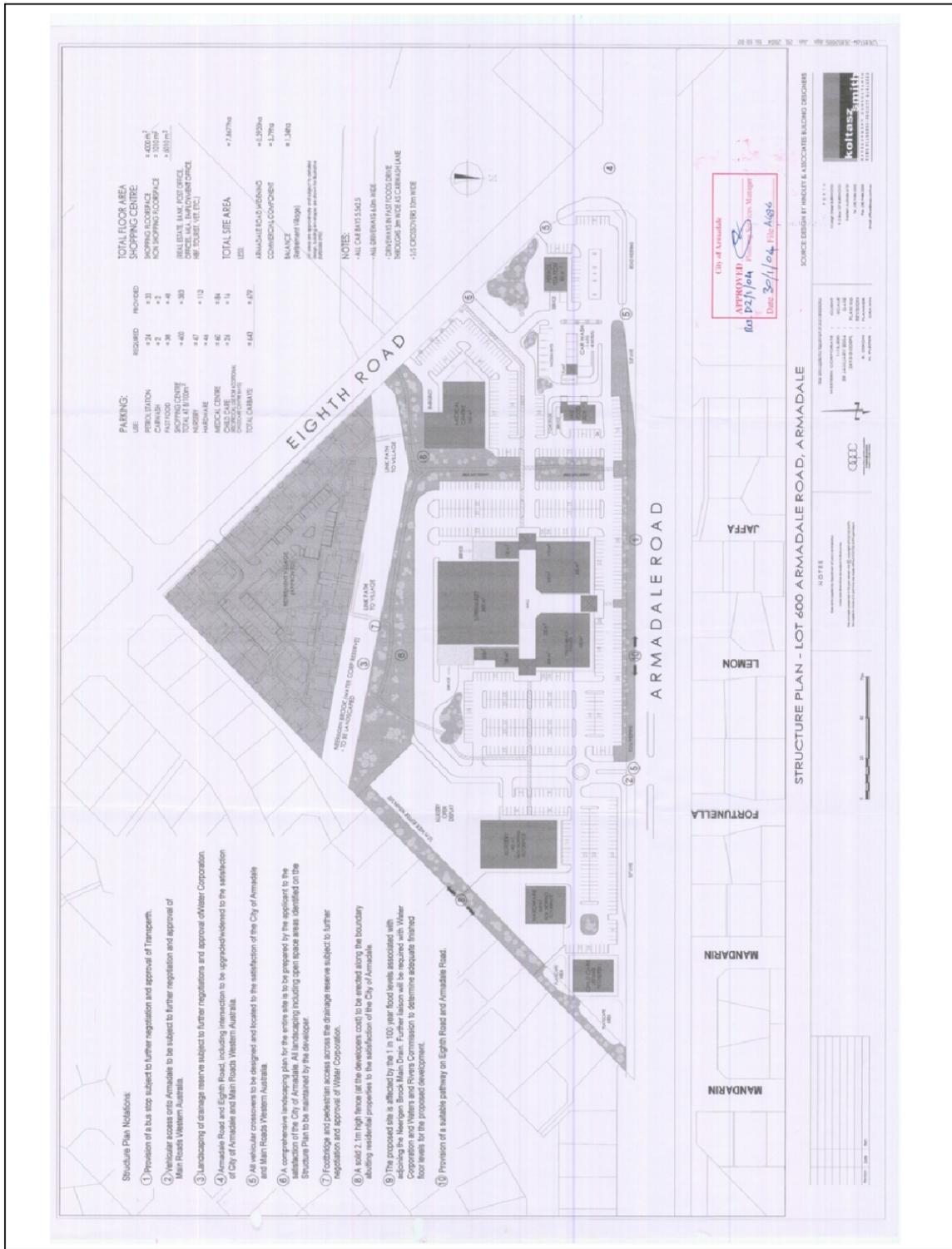
Recommendation

That the issue is noted.

7. *Farmer Jacks has up to 10 more years to run on their lease. Negotiations to conclude the lease or to relocate to the new shopping centre have not yet been resolved. Accordingly approval of the new centre will mean two centres will be operating within 800m of one another which is undesirable. It would also result in the redevelopment of the West Armadale Shopping Centre site for residential purposes being significantly delayed. Concurrent operation of two nearby shopping centres is contrary to orderly and proper planning and we submit that this point has been made on a number of occasions by the City’s Development Services Committee (DSC).*

In November 2003, when considering the Structure Plan for the site, the DSC noted that “consideration of the proposed Structure Plan without first resolving the future of the West Armadale Shopping Centre and potential replacement land uses for the site is considered to be premature at this stage and contrary to the interest of proper and orderly planning for the locality”.

In January 2004 the DSC noted that two operational shopping centres within close proximity would be “contrary to orderly and proper planning” and recommended the Structure Plan be adopted on the condition that “arrangements be made to ensure the closure of the West Armadale Shopping Centre to the satisfaction of the Executive Director Development Services” and that the owner “enter into a legal agreement with the City of Armadale to facilitate the rationalisation / redevelopment of the existing West Armadale Shopping Centre”.



STRUCTURE PLAN
LOT 700 (former lot 600) EIGHTH ROAD, ARMADALE

In February 2004 the DSC reiterated the point when it recommended approval of the shopping centre should be subject to “the provision of a strategy for the closure of the West Armadale Shopping Centre to the satisfaction of the Executive Director Development Services”.

As Farmer Jack’s lease and negotiations with the owner are ongoing, it is clear arrangements have not yet been made for the satisfactory closure of the West Armadale Shopping Centre and the DSC has been unequivocal in its view that the operation of two shopping centres would be inappropriate and contrary to good planning.

Comment

It is first and foremost most important to establish the context in which the comments in the reports to Council that have been cited were made. When the original approval was granted, West Armadale shopping centre was closer to being fully operational than it is now. In addition, the subdivision of the rural land west of Eighth and Ninth Roads to provide a greater population base was much further off.

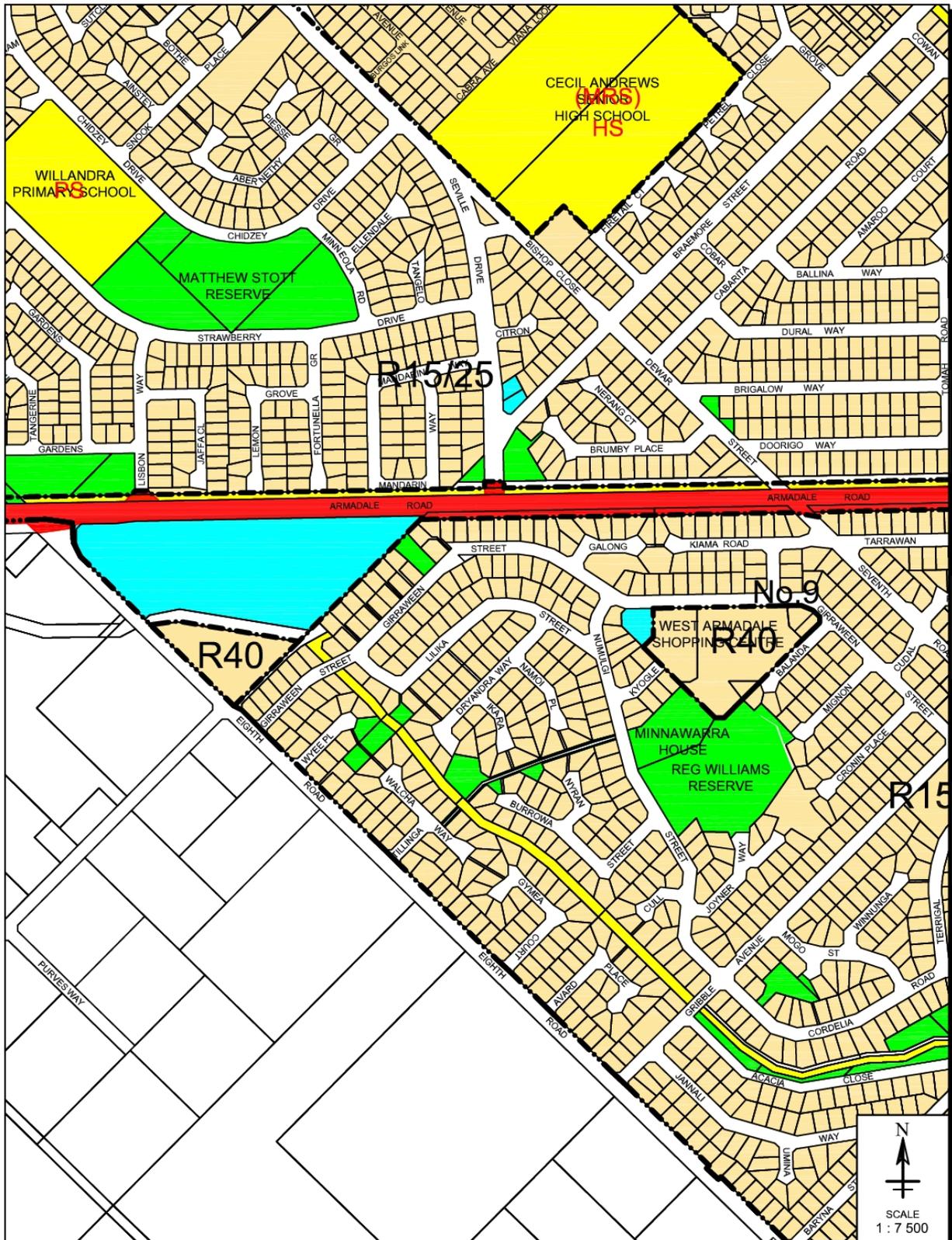
It is also important to note that the closure of West Armadale Shopping Centre and the establishment of an alternative shopping centre have been planned since the Armadale Enquiry-By-Design in 1999. Subsequently structure plans, rezonings and Development Applications have all been approved, all moving towards the objective of closing one centre and opening another. The City has rezoned the West Armadale shopping centre to Residential R40 and the owner of the Eighth Road site has also purchased the West Armadale shopping centre to facilitate its closure.

In the worst case scenario, if an agreement cannot be reached between the owner of the shopping centre and remaining tenants of West Armadale, then that centre could operate (based on the lease timeframe noted by the submittee) up until 2018. The owner has indicated that, should approval be granted at this Council meeting, construction could start as soon as February 2009, aiming for completion in April 2010. Thus, there is a potential eight (8) year period where the new centre and a part of the old centre may operate simultaneously.

The new shopping centre has already had two previous planning approvals granted in February 2004 (by Council) and November 2005 (by the City). The application currently being considered was submitted as the previous approval expired in November 2007. The application has been downgraded from several uses over the entire site to the shopping centre by itself, however the planning circumstances have not altered in such a way that the application should be refused.

Recommendation

That the issue is not supported.



TPS 4 ZONING

8. *There has not been proper resolution of the outstanding tenancy issues. We understand that the deed between the owner and the City requires the owner to come to reasonable arrangements with the existing tenants before moving ahead with the development. Despite ongoing negotiations with the existing tenants, the owner has concluded an agreement with Coles. The existing tenant considers that this new agreement is not consistent with an approach intended to result in reasonable arrangements being reached.*

It is noted that on 9 February 2004, the Development Services Committee stated that notwithstanding the legal agreement between the City and the owner, "further evidence would be required to demonstrate that expiration or termination of the existing leases within West Armadale Shopping Centre had substantially progressed". It is our view that the Coles agreement indicates the owner does not intend to progress the expiration or termination of the existing leases in a manner that is fair to the tenants. Therefore, approval of the application would be inconsistent with the fair dealing which is understood to be a condition of the deed.

Comment

The deed notes the City's responsibilities as considering the Structure Plan for the site (now completed) and amending the Town Planning Scheme in respect of the zoning of the existing centre (now completed). The deed requires the owner to utilise "*its reasonable endeavours to relocate long term tenants from the Girraween Centre to the proposed retail centre on Lot 600 (now Lot 700) when constructed (subject always to Woodfield's absolute discretion having regard to commercial considerations)*". The City is not a party to the leases or negotiations undertaken between the owner and tenants (including Farmer Jacks).

In February 2004 the City recommended appropriate measures to achieve an end objective of one shopping centre for the area. The City asserts however that the manner in which the tenancy / relocation negotiations are conducted is not a planning matter, the negotiations themselves do not directly involve the City or the application in question and therefore neither has any bearing on the City's recommendation to Council to approve or refuse this application. If the tenant is of the opinion that the owner is not acting fairly and is in breach of the lease, then this is a private matter between the two parties involved. This has been reinforced by the City's own legal advice.

Recommendation

That the issue is not supported.

9. *Request that the application be delayed until the negotiations between the tenants of the West Armadale Shopping Centre and the landowner for relocation to the new shopping centre are fairly resolved.*

Comment

The application cannot be delayed indefinitely. The City has a statutory obligation to determine any application it receives within specified time periods. Regardless, the City asserts that the negotiations have no bearing on its recommendation to determine the application.

Recommendation

That the issue is not supported.

10. *It was our understanding that the development of another shopping centre within such close proximity would be premature and would not occur until arrangements had been made for the closure of the West Armadale Shopping Centre. Clearly these arrangements have not been put in place. Approval of the application would not reflect Council's original intention to relocate / replace the existing shopping centre, which is our preferred outcome.*

Comment

Refer to the responses for Issues 7 to 9 above.

Recommendation

That the issue is not supported.

ANALYSIS

Town Planning Scheme No.4 (TPS No.4) & Structure Plan

Zoning and Land Use

The subject lot is zoned 'Local Centre' and is identified as Development Area (Structure Plan Area) No.4 under TPS No.4.

The land uses 'Shop' and 'Office' are 'P' (permitted) uses within a 'Local Centre' zone under TPS No.4. The application is generally consistent with the adopted Structure Plan for the site. Elements of TPS No.4 and the structure plan are examined in further detail below.

Car Parking

TPS No.4 requires car parking for shops at six (6) bays per 100m² Net Leaseable Area (NLA). With 4290m² of shops proposed, 258 car parking bays are required. Offices require three (3) spaces per 100m² NLA with a minimum of four (4) spaces per tenancy. With 740m² of office space proposed, 23 car parking bays would be necessary, for a total of 281 car parking bays.

296 car parking bays are proposed within the central third of the site that is the subject of this application, which exceeds the TPS No.4 requirements by 15 bays. It is noted that no information has been provided on the number of office tenancies to take up the 740m² area, and if it is six (6) or more, additional car parking would be required, however the excess bays would cater for this eventuality.

If the site is developed as shown on the indicative site plan, there would be a total of approximately 688 car parking bays, that could be used reciprocally by all land uses on site.

Bicycle Parking

Schedule 11B requires end of trip bicycle facilities for shops and offices. In this regard, fully enclosed individual lockers for employees are necessary and facilities to which bikes can be locked are required for visitors. Based on the floor areas of the shops and offices, 13 lockers for staff and six (6) U-bars (or similar) for visitors to lock bikes to are required. The applicant has indicated 24 U-bars (or similar) would be supplied for the development, but no lockers, with the applicant arguing that this level of security is excessive. Whilst representing a variation to TPS No.4, the request is considered to be relatively minor and could be accepted in part (i.e. 6 lockers required by the City).

Amenity

TPS No.4 requires Council to consider the impact the proposal may have on the amenity of the surrounding area. The main shopping centre is set back approximately 45m from Armadale Road allowing car park shade trees to be established in front of the building and the spacing of the future uses around the site means that the concentration of building bulk in one area of the site is avoided, both of which contribute to lessening the impact on the amenity of the area.

Screening of the loading bay at the rear of the shopping centre is essential. The site plan shows a landscaping buffer and masonry screen wall behind the development which should prove adequate screening. In order to maintain the screening, a condition should be imposed on any approval requiring service areas to be appropriately screened.

Noise from air conditioning units may be of concern to some people, despite the distance from surrounding residential properties. The developer should be made aware of their obligation to comply with the *Environmental Protection (Noise) Regulations 1999*. The units themselves should be out of sight on the roof due to the walls extending above the roof line.

A 10m wide landscaping buffer has been shown on the site plan adjacent to the residential properties to the east and a condition on the previous approval issued required the construction of a 2.1m high masonry fence along that property boundary. This falls outside the area defined by the applicant as the subject of this application, but as it has been raised as a concern by the adjacent residents and is still within the boundaries of the subject lot as a whole, the City could still require the screen planting and wall to be installed as part of an approval for this proposal. Conditions have been recommended for these requirements.

PLN 5.1 – Highway Development

PLN 5.1 applies to the proposal as Armadale Road is classified as a Primary Regional Road. As the proposed use is a 'P' (permitted) use within the 'Local Centre' zone, access onto Armadale Road is allowed by the policy. One access point via Armadale Road has been approved and constructed in accordance with Main Roads Western Australia and the City's Technical Services requirements.

Layout and Design

The City was initially concerned with the proposed layout of the car park and subsequently pedestrian footpath linkages, the shopping centre entrance point and trolley collection bays were also raised. The issue of all-weather protection was a concern as the verandahs were sectioned between external shop entrance points.

The applicant has revisited the plans in response to the City's concerns and produced a more user friendly layout addressing the issues raised. Footpath linkages have been increased and verandahs now run the length of the building. The shopping centre now proposes a second entrance, encouraging a more even use of the site as people arriving via the Eighth Road entrance can use the south-western car park and entrance as opposed to the main northern car park and entrance. Vehicle linkages through the car park and trolley collection points are more evenly distributed. The City is satisfied these changes represent improvements to the proposal.

State Planning Policy No.4.2 – Metropolitan Centres Policy (MCP)

The purpose of the MCP is to define the scope, function and scale of various shopping centres throughout the Metropolitan Region, including Local, Neighbourhood, District, Regional and Strategic Regional centres in terms of desirable land uses and retail floor space. The applicant is applying for the Neighbourhood Centre as defined under the MCP. In the context of the MCP, such centres “*should be promoted as predominantly for convenience retailing and (in larger centres) weekly food and groceries shopping. Provision should also be made for small offices which serve the local community, as well as health, welfare and community facilities*”.

The MCP requires that shopping floor space within Neighbourhood Centres should generally be confined to an area of 4,500m² (Net Lettable Area) unless consistent with a Commission endorsed Local Planning Strategy or centre plan for the area. The Policy also states that Council is unable to grant approval where a proposal is in excess of 4,500m² in the absence of an endorsed Local Planning Strategy or centre plan for the area, otherwise endorsement by the Commission is required to enable delegation of development control to local governments under the Metropolitan Region Scheme.

The maximum allowable “retail shopping floor space” is based on land uses defined under Appendix 4 of the MCP. In this regard, the retail component of the proposed Neighbourhood Shopping Centre, future Service Station and future Fast Food Outlets are only included in the calculation of “retail shopping floor space” under the MCP. The total floor area of these land uses proposed in the development must equate to 4,500m² in accordance with the adopted Structure Plan and in compliance with the MCP. The proposed Shopping Centre contains 4140m² retail floor space (but is 5030m² in area including non-retail areas), leaving 360m² for the future Service Station and future Fast Food Outlets. This should be further clarified via an appropriate condition should a planning approval be issued.

Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (DSP)

The subject site does not fall within the DSP, with its boundary being Eighth Road. However, a neighbourhood shopping centre is identified by the DSP on the opposite corner of the Armadale / Eighth Road intersection (i.e. the western side of Eighth Road). This proposed centre would take the place of that neighbourhood centre and the ARA's Wungong Master Planning reflects this.

Local Planning Strategy / Retail Hierarchy Review

The subject site is not identified as a potential retail centre under Council's Retail Hierarchy Review (2004), which forms part of the Local Planning Strategy. The proposal would however replace the nearby existing West Armadale Shopping Centre, which is of a comparable size (4042m² when all tenants are in place) and order in the retail hierarchy as a designated Neighbourhood Centre.

The Retail Hierarchy Review identifies a proposed local centre (250m²-600m²) on the adjacent parcel of land on the western side of Eighth Road in keeping with the DSP as mentioned above. Given the current proposal, it is preferable for the proposed local centre to be relocated more centrally to the future residential precinct to better service its local catchment as opposed to placing it on the western side of Eighth Road, subject to future detailed Structure Planning for the area by the Armadale Redevelopment Authority.

It should be noted that the Commission and the Minister for Planning & Infrastructure approved the rezoning of the land for a shopping centre. The proposal is not considered to compromise the Retail Hierarchy.

Municipal Heritage Inventory

The subject lot contains a heritage listed archway on the Eighth Road boundary in the south-western corner. The archway is a Category C listing and will be retained on site by the developer. The site plan indicates a footpath through the landscaping buffer on the southern portion of the site starting from the archway on Eighth Road, making use of the arch as an entry feature. This is acceptable, but the arch could also be restored by the developer and Council may impose a condition in this regard if the application is approved.

OPTIONS

1. Council could approve the application for a shopping centre at Lot 700 Eighth Road, Armadale, subject to appropriate conditions.
2. Council could refuse the application for a shopping centre at Lot 700 Eighth Road, Armadale for reasons it considers appropriate.

CONCLUSION

The proposal is considered to be a suitable land use given the zoning of the site and poses minimal impact on the amenity of surrounding residents. In addition, the proposal is consistent with the adopted Structure Plan for the site. In this regard, it is recommended that Council adopt Option 1 above.

Executive Director Development Services tabled letter received from Mr Paul McQueen, Partner, Lavan Legal regarding submission of Development Application for Lot 700 Eighth Road, Armadale.

Executive Director Development Services was requested to respond to the main points raised in the Deputation from Mr Graeme Glass.

- 1. The development application was for a permitted use on land zoned for a Local Centre. Therefore there was no requirement under the Town Planning Scheme to advertise the proposal to anyone. As it was, the City decided to go further than the requirement by advertising to nearby owners and all the tenants of the West Armadale Shopping Centre. It should be noted that under the Scheme it is up to the City to determine who would be likely to be affected by the granting of planning approval therefore the assertion that the City had not complied with the Scheme advertising requirements is incorrect. The proposal has been previously advertised as part of TPS No.4 and a Structure Plan.*
- 2. The allegation that the proposal is inconsistent with the structure plan and therefore not capable of approval is incorrect but has to be seen in the context of the steps made to rationalise the West Armadale shopping centres. Following the conclusions of strategic planning documents, in particular the Enquiry by Design, it was widely agreed that there would be a benefit in developing a new centre and rezoning the old centre for residential use. This initiative was taken by the owner of the land on which the new centre would be located, purchasing the old centre and initiating a rezoning of the old centre and entering into a legal agreement with the City to establish the obligations of both parties. The land has been rezoned to Residential R40 and the uses therein are now non-complying. However, while it was the desire and remains the desire that all the leases would be terminated early and ideally transferred to the new centre, it was always recognised by the City that it was not possible to enforce the early termination of a commercial lease or to dictate that all leaseholders would be accommodated within the new centre.*

The Scheme includes two provisions of relevance to the site.

- i) Clause 6A.1.1 states that a Development Area (the subject land is a Development Area) requires a Structure Plan to be prepared and adopted prior to subdivision or development of land and the subdivision and development of land is to be generally in accordance with the Structure Plan.*
- ii) Secondly the Scheme requires in Schedule 12 part 4 comprehensive planning for the area bounded by Armadale Road, Eighth Avenue and Girraween Street by the preparation of a Structure Plan to guide subdivision and development. This was undertaken and the structure plan adopted in January 2004. It is considered that the Development Application can be determined as being consistent with the Structure Plan.*

3. *It is contended that legal precedent establishes that where a centre will impact on another centre it is a relevant planning consideration as it could affect the amenity of the community. The Kentucky Fried Chicken v. Gantidis High Court case is cited in support of this (a summary of the case is at Attachment "A2" of the Minutes). However, for this case to be relevant it would have to be claimed that the opening of a supermarket on Armadale Road would jeopardise the whole of the Armadale Shopping City centre because the legal case actually concluded that commercial considerations are not relevant planning considerations unless they achieve such an impact that whole centres fail.*

D78/7/08 RECOMMEND

That Council:

1. **Approve the application for a shopping centre on Lot 700 Eighth Road, Armadale, subject to the following conditions:**
 - a) **The provision of 'end of trip bicycle facilities', including 6 lockers and 12 U-bars, in locations agreed to by the City and continuously maintained in accordance with Clause 5.12.1 and Schedule 11.B of Town Planning Scheme No.4 to the satisfaction of the Executive Director Development Services.**
 - b) **The maximum allowable retail floor space for Lot 700 Eighth Road, Armadale in its entirety is not to exceed 4,500m² in accordance with the adopted Structure Plan and Western Australian Planning Commission's State Planning Policy No.4.2 – Metropolitan Centres Policy, to the satisfaction of the Executive Director Development Services.**
 - c) **Submission of a comprehensive landscape plan (including the verge, landscaping areas, a 10m wide buffer area along the eastern property boundary, a buffer area to the south of the shopping centre and shade trees within the car parking area) to the satisfaction of the Executive Director Technical Services. Such plan shall include plant species (predominantly West Australian natives), numbers, location, container size and method of irrigation of the landscaped areas. The landscape plan shall be approved and all landscaping installed and maintained, to the satisfaction of the Executive Director Development Services.**
 - d) **A schedule of external colours and materials shall be submitted to and approved by the Executive Director Development Services. The development to be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.**

- e) **A comprehensive stormwater drainage plan demonstrating compliance with Water Sensitive Design Principles and the Wungong Urban Water Management Strategy is to be submitted to and approved by Executive Director Technical Services. All drainage work is to be constructed in accordance with the approved plan.**
- f) **Crossovers, driveway, car parking and 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.**
- g) **Existing crossovers shall be removed and all kerbing / footpaths to be reinstated to the specifications and satisfaction of the Executive Director Technical Services.**
- h) **All rubbish bin storage areas and servicing areas associated with the development shall be appropriately screened from public vantage points to the satisfaction of the Executive Director Development Services.**
- i) **No vehicle access to Armadale Road, except via the entry point identified on the approved site plan (already constructed) to the satisfaction of the Executive Director Development Services and Main Roads Western Australia.**
- j) **Provision of bus stops and pedestrian links to the development to the satisfaction of the Executive Director Technical Services, Main Roads Western Australia and the Public Transport Authority.**
- k) **A 2.1m high masonry fence (at the developer's cost) shall be erected along the boundary abutting the residential properties to the satisfaction of the Executive Director Development Services.**
- l) **Provision of dual-use paths along Eighth Road and Armadale Road to the satisfaction of the Executive Director Technical Services.**
- m) **Provision and construction of a safe pedestrian link between the shopping centre and Girraween Street to the satisfaction of the Executive Director Technical Services and Water Corporation.**

- n) Provision of patron/public rubbish bin facilities located in convenient locations for pedestrians and adjacent to the shop frontage and within the parking area in the vicinity of Armadale Road to the satisfaction of the Executive Director Development Services. The bin facilities shall be provided and continuously maintained to the satisfaction of the Executive Director Development Services.**
- o) All walls and fencing shall be treated with an anti-graffiti finish to the satisfaction of the Executive Director Development Services.**
- p) Submission and implementation of a Dust Management Plan to the satisfaction of the Executive Director Development Services.**
- q) The heritage archway on Eighth Road shall be restored and continuously maintained to protect its heritage values to the satisfaction of the Executive Director Development Services.**
- r) A Lighting Plan showing lighting to pathways and car parking areas shall be submitted and approved to the satisfaction the Executive Director Development Services. All lighting to be installed and operated as per approved plan.**
- s) The submission and implementation of a management plan for shopping trolleys to the satisfaction the Executive Director Development Services.**
- t) All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.**
- u) Submission and implementation of a management plan for all loading/servicing areas detailing loading times, vehicle movements and noise mitigation measures to the satisfaction of the Executive Director Development Services.**
- v) Air conditioning units, compressors and other equipment related to utilities to be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the Executive Director Development Services.**

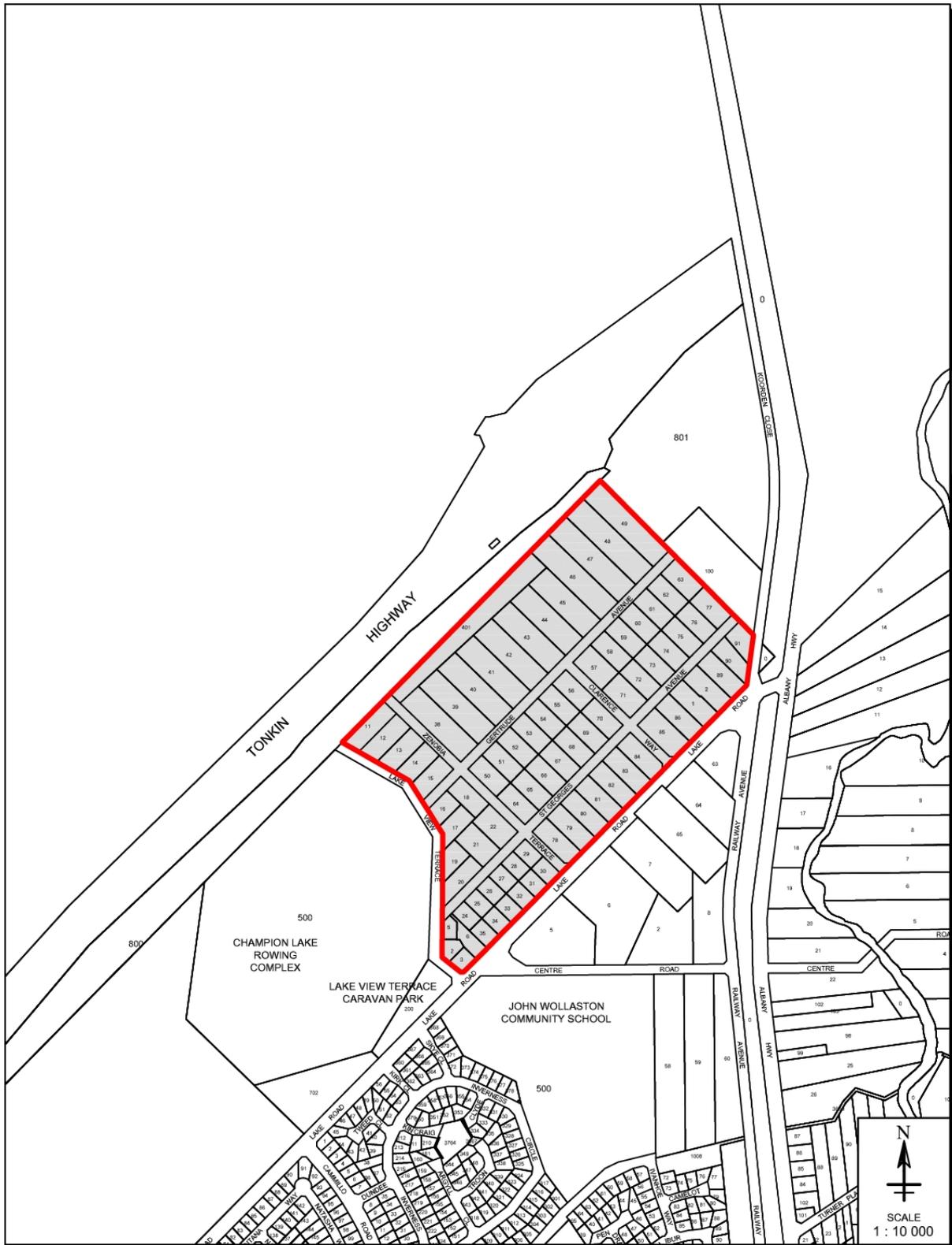
2. In addition to standard advice notes, advise the applicant that:
- a) The proposed site is affected by the 1 in 100 year flood levels associated with adjoining the Neerigen Brook Main Drain. Further liaison will be required with Water Corporation and Waters and Rivers Commission to determine adequate finished floor levels for the proposed development.
 - b) Landscaping of drainage reserve subject to further negotiation and approval of Water Corporation.
 - c) Footbridge and pedestrian access across the drainage reserve to Lot 701 Eighth Road, Armadale are subject to further negotiation with and approval of the Water Corporation.
 - d) With regard to Condition 1i) above, compliance with the conditions as outlined by Main Roads Western Australia is required.
 - e) With regard to Condition 1p), a Dust Management Plan must be prepared and implemented in accordance with Clause 43 of the City's *Environment, Animals and Nuisance Local Laws 2002*. In this regard, please liaise with the City's Health Department.
 - f) Compliance with the *Environmental Protection (Noise) Regulations 1999* is required.
 - g) A planning application will need to be submitted to Council indicating the comprehensive advertising sign format for the site. Subsequent applications for sign licences shall conform to the planning consent as issued by the City.

MOVED Cr Everts
MOTION CARRIED (5/0)

Council resolved at its Ordinary Meeting on 28th July 2008 that Recommendation D78/7/08 be amended by adding parts (u) and (v) as above.

Cr Reynolds and Cr MacDonald returned to the meeting at 7.53pm.

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LOCATION PLAN
VARIOUS LOTS, CHAMPION LAKES

Cr Reynolds and Cr Zelones disclosed that as members on the Armadale Redevelopment Authority Board they had an association with this project. As a consequence, they advised that there may be a perception on the basis of their disclosed non-financial interests that their impartiality may be affected but declared that they would set aside that association, consider the matter on its merits and vote accordingly.

CHAMPION LAKES SPECIAL RESIDENTIAL PRECINCT - LAKE VIEW TERRACE AREA - REQUEST FROM ARMADALE REDEVELOPMENT AUTHORITY

WARD : HERON
DATE : 11/7/08
REF : JR
RESPONSIBLE MANAGER : PSM
LANDOWNER : Various
SUBJECT LAND : Property size -
Approximately 38 hectares
Map 22:09
ZONING
MRS : Rural Zone
TPS No.4 : Special Residential zone

In Brief:

- The area immediately north of the Armadale Redevelopment Authority's (ARA) Champion Lakes Facility comprises of a historic subdivision and is zoned Rural in the MRS and Special Residential in TPS No.4.
- A group of residents have recently had discussions with the Minister for Planning and Infrastructure regarding the future of the area.
- The ARA seeks Council's views on the future development of the area and particularly:
 - whether Council envisages higher value urban uses;
 - what actions Council intends to take to progress its vision for the area.
- Recommend
 - Council request City officers to research the views of the current landowners and investigate the prospective time and resource requirements associated with initiating a zoning change.
 - Recommit the outcomes of research for further Council consideration.
 - Advise the Armadale Redevelopment Authority accordingly.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005
Environmental Protection Act 1986
Metropolitan Region Scheme (MRS)
Town Planning Scheme No.4
Health Act and Metropolitan Sewerage Policy



AERIAL PHOTOGRAPH
VARIOUS LOTS, CHAMPION LAKES

Council Policy / Local Law Implications

Local Planning Strategy 2005

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Possible budget implications, if studies are required at a later time.

BACKGROUND

Council considered the area north of the ARA Champion Lakes Facility and generally bounded by Lake View Terrace, Lake Road, Tonkin Highway and the Public Purpose Reservation (Bus Depot) in its recent review of the District Zoning Scheme. The draft TPS No.4 (advertised in early to mid 2004) proposed rezoning the area from Rural E zone to Special Residential zone and this was ultimately gazetted in November 2005.

The review noted that the existing historic lot sizes fell far below the 2ha average lot size requirement for the then Rural E zone under TPS No.2 (all lots were also below the 1ha minimum lot size for a Rural Living zone under TPS No.4). The Special Residential zone was seen as a more appropriate zoning for the existing lot sizes of mostly 3000 – 4000m², which provided additional land use controls that were unavailable in Rural zones. Within the MRS Rural zone, lots of this size are generally only permitted within local Special Residential zones (WAPC Policy No.DC 2.5 Special Residential Zones).

The land use and management controls prevent the intrusion of semi industrial/commercial type activities into such areas and which on such small lots can cause land use conflicts in addition to foreclosing future options. These include controlling ad hoc subdivision unless supported by an adopted Structure Plan.

Following the consultation period, no objections were received to the proposed Special Residential zone under draft TPS No.4 and only one submission was received raising queries in respect of the area. All property owners within the subject area (ie the whole City) were provided with a copy of the draft Scheme Map and were invited to make written submissions. Council subsequently resolved to adopt TPS No.4 at its meeting of September 2004 noting the single submission for the area (D160/9/04).

At the time Council acknowledged that the area's location and the relatively large lots provided a potential opportunity for future redevelopment over the longer term, but that the Special Residential at the existing lot sizes was considered an appropriate zoning for the medium term interim period.

DETAILS OF ARA REQUEST AND MEETING AT THE MINISTER’S OFFICE

The Armadale Redevelopment Authority (ARA) seeks Council’s views on the future development of the Special Residential area immediately north of the ARA’s developing Champion Lakes Facility. The ARA particularly seeks advice on whether Council envisages higher value urban uses for the area in the future and if so, what actions Council proposes to take to progress its vision for the area.

The Executive Director of the ARA has written to the City regarding a meeting he attended with some residents from the area at the office of the Minister for Planning and Infrastructure. The ARA advises that at this meeting the residents appeared to have a desire to achieve “*urban development outcomes*” and particularly questioned where the current Special Residential zoning left them regarding capturing what they considered to be the development potential of their land.

CURRENT ZONING, DEVELOPMENT AND LANDUSE

The approximately 38ha of land in the precinct is fragmented into a total of 82 individual lots mostly under separate ownerships. The majority of lots are in the range of 3000m² to 4000m² (average lot size is 4600m²) but range from 1241m² up to 9974m², reflecting the historic rural subdivision of the area.

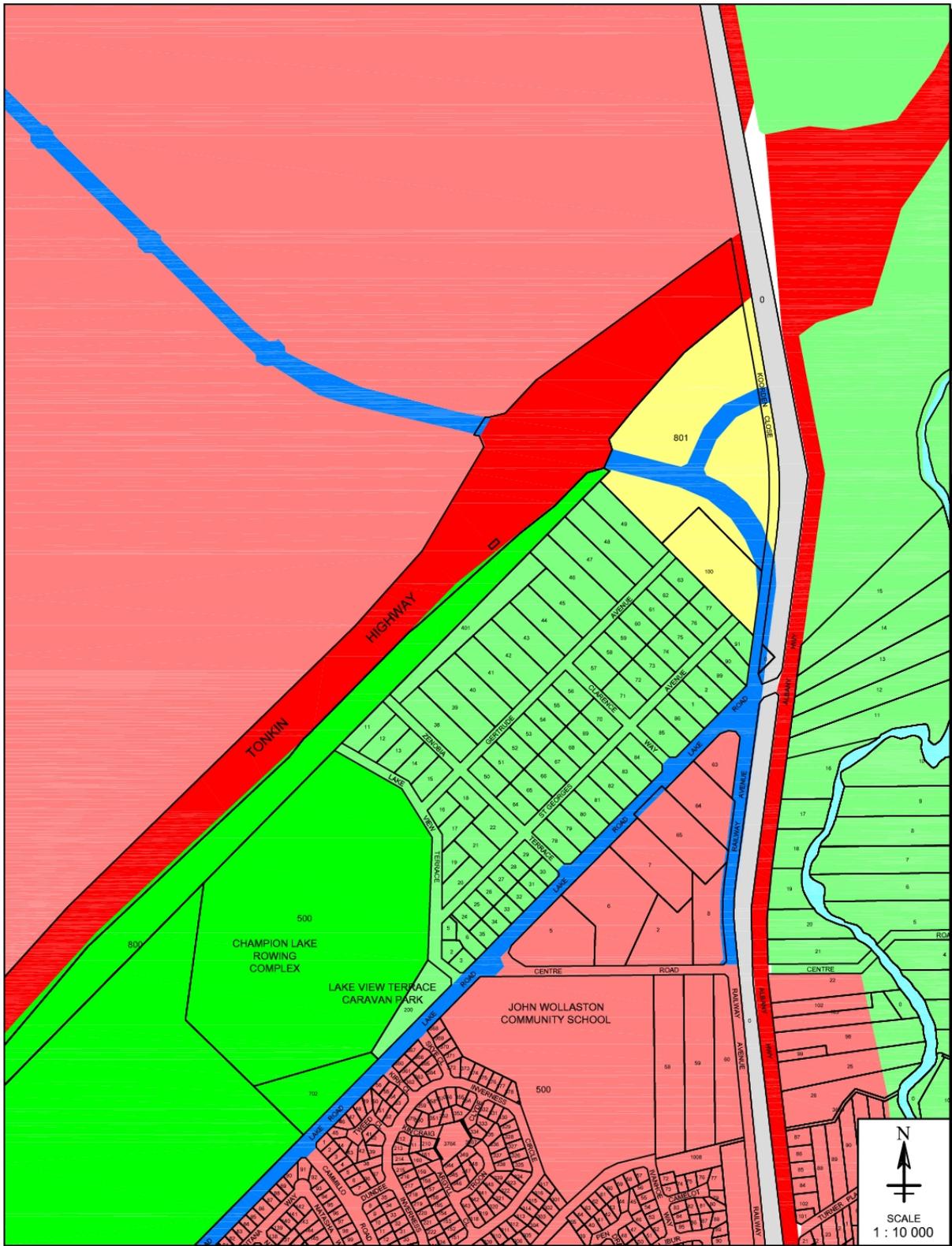
The housing stock is generally single residential and mostly 10 to 20 years old, however some newer dwellings are apparent. Lots are characterised by large gardens often supporting large outbuildings of the type used by residents involved in the construction trades for storage of equipment and vehicles and by keen hobbyists. There are numbers of remnant and regrowth native marri trees on the larger lots, which add character to the area. Understorey vegetation is limited given the use and activities including some of the larger properties used for keeping of horses and similar stock.

The area is currently un-sewered and housing relies on on-site effluent disposal, which is a constraint on development under the State Government’s Metropolitan Sewerage Policy. The area currently falls within the Rural zone under the Metropolitan Region Scheme which is a key determinant of the zoning provided under TPS No.4.

The grid-like streets define a regular pattern of eight street blocks with some street blocks bounded on at least one boundary by infrastructure such as the Tonkin Highway reserve and major transmission line infrastructure to the west, MRS Reserve for Lake Road to the east and the MRS Public Purpose reserve to the north.

COMMENT

The ARA does not specify or suggest any specific zoning which would be suitable for the area and only refers to “*urban development outcomes*”. Presumably the landowners attending the meeting envisage a residential type zone similar to that found in nearby areas. Key constraints of the area include lack of sewer, co-ordination and funding of services, land fragmentation and multiple landowners.



MRS ZONING

ANALYSIS

Lifestyle opportunities provided by the Special Residential zone

The City experiences a fairly high demand for lots that are larger than normal suburban house lots and which offer the community a diversity of lifestyle choice. The larger lots found in the various estates under the City's Special Residential zone satisfy the portion of the population who desire a specific lifestyle.

The precinct currently provides the area's residents with room for activities requiring a larger land area than residential zoning normally allows, such as hobby and small scale home businesses, while also providing them with relatively easy access to urban services and facilities.

The precinct therefore has some unique values that add to the City's lifestyle choice opportunities. While the Lake View Terrace Champion Lakes precinct is an historic anomaly rather than a specially planned estate, most properties are maintained at a good standard of amenity with only small pockets where buildings and/or their curtilage, would benefit from a bit more maintenance.

Urban Land Supply Context

There have been recent additions to urban land supply in the wider area surrounding the ARA's Champion Lakes site. For example, the State Government recently rezoned the precinct immediately south of Champion Drive and located between the Wungong River and Lake Road from Rural to Urban zone under the MRS (gazetted on 27th May 2008 with supporting planning studies prepared and funded by the landowners). Rezoning of this area under the local TPS No.4 or Structure Planning has not yet commenced but when this land comes on-stream it will further add to the supply of urban land for tourist or residential type accommodation in close proximity to the Aquatic Sports Recreation Facility.

Future Context

When reviewing the District Zoning Scheme, Council acknowledged that in the long term, the precinct may have potential for more intensive development particularly given its proximity to the proposed ARA's Champion Lakes facility. As indicated above, the Special Residential zone provides a transitionary zoning which prevents intrusion of the industrial/commercial landuses that often seek out such areas of well located larger lots. Once established, intruding rural industrial/commercial uses can present barriers and limit future planning options for the land.

OPTIONS

Council could:

1. Undertake investigation into landowner attitudes towards urban development.
2. Seek assistance from the Armadale Redevelopment Authority by supporting a future inclusion within the ARA's Scheme.
3. Take no action at this time to change current planning provisions.

CONCLUSION

The City is in a stage of its development in which land values have risen and demand for residential lots is higher than at any other time in its history. While land market and economic conditions will vary, this trend is not likely to abate and will only increase population and housing growth over the longer term.

It is desirable that potential sources of future urban land supply be identified as part of an overall review but the desirability and/or timing of changes need to be carefully assessed. For example, in Armadale there are still problems in securing residential housing investment of a sufficiently high quality to lift the amenity of surrounding areas. However as time goes on, the market (and land values) in well serviced and perhaps underutilised areas such as the subject site, are likely to make investment in built construction at a better quality more possible. Land oversupply conditions or premature development run the risk of perpetuating a lower quality of built outcome than Council may desire over the longer term and delay existing planned priority projects.

The views of current landowners are unknown at this stage and should be investigated before Council considers options and/or recommendations. Council would also need to determine if a change would result in public benefits that would justify public funds being expended on addressing this area and how this would measure against other budget priorities.

While the Armadale Redevelopment Authority in their letter to the City did not specifically canvass the possibility of the land being included within the ARA's Scheme, this could be considered. However the ARA's resources are limited and diversion of these resources to further urban development in this locality is not considered warranted at this time.

Therefore Option 1 is recommended.

COMMITTEE requested that officers also include and seek the views of the current landowners of the Lake View Terrace Caravan Park. Accordingly, Part 1 of the recommendation was amended.

D79/7/08 RECOMMEND

That Council –

- 1. Request City officers to research the views of the current landowners in the area bounded by Lake View Terrace, Lake Road, Tonkin Highway and the Bus Depot, and to include the Lake View Terrace Caravan Park and investigate the prospective time and resource requirements associated with initiating a zoning change.**
- 2. Recommit the outcomes of research for further Council consideration.**
- 3. Advise the Armadale Redevelopment Authority accordingly.**

MOVED Cr Knezevich
MOTION CARRIED (7/0)

PUBLIC HEALTH PLAN 2008-2013

WARD : ALL
FILE REF : PH/A/2
DATE : 2007
REF : JE
RESPONSIBLE : HSM
MANAGER

In Brief:-

- The City of Armadale Public Health Plan 2008-2013 will replace the City's Environmental Health Plan 2003-2008.
- Development of the plan involved extensive consultation with health staff and external stakeholders.
- A copy of the draft plan is in ***Attachment "A1" of the Minutes*** and it is recommended that it be adopted and forwarded to the Executive Director, Public Health for approval.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Under the City's Strategic Plan 2005-2009 in Part 2-Building our Community, a key initiative is to "*Enhance public environmental health outcomes by implementing the City's Environmental Health Plan*".

The proposed Public Health Plan 2008-2013 aims to identify the strategic direction of the City's Health Service over the next 5 years. It is based upon information about current and emerging issues affecting our community and incorporates modern approaches to public health that:

- ◆ Encompass a more holistic view of health than the traditional regulatory role, based on responsiveness to data relating to the health status and health determinants of local communities;
- ◆ Recognise an integrated approach based on partnerships and strategic alliances, is needed to effectively utilise the resources of a number of sections and sectors involved in delivering and planning for health outcomes; and
- ◆ Advocate a risk management approach to regulatory roles, based on the draft new Public Health Bill 2008.

Legislation Implications

Section 38 of the Health Act requires local governments to report annually to the Executive Director, Public Health (EDPH), upon health conditions within each district. Since 1998, the EDPH has requested local governments to report on an environmental health plan approved by the EDPH.

Council Policy / Local Law Implications

- ◆ The City of Armadale Public Health Plan 2008-2013 will replace the City's Environmental Health Plan 2003-2008.

Budget / Financial Implications

Implementation of the plan is contingent upon having adequate staff resources and it is anticipated that an additional staff member will be required in 2-3 years.

Consultation

In preparing the plan, there has been extensive consultation with internal Health Services staff and external stakeholders including:

- ◆ South Metropolitan Public Health Unit (SMPHU).
- ◆ South Inland Zone-Child & Adolescent Community Health Division (Department of Health).
- ◆ Canning Division of General Practice.
- ◆ Shire of Serpentine Jarrahdale Health Service.

BACKGROUND

The City's Environmental Health Plan 2003-2008 expired on 30 June 2008 and extensive consultation has taken place over the past 4 months to prepare a plan to replace it.

The proposed plan also involved research to identify emerging public health trends and issues that could influence the future direction of the City of Armadale with regard to public health.

The draft Public Health Bill 2008, which was released for public comment earlier this year was a key consideration in determining priorities for action. The proposed Act, to replace the antiquated Health Act 1911, emphasises a prevention and promotion rather than reactive approach to allow preventative action to be taken where there is a risk to public health.

To emphasise the importance of this preventative approach, the draft bill also contains provisions requiring all local governments to prepare public health plans that identify local public health needs based on an examination of relevant data relating to the health status and health determinants of the local community. This is consistent with the approach taken in the State of Victoria, which has required all local governments to prepare municipal public health plans since 1988.

As a result, the proposed plan has taken a broader view of health than the traditional compliance function of most local government environmental health sections, without detracting from the ongoing importance of that role. It encompasses the social model of health, which acknowledges the wide range of social, environmental, economic and cultural factors that influence public health and wellbeing.

When viewed that way it is apparent that health is not the sole domain of the Health Service and a number of other departments within the City and sectors outside the City play important roles in influencing public health and wellbeing.

The plan therefore advocates a more multi sectoral approach than currently exists and in developing it there was close consultation with the SMPHU and the Shire of Serpentine Jarrahdale Health Section.

The SMPHU develops and provides public health programs to the population living within the South Metropolitan Area Health Service (SMAHS) region, which comprises 5 health districts, one of which is the Armadale Health District (AHD). The AHD in turn consists of the Cities of Armadale and Gosnells and the Shire of Serpentine Jarrahdale.

The core business of the SMPHU is prevention, with a focus on the health and wellbeing of whole populations. In line with the broader SMAHS approach, the SMPHU specifically aims to provide flexible and responsive services that are based on population trends and emerging scientific evidence, meet the changing needs of communities and are demonstrated to add value. This is commonly done using a partnership approach with other organisations including Local, State and Commonwealth government agencies, community groups and the private sector, providing opportunities for collaborative programs. These cross-jurisdictional partnerships add value, improve planning and service delivery, and promote evaluation and evidence-based approaches.

The Shire of Serpentine Jarrahdale is also developing a Public Health Plan and theirs is based on the same model as the City's proposed plan. A key objective of both plans is to work together to establish a coordinated strategy to minimise the incidence of preventable chronic diseases across the health district in collaboration with the SMPHU and other key stakeholders.

In order to assist in the identification of local public health needs, the SMPHU has provided the City with a population and health profile for the AHD (**Tabled**), which is summarised in the proposed plan. That data highlights some important issues including:

- ◆ 24.6% of the AHD population is obese with a significantly higher prevalence of obesity among males compared to the state average (AHD 28%; State 17%).
- ◆ 19.7% of the AHD population still currently smokes.
- ◆ 12.6% of the AHD population is at risk of short term harm through excessive alcohol consumption, while 5.1% are at risk of long term harm.
- ◆ 58.4% of the AHD population (aged 16-64) do insufficient physical activity.
- ◆ 56% of the AHD population eats insufficient fruit and 86.1% eats insufficient vegetables.
- ◆ The City of Armadale is more disadvantaged than the national average and has a higher level of social disadvantage (SEIFA score) than the other 2 Councils in the AHD.

COMMENT

The goal of the proposed public health plan is to:

“protect and enhance human health by identifying threats as early as possible and putting strategies in place that are sustainable and cost effective”.

The proposed plan is divided into 4 theme areas, each of which is described below:

Theme 1: Environmental Health

The objective of this theme is to *“create and maintain environments that promote and protect public health”.*

This is the core function of the Health Service and is primarily carried out as a statutory role through the administration and enforcement of legislation including the Health Act 1911, Environmental Protection Act 1986, subsidiary regulations and local laws.

Increasingly however, the importance of addressing the underlying factors that influence health through promotion and prevention strategies and creating health supporting environments is being recognised.

It is intended to use a risk management approach to prioritise activities and create the capacity to progressively realign resources from statutory roles to support a greater prevention and promotion focus.

Theme 2: Communicable Disease Control

The objective of this theme is to *“minimise the incidence of preventable communicable diseases in the community”.*

The primary activity in this theme area is the provision of an immunisation service. This is a non core function carried out through a partnership agreement with the South Inland Zone - Child and Adolescent Community Health Division, who participated in a workshop to discuss the future of this service.

There was general satisfaction with the service and it is intended to continue it over the next 5 years.

Theme 3: Chronic Disease Prevention

The objective of this theme is to *“minimise the incidence of preventable non communicable diseases by addressing the underlying social, environmental, economic and cultural determinants of health”.*

This is currently a non core theme area that represents a new focus for the City. However, it is widely recognised that local government already makes a significant contribution to improving, promoting and protecting the health and wellbeing of communities through the independent activities of a number of departments.

In recent years, changes to the Local Government Act, Planning and Development Act, and proposed new WA Public Health Act, have provided an increased imperative for the City to consider the broader health and wellbeing of its community, as health and wellbeing is impacted upon by many services and programs delivered by the City. This has resulted in the City becoming increasingly involved in initiatives that influence lifestyle and behaviour change as well as the social, economic and environmental (built/physical and natural) conditions where communities live, work and play.

As a consequence, this theme suggests collaboration between the Shire of Serpentine Jarrahdale, the SMPHU and other key internal and external stakeholders to develop strategies that address regional risk factors for premature illness and death including smoking, alcohol and drug abuse, lack of physical activity and poor diet and nutrition.

It is estimated that 70% of health care expenditure in this state is due to chronic diseases and injury. Preventative health strategies that advocate healthy environments and lifestyle have been shown to achieve health gains in the area of non communicable diseases including cardiovascular disease, diabetes, obesity, renal disease, cancers and respiratory diseases.

5 priority areas have been identified, which are aligned with the Western Australian Health Promotion Strategic Framework 2007-2011 and the SMPHU Strategic Plan 2008-2011.

Theme 4: Health Management Enablers

The objective of this theme is to “*provide management systems support for the achievement of public health and organisational goals*”.

Public health encompasses a diverse range of activities carried out and facilitated by a wide variety of agencies, each with the common goal of protecting and improving the health and wellbeing of society.

Even within agencies, various programmes are conducted targeting different issues and audiences, with little emphasis on finding common elements and bringing them together to identify common goals and improvement opportunities.

This section aims to identify systems that straddle the boundaries between vertical programmes and disciplines and explore ways they can be underpinned to achieve greater consistency and quality and improve the health of identified population groups.

OPTIONS

1. Adopt the Public Health Plan as presented.
2. Adopt the plan with amendments.

CONCLUSION

The proposed public health plan addresses all Council's statutory responsibilities as well as introducing some new initiatives that could have funding and resourcing implications for the City in the future.

An area where this could apply is in development of the Chronic Disease Prevention theme, where it is initially planned to bring key internal and external stakeholders together to discuss opportunities to collaborate and provide mutual support in the shared goal of minimising the incidence of preventable chronic diseases in the community.

Council could take the view this is not a core role for local government and leave it primarily to other sectors, or it could take a more proactive position and become involved in a support and partnership role. The latter is recommended (Option 1).

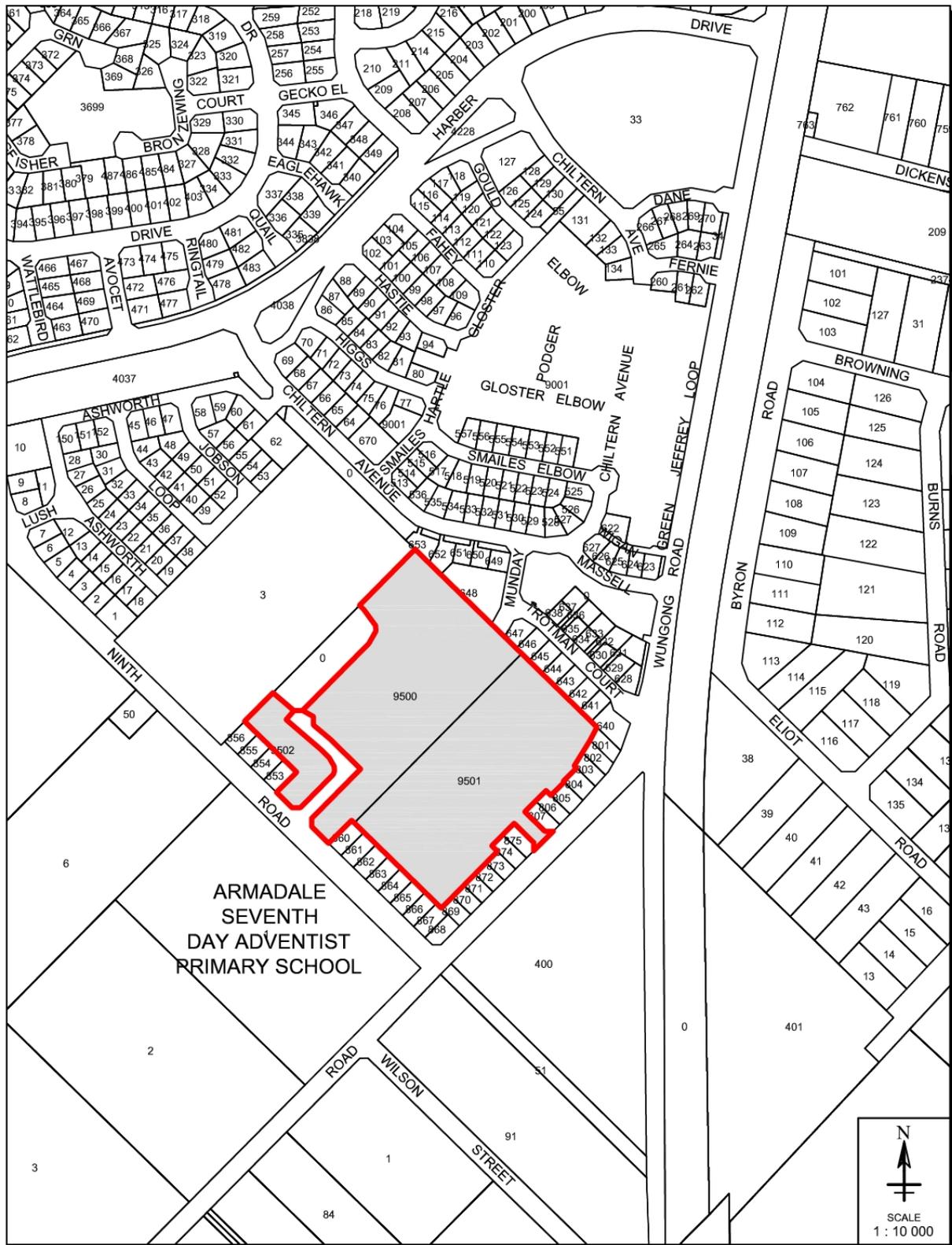
Health Services Manager briefed Committee on the proposed City of Armadale Public Health Plan 2008-2013.

D80/7/08 RECOMMEND

That Council adopt the proposed City of Armadale Public Health Plan 2008-2013 and forward it to the Executive Director, Public Health for approval.

MOVED Cr Tizard
MOTION CARRIED (7/0)

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LOCATION PLAN
LOTS 9500, 9501 AND 9502 NINTH ROAD, BROOKDALE

ROAD NAMING – LOTS 9500 AND 9501 NINTH ROAD, BROOKDALE

WARD : LAKE
DATE : 10 July 2007
REF : SEN
RESPONSIBLE : PSM
MANAGER
APPLICANT : Civil Technology
LAND OWNER : Civil Properties
SUBJECT LAND : Property size 58ha approx.
Map 22-40
ZONING
MRS : Urban
TPS No.4 : Residential R15/25

In Brief:-

- Council has received a proposal to name new road reserves within the subdivision of Lots 9500 and 9501 Ninth Road, Brookdale.
- The proposed subdivision links to an existing subdivision, whose road names acknowledge the historic significance of early residents within the City of Armadale. The proposed road names will continue the established theme and comply with the Geographic Names Committee (GNC) criteria.
- Recommend that Council approach the Geographic Names Committee seeking approval for the following new road names within the subdivision of Lots 9500 & 9501 Ninth Road, Brookdale: Edsell Entrance, Kilkenny Loop, Trouchet Way and Flematti Circle.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Relates to the aim for developing our City to:

- ♦ Sustain and maintain the distinctive character of the City; and
- ♦ Maintain Armadale as a special place.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

- ◆ Geographic Names Committee.

DETAILS OF PROPOSAL

Council has received a proposal for the naming of road reserves for new streets which are being created by a subdivision proposed for Lots 9500 & 9501 Ninth Road, Brookdale (SUB/127777). Over the last few years, the City has received several letters requesting that their family or a parent be recognised with a street name. The City has proposed the use of these names. In the case of this proposal the development follows an established theme set by adjoining subdivisions acknowledging the historic significance of early community members within the City of Armadale. Details of the proposed names are as follows:-

- ◆ Edsell Entrance – Mr Edsell owned and operated a grocery shop within Jull Street during the early 1900's. The name Edsell is currently on the City of Armadale's Reserve Register for Road Names.
- ◆ Kilkenny Loop – Mr Martin Kilkenny ran a dairy from his property on Seventh Road from 1929 – 1950 and delivered the milk to residents. Also contributed to the community by regularly providing meats from his farm to disadvantaged community members. Mr Kilkenny passed away in 1973.
- ◆ Flematti Circle – Mr 'Bert' Flematti immigrated to Australia in 1923, moving to the Armadale area in 1933. Mr Flematti was employed by the Armadale Road Board and worked on many roads and projects within the Armadale area, including Albany Highway and Canning Dam.
- ◆ Trouchet Way – Resident of Armadale since 1952 until he passed away in 2005. Worked within the area driving local trains and steam trains.

Extensions of the street names of Munday Avenue and Ashworth Way will also occur on the extension of these road reserves.

COMMENT

Informal consultation with officers of the Geographic Names Committee (GNC) suggests the names will meet the GNC criteria for road naming. Each of the road names are duplicated less than 5 times in the metropolitan area and are more than 10 kilometres from existing duplications.

OPTIONS

1. Approve the road names as submitted.
2. Not approve the road names and request the developer to provide alternative road names complying with GNC criteria.
3. Not approve the road names and that Council recommend new road names to GNC and the developer.

CONCLUSION

The road names chosen should meet GNC criteria and appear to be an appropriate proposal for Council to approve. Option 1 is recommended.

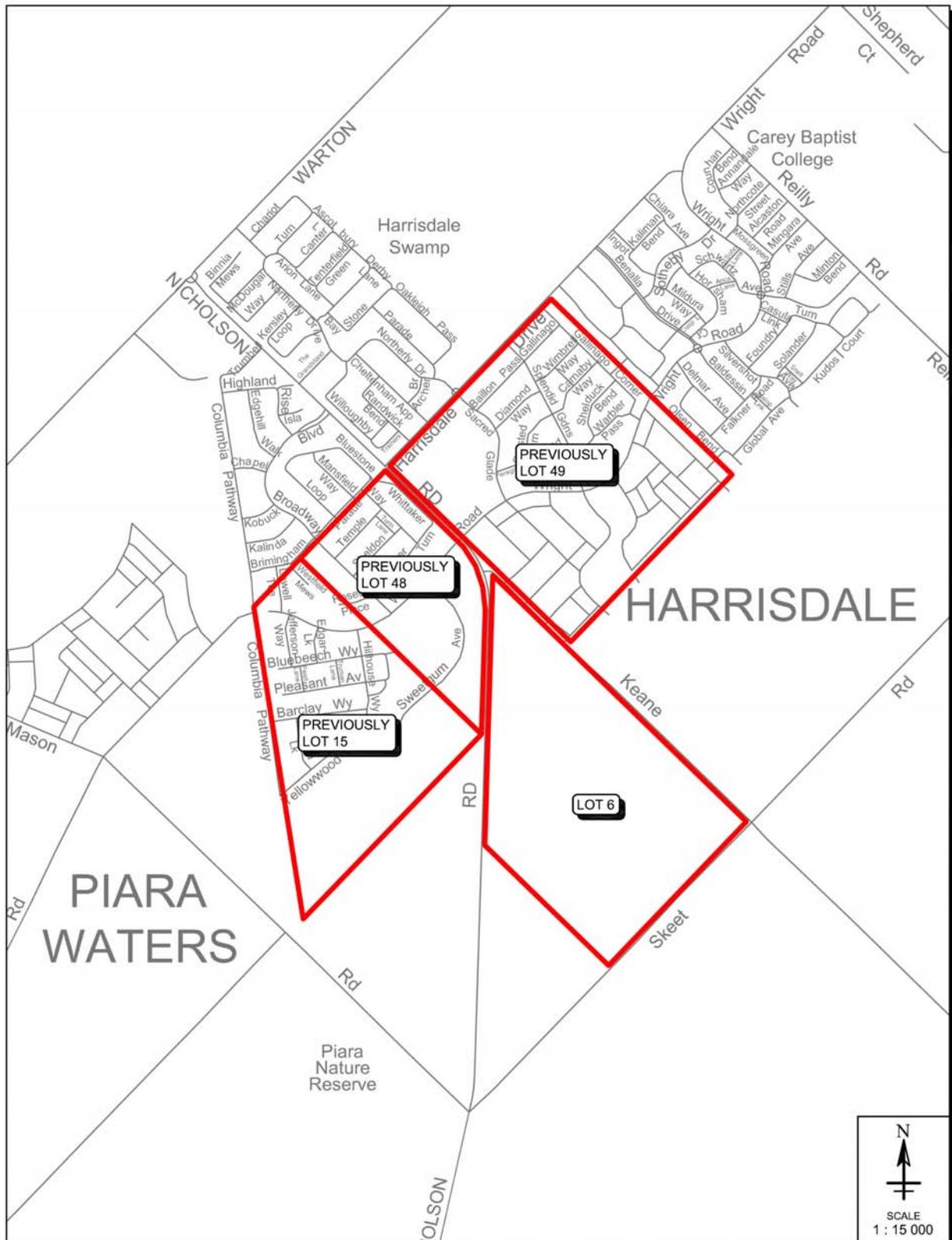
D81/7/08 RECOMMEND

That Council approach the Geographic Names Committee (GNC) seeking approval for the following new road names (or suitable road types acceptable to the GNC) for subdivision on Lot 9501 and 9500 Ninth Road, Brookdale as shown on the attached plan:

- ♦ **Edsell Entrance;**
- ♦ **Kilkenny Loop;**
- ♦ **Flematti Circle; and**
- ♦ **Trouchet Way.**

MOVED Cr MacDonald
MOTION CARRIED (7/0)

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LOCATION PLAN
LOT 6 AND PART FORMER LOT 49 NICHOLSON ROAD, HARRISDALE AND
PART FORMER LOTS 15 AND 48 NICHOLSON ROAD, PIARA WATERS

PROPOSED AMENDMENT TO NORTH FORRESTDALE – STAGE 1 STRUCTURE PLAN – ‘REVISION 5A’ - LOTS 6, 15, 48 & 49 NICHOLSON ROAD, PIARA WATERS & HARRISDALE

WARD : LAKE

APPLN NO. : 35.2008.3.1

DATE : 8 July 2008

REF : EP

RESPONSIBLE MANAGER : PSM

APPLICANT : Development Planning Strategies

LANDOWNER : Stockland WA Development P/L
Satterley Property Group

SUBJECT LAND : Lot 6, 15, 48 and 49 Nicholson
Road, Piara Waters & Harrisdale

ZONING

MRS : Urban

TPS No.4 : Urban Development

In Brief:

- An application was received to amend the North Forrestdale - Stage 1 Structure Plan by relocating the commercial neighbourhood centre and other design changes.
- The application was advertised for public comment and no submissions were received.
- Recommend that the Council adopt the proposed amendment to the Structure Plan and forward to the Western Australian Planning Commission.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

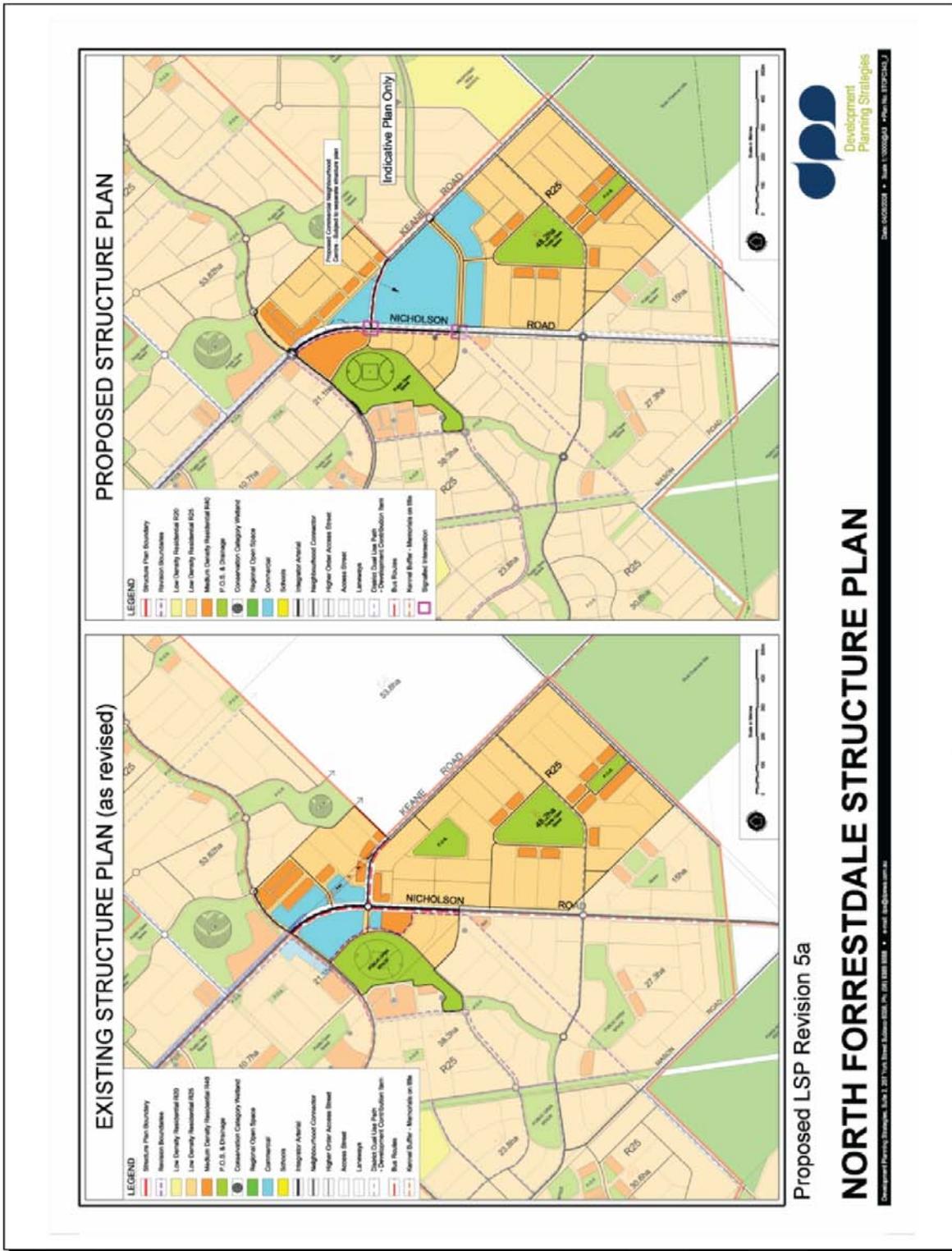
Development – “To balance the needs of development with sustainable economic, social and environmental objectives”.

Legislation Implications

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

Council Policy / Local Law Implications

Nil.



PROPOSED AMENDMENT
LOT 6 AND PART FORMER LOT 49 NICHOLSON ROAD, HARRISDALE AND
PART FORMER LOTS 15 AND 48 NICHOLSON ROAD, PIARA WATERS

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit.
- ◆ Technical Services Directorate.

BACKGROUND

North Forrestdale Stage 1 Structure Plan was adopted by Council and endorsed by the Western Australian Planning Commission in 2005. The study area comprises of some 452ha, generally bounded by Wright Road, Warton Road, Skeet Road and Keane Road.

In August 2006, January 2007 and September 2007, the City adopted a number of amendments to the Structure Plan.

In March 2008, the City received an application to revise the North Forrestdale Structure Plan to relocate portions of the Commercial Neighbourhood Centre from Lots 48 and 49 to Lot 6 and replace the former Commercial Centre with residential land uses.

The City requested the applicant to further address the following issues prior to considering final adoption of the proposal:

- ◆ Submission of an up-to-date traffic study that addresses issues such as road connectivity to surrounding areas, the required cross-section of Nicholson Road and the required treatment at the Nicholson Road intersections, etc;
- ◆ Access and egress issues to the Public Open Space area due to the median and swale in Wright Road;
- ◆ The implications of the proposed changes on the North Forrestdale development contribution arrangements;
- ◆ The identification on the Structure Plan that the Commercial Centre requires the preparation and adoption of a more detailed Structure Plan;
- ◆ Confirmation that the 10% POS area as required has been maintained within the revised Structure Plan area; and
- ◆ Confirmation that the proposed senior sized oval can be accommodated including appropriate buffers.

DETAILS OF PROPOSAL

The application proposes the following amendments to the Structure Plan:

- ◆ The relocation of the commercial neighbourhood centre (CNC) site from Lots 48 and 49 Nicholson Road to Lot 6 Nicholson Road;
- ◆ The subsequent revision of the road layout and inclusion of replacement residential land uses over the former CNC site; and
- ◆ Minor reconfiguration of the original LSP road layout and residential lot design of Lot 6 due to the relocation of the CNC on to this lot.



PROPOSED AMENDMENT
NORTH FORRESTDAL - STAGE 1 STRUCTURE PLAN

The applicant has now provided amended report/plans addressing the abovementioned issues raised by the City.

Public Advertising of the Amendment to the Structure Plan

The proposed Structure Plan amendment was advertised for public comment for 28 days by way of letters to nearby land owners. No submissions were received.

COMMENTS

Development Control Unit (DCU)

DCU considered the proposal at its meeting on 10 July 2008. As the proposed revision would consolidate the Commercial Neighbourhood Centre to a more strategic location, no objection was raised to the proposal.

ANALYSIS

Town Planning Scheme No.4 (TPS No.4)

Changes or departure from Structure Plan

Under Clause 6A.4.3 of TPS No.4, any change to or departure from a Structure Plan that is not considered by the City to be minor under Clause 6A.4 should be called an amendment to the Structure Plan and is to follow the procedures set out in Clause 6A.3. Where the City under Clause 6A.3.2 has determined that the proposed Structure Plan is satisfactory for advertising the City is to:

- a) advertise, or require the proponent to advertise, the proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 9.4 of the Scheme; and
- b) give notice or require the proponent to give notice in writing to:
 - (i) landowners affected by the Proposed Structure Plan, where appropriate and/or signs on site; and
 - (ii) such public authorities and other persons as the City nominates,

In accordance with Clause 6A.3.7, the City is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 6A.3.5 is to either:

- a) adopt the proposed Structure Plan with or without modifications; or
- b) refuse to adopt the proposed Structure Plan and give reasons for this to the proponent.

The relocation of the Commercial Neighbourhood Centre (CNC)

The key revision of the proposal involves the relocation of the CNC from Lots 48 and 49 Nicholson Road to the east to Lot 6 Nicholson Road. The applicant advises that the relocation provides opportunity for the CNC site to be strategically located on one parcel of land, hence maintaining its excellent visibility and accessibility from Nicholson Road without being bisected by this busy road. The applicant asserts that the advantage of the relocation would provide a more intimate and integrated CNC and superior orientation for both vehicles and pedestrians in and around the CNC site to support the successful development of the site.

The 'Commercial' site comprises of a total area of 12ha and is intended to provide a larger variety of land uses within the confines of the designated CNC site. It is proposed to maintain the Net Lettable Area (NLA) retail limit of 7500m², consistent with the North Forrestdale Stage 1 Structure Plan and to ultimately adopt a Town Planning Scheme No.4 'Local Centre' zoning across the entire CNC site.

As identified on the revised Structure Plan, a more detailed Structure Plan to reflect the exact land use zoning, full internal design details and design and interface with primary roads and adjoining residential development is proposed to be prepared for the CNC area.

Revision of the Road Layout

A revised traffic study prepared by Riley Consulting in May 2008 was included with the application. The report addresses revised traffic volumes, the Commercial Neighbourhood Centre (CNC) access, intersection treatments and other transport mode implications associated with the relocation of the CNC site.

The City's Technical Services has assessed the traffic report and has advised that it is considered satisfactory at this stage, however the City's Technical Services have advised that the City should reserve the right to require additional road reserve widening of roads in the vicinity of the commercial centre, POS and school areas to provide adequate footpath and parking treatments and to allow for additional roundabout treatments on adjusted bus routes or roads impacted by additional vehicle movements due to the proposed traffic light installation. These requirements are to be reflected at the detailed subdivision plan submission stage and the applicant is aware of these matters.

Redesign of Residential Land Uses on Lots 48, 49 and 6 Nicholson Road

The relocation of the CNC has resulted in the need to redesign part of the residential layout. Overall the CNC site situated across Lots 48 and 49 Nicholson Road is proposed to be replaced with a combination of low density (R25) and medium density (R40) housing to provide varying lot mix in and around the CNC.

The proposed relocation of the CNC site to Lot 6 Nicholson Road has also resulted in the removal of 1.5ha POS area and minor revision of the residential layout on Lot 6. This does not affect the 10% POS provision as outlined later in this report. However, the predominant coding through out the subdivision area remains at a low density (R25).

Implication on the Developer Contribution Arrangements

There are three items in the North Forrestdale Developer Contribution Schedule (DCS) that are affected by the proposed LSP revisions which are as follows:

- ◆ Proposed traffic signals at the intersection of Wright and Nicholson Roads

Item 3C of the DCS states:

“100% of the total cost of upgrading the intersection and installing traffic signals in the proposed North Forrestdale town centre.”

The traffic signals in the DCS were originally nominated at the intersection of Wright and Nicholson Roads in response to the North Forrestdale Traffic Study prepared by Riley Consulting. The traffic signals were recommended at this intersection to provide pedestrians and cyclists a safe point to cross Nicholson Road on route to the CNC site. With the proposed relocation of the CNC site further south along Nicholson Road, there is now more benefit in providing traffic signals at either the intersection of Nicholson and Keane Roads, and/or Nicholson and Southern River Roads.

- ◆ The second and third items relate to works associated with the upgrade of Nicholson Road, including:

Item 3A – Arterial Roads, states:

‘Nicholson Road between Warton and Armadale Road: 100% of the total cost to acquire any road widening for the ultimate road reserve and the ultimate traffic signalised intersection in the proposed North Forrestdale town centre.’

Item 3B – Arterial Roads, states:

‘Nicholson Road between Warton and Armadale Road: 100% of the total cost of constructing the full earthworks, two dual carriageways and all structures.’

The abovementioned DCS Items will need to be reviewed and revised cost estimates prepared for all proposed works affected by the CNC relocation. The applicant requests that detailed cost estimates be reviewed following the final endorsement of the LSP revision by both the City of Armadale and Western Australian Planning Commission, therefore avoiding unnecessary costs and detailed review at this stage. It is acknowledged that negotiations and agreement of amendments to the contribution costs under the DCS, including what items are to be funded, will then need to be resolved between Stockland, the City of Armadale and affected landowners. It should be noted that the DCS provisions enable items to be reviewed on an annual basis. The City is currently advertising the annual review of the DSC. The applicant should be advised that the second set of new traffic signals should be funded by the developers, as these traffic signals are not included in the DSC.

10% Public Open Space (POS) requirement and District Playing Fields (DPF)

The 1.5ha POS area in the northern portion of Lot 6 has been removed as a result of the CNC relocation. The applicant has advised that the POS distribution is not significantly affected by the proposed Local Structure Plan (LSP) revision '5A' and the POS contribution as defined by the revised design equates to 18.62ha or 11.03% of the total subdivision area, hence a surplus of 1.74ha.

In response to the City's concerns regarding the accommodation of the senior size oval in the District Playing Field (DPF) with appropriate buffers, the applicant has advised that recent internal design concepts look to reconfigure the overall POS area and potentially broaden the size of the existing District Playing Field (DPF) and general POS area further east towards Nicholson Road. The applicant states that the extension of the POS marginally east to provide greater buffer areas is considered a minor departure from the LSP for which detailed dimensions would be provided at the subdivision stage. Notwithstanding these options, the applicant states that the position and dimensions of the senior sized DPF can be adjusted and accommodated within the confines of the existing POS boundaries, subject to reviewing preliminary drainage engineering and landscaping designs.

In addressing the City's concerns relating to access from Wright Road to the DPF car park, the applicant advises that based on the current DPF concept plans, the constructed sections of Wright Road to the west of the DPF have been designed to include a divided carriageway with median swale, therefore vehicles are prevented from crossing the median. However, the section of Wright Road abutting the proposed DPF (as detailed in pending subdivision WAPC Ref. 136853) includes an undivided carriageway design to allow access.

OPTIONS

1. Council may resolve to adopt the amendment to the Structure Plan as proposed or with modifications.
2. Council may refuse to adopt the amendment to the Structure Plan and specify the reasons for refusal.

CONCLUSION

The proposed revisions are considered to be acceptable and are consistent with the overall objectives and design requirements of the North Forrestdale Stage 1 Structure Plan adopted by the City. The proposed consolidation of the commercial areas is considered to be a better design in terms of accessibility and orientation for vehicles and pedestrians.

As identified on the amendment to the Structure Plan, a more detailed Structure Plan to reflect the exact land use zoning, full internal design details and design and interface with primary roads and adjoining residential development is proposed to be prepared for the CNC area. Accordingly, Option 1 is recommended.

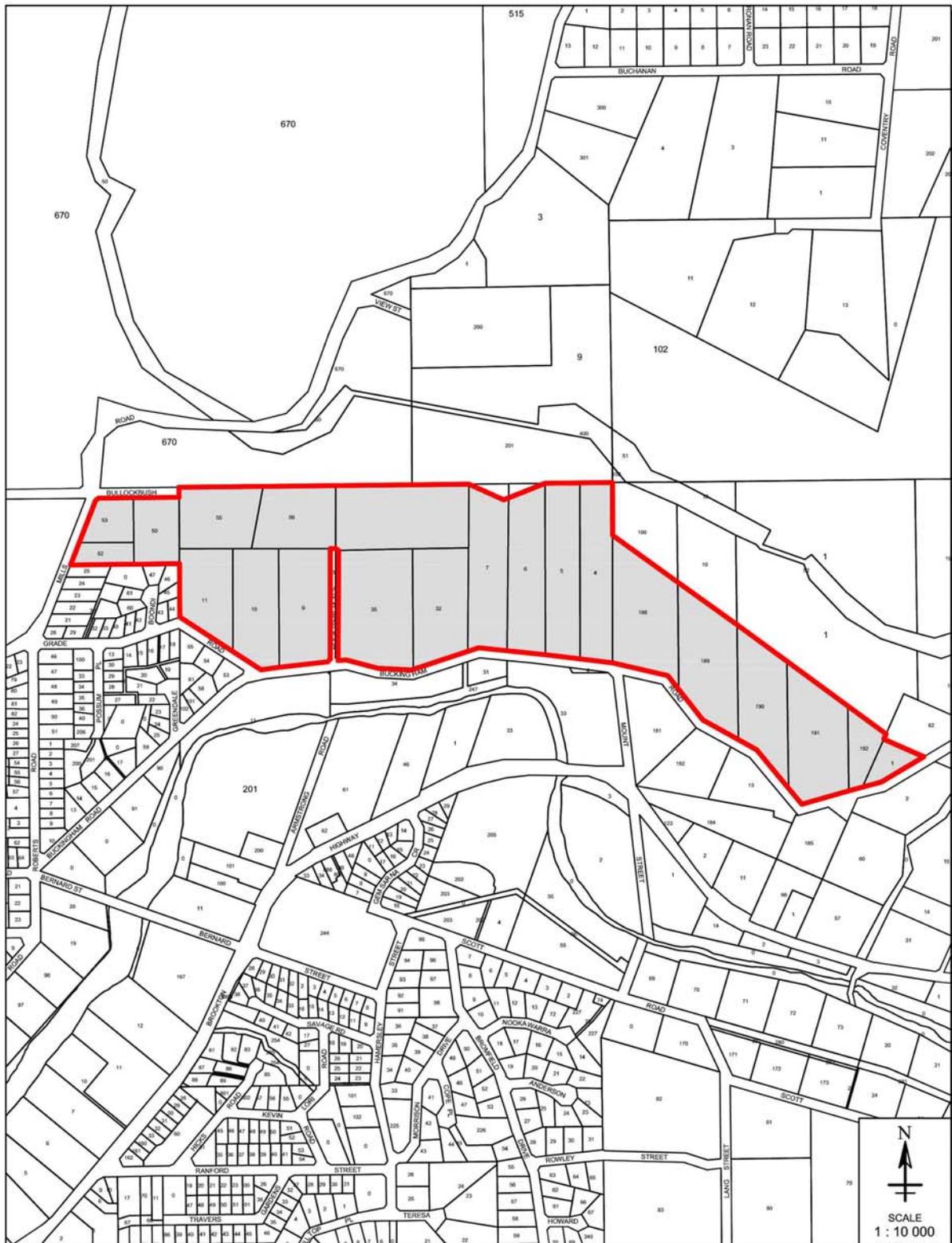
D82/7/08

RECOMMEND

That Council:

- 1. Pursuant to Clauses 6A.3.7 and 6A.4 of Town Planning Scheme No.4, adopt the proposed amendment to the North Forrestdale Stage 1 Structure Plan over Lots 6, 15, 48 and 49 Nicholson Road, Piara Waters & Harrisdale and forward a copy to the Western Australian Planning Commission (WAPC) under Clauses 6A.4 and 6A.3.9 of Town Planning Scheme No.4.**
- 2. Note that the location of the traffic signals for the proposed North Forrestdale Town Centre in the North Forrestdale Development Contribution Schedule (Item 3C) will be amended, if the WAPC adopts the amendment to the Structure Plan as proposed.**
- 3. Advise the applicant that the second set of new traffic signals included in the proposal should be funded by the developers.**

MOVED Cr Knezevich
MOTION CARRIED (7/0)



LOCATION PLAN
VARIOUS LOTS, KELMSCOTT

REVISED STRUCTURE PLAN FOR PUBLIC SUBMISSIONS PERIOD - LOTS IN BUCKINGHAM ROAD KELMSCOTT – (PROPOSED REZONING AMENDMENT NO.22 TO TOWN PLANNING SCHEME NO.4)

WARD : RIVER

DATE : 11/7/2008

APPLN No. : 34/2006.9.1

REF : JR

RESPONSIBLE MANAGER : PSM

APPLICANT : Hames Sharley

LANDOWNER : Various

SUBJECT LAND : Total area of 45ha hectares (ha)
Map 24:06/07

ZONING
MRS : Rural
TPS No.4 : Rural Living 2

In Brief:

- Council initiated an amendment to rezone a 45ha precinct abutting an existing Urban/Residential area in Kelmscott from Rural Living 2 to Rural Living 1.
- Prior to advertising of the Structure Plan for public submissions Council required the deletion of 4 lots plus minor modifications to the Structure Plan.
- The applicant has made the minor modifications to the Structure Plan which Council requested and made other minor modifications to lot boundaries.
- However, the applicant seeks Council's reinstatement of the 4 lots previously deleted to improve lot yield.
- Recommend that Council
 - Reiterate the parts of its December 2007 decision for the deletion of 4 lots from the proposed Structure Plan, prior to advertising as a draft.
 - Advise the applicant that Council has concerns regarding the impact on the landscape of the three lot subdivision proposed by the Structure Plan for Lot 188 and while it is prepared to advertise this proposal, the matter will be reviewed prior to final determination.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005
 Town Planning Regulations 1967
 Metropolitan Region Scheme
 Town Planning Scheme No.4 (and Local Planning Strategy)
 Environmental Protection Act 1986
 Environmental Protection (Swan – Canning Rivers) Policy (EPP)
 Building Code of Australia
 Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas.
 Bush fires Act (1954)
 Health Act and Metropolitan Sewerage Policy
 Australian Standard - On - site domestic wastewater management. AS/NZS 1547:2000
 Local Government Act 1995

Council Policy / Local Law Implications

PLN 2.8 Subdivision and Structure Planning for lots with watercourses in Rural Living and General Rural Zones

PLN 2.5 Erosion Prevention and Sediment Control

PLN 2.7 Environmental Management and Improvement for Constrained Land

Regional Landuse Policy/Guidelines

DC 3.7 - Planning for Bush Fire Protection (WAPC/FESA, 2001)

Environmental Protection (Swan – Canning Rivers) Policy (EPP)

Stormwater Management Manual for Western Australia (DoE 2004)

DC 3.4 - Subdivision of Rural land Policy (WAPC)

Visual Landscape Planning in Western Australia: a manual for evaluation, assessment, siting and design (WAPC 2007).

Budget / Financial Implications

Nil.

Consultation

- ♦ Development Control Unit – no objections were raised but a number of issues identified which would require management through the provisions of the Scheme and Structure Plan;
- ♦ If initiated, the scheme amendment will undergo a process of advertising for public submissions in-accordance with the requirements of the Town Planning Regulations 1967.

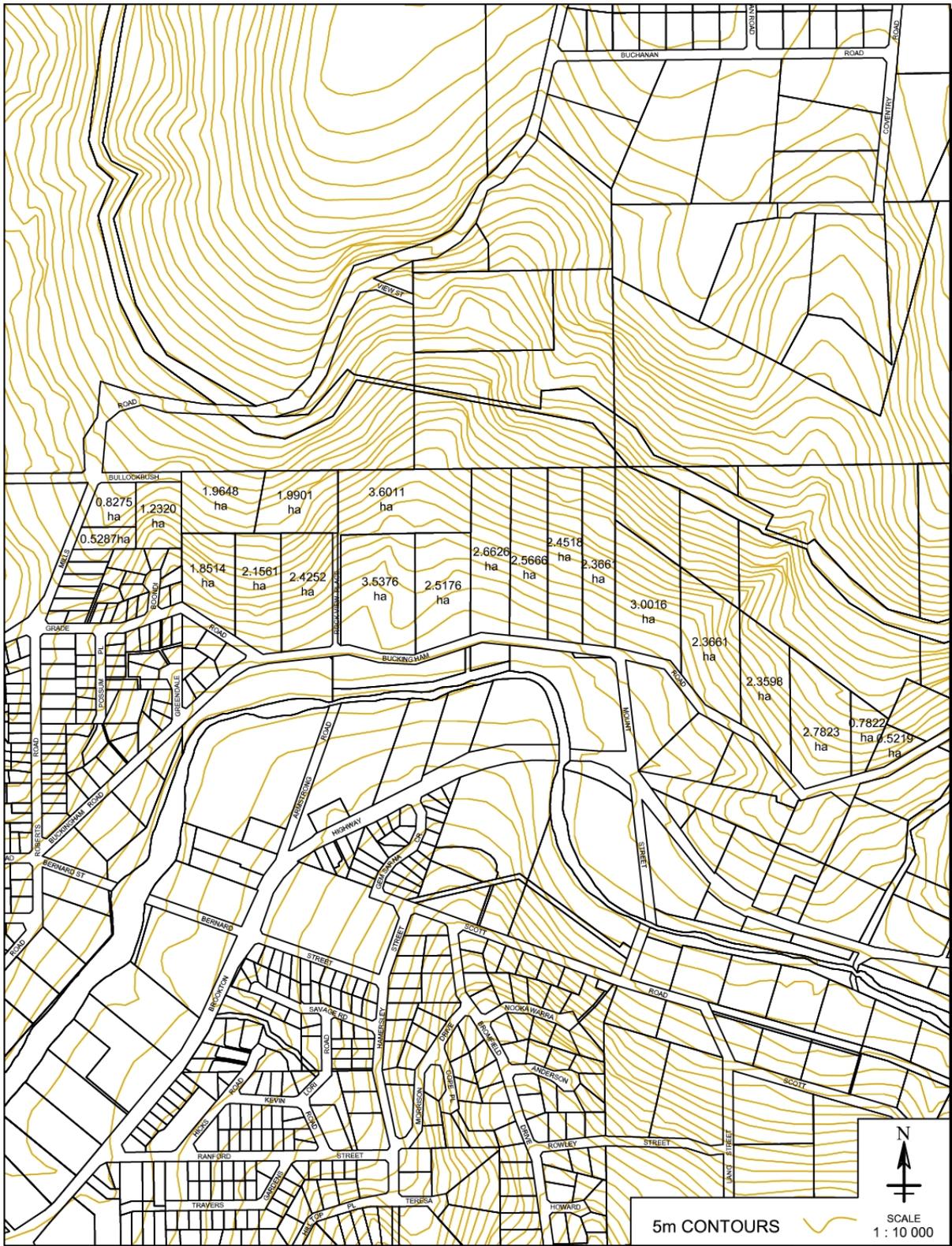
BACKGROUND

History of applications

There have been several two-lot subdivision applications in the precinct over the past decade. None were supported by the City or WAPC and several landowner appeals to the former Ministerial Appeals system failed. In the most recent appeal the Minister for Planning (at that time) advised the landowner to approach the City regarding rezoning the area to permit further subdivision.

District Scheme Review 1999 - 2005

Landowner submissions seeking RL1 zoning for this precinct were also received in the District Zoning Scheme Review process however, as they were unsupported by technical environmental or servicing assessments Council was not able support the RL1 proposal when TPS No.4 was gazetted. However, Council advised at the time it would be prepared to consider a subsequent rezoning application if detailed environmental land capability, suitability and servicing assessments carried out at the landowner's cost were supportive of further subdivision into smaller lots (D160/9/04).



5m CONTOUR PLAN
VARIOUS LOTS, KELMSCOTT

Rezoning Amendment No.22

Following a rezoning application and technical assessment reports, in December 2007 Council resolved to initiate Amendment No.22 to rezone the Buckingham Road precinct from the Rural Living 2 zone to the Rural Living 1 zone (RL 1). A draft Structure Plan submitted with the Amendment proposed that 18 new lots could be created from the subdivision of 15 of the existing lots by primarily battleaxe type subdivisions (*refer to Original Proposed Structure Plan overleaf*). However, based on the assessment of site constraints, Council's resolution required the deletion of 4 of the proposed new lots plus other minor modifications to the Structure Plan (ie. reducing the total number of new lots to be created from 18 to 14 additional lots). These changes were to be made prior to advertising the Structure Plan for public submissions (D139/12/07).

Letters of Objection

Following the December 2007 initiation resolution, the City received a number of letters from landholders adjacent to the rezoning/Structure Plan area, stating a number of concerns regarding the proposal. As a draft plan has not yet been advertised for public comment, the City has made interim replies. The concerns raised in all letters received will be summarised and presented to Council together with the formal submissions received during the public comment period prior to further consideration.

PREAMBLE

The applicant has subsequently submitted a partially revised Structure Plan and requested that it be reassessed and presented to Council for endorsement of public advertising (*refer to Revised Draft Structure Plan overleaf*).

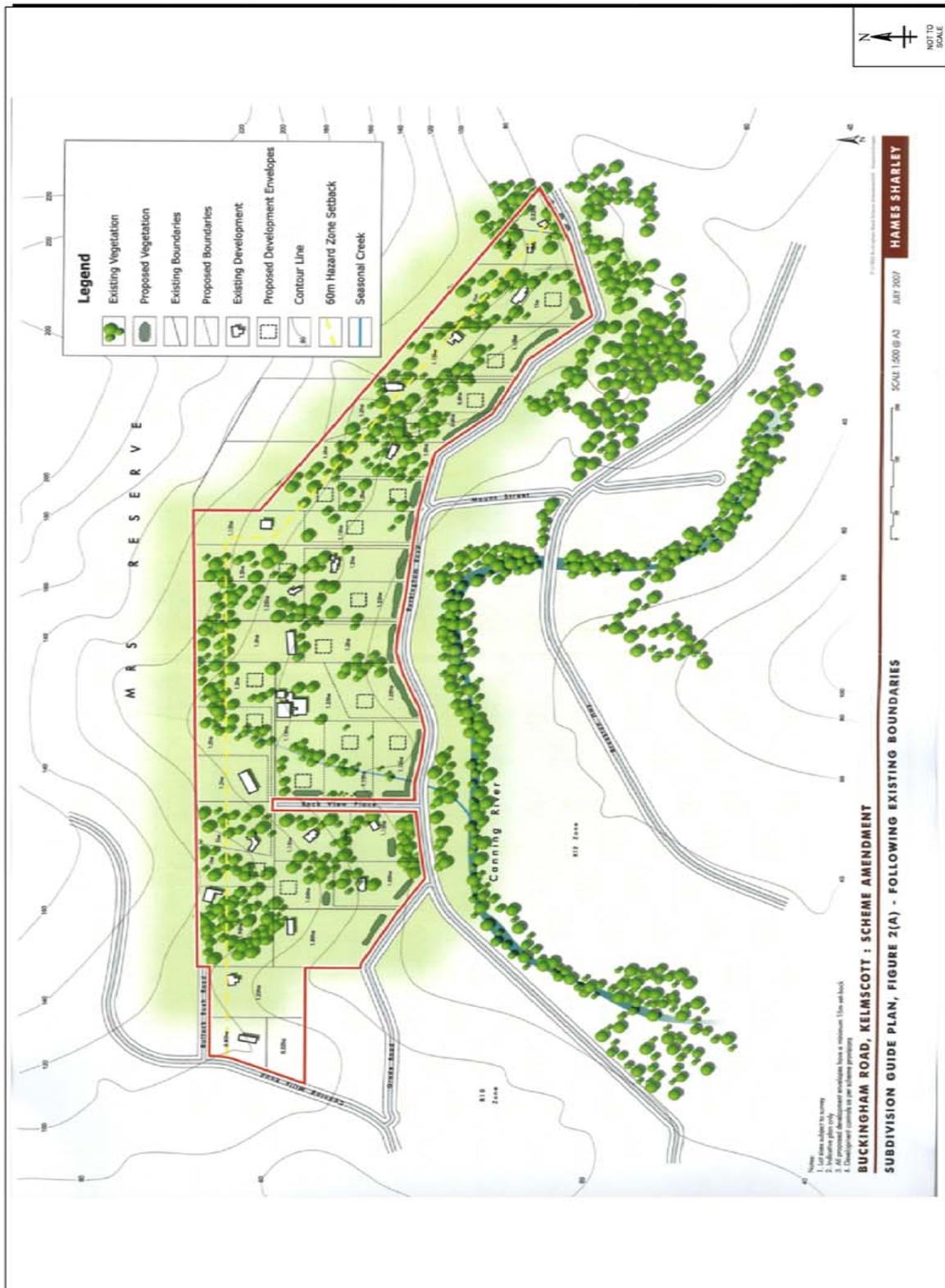
As the applicant does not accept the City's December 2007 and subsequent advice to revise the plan, a further reassessment and representation of the plan to Council seems to be the only way to progress the matter. The applicants request for reconsideration has therefore been acceded to.

As indicated by the letters of objection received to date, this rezoning/Structure Plan proposal is clearly a matter of some community contention. Therefore a further consideration provides Council with further opportunity to consider the issues raised by it.

The Rural Living zone

The values and resources and lifestyles of Council's Rural zones are likely to come under increasing pressure for further development as the population and market demand grows.

There are four existing RL1 precincts within the Darling Range hills area that were created by subdivision under previous Schemes. However, as this is the first rezoning application proposing rezoning to RL1 under TPS No.4, the related Structure Plan needs careful assessment to ensure it meets Council's objectives. All rezoning proposals need to be considered on their individual merits and while the current proposal should not be considered as a precedent for similar proposals, Council needs to consider its broad objectives for development of Rural zones over the long term.



ORIGINAL STRUCTURE PLAN PROPOSAL
 VARIOUS LOTS KELMSCOTT

Precinct Location

The precinct subject to rezoning is a logical planning unit of 45ha. It is generally bounded by Buckingham Road, Grade Road, Canning Mills Road, Bullock Bush Place and abutting land in the Darling Range Regional Park (Parks and Recreation Reserve in the Metropolitan Region Scheme to the north and east of the site) (*see Proposed Building Envelopes – Aerial Overlay plan overleaf*). It includes Lots 1, 4, 5, 6, 7, 9, 32, 35, 188 to 192 Buckingham Road, Lots 10 and 11 Grade Road, Lots 36 and 56 Rock View Place, Lot 52 Canning Mills Road and Lots 50, 53 and 55 Bullockbush Road.

The Existing Development in the Precinct

The rezoning precinct represents a relatively long and narrow strip of land with the longer axis corresponding to the Buckingham Road frontage which runs on an east-west orientation. The land rises moderately to steeply up from the Buckingham Road frontage which tends to be the most cleared part of most lots, with the steeper rear northern portions of most lots usually providing the more vegetated portion of the lot. The slope of the land contributes to the rural landscape values of the site.

The rezoning precinct currently has a range of lot sizes indicated as ranging from 0.52 ha to 3.6 ha, with most lots around the 2.5ha size. The current average lot size is 2.1390 ha (21 lots) and with the subdivision of 15 of these lots to create an additional 18 new lots (as proposed by the applicant's draft Structure Plan) the average lot size would be just over 1ha.

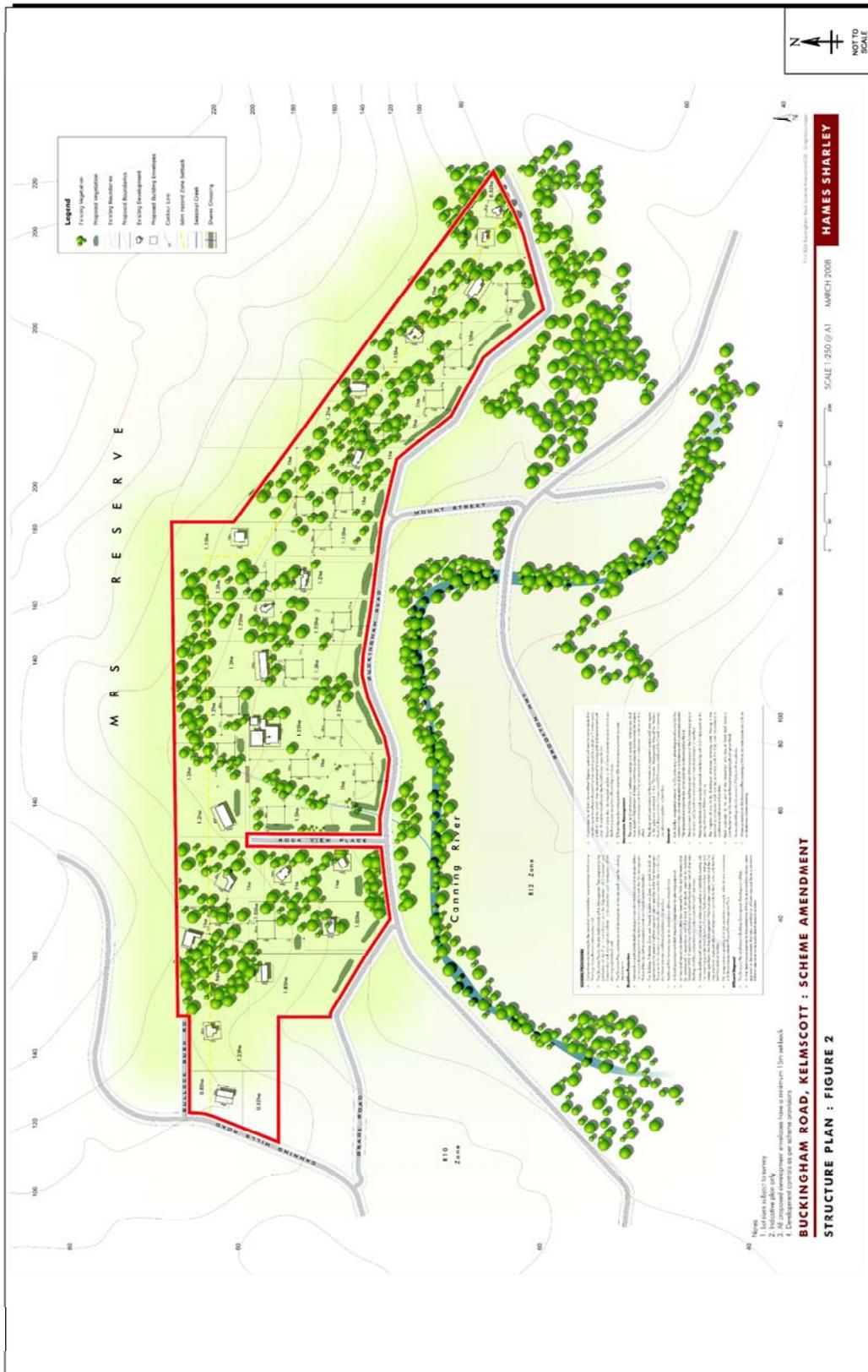
As some lots within this proposed RL1 zone precinct are already either too small for subdivision and others were not deemed suitable for a minimum lot area of 1ha, Council resolved in December that the Structure Plan should only address those lots which Council accepted as being capable/suitable for subdivision. The Structure Plan area would therefore be somewhat smaller than the rezoning precinct.

Currently the site is developed as a rural residential precinct with limited grazing occurring on some of the pastured lots. Most lots have single houses, one lot has a second dwelling and one lot is vacant (Lot 35) except for a large derelict shed.

All lots have at least some remnant native trees. Some lots have quite an extensive coverage of native vegetation. Other lots within the precinct have a mixture of exotic plantings and native trees. Some lots have minor seasonal watercourses while others have large naturally occurring granite extrusions and outcropping with these elements also contributing to the generally high quality of rural landscape.

DETAILS OF PROPOSAL

The applicant has now submitted a revised draft Structure Plan which includes some of the modifications to the Structure Plan that Council requested when it originally considered the matter. The modifications that have been undertaken generally involve the more minor matters such as providing dimensioned development envelopes and boundary setbacks on a larger scale plan, a relocated battle-axe leg on one lot and annotating additional and supporting text "provisions" on the plan itself.



REVISED STRUCTURE PLAN PROPOSAL
 VARIOUS LOTS KELMSCOTT

However, rather than deleting the 4 lots considered constrained in Council's previous resolution, the resubmitted draft Structure Plan has adjusted the boundaries of the 4 lots Council previously deleted and proposes to reinstate the 4 lots previously deleted (*see Revised draft Structure Plan*).

The applicant argues that the issues raised in the December resolution can be addressed adequately by some thoughtful design measures, such as minimisation of boundaries and battleaxe crossings over the watercourse near Rock View Place and protection of important landscape values via additional strategic revegetation. The applicant also argues that Development Envelopes have been positioned to be in the least visible locations while also minimising the amount of vegetation required to be cleared.

COMMENT

The application proposes simple battleaxe subdivision of existing lots into between 2 or 3 lots new with minor boundary adjustments between neighbouring landowners to achieve the landowner's desired lot-yield outcome. Subdivision would therefore likely be staged by single or adjoining landowners.

Lot Yield

The current Structure Plan proposed by the applicant fundamentally seeks to maximise the lot yield of each lot greater than 2ha at the assumed new zoning of RL1 (in some cases boundary adjustments are indicated to push smaller existing lots above the minimum 2ha required for subdivision). Lot yield tends to be the matter of primary concern to the landowner as the lot yield from a particular location is a strong determinant of the viability and profitability of the development and hence, the economics of the particular development project.

However, through its Town Planning Scheme, Council needs to take account of social and environmental objectives which are wider than the development economics of individual landowners (which are essentially matters of private concern). Council therefore needs to consider the outcome for "the precinct as a whole" rather than the outcome for each individual landowner.

Strategic and statutory planning documents, such as Town Planning Strategies, Schemes and subsidiary planning instruments such as Structure Plans and Policies set out and codify the wider socio-economic and environmental objectives of the community.

The proposal for maximum lot yield from the site therefore needs to be assessed against the Town Planning Strategies developed by the Armadale Municipality with extensive community involvement and gazetted in November 2005.



PROPOSED 3 LOT SUBDIVISION
LOT 35 BUCKINGHAM ROAD, KELMSCOTT



PROPOSED 3 LOT SUBDIVISION
LOT 188 BUCKINGHAM ROAD, KELMSCOTT

Minimum Lot Size

It should be noted that the minimum lot size in a particular zone which is manifested in many different locations within the Armadale Municipality, only sets the “absolute” minimum acceptable within that general zoning. It is therefore the role of the Structure Plan to identify a recommended specific lot size on a particular site or location. Usually a Structure Plan will propose a range of lot sizes according to the very characteristics of land including such matters as the need to protect areas such as:

- native vegetation;
- steep slopes;
- poor assimilative capacity of soils for effluent disposal;
- water courses or wetlands; and
- visually prominent landscape areas.

Town Planning Scheme No.4 and Strategic Context

Under the TPS No.4 Local Planning Strategy (LPS) the site is identified as part of the Canning Valley Rural Planning Area.

Appendix 3 of the LPS describes the “*major values*” of this area as the:

- *Scenic and environmental quality of Canning River and tributaries;*
- *Unique but limited rural residential opportunities;*

with “*key issues*” of:

- *Preservation of scenic quality;*
- *Prevention of urban uses visually intruding;*
- *Protection of steep valley slopes from clearing and grazing;*
- *Sensitive development of upland areas;*
- *Protection/improvement/management of the Canning River;*
- *Public access to the river foreshore; and*
- *Promote suitable agricultural uses on productive soils.*

The LPS indicates the “*Planning objective*” for the Canning Valley Rural Planning Area is:

- *To preserve and enhance the scenic and environmental quality of the Canning Valley and to permit sensitive development of suitable upland areas;*
- *To promote public access where appropriate.*

“*Desirable (conditional) future uses*” are:

- *Horticulture/Floriculture/Market Gardening;*
- *Rural residential;*
- *Tourism; and*
- *Recreation.*



PROPOSED 3 LOT SUBDIVISION
LOT 189 BUCKINGHAM ROAD, KELMSCOTT



PROPOSED 2 LOT SUBDIVISION
LOT 56 ROCK VIEW PLACE, KELMSCOTT

TPS No.4 Zoning Context

The precinct's current RL2 zone has a minimum lot size of 2ha and most lots are currently used for rural residential purposes. Under the proposed rezoning to RL1, the existing lots could theoretically be subdivided down to a minimum area of 1ha (providing that land capability and suitability assessments justify the minimum 1ha lot area permitted in the RL1 zone).

TPS No.4 Special Control Area for Prime Landscape Quality

The Buckingham Road frontage of the portion of the rezoning site to the east of Rock View Place is located within the TPS No.4 Special Control Area (SCA) identified as *Prime Landscape Quality*.

Clause 6.5 of TPS No.4 states that the purpose of identifying a particular location as a landscape protection area is to highlight that "quality landscapes" are important. This Special Control Area provides Council with the statutory basis to avoid or minimise the impacts on the landscape that may be associated with development. Council may achieve this by imposing conditions or additional requirements on structure plans, subdivision or development and where necessary Council may refuse applications that have negative impacts.

Clause 6.5.3 states that where development or subdivision is being considered the City will have particular regard to:

- the potential impact of the proposal on the landscape and ecological values of the site;
- the measures proposed to protect the landscape, with particular reference to how the visibility of any buildings, fencing and/or the management of the land may impact upon the landscape;
- the performance, location and type of any existing or proposed effluent disposal system.

The City will also have regard to the practicability of any ameliorative measures proposed for the protection of the landscape.

Many of the provisions in draft Amendment No.22 and the associated Structure Plan have been formulated to control and limit the impact of re-subdivision of the existing lots and the ensuing construction of new houses and outbuildings on the landscape of the precinct.

Clause 4.6.5 Council's Local Planning Strategy addresses the Rural Landscape and Character and states that "Subdivision, land use and development in this area requires careful land management and appropriate subdivision and development control to protect areas of high scenic and landscape value, to prevent pollution of streams and other water courses, to prevent land degradation and erosion and to protect the flora and fauna values of the area". It also states that "Because of the attractive landscape environment and the lifestyle ambience of the Darling Scarp as well as the changing circumstances for the continuation of traditional uses, there is increasing pressure for rural residential subdivision on highly productive agricultural land near the valleys and some upland areas."



VIEW TOWARDS SOUTH
ROCK VIEW PLACE, KELMSCOTT



VIEW TOWARDS SUBJECT SITE FROM
SCOTT ROAD, KELMSCOTT

The landscape and scenic qualities of the Prime Landscape Quality SCA constitute an important resource in terms of visual attractiveness to tourism, lifestyle and the image of the locality. Great care should be taken in implementing planning controls in these sensitive areas so that alterations to the landscape and scenic qualities which arise from new developments such as buildings and other structures, site works, roads, driveways firebreaks, land clearing or inappropriate tree planting (Rural Strategy).

DISCUSSION

The Buckingham Road site has a wide range of key planning factors and constraints including effluent disposal, drainage and erosion, vegetation protection, landscape and watercourse protection, bushfire hazard and boundary setbacks.

These have been subject to additional subdivision and development requirements (ie conditions) under the initiated draft rezoning amendment and the Structure Plan (including modifications) given preliminary support by Council in December. These planning factors and constraints are more fully discussed in the rezoning agenda report of December 2007 and while general constraints are not discussed in detail again in this report all the factors and constraints listed above are relevant to the number and locations of proposed new lots and hence to final lot sizes.

However, the identification of the area as *Prime Landscape Quality* in the TPS No.4 Special Control Area mapping is of particular significance to the intensity of development that can ultimately be permitted on the site without unduly impacting on the landscape values of the precinct (*see Proposed Building Envelopes – Aerial Overlay plan overleaf*). As this constraint was given limited discussion in the preceding report it is expanded upon here. A wide number of constraints can impact on the desirable number of lots and their locations and range of factors are assessed to determine planning recommendations.

The reassessment at the conclusion of the public submissions period will also review any new land constraints raised by submissions.

Scenic qualities

Parts of the Structure Plan precinct represent a “viewshed” (ie. a site seen by observers) from several locations including the immediate Buckingham Road frontage, the Brookton Highway and the adjacent ridge area located south of Brookton Highway, which includes houses in Bernard Street/Migrant Park, Scott Street and Gemsarna Crescent areas (*see Photo of “view-out” from end of Rock View Place and Photo “view-in” from highpoint in Scott Road*).

Two of the key factors determining the impact of a subdivision/development proposal on the landscape and scenic quality will be the number of new houses and outbuildings which will ultimately be constructed in the precinct and their locations on each lot.

Factors such as the scale of buildings, materials used, use of vegetation screens and other use of the land such as revegetation and landscape enhancement plantings are other relevant factors. All key and relevant factors can and are proposed to be controlled through the Scheme, including Schedule 1, the Structure Plan and subsequent conditions of subdivision/development approval.



PROPOSED 3 LOT SUBDIVISION
LOT 36 ROCK VIEW PLACE, KELMSCOTT

The consideration of new development proposals needs to balance the protection of the identified landscape values against the extent of new housing construction which will be permitted by the approval and which will ultimately take place in the precinct. The number of new houses and associated buildings will be primarily determined by the number of new lots permitted under the Structure Plan approved for the precinct.

ANALYSIS

The proposed rezoning to allow further subdivision down to 1ha minimum lot size will alter the landscape of the precinct as a number of new dwellings and outbuildings will be constructed as a result of subdivision and the use of the cartilage around these new buildings will change by cultivation of gardens, erection of fencing and equipment etc. However, the controls on subdivision, development and the management of new lots to be implemented through the amended Scheme can maintain the changes to the landscape to an acceptable standard, while also allowing a carefully controlled amount of development in specific locations.

In order to assess the merits of the applicant's arguments to reinstate the deleted lots, each lot subject to dispute is discussed further below. A plan of the applicants proposed Building Envelope locations has been overlain on the aerial photograph together with the SCA for Prime Landscape Quality (*see Proposed Building Envelopes – Aerial Overlay plan*). While only the Prime Landscape Quality was included in TPS No.4 as a SCA, it should be noted that the balance of the site is considered as Secondary Landscape Quality, which also warrants consideration of impacts but mostly to a lesser extent than the Prime area.

Lot 35 Buckingham Road

The unoccupied Lot 35 is one of the most visually prominent lots located on the Buckingham Road frontage (*see Proposed Subdivision Lot 35 elevation photograph overleaf*).

The revised Structure Plan proposes subdividing the single lot to create 3 lots. Two lots are located to the east of a well defined seasonal watercourse located centrally on the lot and one lot is proposed to the west and set further back high on the lot. One of the eastern lots is located close to Buckingham Road frontage and well within the Prime Landscape Quality Special Control Area.

Assessment of landscape sensitivity of Lot 35

It is not considered that the proposed “*Vegetation Planting*” indicated by the revised Structure Plan is sufficient to overcome the impacts of three new dwellings and associated outbuildings and their curtilage in this location and that the site should maintain its open appearance at the front of the lot.

The “*Vegetation Planting*” strip should be moved further back on the lot (and located immediately to the south of the proposed upper two Building Envelope locations) and the lower proposed lot should be deleted from the revised Structure Plan and the land amalgamated with the single lot which would be created on the east side of the watercourse. Two rather than three lots are considered appropriate for Lot 36.

Lot 36 Rock View Place

Lot 36 is located on the upper slope directly behind Lot 35 and is also bisected by the same well defined seasonal watercourse that extends onto Lot 35.

The revised Structure Plan also proposes subdividing the single Lot 36, which has an existing dwelling, to create 3 lots (*see Proposed Subdivision Lot 36 elevation photograph overleaf*). The two new lots are located to the east of the well defined seasonal watercourse and the existing dwelling would be incorporated into the balance of the lot to create the third lot.

Assessment of landscape sensitivity of Lot 36

Lot 36 forms an important part of the viewshed from the ridge located to the south of Brookton Highway and therefore the landscape impacts of new development are nevertheless considered important even though it is considered as Secondary Landscape Quality (*see View towards site from Scott Road photograph overleaf*).

It is recommended that one of proposed lots located east of the bisecting seasonal watercourse should be deleted from the revised Structure Plan and the land amalgamated with the remaining single lot on the east side of the watercourse. Two, rather than three lots are considered appropriate for Lot 36.

Lot 188 Buckingham Drive

Lot 188 is located directly opposite the intersection of Mount Street and is also one of the most visually prominent lots located on the Buckingham Road frontage (*see Proposed Subdivision Lot 188 elevation photograph overleaf*).

The revised Structure Plan proposes subdividing the single lot which has an existing dwelling, to create three new lots. One new lot is proposed to be located adjacent to the existing dwelling on the Buckingham Road frontage with a further new lot located behind the Prime Landscape area (*see Proposed Building Envelopes – Aerial Overlay plan*). The new lot dimensions do not appear to be consistent with the plan's annotations that all three lots would have an area 1ha and this requires clarification prior to advertising.

Assessment of landscape sensitivity of Lot 188

It is questionable whether the proposed “*Vegetation Planting*” indicated by the revised Structure Plan is sufficient to overcome the impacts of two new dwellings and associated outbuildings and their cartilage, particularly the lot located in the Prime Landscape Quality Special Control Area. The site's current open appearance at the front of the lot is a landscape element that may be lost under the proposal and the appropriateness of the lower of the proposed new lots should therefore be further reviewed when Council next considers the Structure Plan and submissions.

Lot 189 Buckingham Drive

Lot 189 is also visually prominent on the Buckingham Road frontage. Two of the three lots proposed in the revised Structure Plan are located within the Prime Landscape Quality Special Control Area (*see Proposed Subdivision Lot 189 elevation photograph overleaf*). A well defined and well vegetated seasonal watercourse draining upland areas in the Parks and Recreation Reserve is located in the upper north western quadrant of the property flows from the north easterly to south westerly direction across the boundary to the adjacent Lot 188 and crossing to the south side of Buckingham Road. This watercourse is also defined as a Special Control Area in TPS No.4 (“Green Links with Vegetation – Outside of Parks and Recreation Reserve”). Lot 189 has an existing dwelling located to the very rear of the lot in a well screened and vegetated area.

Assessment of landscape sensitivity of Lot 189

It is not considered that the proposed “*Vegetation Planting*” indicated by the revised Structure Plan is sufficient to overcome the impacts of two new dwellings and associated outbuildings and their curtilage in this location in the Prime Landscape Quality Special Control Area and that the site should maintain its open appearance at the front of the lot. The proposed lot shapes are non-regular and may impact on the watercourse.

The “*Vegetation Planting*” strip should be moved further back on the lot frontage and the lower of the proposed lots should be deleted from the revised Structure Plan and the land amalgamated with the balance lots. Two rather than three lots are considered appropriate for Lot 189.

Lot 56 Rock View Place

Lot 56 has an existing dwelling and is located on the steeply sloping land above Rock View Place. It is less than 2ha (1.9655ha) under the proposed zoning minimum requirement of 1ha per lot of the proposed Rural Living 1 zone. The lot is well treed and the steep slope is well suited to a larger lot (*see Proposed Subdivision Lot 56 Elevation photograph overleaf*).

The revised Structure Plan proposed subdivision into two lots which would require the amalgamation of some land from an adjoining lot to meet a minimum of 1ha for the new and balance lots. The shapes of proposed new lots are also non-regular.

Assessment of landscape sensitivity of Lot 56

Lot 56 is considered an area of as Secondary Landscape Quality and the primary “viewshed” of Lot 56 (ie. a site seen by observers) is from the Brookton Highway and the adjacent ridge area located south of Brookton Highway which includes houses in Bernard Street/Migrant Park, Scott Street and Gemsarna Crescent areas (*see View towards south from Rock View Place and View towards site from highpoint in Scott Road*).

The Building Envelope for the new lot is proposed to be located to the west of the existing dwelling and would require removal of trees and vegetation to meet fire and fuel load requirements. Lot 56 Rock View Place (and adjacent Lot 55 Bullockbush Road) has extensive site vegetation and elevated fire hazard and as existing vegetation also serves an important environmental link to parkland to the north and west, further clearing should be minimised. It is also located in the area of poorer Helena 1 landform and testing was inadequate to justify the proposed subdivision. It is not considered Lot 56 is conducive to subdivision and should remain as a single larger lot on the basis that lot size should generally reflect site constraints.

Diversity of lot sizes

Each part of the Buckingham Road precinct has a different sensitivity to subdivision and development and which arises from the constraints and critical planning factors found in that particular location. The precinct contains a range of existing lot sizes and the larger lots provide potential for the final subdivision of lots to yield a range of final lot sizes above 1ha.

Rather than all lots subdivided at the minimum 1ha, the site offers the opportunity for a range of lot sizes to allow a design more responsive to site constraints and landscape protection, while also maintaining potential for all the existing lots over 2ha to be subdivided into two lots of between 1 and 2 ha lot area.

This opportunity for a range of final lot sizes represents the major rationale for support for the rezoning to RL1 zone which was addressed by Council in December 2007. This needs to be reflected in the Structure Plan as advertised for community input.

Council also has opportunities to modify the Structure Plan following the conclusion of advertising in response to substantiated landowner or community raised submissions.

OPTIONS

1. Council may resolve to advertise the Structure Plan with appropriate modifications according to the assessment of the site’s key factors and constraints outlined in the above report. This allows the Structure Plan to be refined at each stage of planning, while maintaining openness to landowner and community inputs through the submissions period.
2. Council may resolve to advertise the Structure Plan without any modifications with a view to assessing the site’s key factors and constraints together with the submissions before reconsidering the rezoning and/or the Structure Plan.
3. Council may decline to advertise the Structure Plan at this time if it considers it does not meet the requirements of the Scheme or Council’s objectives for the area.

Following the closure of the advertising period, the proposed rezoning Amendment No.22, the Structure Plan and any community or landowner submissions received during the advertising period will be forwarded to Council for its further consideration.

CONCLUSION

The above analysis of the characteristics of the site as measured against the revised Structure Plan proposal, indicates that the high landscape quality of the site should be protected for the benefit of the wider community. If the minimum lot sizes in the applicant's proposal were endorsed, the flexibility of lot design in locating new houses and envelopes and vegetation plantings would be more limited and therefore generally result in increased impact on landscape quality. It would also produce a number of irregularly shaped lots.

While the protection of landscape values which involves the deletion of some of the new lots proposed conflicts with some of the landowner's objectives and perceptions regarding the "maximum" lot yield for the site, it provides a balance of private and public interests and all landowners of lots currently above 2ha would have the opportunity to subdivide to create two lots from one.

Option 1 is considered to provide the best process and it is therefore recommended to advertise the Structure Plan with appropriate modifications according to the assessment of the site's key factors and constraints outlined in the above report and as detailed in Council's previous December 2007 resolution.

D83/7/08 RECOMMEND

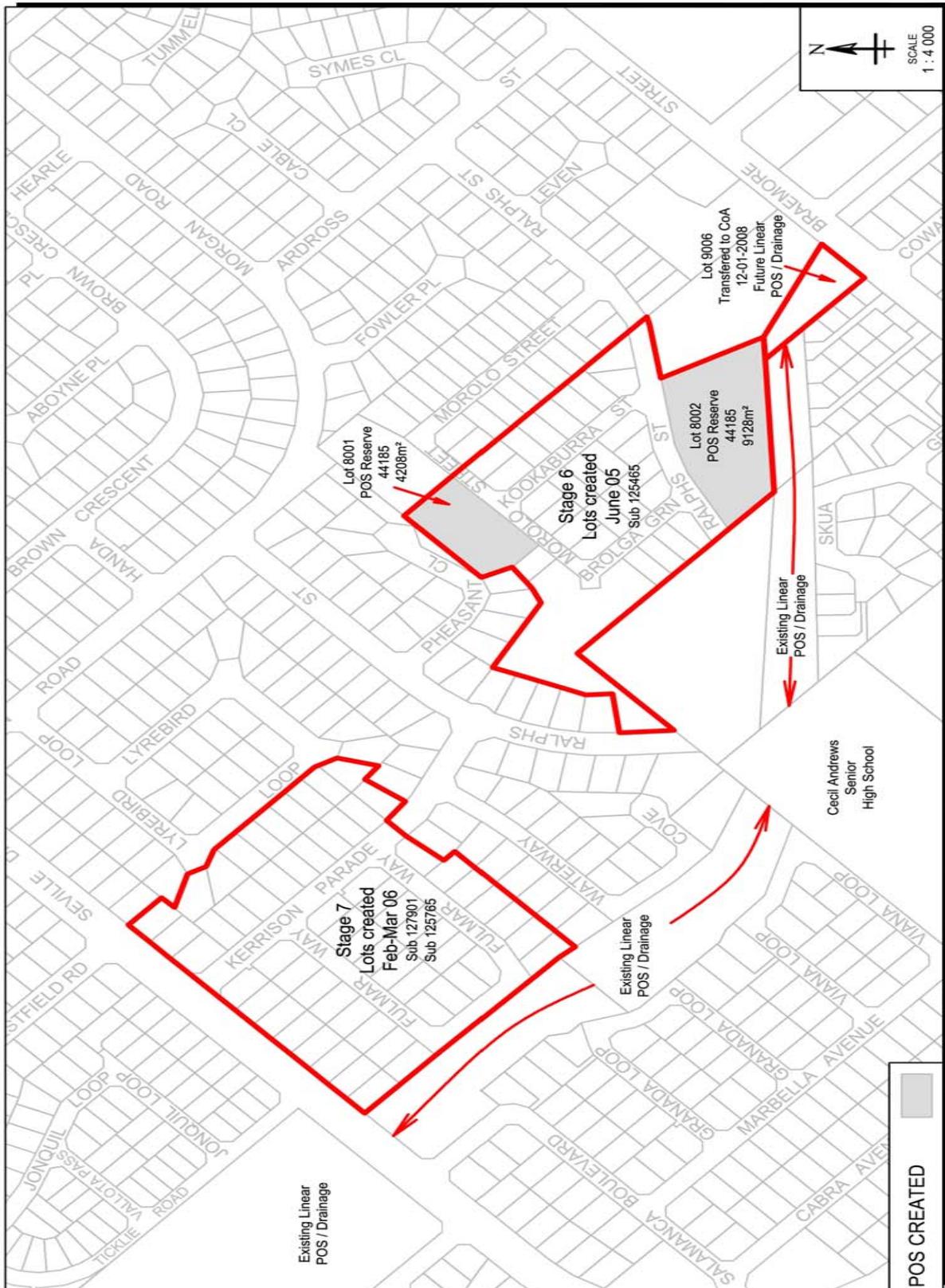
That Council:

1. **Reiterate the parts of its decision on the proposed Structure Plan made at its meeting of 17th December 2007, which are relevant to the submitted Revised Structure Plan, specifically Parts 7 c), d), e), f) and advertise the proposal subject to:**
 - a) **Deletion of the subdivided lot that would be created from the part amalgamation and subdivision of Lot 56 Rock View Place;**
 - b) **Deletion of one the proposed lots from Lot 35 Buckingham Road;**
 - c) **Deletion of one the proposed lots from Lot 36 Rock View Place;**
 - d) **Deletion of one the proposed lots from 189 Buckingham Road;**

2. **Advise the applicant that Council has concerns regarding the impact on the landscape of the three lot subdivision proposed by the Structure Plan for Lot 188 and while it is prepared to advertise this proposal, the matter will be reviewed prior to final determination.**

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**CORONDALE STAGES & POS AREAS
A14 STRUCTURE PLAN AREA, SEVILLE GROVE**

***EXPENDITURE OF PUBLIC OPEN SPACE CASH-IN-LIEU FUNDS –
A14 STRUCTURE PLAN AREA – SEVILLE GROVE***

WARD : PALOMINO

APPLN NO. : SUB/125465

DATE : 8 July 2008

REF : PS

RESPONSIBLE : EDDS
MANAGER

APPLICANT : Fairwater Pty Ltd -Subdivider
of Corondale Estate.

SUBJECT LAND : Stages 6A and 7 of the
Corondale Estate – Seville
Grove.

ZONING
MRS : Urban
TPS No.4 : Residential and Local Parks
& Recreation

In Brief:

- The A14 Structure Plan co-ordinates the allocation of land for public open space (POS) and implementation of POS cash-in-lieu (CIL) arrangements, where the normal 10% POS land requirement is not ceded by a subdivider.
- This report proposes the expenditure of POS CIL funds for POS land that was ceded to the Crown as part of Stage 6A of the Corondale Estate, which is above the subdivider’s standard 10% POS requirement for their estate in accordance with the adopted A14 Structure Plan.
- Recommend that Council approve a POS CIL payment of \$99,121.27 to the subdivider.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005.
Town Planning and Development Act 1928 (now superseded).

Council Policy / Local Law Implications

Town Planning Scheme (TPS) No.4.
Local Planning Strategy 2005.
Adopted A14 Structure Plan.

Budget / Financial Implications

Nil. Public Open Space (POS) Cash-in-Lieu (CIL) funds for the A14 Structure Plan area are held in the City's Trust Fund for the purpose of acquiring or paying for POS land ceded by subdividers that is above their 10% POS requirement as required in the adopted A14 Structure Plan.

Consultation

Nil.

BACKGROUND

For a number of years, land in the Seville Grove area has been subdivided in accordance with the A14 Structure Plan. The A14 Structure Plan guides subdivision and development through the allocation of land uses, zones and R-Codes. The A14 Structure Plan also co-ordinates the allocation of land for public open space (POS) and implementation of POS cash-in-lieu (CIL) arrangements, where the normal 10% POS land requirement is not ceded by a subdivider.

As part of Stage 6A of the Corondale Estate, the subdivider ceded to the Crown two POS areas in June 2005 – Lot 8001 (4208m²) Morolo Street and Lot 8002 (9128m²) Ralphs Street. These two POS areas (Reserve 44185) were larger than the subdivider's standard 10% POS requirement for the land included in Stage 6A. Therefore the subdivider had an 8454.8m² POS land credit.

At the time, the City had not received sufficient POS CIL funds from other subdividers within the A14 Structure Plan area to pay for the POS land above the subdivider's 10% POS requirement. Therefore the City requested the subdivider agree to the deferment of payment by the City for the surplus POS land ceded to the Crown, until the City had received sufficient POS CIL funds in the A14 Structure Plan area.

Stage 7 of the Corondale Estate was created in February 2006, which included 61 residential lots and did not include any POS land. A 5136.4m² POS contribution was required for Stage 7. The City and the subdivider agreed to use part of the subdivider's POS credit from Stage 6A to meet the subdivider's 10% POS obligation for Stage 7. Therefore a balance of 3318.4m² (8454.8m² - 5136.4m²) POS land credit was owed by the City to the subdivider from the A14 Structure Plan's POS CIL contributions.

DETAILS OF PROPOSAL

The proposal includes the consideration of payment for POS land that was ceded to the Crown as part of Stage 6A of the Corondale Estate, which was above the subdivider's standard 10% POS requirement for their estate in accordance with the adopted A14 Structure Plan. The portion of the POS area required to be paid for by the City with POS CIL funds is 3318.4m² as described in the Background Section of this report. The City now has sufficient funds in the POS CIL Trust Fund for the A14 Structure Plan area to meet its outstanding POS CIL payment to the subdivider of the Corondale Estate.

COMMENT

One of the main objectives of the A14 Structure Plan is to co-ordinate the allocation of land for public open space (POS) and implementation of POS cash-in-lieu (CIL) arrangements, where the normal 10% POS land requirement is not ceded by a subdivider. The City has maintained a POS CIL Trust Fund for the purpose of collecting POS CIL payments from subdividers within the A14 Structure Plan area and acquiring or paying for POS land ceded by subdividers that is above their 10% POS requirement within the A14 Structure Plan area.

As detailed in the Background Section of this report, the subdivider of the Corondale Estate has ceded 3318.4m² POS land above their standard 10% POS requirement for their estate in accordance with the adopted A14 Structure Plan. The subdivider is entitled to be reimbursed for the value of the 3318.4m² POS land credit.

Valuation of the Land

The valuation date to be applied to the POS land provided by the subdivider that is above the standard 10% POS requirement (i.e. 3318.4m² of land) is the date the POS land was ceded to the Crown (June 2005). At that time, the City accepted a valuation for nearby land at a rate of \$298,702 per hectare (valuation date of September 2004) for a POS CIL payment by a nearby subdivider. The subdivider of the Corondale Estate has agreed that this is an appropriate per hectare rate that could be applied to the outstanding POS credit to settle the matter.

The Council could request a new valuation but this is likely to further delay the payment and could increase the POS payment to be paid by the City. Based on the above land value per hectare, the subdivider would be due \$99,121.27 (3318.4m² x \$298,702 per hectare). The City is not required to pay any interest on the delay in payment for the POS land.

Adequate funds are available for this payment in the POS CIL Trust Fund for the A14 Structure Plan area. The positive financial position of the A14 Structure Plan POS CIL arrangements is due to the more active management of the POS CIL arrangements by the City's Planning Services Department and changes to the POS CIL arrangements in the Planning and Development Act 2005, which make the method of calculating and valuing POS CIL payments for Local Governments more reasonable, particularly given increasing land values.

OPTIONS

1. Council could agree to make the public open space cash-in-lieu payment to the subdivider of the Corondale estate for the 3318.4m² of POS land credit.
2. Council could defer the public open space cash-in-lieu payment for some reason, however this is not considered reasonable.

CONCLUSION

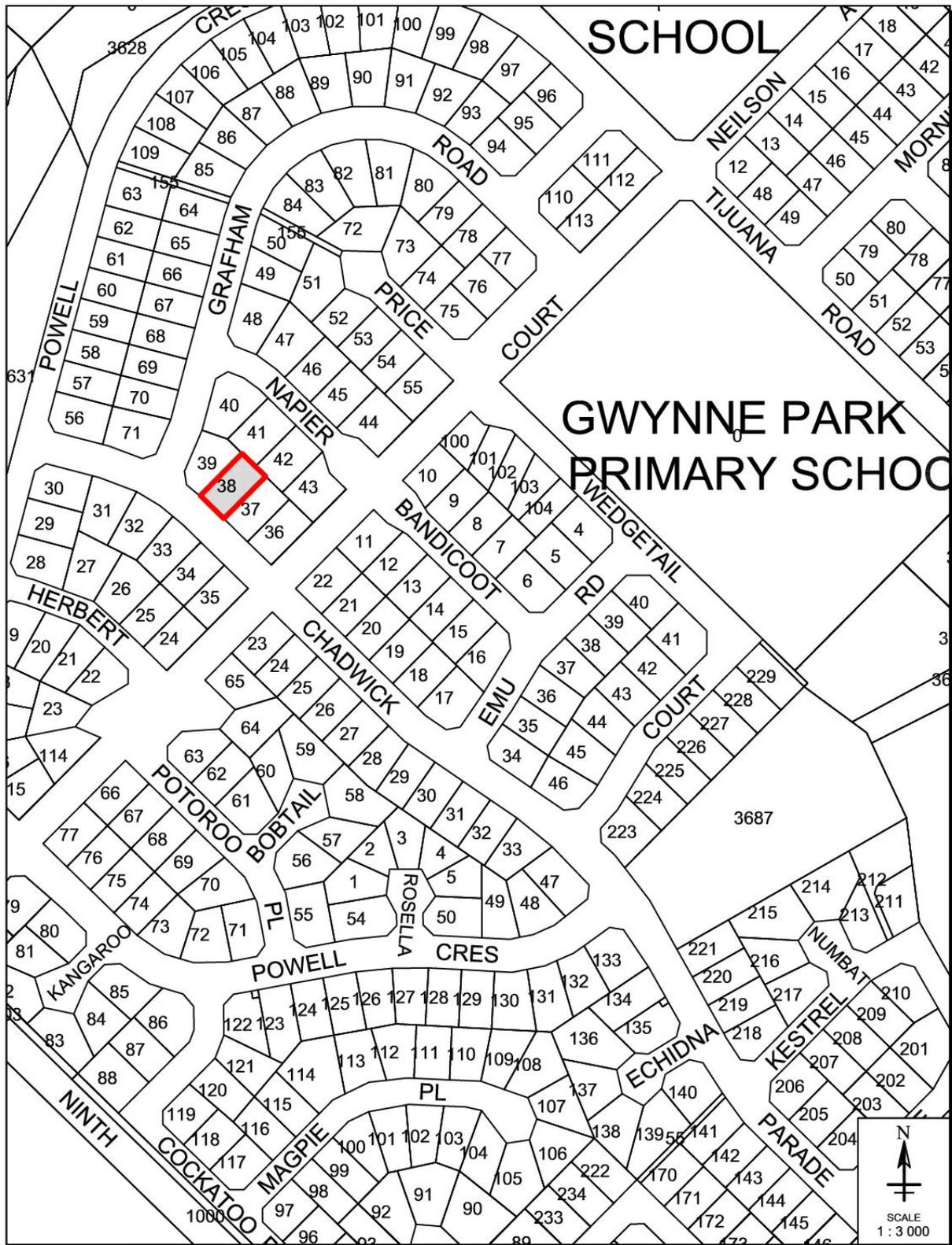
The A14 Structure Plan co-ordinates the allocation of land for public open space (POS) and implementation of POS cash-in-lieu (CIL) arrangements, where the normal 10% POS land requirement is not ceded by a subdivider. The subdivider of the Corondale Estate has ceded to the Crown 3318.4m² of POS land that is above the subdivider's standard 10% POS requirement. The subdivider is entitled to be reimbursed for the value of the 3318.4m² POS land from the POS CIL Trust Fund for the A14 Structure Plan area. Sufficient funds are available in the Trust Fund to make the payment. Therefore, Option 1 is recommended.

D84/7/08 RECOMMEND

That Council:

- 1. Approves a payment of \$99,121.27 to the subdivider, Fairwater Pty Ltd, as full and final reimbursement for the provision of 3,318.4 square metres of Public Open Space ceded to the Crown in accordance with the A14 Structure Plan during the subdivision of Stage 6A of the Corondale estate that is above the subdivider's standard 10% POS requirement. This reimbursement payment is conditional upon, the City firstly receiving from the subdivider a written undertaking which releases the City on the payment of the \$99,121.27 from any compensation claims now or in the future in respect to the land being the subject of this decision.**
- 2. Advise the subdivider of the above decision.**

MOVED Cr Reynolds
MOTION CARRIED (7/0)



LOCATION PLAN
LOT 38 (No. 10) CHADWICK PARADE, BROOKDALE

UNAUTHORISED USE – LOT 38 [10] CHADWICK PARADE, BROOKDALE

WARD : LAKE
FILE REF : P102
DATE : 10 July 2008
REF : PC
RESPONSIBLE : PSM
MANAGER
LAND OWNER : DG Davis
SUBJECT LAND : Property size 720 m²
Map 21.02
ZONING
MRS : Urban
TPS No.4 : Residential R15/25

In Brief:-

- Numerous items including motor vehicles, vehicle parts, commercial vehicle and domestic goods, stored on a residential property.
- The landowner was successfully prosecuted by the City for the same offences in May 2008.
- Recommend that Council institute legal proceedings for breaching the provisions of the City of Armadale Town Planning Scheme No.4 and authorise the drafting and serving of a Direction Notice. Given that this is a second offence, Council's Solicitors should be instructed to seek daily penalties for the continuing unauthorised use of the property.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle.

Legislation Implications

Planning and Development Act 2005
Town Planning Scheme No.4

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Costs to budget allocation for legal expenses in seeking a legal remedy via prosecution proceedings, usually the cost of an action is not reflected in the penalties imposed. The maximum penalty under the Planning and Development Act is \$50,000 with a daily penalty of \$5,000 per day for each offence. Possible costs associated with the removal, storage and disposal of materials, if the costs are not recovered from the owner.



AERIAL PHOTOGRAPH
LOT 38 (No. 10) CHADWICK PARADE, BROOKDALE

Consultation

- ◆ Downings Legal (City’s Solicitors).

BACKGROUND

At its ordinary meeting held on 19th November 2007 Council resolved (D135/11/07) to authorise Officers to institute legal proceedings against Mr D G Davis of 10 Chadwick Parade, Brookdale for carrying on a Storage Use, Vehicle Wrecking and Parking of a Commercial Vehicle on the subject property without the consent of Council.

The City's Lawyer and the Senior Compliance Officer spoke with Mr Davis prior to the Court Hearing and persuaded him to plead guilty to the Storage/Vehicle Wrecking in exchange for the withdrawal of the Commercial Vehicle charge. The Commercial Vehicle charge was considered to be less significant and less likely to be successful. Mr Davis agreed to plead guilty and forgo the Hearing.

The Magistrate imposed a fine of \$1000 and costs of \$1944.90 (total of \$2944.90). The Magistrate took into account various personal matters that were raised and a change of plea by Mr Davis to guilty.

Following the above decision in the Magistrate’s Court, dated 20th May 2008, the property was inspected on 9th July 2008, to ensure compliance with the Town Planning Scheme. The City’s Compliance officers observed a damaged commercial vehicle, numerous motor vehicle parts, metal frames and shelving, domestic items, building materials, a go cart, 3 vehicle bodies and car ramps on the property. In essence, the property was similar to that immediately prior to the prosecution in May 2008.

COMMENT

The owner of the subject property has chosen to continue to accumulate and store a considerable collection of vehicles and various other items on the premises. Despite being successfully prosecuted, he has displayed an uncooperative stance by continuing with the same activities. As the property is in an unacceptable condition and there seems little prospect of the property owner clearing the offending items from the property, authorisation to serve a Direction Notice on the owner requiring the property to be cleared of the offending items is recommended.

ANALYSIS

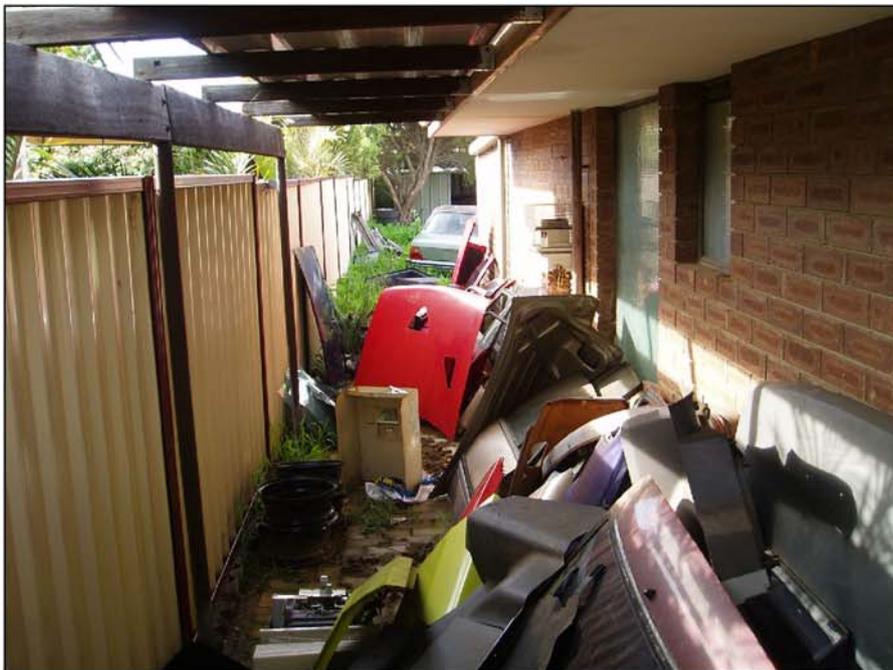
Town Planning Scheme No.4 (the scheme) requires:

“8.1 Requirement for approval to commence development

Subject to clause 8.2, all development on land zoned or reserved under the Scheme requires the prior approval of the City. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the City under Part 9.”



VIEW OF UNAUTHORISED COMMERCIAL VEHICLE PARKING
LOT 38 (No. 10) CHADWICK PARADE, BROOKDALE



VIEW ALONG BOUNDARY BETWEEN LOT 39 (No. 32) GRAFHAM ROAD AND
LOT 38 (No. 10) CHADWICK PARADE, BROOKDALE

Further, the definition of “**storage** means premises used for the storage of goods, equipment, plant or materials;” and “**vehicle wrecking** means any land or buildings used for the breaking up, dismantling or storage of vehicles, and includes the sale of second hand parts and accessories;”.

Storage and vehicle wrecking are “X” uses in the use class table of the Scheme in the Residential zone, therefore to undertake a storage use and motor vehicle wrecking on the property without Council approval is in contravention of the Scheme.

The Scheme also requires:

“5A.1.5 *No person shall park a commercial vehicle except for immediate delivery or loading purposes normally associated with a domestic or residential use, unless approved by the City except in accordance with the following requirements.....”*

As approval has not been granted to park a commercial vehicle on the property, the provisions of the Scheme are being contravened.

Clause 11.4 of the Scheme reads as follows:

“11.4 A person must comply with provisions of Scheme

11.4.1 A person must not —

- (a) contravene or fail to comply with the provisions of the Scheme or with a notice issued under the Scheme;*
- (b) use any land or commence or continue to carry out any development within the Scheme area —*
 - (i) otherwise than in accordance with the Scheme;*
 - (ii) unless all approvals required by the Scheme have been granted and issued;”*

OPTIONS

1. As the owner of the property continues to contravene the legislation under the control of the City, Council could resolve to institute legal proceedings immediately for breaching the provisions of Town Planning Scheme No.4, seek daily penalties and issue a Direction Notice under Section 214 of the Planning and Development Act 2005.
2. Council could resolve to permit a period of grace (i.e. two weeks) to facilitate the clearance of the various vehicles, materials and objects from the site and make an application to park a commercial vehicle.
3. Council could resolve not to pursue the matter.



VIEW TOWARDS REAR OF PROPERTY
LOT 38 (No. 10) CHADWICK PARADE, BROOKDALE



VIEW ALONG BOUNDARY BETWEEN LOTS 37 (No. 12) AND
LOT 38 (No. 10) CHADWICK PARADE, BROOKDALE

CONCLUSION

The owner of the subject property has shown a singular contempt for Council and its laws with his failure to restrict the usage of the property to those permitted by the Scheme. Given this position, it is suggested that legal proceedings be instituted without further notice. Therefore it is recommended that legal proceedings be instituted in accordance with Option 1.

D85/7/08 RECOMMEND

That Council:

1. **Authorise the Senior Liaison and Compliance Officer and/or the Liaison and Compliance Officer to institute legal proceedings, subject to legal advice, against Mr D G Davis, the owner of Lot 38 (10) Chadwick Parade, Brookdale for contravening the provisions of the City of Armadale Town Planning Scheme No.4 for:**
 - a) **Carrying on a storage use on the property without the consent of Council;**
 - b) **Parking a commercial vehicle on the property without the consent of Council; and**
 - c) **Carrying on vehicle wrecking on the property without the consent of Council.**
2. **Instruct the City's Solicitors to seek daily penalties for the continuing unauthorised use of the subject property.**
3. **Authorise the Senior Liaison and Compliance Officer and/or the Liaison and Compliance Officer to swear the appropriate Prosecution Notices on behalf of Council.**
4. **Authorise the drafting of a Direction Notice in accordance with Section 214 of the Planning and Development Act 2005 requiring the owner of Lot 38 (10) Chadwick Parade, Brookdale to remove the items as detailed in the notice from the property within 65 days of the date of the service of the notice.**

MOVED Cr MacDonald
MOTION CARRIED (7/0)



LOCATION PLAN
LOT 4 (No. 9) LEAKE STREET, FORRESTDAL

UNAUTHORISED USE – LOT 4 (9) LEAKE STREET, FORRESTDALE

WARD : LAKE
FILE REF : P4032
DATE : 10.07.08
REF : PC
RESPONSIBLE : PSM
MANAGER
LAND OWNER : W M Keogh
SUBJECT LAND : Property size 809 m²
Map 18.03
ZONING MRS : Urban
TPS No.4 : Residential R12.5/25

In Brief:-

- Numerous items including motor vehicle parts, scrap metal, motor cycle and motor cycle parts, commercial vehicles and trailers and domestic goods, stored on a residential lot.
- Approaches, verbal and written to the owner have been unsuccessful in gaining voluntary compliance.
- Recommend that Council institute legal proceedings for breaching the provisions of the City of Armadale Town Planning Scheme No.4 and authorising the drafting and serving of a Direction Notice.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle.

Legislation Implications

Planning and Development Act 2005
Town Planning Scheme No.4

Council Policy / Local Law Implications

Nil.



AERIAL PHOTOGRAPH
LOT 4 (No. 9) LEAKE STREET, FORRESTDALE

Budget / Financial Implications

Costs to budget allocation for legal expenses in seeking a legal remedy via prosecution proceedings, usually the cost of an action is not reflected in the penalties imposed. The maximum penalty under the Planning and Development act is \$50,000 with a daily penalty of \$5,000 per day for each offence. Possible costs associated with the removal, storage and disposal of materials, if the costs are not recovered from the owner.

Consultation

- ◆ Downings Legal (City's Solicitors).

BACKGROUND

The property was inspected on 20th May 2008 wherein a variety of items were observed including an unlicensed four wheel drive, tyres, bricks, truck body and trailer, a hoist, metal tubing and a trolley and welding equipment. A letter was forwarded to the owner of the property on 22nd May 2008 detailing the City's requirements and seeking compliance by 6th June 2008.

A follow-up inspection was completed on 6th June 2008 and the condition of the front and side yard had deteriorated with more "material" deposited. Agreement was reached with the owner whereby another week was provided to clean up the property.

The property was again inspected on 13th June 2008 but it remained in an unsatisfactory condition.

A letter from the City's solicitors was forwarded to the owner on 26th June 2008 requesting compliance with the City's requirements within 10 days.

A further inspection was completed on 7th July 2008 with the property remaining in an unsatisfactory condition. Also on this occasion two commercial vehicles were observed on the property, which did not have an approval to be parked on the premises. The property owner has been invited to make an application for authorisation for the parking of one commercial vehicle.

COMMENT

The owner of the subject property has a history of not complying with the City's requests and any attempts to clean up appear to be token effort only. The owner has been made fully aware of the City's requirements and regulations concerning his activities in a residential area but appears to choose to ignore the City's requests. Given that voluntary clearing of the premises is unlikely, it is recommended that officers be authorised to serve a Direction Notice on the owner of the property to remove offending items.



VIEW OF REAR OF PROPERTY
LOT 4 (No. 9) LEAKE STREET, FORRESTDALE



VIEW TOWARDS LOT 3 (No. 5) LOOKING FROM
LOT 4 (No. 9) LEAKE STREET, FORRESTDALE

ANALYSIS

Town Planning Scheme No.4 (the Scheme) states:

“5A. Storage of goods and materials

5A.21 *A person must not store or allow to be stored goods or materials on land, except where the goods or materials are:*

- (a) for domestic use,*
- (b) for building purposes associated with an authorised development of the site, or*
- (c) for use in conjunction with an authorised home occupation or home business.*

5A.2. *Any goods or materials are to be housed within a building or otherwise screened from view from any adjacent public place, except in the following cases:*

- (a) building materials for use in conjunction with an approved development, provided such materials do not remain on site for more than 12 months;*
- (b) landscaping supplies, provided such materials do not remain on site for more than 12 months; or*
- (c) firewood, provided the supplies are stored behind the front of the dwelling.”*

Storage is an “X” use in the use class table of the Scheme in a Residential zone, therefore to undertake a storage use on the property without Council approval is unauthorised and illegal.

Clause 11.4 of the Scheme states:

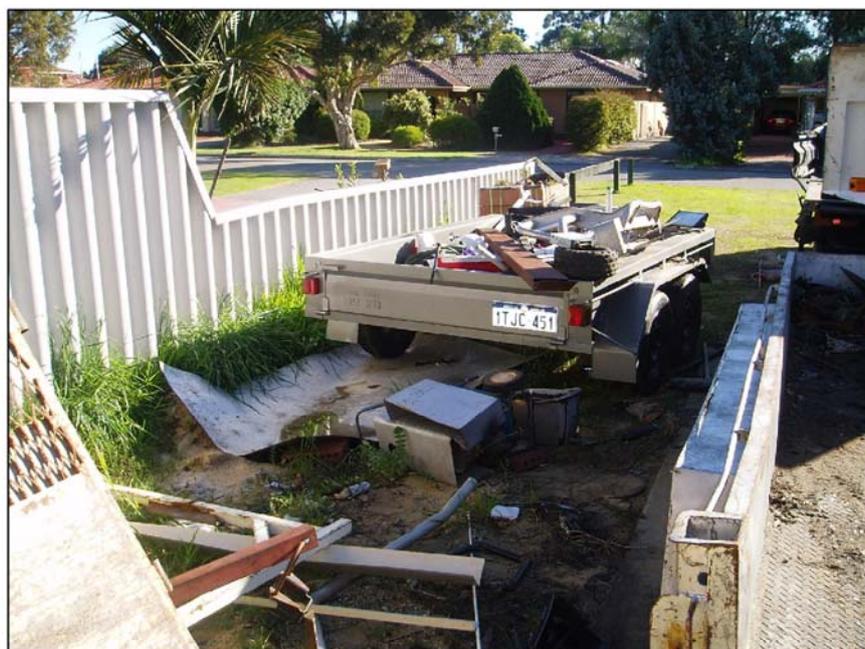
“11.4 A person must comply with provisions of Scheme

11.4.1 *A person must not —*

- (a) contravene or fail to comply with the provisions of the Scheme or with a notice*
- (b) use any land or commence or continue to carry out any development within the Scheme area —*
 - (i) otherwise than in accordance with the Scheme;*
 - (ii) unless all approvals required by the Scheme have been granted and issued;*
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and*
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the City under the Scheme with respect to that building or that use.”*



VIEW OF SIDE OF PROPERTY
LOT 4 (No. 9) LEAKE STREET, FORRESTDALE



VIEW TOWARDS FRONT OF PROPERTY
LOT 4 (No. 9) LEAKE STREET, FORRESTDALE



VIEW OF UNAUTHORISED COMMERCIAL VEHICLE PARKING
LOT 4 (No. 9) LEAKE STREET, FORRESTDAL

OPTIONS

1. As the owner of the property continues to contravene the legislation under the control of the City, Council could resolve to institute legal proceedings immediately for breaching the provisions of Town Planning Scheme No.4 and to authorise the serving of a Direction Notice.
2. Council could resolve to permit a period of grace (i.e. two weeks) to facilitate the clearance of the various items from the site.
3. Council could resolve not to pursue the matter.

CONCLUSION

The owner of the property has not complied with requests from the City and its Solicitors. Given that the owner continues to utilise his property contrary to the requirements of the Town Planning Scheme, it is suggested that legal proceedings be instituted without further notice. Therefore it is recommended that legal proceedings be instituted in accordance with Option 1.

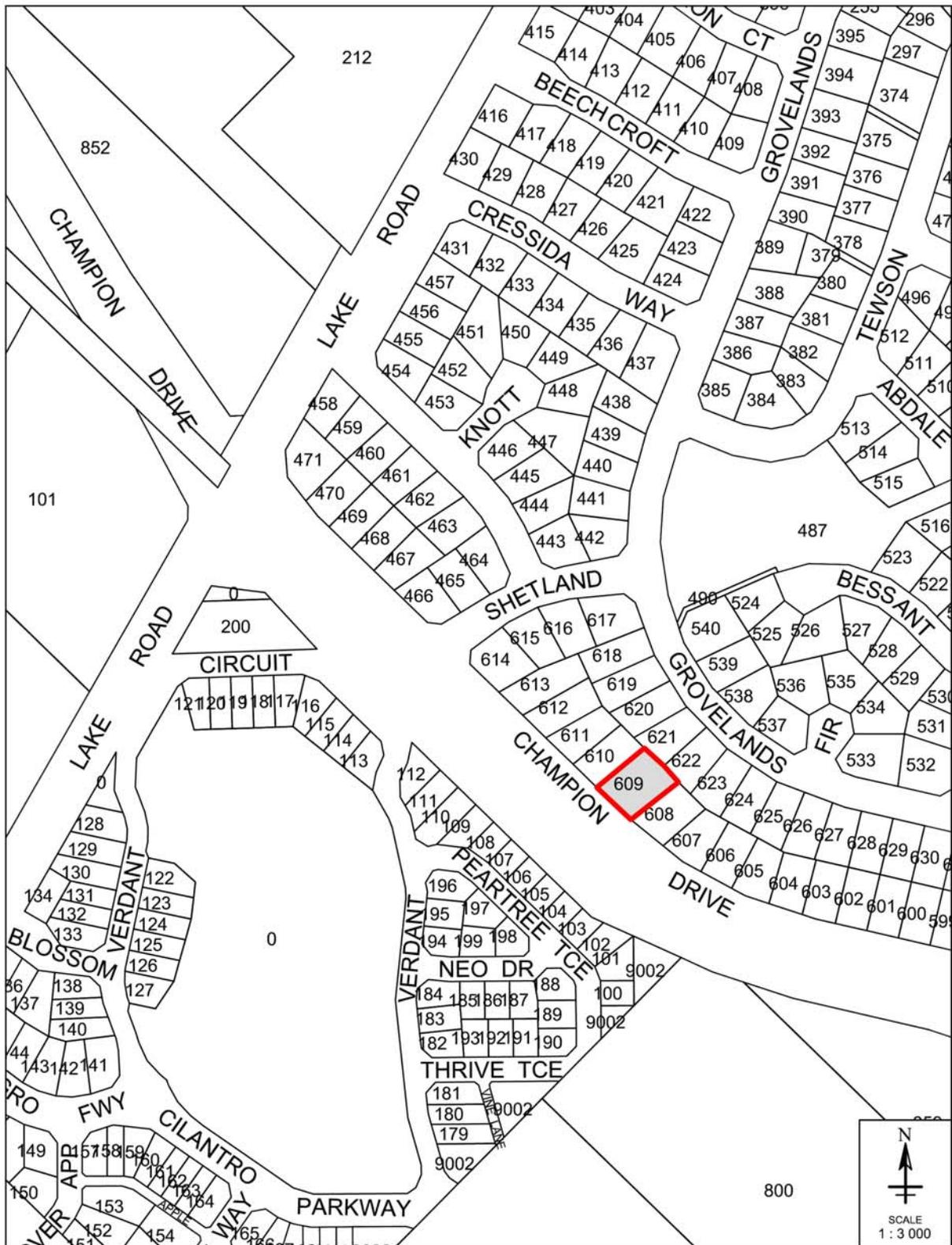
D86/7/08 RECOMMEND

That Council:

- 1. Authorise the Senior Liaison and Compliance Officer and/or the Liaison and Compliance Officer to institute legal proceedings, subject to legal advice, against Mr W M Keogh, the owner of Lot 4 (9) Leake Street, Forrestdale for contravening the provisions of the City of Armadale Town Planning Scheme No.4 for:**
 - ♦ Carrying on a storage use on the property without the consent of Council.**
- 2. Authorise the drafting and serving of a Direction Notice in accordance with Section 214 of the Planning and Development Act 2005 requiring the owner of Lot 4 (9) Leake Street, Forrestdale to remove the items as detailed in the notice from the property within 65 days of the date of service of the Notice.**
- 3. Authorise the Senior Liaison and Compliance Officer and/or Liaison and Compliance Officer to swear the appropriate Prosecution Notices on behalf of Council.**

MOVED Cr Hart
MOTION CARRIED (7/0)

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LOCATION PLAN
LOT 609 (No. 185) CHAMPION DRIVE, CAMILLO

UNAUTHORISED USE – LOT 609 (185) CHAMPION DRIVE, CAMILLO

WARD : HERON
FILE REF : P553
DATE : 10.07.08
REF : PC
RESPONSIBLE : PSM
MANAGER
LAND OWNER : T D Hewitt
SUBJECT LAND : Property size 1065 m²
Map 21.06
ZONING MRS : Urban
TPS No.4 : Residential R15/25

In Brief:-

- Numerous items including motor vehicles, vehicle parts and domestic goods, stored on a residential property.
- Approaches, verbal and written, to the owner have been unsuccessful in gaining voluntary compliance.
- Recommend that Council institute legal proceedings for breaching the provisions of the City of Armadale Town Planning Scheme No.4 and authorising the drafting and serving of a Direction Notice.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle.

Legislation Implications

Planning and Development Act 2005
Town Planning Scheme No.4

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Costs to budget allocation for legal expenses in seeking a legal remedy via prosecution proceedings, usually the cost of an action is not reflected in the penalties imposed. The maximum penalty under the Planning and Development Act is \$50,000 with a daily penalty of \$5,000 per day for each offence. Possible costs associated with the removal, storage and disposal of materials, if the costs are not recovered from the owner.



AERIAL PHOTOGRAPH
LOT 609 (No. 185) CHAMPION DRIVE, CAMILLO

Consultation

- ◆ Downings Legal (City’s Solicitors).

BACKGROUND

A complaint was received in December 2007 regarding the occupiers of the subject property carrying out vehicle repairs, wrecking and storage at 185 Champion Drive, Camillo. The property was inspected on 20th December 2007 wherein a variety of items were observed including unlicensed vehicles, wrecked motor vehicle bodies, motor vehicle body panels and parts, wheels and tyres, engine parts and domestic items. A letter was forwarded to the owner and occupier of the subject property on 17th January 2008 seeking compliance by 29th February 2008.

The property again became the subject of concern and was inspected on 18th June 2008 where it was noted that the condition of the subject property had reverted to an unsatisfactory condition, containing a substantial quantity of motor vehicles and motor vehicle parts.

Given the history of the property, a letter from the City’s Solicitors was sent to the property owner on 26th June 2008 requesting compliance within 10 days.

A further inspection was completed on 8th July 2008 and whilst 2 wrecks had been removed from the front of the subject property, the land still remains in an unsatisfactory condition.

COMMENT

The owner of the subject property has been made fully aware of the City’s requirements and has been granted reasonable time to comply with the City’s request. The owner’s failure to comply would appear to leave no option other than to proceed to more punitive measures. Furthermore, officer approaches have failed to result in the property being cleared of the offending items, therefore it is recommended that a Direction Notice be served to effect clearance of the property, should the owner fail to do so.

ANALYSIS

Town Planning Scheme No.4 (the Scheme) states:

“5A. Storage of goods and materials

5A.21 *A person must not store or allow to be stored goods or materials on land, except where the goods or materials are:*

- (a) *for domestic use,*
- (b) *for building purposes associated with an authorised development of the site,*
or
- (c) *for use in conjunction with an authorised home occupation or home business.*



VIEW TOWARDS FRONT OF PROPERTY
LOT 609 (No. 185) CHAMPION DRIVE, CAMILLO



VIEW OF SIDE OF PROPERTY LOOKING TOWARDS FRONT OF PROPERTY
LOT 609 (No. 185) CHAMPION DRIVE, CAMILLO

- 5A.2. *Any goods or materials are to be housed within a building or otherwise screened from view from any adjacent public place, except in the following cases:*
- (d) building materials for use in conjunction with an approved development, provided such materials do not remain on site for more than 12 months;*
 - (e) landscaping supplies, provided such materials do not remain on site for more than 12 months; or*
 - (f) firewood, provided the supplies are stored behind the front of the dwelling.”*

Storage is an “X” use in the use class table of the Scheme in a Residential zone, therefore to undertake a storage use on the property without Council approval contravenes the Scheme.

Clause 11.4 of the Scheme states:

“11.4 A person must comply with provisions of Scheme

11.4.1 A person must not —

- (a) contravene or fail to comply with the provisions of the Scheme or with a notice;*
- (b) use any land or commence or continue to carry out any development within the Scheme area —*
 - (i) otherwise than in accordance with the Scheme;*
 - (ii) unless all approvals required by the Scheme have been granted and issued;*
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and*
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the City under the Scheme with respect to that building or that use.”*

OPTIONS

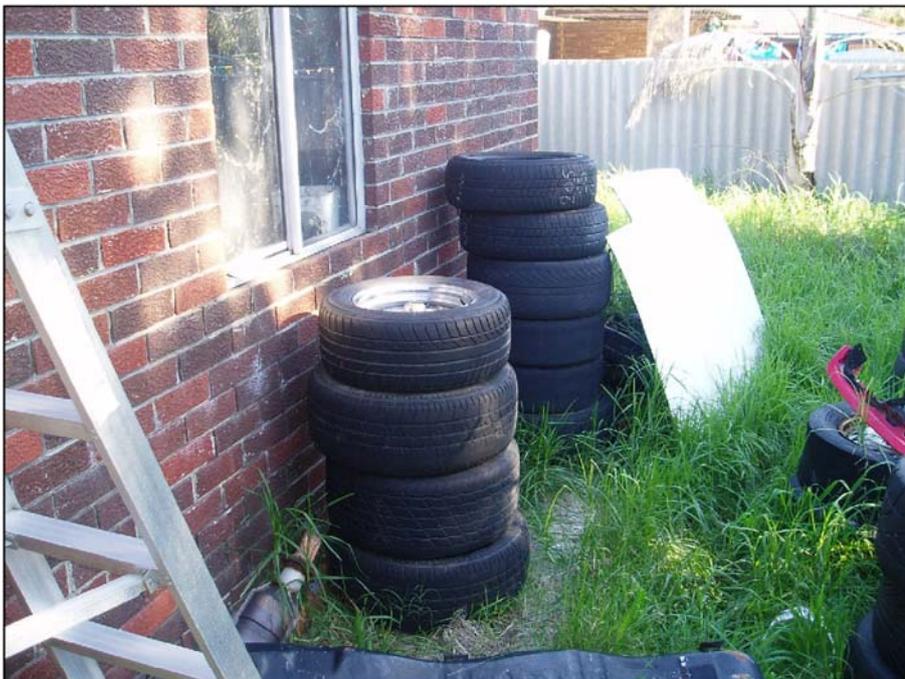
1. As the owner of the property continues to contravene the legislation under the control of the City, Council could resolve to institute legal proceedings immediately for breaching the provisions of Town Planning Scheme No.4.
2. Council could resolve to permit a period of grace (i.e. two weeks) to facilitate the clearance of the various items from the site.
3. Council could resolve not to pursue the matter.

CONCLUSION

The owner of the property has not complied with requests and continues to utilise his property in breach of the Town Planning Scheme. Therefore it is recommended that legal proceedings be instituted in accordance with Option 1.



VIEW OF REAR OF PROPERTY
LOT 609 (No. 185) CHAMPION DRIVE, CAMILLO



VIEW OF SIDE OF PROPERTY LOOKING TOWARDS REAR OF PROPERTY
LOT 609 (No. 185) CHAMPION DRIVE, CAMILLO



VIEW OF REAR OF PROPERTY
LOT 609 (No. 185) CHAMPION DRIVE, CAMILLO

D

That Council:

- 1. Authorise the Senior Liaison and Compliance Officer and/or the Liaison and Compliance Officer to institute legal proceedings, subject to legal advice, against Mr T D Hewitt, the owner of Lot 609 (185) Champion Drive, Camillo, for contravening the provisions of the City of Armadale Town Planning Scheme No.4 for:**
 - ♦ **Carrying on a storage use on the property without the consent of Council.**
- 2. Authorise the drafting and serving of a Direction Notice in accordance with Section 214 of the Planning and Development Act 2005 requiring the owner of Lot 609 (185) Champion Drive Camillo to remove the items as detailed in the notice from the property within 65 days of the date of service of the Notice.**
- 3. Authorise the Senior Liaison and Compliance Officer and/or Liaison and Compliance Officer to swear the appropriate Prosecution Notices on behalf of Council.**

MOVED Cr Reynolds
MOTION CARRIED (7/0)

***ATTENDANCE BY ELECTED MEMBERS AT PLANNING INSTITUTE AUSTRALIA
STATE CONFERENCE IN BUNBURY FROM 3 TO 5 SEPTEMBER 2008***

WARD : ALL
FILE REF : G/CRS/12
DATE : 14 July 2008
REF : HC
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- The Planning Institute of Australia WA Division is holding its State Conference in Bunbury from 3 to 5 September 2008.
- Matters to be covered should be of interest to Councillors and relevant to Armadale.
- This item is raised for information for any Councillor who may wish to nominate to attend.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aims for Developing our Organisation to:

- ♦ Deliver high quality, professional governance and administration;
- ♦ Enhance our ability to embrace and manage change; and
- ♦ Ensure the Council is a proactive, enquiring organisation.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Council Policy ADM3 – Conferences and Training
Council Policy EM1 – Re-imbusement of Councillors' expenses

Budget / Financial Implications

- ♦ Early bird registration (before 1 August 2008) \$495 for PIA Members and \$600 for non-Members;
- ♦ After 1 August 2008 - \$600 for PIA Members and \$700 for non-Members;
- ♦ Day Registration - PIA Members - \$275 Thursday and \$300 Friday
- Non-Members - \$375 Thursday and \$400 Friday
- ♦ Accommodation . Conference rates range from \$138 to \$235 per day.

DETAILS OF CONFERENCE

The Planning Institute Australia Western Australia Division (PIA) is holding its State Conference 2008 entitled **2nd City Challenges** between Wednesday 3 September and Friday 5 September 2008 at the All Seasons Sanctuary Golf Resort in Bunbury. *A copy of the Conference Brochure is at Attachment “A2” of the Agenda.*

Conference themes (and general topics) include:

Planning in the South West

- Second Cities
- Greater Bunbury Region Scheme
- Coastal planning
- Strategic tourism planning

Climate Change

- Coast and inland issues (i.e. climate to all, not just the coast)
- Impact on cities and rural communities
- Managing emissions from urban form
- What can planning and planners do?
- What are the practical things (transport, land use)?

Planning for the Influx

- Sea change
- Tree change
- The emerging FIFO base
- Implications on housing affordability
- The competitiveness of place
- Planning to retain a sense of place and identity

Infrastructure and Implications on Land Use

- Transport, freight and other servicing infrastructure
- Implications on land use
- Implications on transport
- Local impacts and regional impacts
- Planning for basic services
- Equity and intergenerational equity

Housing Affordability

- Master planning communities revisited – case studies/lessons
- Social infrastructure delivery
- Success and lessons regarding housing provision from elsewhere
- The role and implications of planning
- Delivery models for social housing
- Housing affordability and issues for country towns

Professional Standards

- Implications of the CCC
- Ethics in a developer driven world
- Addressing the planning shortage
- Skills development and training.

The conference aims at exploring the development of second cities including the environmental, infrastructure, economic and community challenges associated with the growth of booming metropolitan and regional centres.

No details of speakers have been revealed at this stage but the PIA says “We are bringing together experts from a range of professions to challenge our way of thinking, evoke thought and debate, provide meaningful knowledge and learning, entertain and inspire us as a profession for the journey that lies ahead for planning in Western Australia”.

Officers from the Planning Department are likely to be attending the conference.

CONCLUSION

The 2008 PIA Conference will canvass a wide range of issues that will be applicable to Armadale and should provide insights for both staff and elected members in a number of areas that are impacting on the City.

There being no nomination from members present, Committee resolved to refer the matter to the Council Meeting of 28 July 2008 for nomination.

D88/7/08 RECOMMEND

That no nomination be made for Members to attend the Planning Institute of Australia (Western Australia) State Conference to be held from 3 to 5 September 2008 at the All Seasons Sanctuary Golf Resort in Bunbury.

MOVED Cr Zelones
MOTION CARRIED (7/0)

Council resolved at its Ordinary Meeting on 28th July 2008 that no nomination be made for the Conference.

ATTENDANCE BY ELECTED MEMBERS AT THE 9TH INTERNATIONAL CITIES, TOWN CENTRES AND COMMUNITIES SOCIETY (ICTC) CONFERENCE “CREATING A GOLD MEDAL COMMUNITY” – 7th to 10th October 2008

WARD : ALL
DATE : 15 July 2008
REF : HC
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- The 9th International Cities, Town Centres and Communities Conference is to be held at Sydney Olympic Park from 7th to 10th October 2008.
- Officers from the City may be attending this conference.
- Matters to be covered should be of benefit to Councillors and of interest in the Armadale context.
- This item is raised for information for any Councillor who may wish to nominate to attend.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Fits with the aims of Developing our Organisation to:

- ♦ Deliver high quality, professional governance and administration;
- ♦ Enhance our ability to embrace and manage change; and
- ♦ Ensure the Council is a proactive, enquiring organisation.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Council Policy ADM3 – Conferences and training.
Council Policy EMI – Re-imbusement Councillor’s Expenses.

Budget / Financial Implications

- ◆ Conference - \$895 for Members (early bird) or \$995 after 1 August, \$995 for non-members (early bird) or \$1095 after 1 August 2008.
- ◆ Accommodation - standard room varies from \$210/night to \$410/night (excluding breakfast) depending on hotel.
- ◆ Air fares could be in the region of \$1500 return (discount flights may be procurable subject to availability).

DETAILS OF CONFERENCE

The International Cities, Town Centres and Communities Society (ICTC) is conducting its 9th Conference, entitled **Creating a Gold Medal Community**, to be held from Tuesday, 7th October to Friday, 10th October 2008 at Sydney Olympic Park, Sydney, NSW. Officers and Councillors have attended this conference in previous years. *A copy of the Conference Brochure is at Attachment “A3” of the Agenda.*

Keynote speakers include:

- ◆ Karsten Gerkens – Director, Office of Urban Regeneration and Residential Development, Leipzig City Council, Germany – who had the objective of getting the shrinking city of Leipzig to grow again (which it is).
- ◆ Kate Joncas – President of the Downtown Seattle Association, Seattle USA – who has over 30 years experience in downtown revitalisation in the private, public and non-profit sectors in communities around the world.
- ◆ Phil Wood – Partner Comedia, United Kingdom – who has advised the UK government on creative industries and also on cultural diversity and integration. He is currently expert adviser to the Council of Europe’s Intercultural Cities program.

The conference program runs in four streams and covers a very wide range of topics, many of which are applicable to the Armadale experience and should provide some valuable insights for both staff and elected members in a number of areas that are impacting on the City today.

CONCLUSION

Officers from the Planning Department will be attending the 9th International Cities, Town Centres and Communities Society Conference.

The Conference should be an informative and interesting gathering that will deal with many issues of relevance to the City of Armadale. The item is raised for information for any Councillors who may wish to nominate to attend.

There being no nomination from members present, Committee resolved to refer the matter to the Council Meeting of 28 July 2008 for nomination.

D89/7/08 RECOMMEND

That Crs Stewart and MacDonald be nominated to attend the 9th International Cities, Town Centres and Communities Society Conference to be held at Sydney Olympic Park from 7th to 10th October 2008, with costs incurred to be charged to Members Development Account.

MOVED Cr Zelones
MOTION CARRIED (7/0)

Council resolved at its Ordinary Meeting on 28th July 2008 that Crs Stewart and MacDonald be nominated to attend the ICTC and Communities Society Conference.

DEVELOPMENT SERVICES DIRECTORATE DRAFT BUDGET 2008/09

WARD : ALL
FILE REF : FIN/7
DATE : 10 July 2008
REF : IM / PS
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- Consideration of the 2008/09 Draft Budget for Development Services Directorate, as presented to and amended by Committee, be referred to the City Strategy Committee for consideration.
- The report recommends that the Development Services Directorate Draft 2008-09 Budget be referred to the Special Meeting of the City Strategy Committee on July 29th 2008 for consideration.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Improve the overall financial viability of Council, by:

- 4.1 Implementing financial strategies, including investment, rating and infrastructure funding.
- 4.2 Developing processes to measure and allocate costs of Council services.
- 4.3 Developing improved financial management reports.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

2008-09 Draft Budget and Forward Financial Plan.

Consultation

This report follows on from the work undertaken at previous MANEX meetings and prior Councillor workshops relating to the City's Strategic and 15 Year Financial Plans.

DETAILS OF PROPOSAL AND COMMENT

Committee is referred to the 2008-09 Draft Budget Reports for the Development Services Directorate and supporting documentation relating to the responsibilities of this Committee. (*Refer to separate Report attachment*).

Budget

The task of the Committee is to:

- ◆ Be satisfied that the directions reflected by the range of the services and programs to be provided in 2008/09 are both warranted and acceptable.
- ◆ Evaluate and confirm the reasonableness of the revenue and expenditure estimates as relating to each of the services and programmes proposed for the 2008/09 financial year.
- ◆ Consider the future proposals contained within the forward financial plan with a view to determining and confirming the appropriateness in terms of timing and/or resourcing and recommend to City Strategy accordingly.
- ◆ Consider the list of currently unfunded proposals with a view to determining which, if any, of these proposals should be recommended to the City Strategy Committee for prioritisation within the Draft Budget.

As concluded in the Councillor workshops, there is little scope for other additional activities/development beyond those proposed in the Financial Plan. 2008/09 now forms the base year for a future Fifteen (15) Year Financial Plan and as such the services, programs and activities contained within it are funded.

Individual Departments have indicated that expenditure will be largely constrained within the estimates formerly provided in the Fifteen Year Plan. Three specific areas of additional expenditure have been identified for the Directorate in the 2008-2009 financial year, although these will be largely funded. These include additional staff resources in Building / Health Compliance and Strategic Planning and an additional contribution towards the Switch Your Thinking Program.

Three areas remain unfunded at this stage and should be considered priority items in 2008-2009 and subject to additional funding being identified in the subsequent stages of the Draft Budget process. These areas include additional funding for preliminary works for the preparation of the former reserves for sale as part of the Public Open Space (POS) Strategy (i.e. easements, service and drainage relocation/connection, removal of vegetation and structures, valuation advice, tenders, advertising, etc.), funding for preliminary studies and investigative work on the Pries Park land, and contribution towards the planning and subdivision of the City's land holding in Wungong.

Executive Director Development Services briefed COMMITTEE on the Development Services Draft 2008-09 Budget report.

D90/7/08 RECOMMENDED

That the Development Services Directorate Draft 2008-09 Budget Report and the Schedule of Fees and Charges, as presented to Committee, together with the following proposed amendments, be referred to the Special Meeting of the City Strategy Committee on July 29th 2008, for consideration:

- a) That the following unfunded proposals be considered priority items in 2008-2009 and subject to additional funding being identified in the subsequent stages of the Draft Budget process:**
 - i) POS Strategy Land Sales – Preliminary Works - \$80k;**
 - ii) Pries Park Studies - \$125k; and**
 - iii) Wungong Land Planning - \$100k.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

LATE ITEMS

Nil.

COUNCILLORS' ITEMS

Councillor Hart raised the following issues:

- ♦ *In respect of Pries Park it was noted that in the event of planning proceeding there would be a need to address the situation regarding the current uses;*
- ♦ *It would appear that many developers are not aware that there is a need during development to keep soil on site; and*
- ♦ *Following on from the CSIRO briefing held in the Administration Centre on Monday, 21st July 2008 it would be necessary to consider the implications of the research findings.*

CHAIR and Executive Director Development Services reflected on the sad passing of Peter Meyrick, a much-loved friend and professional colleague of the organisation.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS

- ♦ The Executive Director Development Services advised Committee that a development application had been received for a proposed two-storey, aged care facility located in Saddlers Retreat, Kelmscott. The site is intended to be developed in two stages, the first involving a 160 bed aged care facility and the second stage adding up to 30 assisted or semi-independent living units for the aged.

MEETING DECLARED CLOSED AT 9.03 PM

Draft Public Health Plan 2008-2013

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ACKNOWLEDGEMENTS

INTRODUCTION

Public Health refers to: *"improvements to health and wellbeing through approaches which focus on whole populations. Priorities are to reduce disparities in health status between social groups and to influence the underlying social, economic, physical and biological determinants."* ⁽¹⁾

This plan builds upon the City's Environmental Health Plan 2003-2008 and aims to identify the strategic direction of the Health Service over the next 5 years. It is based on information about current and emerging issues affecting our community and incorporates modern approaches to public health that:

- o Encompass a more holistic view of health than the traditional regulatory role, based on responsiveness to data relating to the health status and health determinants of local communities;
- o Recognise an integrated approach based on partnerships and strategic alliances, is needed to effectively utilise the resources of a number of sections and sectors involved in delivering and planning for health outcomes; and
- o Advocate a risk management approach to regulatory roles, based on the draft new Public Health Bill.

The draft Public Health Bill 2008, which was released for public comment earlier this year was a key consideration in determining priorities for action. The proposed Act, to replace the antiquated Health Act 1911, emphasises a prevention and promotion rather than reactive approach to allow preventative action to be taken where there is a risk to public health.

The plan is also in alignment with the City's Strategic Plan 2005-2009 in Part 2-Building our Community, where a key initiative is to *"Enhance public environmental health outcomes by implementing the City's Environmental Health Plan"*.

GOAL

The goal of the public health plan is:

To protect and enhance human health by identifying threats as early as possible and putting strategies in place that are sustainable and cost effective

⁽¹⁾ National Public Health Partnership (2000) Public Health Practice in Australia Today. Melbourne:

COMMUNITY PROFILE

Population size

- In 2006, the Armadale Health District (consisting of the City of Armadale, City of Gosnells and Shire of Serpentine-Jarrahdale):
- had 161,819 residents (7.9% of the State's population). 33% of the population of the Armadale Health District lived in the City of Armadale.
 - had a population density of 59 people per square kilometre.
 - had 4,305 Aboriginal residents, making up 2.7% of the total population - 39% (1,695) of the Aboriginal population lived in the City of Armadale, where they accounted for 3.2% of the population.

Population projections

- In the Armadale Health District over the period 2006 to 2016:
- the population is predicted to increase by 21% to 196,022 (while the population of the State is predicted to increase by 15% to 2.4 million).
 - the population of the City of Armadale is predicted to increase by 33% to 70,115, with the highest growth (72%) expected in the elderly (65 years and above), while the lowest growth is expected among children.

Socio-demographic characteristics

- In the 2006 Census, compared to the State, the Armadale Health District had:
- a smaller proportion of people at TAFE, CAE or university, people with a tertiary qualification, and people employed at a professional or managerial level.
 - a higher proportion of one parent families, unemployed people, and people employed as labourers or other manual workers.

Socio-economic characteristics

- In the Armadale Health District in 2006:
- 2,965 people (3.9% of the labour force) were unemployed.
 - the major industry of employment for Armadale Health District residents was technicians and trade workers (18%).
 - The City of Armadale had the highest level of socio-economic disadvantage, with a SEIFA score of 986, while the Shire of Serpentine-Jarrahdale was the least disadvantaged with a SEIFA score of 1048. The national average score is 1000.

Health and wellbeing data

In the Armadale Health District:

- 24.6% of the AHD population is obese with a significantly higher prevalence of obesity among males compared to the state average (AHD 28%; State 17%).
- 19.7% of the AHD population still currently smokes.
- 12.6% of the AHD population is at risk of short term harm through excessive alcohol consumption, while 5.1% are at risk of long term harm.
- 58.4% of the AHD population (aged 16-64) do insufficient physical activity.
- 56% of the AHD population eats insufficient fruit and 86.1% eats insufficient vegetables.

Immunisation and screening

In the Armadale Health District:

- the percentage of children who were fully immunised on 31 December 2007 was similar to the State. Of the 3 Councils in the AHD, the City of Armadale had the lowest percentage of children fully vaccinated, particularly in the 12>15 months age group.
- between 2000 and 2004, there were 32 new cases of cervical cancer and 13 deaths due to cervical cancer.
- over the period 2003-2004, the percentage of women aged 20 to 69 years who participated in cervical cancer screening was lower than the State (44% vs. 60%).

Births

In the Armadale Health District:

- in 2005, there were 1,823 live births, of which 4.8% were Aboriginal.
- in 2005, the age specific birth rate per 1,000 women aged 15 to 44 years was lower than that of the State (54 vs. 60 per 1,000 respectively).
- in 2005, 8.1% of live births were to teenage mothers and 14% were to women over the age of 34 years.
- over the period 2001 to 2005, the age specific birth rate for Aboriginal women was nearly double that for non-Aboriginal women (81 vs. 52 per 1,000 respectively).
- Aboriginal women were nearly twice as likely to have a low birth weight baby as non-Aboriginal women (13% vs. 7.1% respectively).
- the proportion of Caesarean births increased from 14% in 1983 to 31% in 2005.

Hospitalisation

In the Armadale Health District:

- the leading individual cause of hospital admissions was digestive diseases (10% of total hospital admissions).
- in 2006, residents were admitted to hospital 51,293 times, accounting for 148,912 bed days at a cost of \$182.1 million.
- in 2006, residents were admitted to hospital for mental disorders 1,548 times, accounting for 13,521 bed days at a cost of \$6.8 million.

Mortality

In the Armadale Health District:

- over the period 2002 to 2004, life expectancy was 80.7 years for males and 85.9 years for females (compared to the SMAHS figures of 79.3 years and 84.0 years respectively).
- over the period 1997 - 2004, the age standardised mortality rates were significantly lower than those for the State.
- between 1997 and 2005, there were 5,136 deaths (males 2,824; females 2,312), accounting for 5% of the State's deaths.
- the top two causes of death were ischaemic health disease and cancers for both males and females.

Source: Unwin E (2008). Armadale Health District: Population and Health Profile. Fremantle: South Metropolitan Health Unit.

THEME 1: ENVIRONMENTAL HEALTH

Objective: To create and maintain environments that promote and protect public health

Description

Environmental Health refers to: "those aspects of human health and disease that are determined by factors in the environment. It also refers to the theory and practice of assessing and controlling factors in the environment that can potentially affect health. Environmental health includes the direct pathological effects of chemicals, radiation and some biological agents and the effects (often indirect) on health and wellbeing of the broad physical, psychological, social and aesthetic environment, which includes housing, urban development, landuse and transport."⁽²⁾

This function is primarily carried out as a statutory role in local government, through the administration and enforcement of legislation including the Health Act 1911, Environmental Protection Act 1986, subsidiary regulations and local laws.

Increasingly however, the importance of addressing the underlining factors that influence health through promotion and prevention strategies and creating health supporting environments is being recognised and adopted by local governments. The draft Public Health Bill 2008 emphasises the same intent by adoption of a risk management approach and introducing provisions for health impact assessment and compulsory Public Health Plans by local governments based on an identified local public health needs. By adopting a risk management approach to statutory roles, it is intended to create the capacity to progressively realign resources to support a prevention and promotion focus.

Key Stakeholders

External:

- o Community
- o Business Proprietors and trades people influenced by Health Service legislation and responsibilities
- o Department of Health - Environmental Health Directorate (DoH)
- o Department of Environment and Conservation (DEC)
- o West Australian Local Government Association (WALGA)

Internal:

- o Councillors
- o Executive and staff-City of Armadale

⁽²⁾ Department of Human Services (2001) Environments for Health: Municipal Public Health Planning Framework. Melbourne: State Government of Victoria.

KRA 1.1-Food Safety and Quality

Challenge		Ensure food provided to the public is safe for its intended use				
Activities		Food sampling, risk assessments, investigations approvals and education				
Issues	Actions	Responsibility	Target (M,S)	Success Indicators		
1. The existing food premises inspection report format is several years old and needs to be in greater alignment with modern risk management approaches in proposed legislation.	a) Review the food premises inspection report format, with a focus on identification and analysis of critical risks to health	Senior EHO	S	<ul style="list-style-type: none"> Completion of review and adoption of new format 		
2. Existing system for risk classification of food premises needs review to improve allocation of time based on risks to health.	a) Develop a food premises classification system to determine inspection frequency based on risks to health	Senior EHO	S	<ul style="list-style-type: none"> Adoption of new classification procedure 		
3. Environmental Health Officer's (EHO's) skills can be better utilised by creating capacity to focus more on managing high priority risks.	a) Review risk assessment processes to ensure an escalating response to poor performing premises and reduced surveillance of low risk premises by EHO's	Health Services Manager	S	<ul style="list-style-type: none"> Upgraded Authority register and reports Implementation of revised risk assessment processes 		
4. EHO's use paper based inspection reports and they then enter data onto the computer upon return to the office. This causes duplication and inefficient use of resources.	a) Investigate the use of hand held PDA's for food premises inspections b) Subject to a positive recommendation, implement the use of hand held PDA's for food premises inspections	Health Services Manager Health Services Manager	S M	<ul style="list-style-type: none"> Submission of a report with recommendations Implementation of PDA's for all inspections 		
5. Authority registers need review to improve ease of use and the ability to analyse critical risks and identify education priorities.	a) Review the set up of Authority registers and develop reports to reflect proposed changes to risk assessment process	Health Services Manager	M	<ul style="list-style-type: none"> Implementation of Authority registers 		

Issues	Actions	Responsibility	Target (M,S)	Success Indicators
6. EHO's need more training to identify critical risks in food premises and to audit food safety plans.	a) Assess Hazards at Critical Control Points (HACCP), auditing training courses suitable for EHO's	EH Coordinator	S	<ul style="list-style-type: none"> ▪ Identification of suitable training course with recommendations
7. It is proposed to change the Local Health Authorities Analytical Scheme so local governments are responsible for sampling products of local manufacturers.	a) Review the food sampling programme to focus on chemical analysis and labelling of products of local manufacturers and sampling frequency based on risk to health	Senior EHO	S	<ul style="list-style-type: none"> ▪ Documentation and implementation of revised sampling programme for local manufacturers
8. The City's role in regional and statewide food sampling programmes is unclear.	a) Determine the role of the City in regional and statewide food sampling partnerships	Senior EHO	S	<ul style="list-style-type: none"> ▪ Agreement and documentation of the City's role

*M=medium term; 2-4yrs S=short term; 1-2yrs

KRA 1.2-Water Safety and Quality

Challenge		Ensure non scheme drinking water provided to the public is safe to drink and aquatic and recreational water bodies available to the public are safe for their intended use			
Activities		Sampling and risk assessment-aquatic and recreational facilities, non scheme drinking water			
Issues	Actions	Responsibility	Targets (M,S)	Success Indicators	
9. The DoH is developing a Drinking Water Policy to define water quality standards and objectives against which audits of performance can be assessed.	a) Review the City's non scheme drinking water sampling programme to ensure consistency with the draft DoH Drinking Water Policy	EH Coordinator	M	<ul style="list-style-type: none"> Completion of review and implementation of recommendations 	
10. Sampling data needs to be recorded electronically, making analysis to reporting of enable results to be assessed against action levels.	a) Review the Authority sampling register to ensure all data is recorded and analysed against action levels	Health Services Manager	M	<ul style="list-style-type: none"> All data recorded in Authority and reports set up 	
11. Risk assessment are needed to ensure pools meet required standards in Health Aquatic Facilities Regulations 2007, prior to opening each season.	a) Develop risk assessment forms for auditing Class 1-4 aquatic facilities	Senior EHO	S	<ul style="list-style-type: none"> Completed development or risk assessment forma 	
12. The DoH has developed draft guidance notes that will assist local governments to implement NH+MRC Guidelines for Managing Risks in Recreational Water. Champion Lakes is a recreational water body where swimming by the public is actively encouraged by the Armadale Redevelopment Authority. We need to ensure health and safety risks are effectively managed.	a) In consultation with the DoH, determine the City's role in ensuring water at the Champion Lakes recreational water facility is safe for swimming	EH Coordinator	S	<ul style="list-style-type: none"> Decision by DoH and implementation of determined role 	
13. To satisfy a development condition, the Health Service has regularly sampled runoff water from the Araluen Golf Course development since 1992 to determine impacts on Canning River. Results have been inconclusive and the programme should be reviewed.	a) Review the Araluen water sampling programme to determine if it is achieving desired outcomes	EH Coordinator	S	<ul style="list-style-type: none"> Completion of review and report with recommendations 	

*M=medium term; 2-4yrs S=short term; 1-2yrs

KRA 1.3-Public Housing and Accommodation

Challenge	Ensure buildings and other structures provided for public use are safe for their intended use
Activities	Risk assessment, approval of caravan parks, lodging houses and public buildings

Issues	Actions	Responsibility	Targets (M,S)	Success Indicators
14. When conducting mandatory annual joint risk assessments of the 3 Caravan Parks in the City, we need to incorporate a procedure to ensure attached structures have been approved and are safe and living conditions are acceptable for accommodation.	<p>a) With respect to unapproved structures, ensure they are assessed by Building Services to determine they are safe for accommodation</p> <p>b) With respect to living conditions in relation to health and amenity concerns, determine whether there is sufficient justification for taking remedial action</p>	<p>EH Coordinator</p> <p>EH Coordinator</p>	<p>S</p> <p>S</p>	<ul style="list-style-type: none"> ▪ Determination of the City's position in relation to potential compliance action ▪ Assessment to determine justification for health, safety and amenity concerns and appropriate follow up action
15. The existing system for risk classification of public buildings needs review to improve allocation of time based on risks to personal safety.	a) Develop a public buildings classification system to determine inspection frequency based on risks to personal safety	EH Coordinator	S	<ul style="list-style-type: none"> ▪ Adoption of new classification procedure
16. EHO's use paper based inspection reports for public buildings and then enter data onto the computer upon return to the office. This causes duplication and inefficient use of resources.	<p>a) Investigate use of hand held PDA's for public building inspections</p> <p>b) Subject to a positive recommendation, implement the use of hand held PDA's</p>	<p>Health Services Manager</p> <p>Health Services Manager</p>	<p>S</p> <p>M</p>	<ul style="list-style-type: none"> ▪ Submission of a report with recommendations ▪ Implementation of PDA's for inspections

*M=medium term; 2-4yrs S=short term; 1-2yrs

KRA 1.4-Waste Treatment and Disposal

Challenge		Ensure the safe and environmentally responsible treatment and disposal of sewage and industry wastes			
Activities		Industrial waste programme, approval and compliance-grey water and black water effluent disposal systems, audits of ATU's			
Issues	Actions	Responsibility	Targets (M,S)	Success Indicators	
17. Inspections of industrial premises occur once per year to assess impact of waste disposal on the environment and public health. The data base needs updating and objectives and outcomes reviewed. Agreed that main focus should be on education and raising awareness.	a) Develop a programme plan outlining objectives and measures to demonstrate success b) Review the list of industrial premises on the data base c) Conduct a survey of businesses in the programme to assess success in raising awareness	Senior EHO Senior EHO Senior EHO	S S M	<ul style="list-style-type: none"> ▪ Programme plan completed ▪ Premises list updated ▪ Survey and analysis completed 	
18. A process to correlate planning scheme provisions regarding suitability of effluent disposal systems and proximity to wetlands, water bodies etc. with effluent disposal approval processes is needed.	a) Investigate and implement a system for ensuring planning scheme provisions regarding effluent disposal for development sites are assessed in conjunction with approval of effluent disposal systems	EH Coordinator	S	<ul style="list-style-type: none"> ▪ Process review completed and improvements put in place 	
19. The DoH hasn't established specifications for effluent disposal systems for industrial and commercial buildings in non sewerer areas. Results in inconsistent interpretation.	a) Seek a determination from the Department of Health on standard specifications for effluent disposal systems relating to industrial and commercial buildings in non sewerer areas	Senior EHO	S	<ul style="list-style-type: none"> ▪ Letter sent to DOH seeking a response 	
20. Property owners are required to ensure maintenance of ATU installations by an authorised person every 3 months to prevent risks to health. Although audits occur, owners are not informed of results and are often unaware of risks. Also, authorised persons are only advised when faults are found.	a) Review the ATU audit process so property owners and authorised persons are informed of the outcomes of all audits b) Provide information to all property owners with ATU's on how they work and legal obligations regarding maintenance	EH Coordinator EH Coordinator	S S	<ul style="list-style-type: none"> ▪ Standard letters created and sent routinely after audits ▪ ATU Environmental Health Guide sent to all property owners with ATU's 	

*M=medium term; 2-4 yrs
S=short term; 1-2 yrs

KRA 1.5-Pollution and Nuisance Management

Challenge		Minimise unwanted exposure to hazards that are offensive and/or a risk to health			
Activities		Investigation of Complaints - under Health Act, Environmental Protection Act and Local Government Act Approvals, risk assessments of Registered Premises - intensive animal housing, offensive trades Approval of Activities – dust management plans, burning off permits, noise management plans Pest Management			
Issues	Actions	Responsibility	Targets (M,S)	Success Indicators	
21. Potential exists to discontinue some low risk activities and delegate others to free up time for higher level tasks by EHO's.	a) Determine activities to be discontinued or devolved and implement	Health Services Manager	S	<ul style="list-style-type: none"> Activities identified and actions put into place 	
22. High density housing will become more common as rapid urban development continues. Experience at other Councils indicates that this will lead to increasing complaints about air conditioning noise.	a) Determine a strategy to reduce the potential for complaints caused by air conditioning noise in high density housing estates	EH Coordinator	S	<ul style="list-style-type: none"> Strategy documented and actions put into place 	
23. Although both the Police and EHO's have statutory powers in relation to responding to noise complaints, respective roles are not clearly defined, sometimes resulting in inconsistencies.	a) Develop a Memorandum of Understanding with the local Police Service to define respective roles with respect to responding to noise complaints	EH Coordinator	M	<ul style="list-style-type: none"> MOU developed and signed by parties 	
24. For several years, the Health Service has participated in audits of 2 poultry processing establishments with the DoH, including the free sampling of carcasses and water supply. The full scope and rationale for the arrangement with DoH needs clarification.	a) In consultation with DOH, review the City's role in auditing and sampling of poultry processing establishments	Health Services Manager	S	<ul style="list-style-type: none"> City's role determined and documented and actions put into place 	
25. The Health Service issues burning off permits between June 1-September 30 each year to prevent nuisances caused by smoke. The Rangers Service issues permits at other times to prevent fires. This can cause confusion.	<p>a) Develop a strategy to reduce nuisances caused by smoke and discouraging the use of wood heaters and burning off</p> <p>b) Review the City's local law relating to the issue of burning off permits to assess its effectiveness in preventing nuisances caused by smoke</p>	<p>Health Services Manager</p> <p>Health Services Manager</p>	<p>S</p> <p>M</p>	<ul style="list-style-type: none"> Strategy documented and actions put into place Local Law reviewed and any amendments initiated 	

*M=medium term; 2-4yrs S=short term; 1-2yrs

KRA 1.6-Public Health Assessments

Challenge	Ensure all proposals are assessed for potential public health risks and benefits
Activities	Assessment of proposals for projects, plans, activities, developments, licensing and registration

Issues	Actions	Responsibility	Targets (M,S)	Success Indicators
26. A Public Health Assessment Unit has been established in the DOH in anticipation of a new Public Health Act. It is expected that local governments will have devolved authority to assess the public health implications of proposals beyond their traditional focus on preventing nuisances and ensuring statutory intent. This will extend to assessing public health risks and benefits early in the planning process. DOH has indicated that guidelines and training will be provided.	<p>a) Review existing development assessment processes to identify the role of Health Services, in preparation for the new Public Health Act</p> <p>b) Lobby the DOH to provide training and relevant guidelines to prepare EHO's for conducting public health assessments</p>	<p>EH Coordinator</p> <p>Health Services Manager</p>	<p>M</p> <p>M</p>	<ul style="list-style-type: none"> ▪ Reviewed conditions ▪ Implementation of initiatives arising from the review ▪ Positive outcome resulting from lobbying
27. In 2003 the City engaged a University student to document suspected contaminated sites in anticipation of the Contaminated Sites Act 2003. 298 sites were identified and mapped. A process is needed for flagging potentially contaminated sites when applications for rezoning, subdivision and development are received.	<p>a) Identify potentially contaminated sites on the City's register that should be referred to the DEC to consider placement on their register.</p> <p>b) Establish and implement a process to flag potentially contaminated sites on the City's register to assist decision making at the development assessment stage</p>	<p>Senior EHO</p> <p>Health Services Manager</p>	<p>S</p> <p>M</p>	<ul style="list-style-type: none"> ▪ Referral of identified sites to the DEC ▪ Documentation and implementation of a process to flag potentially contaminated sites and assist decision making

*M=medium term; 2-4yrs
S=short term; 1-2yrs

THEME 2: COMMUNICABLE DISEASES

Objective: To minimise the incidence of preventable communicable diseases in the community

Description

Communicable disease refers to any condition which is transmitted directly or indirectly to a person from an infected person or animal through the agency of an intermediate animal, host, or vector, or through the inanimate environment.

The primary activity in this theme area is the provision of an immunisation service. This is a non core function carried out through a partnership agreement with the South Inland Zone - Child and Adolescent Community Health Division, who participated in a workshop to discuss the future of this service. There was general satisfaction with the service and it is intended to continue it over the next 5 years.

Surveillance and investigation of known or suspected sources of communicable diseases is another important strategy that is used by the Health Service to prevent the spread of diseases.

Key Stakeholders

External:

- o Community
- o South Metropolitan Public Health Unit
- o South Inland Zone-Child & Adolescent Community Health Division (DoH)
- o DoH Communicable Diseases Unit
- o WA AIDS Council
- o Canning Division of General Practice
- o Community

KRA 2.1-Immunisation and Other Disease Control Strategies

Challenge	Support integrated approaches to minimise the spread of communicable diseases
Activities	Investigation of notifiable diseases, immunisation programmes, sharps disposal, inspections of hairdressing, skin penetration establishments

Issues	Actions	Responsibility	Targets (M,S)	Success Indicators
28. Consultation with key stakeholders has confirmed satisfaction with the City's Child and Seniors Immunisation programme. Some improvements could be achieved by better promotion and analysis of data to assess effectiveness.	a) Review promotion of the City's immunisation programme so all key stakeholders are informed b) Conduct an annual satisfaction survey to assess effectiveness of the programme c) Collect and analyse ASIR data to identify indicators of success and improvement opportunities	Senior EHO Senior EHO Health Services Manager	S S S	<ul style="list-style-type: none"> ▪ Review completed and improvements implemented ▪ Survey completed and results reported ▪ Regular ASIR data received from SMPHU ▪ % attendance/target population
29. Greater clarity is needed about the respective roles of the SMPHU Disease Control Unit and the City's Health Service. There is general agreement that SMPHU should be responsible for initially interviewing patients and consulting with GP's, with EHO's being responsible for investigating disease sources to prevent further outbreaks.	a) Determine respective roles of the SMPHU and the City's Health Service with respect to following up infectious disease notifications	EH Coordinator	M	<ul style="list-style-type: none"> ▪ Respective roles defined by DoH
30. Notifications of discarded syringes have fallen significantly over recent years and syringe disposal units located in some public toilets are infrequently used.	a) Ensure all Works vehicles are provided with sharps containers, information material and equipment for picking up syringes and review the location of syringe disposal units	EH Coordinator	M	<ul style="list-style-type: none"> ▪ Works vehicles equipped for syringe collection ▪ Location of syringe disposal units reviewed
31. Programmed inspections of hairdressing and skin penetration establishments by District EHO's do not use resources effectively and are not an effective way of identifying risks.	a) Develop a project based system to conduct risk assessments of hairdressing and skin penetration premises and report on results	EH Coordinator	S	<ul style="list-style-type: none"> ▪ Project based system implemented

M=medium term, 2-5yrs
S=short term, 1-2yrs

Thanks to the following key external stakeholders for their participation in determining priorities for this theme: June Doyle (South Metropolitan Public Health Unit), Maree Hose (South Metropolitan Public Health Unit), Catherine O'Neill (Child and Adolescent Health), Marian Smith (Child and Adolescent Health), Rosemary Harris (Canning Division of GP's)

THEME 3: CHRONIC DISEASES PREVENTION

Objective: To minimise the incidence of preventable non communicable diseases by addressing the underlying social, economic, environmental and cultural determinants of health

Description

There is strong evidence of a correlation between a person's lifestyle and health. Risk factors for premature illness and death include smoking, alcohol and drug abuse, lack of physical activity and poor diet and nutrition. It is estimated that 70% of health care expenditure in this state is due to chronic diseases and injury ⁽³⁾.

Preventative health strategies that advocate a healthy environments and lifestyle have been shown to achieve health gains in the area on non communicable diseases including cardiovascular disease, diabetes, obesity, renal disease, cancers and respiratory diseases. Social, economic, environmental and cultural factors play a significant part in shaping lifestyle behaviors and the most significant gains are achieved by addressing these determinants of health to find underlying causes and potential solutions.

It is apparent that this issue cannot be adequately tackled alone. Various internal and external stakeholders are already directly and indirectly involved in influencing public health outcomes (see "Key Stakeholders" below), however activities are often disjointed and inefficient. Ongoing collaboration is needed across sectors to utilise the social capital in local communities to ensure decisions, services and resources are aligned with community needs and expectations.

Key Stakeholders

External:

- o Community
- o South Metropolitan Public Health Unit (DoH)
- o Armadale Redevelopment Authority (ARA)
- o Shire of Serpentine-Jarrahdale

Internal:

- o Manager Recreation Services
- o Executive Manager Community Services
- o Manager Planning Services

⁽³⁾ Department of Health (2008) Western Australian Health Promotion Strategic Framework 2007-2011

KRA 3.1-Chronic Disease Prevention

Challenge	Initiate and support interventions to reduce the incidence of preventable chronic diseases through environmental change, nutrition, physical activity, tobacco control and responsible alcohol consumption			
Issues	Actions	Responsibility	Targets (M,S)	Success Indicators
<ul style="list-style-type: none"> ▪ The City's existing Environmental Health Plan 2003-2008 is due to expire. It addresses public health at a very narrow level. It does not deal with priority public health issues in the local community. ▪ 70% of all health care expenditure is due to preventable chronic disease or injury. ▪ A significant proportion of the South Metropolitan Health Service (SMAHS) is at risk of developing chronic conditions due to excess weight, physical inactivity, poor nutrition, smoking and/or excessive alcohol intake. ▪ The new Public Health Bill to replace the Health Act 1911 requires local governments to prepare public health plans based on identified public health needs at a local level. ▪ Various departments within the City already provide programmes and services that impact on public health; however initiatives are uncoordinated across service areas. That is reflected in the City's Strategic Plan, which doesn't have a strong public health focus. ▪ There is very little collaboration with other agencies in the region dealing with similar issues and objectives. As a result, initiatives are disjointed. 	<p>a) Pursue the development of a coordinated strategy to minimise the incidence of preventable chronic diseases in the community, in partnership with the Shire of Serpentine Jarrahdale, SMAHS and other key stakeholders.</p> <p>NB. In order to achieve alignment with the Western Australian Health Promotion Strategic Framework 2007-2011⁽³⁾ and the SMPHU Strategic Plan 2008-2011⁽⁴⁾, it is suggested that the coordinated strategy for this KRA should be broken down into the following priority areas:</p> <ul style="list-style-type: none"> ▪ Reduce harm caused by tobacco smoking across the population of the COA ▪ Increase healthy eating across the population of the COA ▪ Promote healthy weight across the population of the COA ▪ Increase physical activity levels across the population of the COA ▪ Reduce alcohol related harm across the population of the COA 	Health Services Manager	M	<ul style="list-style-type: none"> ▪ Development of a strategy document identifying local public health priorities and measures to be taken to address them. ▪ Establishment of formal partnerships with key stakeholders.

*M=medium term, 2-5yrs
S=short term, 1-2yrs

⁽³⁾-Department of Health (2008) Western Australian Health Promotion Strategic Framework 2007-2011
⁽⁴⁾-Department of Health (2008) South Metropolitan Public Health Unit Strategic Plan 2008-2011

THEME 4: HEALTH MANAGEMENT ENABLERS

Objective: To provide management systems support for the achievement of public health and organization goals

Description

Public health encompasses a diverse range of activities carried out and facilitated by a wide variety of agencies, each with the common goal of protecting and improving the health and wellbeing of society.

Even within agencies, various programmes are conducted targeting different issues and audiences, with insufficient emphasis on finding common elements and bringing them together to identify common goals and improvement opportunities.

This section aims to identify systems that straddle the boundaries between vertical programmes and disciplines and explore ways they can be underpinned to achieve greater consistency and quality and improve the health of identified population groups.

Key Stakeholders

- CEO
- Executive Managers
- Councillors

KRA 4.1-Workforce Capacity Building

Challenge	Ensure we have adequately resourced, well trained and motivated staff			
Issues	Actions	Responsibility	Targets (M,S)	Success Indicators
<p>32. There is a critical shortage of EHO's in WA, so it is becoming increasingly difficult to attract and retain staff. We need to consider innovative ways to create an attractive place for EH professionals to work, including:</p> <ul style="list-style-type: none"> ▪ Creating capacity by discontinuing or reducing low risk/low reward activities ▪ Widening the scope of health work to include emerging public health issues ▪ Creating employment opportunities for support staff to assist with less complex tasks and aligned health professionals to carry out specialised activities ▪ job redesign with EHO's progressively shifting from a risk assessment to risk management role ▪ providing training and development opportunities aligned with specialist roles 	<p>a) Identify low risk functions that can be discontinued, reduced or carried out by support staff on behalf of EHO's</p> <p>b) Review district functions of EHO's to provide opportunities for project management and specialist roles that require enhanced skills</p> <p>c) Identify and provide appropriate training, development and employment opportunities to support specialist roles</p>	<p>Health Manager Services</p> <p>Health Manager Services</p> <p>Health Manager Services</p>	<p>S</p> <p>S</p> <p>S</p>	<ul style="list-style-type: none"> ▪ Functions that are discontinued, reduced or transferred to support staff ▪ Identification and implementation of project management and specialist roles ▪ Training and development opportunities identified and provided ▪ No. applicants per advertised vacancy ▪ Average staff retention time

*M=medium term; 2-4yrs
S=short term; 1-2yrs

KRA 4.2-Monitoring and Evaluation

Challenge		Ensure data and information is monitored in order to identify priorities and improve performance			
Issues	Actions	Responsibility	Targets *(M,S)	Success Indicators	
33. Although we monitor and report on workload activity through monthly and annual reporting, greater emphasis on using data and information as a means of determining priorities and improving performance is needed.	a) Develop Performance Indicators for each significant programme area b) Prepare an annual report evaluating achievements against performance indicators	Health Manager Services Health Manager Services	M M	<ul style="list-style-type: none"> ▪ Documentation of performance indicators ▪ Preparation of an annual report incorporating evaluation of achievements against performance indicators 	

*M=medium term; 2-4yrs S=short term; 1-2yrs

KRA 4.6-Strategic Planning/Policy

Challenge		Adopt a strategic approach to plan for the future based on research and data			
Issues	Actions	Responsibility	Targets *(M,S)	Success Indicators	
34. The Draft Public Health Bill envisages Public Health Plans based on identified health needs of the local district. We don't have sufficient understanding of local health needs.	a) Identify local health needs through analysis of data related to health status and engagement with key stakeholders	Health Manager Services	M	<ul style="list-style-type: none"> ▪ Reporting against health indicators 	
35. The current Environmental Health Plan 2003-2008 is set to expire. The new plan needs to be reviewed regularly to ensure it remains contemporary and desired outcomes are achieved.	a) Review the new Public Health Plan annually to identify priorities and allocate resources b) Prepare an annual report on performance against the Public Health Plan	Health Manager Services Health Manager Services	S S	<ul style="list-style-type: none"> ▪ Completion of annual review ▪ Completion of annual report 	
36. Policies are needed to illustrate the City's strategic position on a number of public health issues and guide planning.	a) Identify and develop policies on priority public health issues b) Review all public health policies annually	Health Manager Services Health Manager Services	S S	<ul style="list-style-type: none"> ▪ Policies developed ▪ Completion of annual review of policies 	

*M=medium term; 2-5yrs S=short term; 1-2yrs

KRA 4.3-Financial Management

Challenge		Ensure responsible management of financial resources, including the pursuit of funding opportunities to offset costs			
Issues	Actions	Responsibility	Targets (M,S)	Success Indicators	
37. The Health Service provides a number of services on behalf of the community where it is not possible or appropriate to recover costs. Where opportunities to offset costs are identified, however, they should be pursued.	a) Conduct an annual review of Health fees and charges	Health Services Manager	S	<ul style="list-style-type: none"> ▪ Review completed annually ▪ Increasing income annually 	
38. The long awaited Food Act 2005 has passed through both houses of Parliament and is awaiting Royal Assent. It will provide for fees to be charged for notification, registration and inspections of all food businesses. Presently licensing and registration is only applicable to restaurants, takeaways and tearooms.	a) Determine and implement an appropriate fee structure after enactment of the new Food Act	Health Services Manager	S	<ul style="list-style-type: none"> ▪ Fee determined and implemented ▪ structure implemented 	

*M=medium term; 2-4yrs S=short term; 1-2yrs

KRA 4.4-Health Promotion, Education and Marketing

Challenge		Increase community awareness of health issues and the benefits of positive behaviors to foster proactive responses			
Issues	Actions	Responsibility	Targets (M,S)	Success Indicators	
39. Opportunities to raise awareness of health issues and positively influence behaviors are often missed. We need a strategy for identifying and responding to issues affecting or likely to affect the community.	a) Develop a communication strategy to raise awareness of health issues and positively influence behaviors	Health Services Manager	M	<ul style="list-style-type: none"> ▪ Development of a communication strategy 	

*M=medium term; 2-4yrs S=short term; 1-2yrs

KRA 4.5-Emergency Management

Challenge		Ensure preparedness to manage the public health consequences of disasters			
Issues	Actions	Responsibility	Targets (M,S)	Success Indicators	
40. The City's Local Emergency Management Plan was last reviewed in 2002. Although the medical response to emergencies is adequately addressed, the management of other public health threats, such as sanitation and the provision of safe food and water, is not. The State Emergency Plan for Health (2007) identifies the role of local governments to "manage the environmental and public health response during emergencies". When next reviewed, the City's plan should complement the state plan.	a) Develop a local environmental and public health strategy for incorporation in the City's Local Emergency Management Plan, when it is next reviewed.	EH Coordinator	M	<ul style="list-style-type: none"> Inclusion of a local environmental and public health strategy in the City's Local Emergency Management Plan 	
41. The State Emergency Plan for Health also suggests that each local government appoints an EHO as the Local Public Health Coordinator to coordinate the local public health response in an emergency. It is important that the person be adequately trained	<ul style="list-style-type: none"> a) Recommend appointment of an EHO as the Local Public Health Coordinator for the purpose of providing a public health response to a declared emergency. b) Identify and provide training and development for relevant staff. 	<ul style="list-style-type: none"> Health Services Manager Health Services Manager 	<ul style="list-style-type: none"> S S 	<ul style="list-style-type: none"> appointment of an EHO as the Local Public Health Coordinator Provision of identified training needs 	

*M=medium term; 2-4yrs S=short term; 1-2yrs

KRA 4.7-Compliance Management

Challenge		Ensure local laws and enforcement procedures are contemporary and compatible with community expectations			
Issues	Actions	Responsibility	Targets (M,S)	Success Indicators	
42. Local laws need to be contemporary and keep pace with public expectations.	a) Conduct an annual review of local laws	Health Manager	S	<ul style="list-style-type: none"> ▪ Annual completed amendments made ▪ Review completed ▪ Changes implemented 	
43. Under the Public Health Bill 2008, it is proposed to repeal Health local laws and rely on local laws made under the Local Government Act. We need to determine which parts we want to shift under our Local Government Act local laws.	a) Review the City's Health local laws to determine which parts can be shifted under Local Government Act local laws	Health Manager	M	<ul style="list-style-type: none"> ▪ Review completed ▪ Changes implemented 	
44. It is planned to appoint a Compliance Officer to the Health and Building Sections during 2008 and an opportunity exists to improve the management of compliance tasks.	a) Determine whether the Compliance role achieves desired outcomes	Health Manager	S	<ul style="list-style-type: none"> ▪ Report on outcomes 	

*M=medium term; 2-4yrs
S=short term; 1-2yrs

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11. Department of Health (2008) Public Health Bill 2008

APPENDICES

Appendix 1

NOTES FROM PUBLIC HEALTH PLANNING WORKSHOP NUMBER 1

<p>What Do You Like About Your Job?</p> <ul style="list-style-type: none"> ○ Diversity of work ○ Variety of work locations (districts) ○ Personal interactions with people in the community ○ Helping, assisting people with their problems ○ Positive work environment ○ The people we work with ○ Getting out of the office and participating in challenging programmes, projects with other stakeholders e.g. immunisation ○ Opportunities to use analytical, research skills to solve problems 	<p>What Don't You Like About Your Job?</p> <ul style="list-style-type: none"> ○ Dealing with people with frivolous complaints ○ Repetitive work e.g. inspections, where there are little or no challenges, tangible health outcomes ○ Lack of clear direction ○ Lack of clarity from the Department of Health about what our role should be under proposed legislation e.g. food industry training, Food Safety Plans ○ Immunisation clinics ○ Unwillingness to take legal action until other avenues exhausted
<p>What Would You Like to See Happen to Make Your Job More Satisfying/Fulfilling?</p> <ul style="list-style-type: none"> ○ Develop a framework to define how our role interfaces with other stakeholders working to improve public health in our community ○ Determine how our role contributes to public health in the community ○ Identify local public health issues to target to achieve public health gains (health indicators) ○ Seek greater clarity from the DoH about what our role should be under proposed legislation (define strategic direction) ○ Shift from inspection focus to auditing/risk assessment to identify critical hazards and risk management strategies. ○ Apply a risk management approach to prioritise inspections based on risk to health ○ Reduce administration work e.g. data entry, duplication due to transcribing notes on IT systems upon return to the office. (explore use of PDA's) ○ Discontinue/reduce health functions that are low risk and don't achieve tangible health benefits, or devolve them to lower qualified officers, enabling EHO's to monitor results and determine risk management responses ○ Discontinue/devolve non health compliance functions e.g. dust, litter complaints, burning off permits ○ Focus on services that are responsive to local community priorities ○ Greater willingness to take legal action for breaches of health legislation ○ Opportunities to use analytical, research skills to solve problems 	

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- June Doyle (South Metropolitan Public Health Unit)
- Maree Hose (South Metropolitan Public Health Unit)
- Peter Erceg (South Metropolitan Public Health Unit)
- Catherine O'Neill (Child and Adolescent Health)
- Marian Smith (Child and Adolescent Health)
- Rosemary Harris (Canning Division of GP's)

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- Jane Budree
- Ian Watt
- David Bond
- Ryan Janes
- Mike Ryan
- Trish Jones
- Chrystal Lethbridge
- Len Welch

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24 July 2008

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Dear Mr MacRae

IS COMPETITION A RELEVANT PLANNING CONSIDERATION?

Thank you for your request for our advice received 23 July 2008. We have examined the letter from Lavan Legal dated 21 July 2008. Paragraph 14 of that letter raises one aspect of the High Court's decision in *Kentucky Fried Chicken v Gantidis* (1979) 140 CLR 675. We are instructed to provide a summary of this case. Our advice follows.

Issue

The issue in *Kentucky Fried Chicken v Gantidis* was whether economic competition between an approved Kentucky Fried Chicken shop and existing fast food shops are relevant planning considerations.

Facts

In *Kentucky Fried Chicken v Gantidis*, the operators of a Kentucky Fried Chicken shop appealed to the High Court against a decision of the Victorian Supreme Court. The matter had originally been heard in the Victorian Town Planning Appeals Tribunal. The Victorian Supreme Court had decided that the Tribunal had:

"failed to consider the effect of the proposed use upon the economic viability of the adjoining area and the effect of the proposed use upon pedestrian movement."

Gantidis conducted a fried chicken and hamburger shop in a Street adjacent to the approved Kentucky fried chicken shop. Gantidis and other shop owners including a fish and chip shop, a hamburger shop, an amusement parlour, a pizza shop, a billiard saloon and a milk bar objected to the grant of planning approval for the Kentucky Fried Chicken shop.

The City of Williamstown granted planning approval to the Kentucky Fried Chicken shop. Gantidis and the other shop owner objectors appealed to the Tribunal against the

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Council's grant of planning approval. (This form of third party appeal is possible in the other States but not in Western Australia.)

The Tribunal

After hearing the objectors and all issues the Tribunal held that:

"having considered the submissions made by all the parties and having inspected the appeal premises and the surrounding area after the hearing, we are of the opinion that to permit the proposed development and use would not affect the amenity of the neighbourhood and having regard to its previous use and its present disuse and the existing uses nearby, the site is appropriate for the proposed use."

The Tribunal disallowed the appeal and granted planning approval to the Kentucky Fried Chicken shop subject to conditions.

The High Court

Gantidis appealed to the High Court against the Tribunal's grant of planning approval to the Kentucky Fried Chicken shop. High Court Chief Justice Barwick stated at [21] that

"I desire to say that it is my opinion that economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter. Restraint or prevention of economic competition is not, in my opinion, part of the orderly and proper planning of the zone to which clause 7(2) refers."

Stephen J added one further planning consideration at [17]:

"If the shopping facilities presently enjoyed by a community or planned for it in the future are put in jeopardy by some proposed development, whether that jeopardy be due to physical or financial causes, and if the resultant community detriment will not be made good by the proposed development itself, that appears to me to be a consideration proper to be taken into account as a matter of town planning. However the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration."

Conclusion

In summary the High Court in *Kentucky Fried Chicken v Gantidis* held that economic competition is not a relevant planning consideration.

There is, however, one exception. If a shopping facility would put other existing facilities into jeopardy and would not be made good by the new facility, then that would be a relevant planning consideration. In other words there must be more than a mere

threat of competition. Overall there must be a loss of facilities resulting from the new proposal and this would be a relevant planning consideration on the grounds of orderly and proper planning.

We reiterate that in *Jennings Industries v City of Mandurah No 3*, TPAT WA 1984 the Town Planning Appeal Tribunal heard the City's arguments that there was already too much retail space in Mandurah and that more space would have a detrimental impact on existing shops. The Tribunal held that it would not be in accordance with sound planning principles to protect existing businesses from competition.

It was argued in South Australia that a child care centre should not be developed because it would cause existing centres to close. The Court stated that:

"Mr Cole's argument really amounts to the dressing up of a concern about commercial competition in planning language": ABC Development Learning Centres Pty Ltd v City of Tea Tree Gully [2004] SAERDC 111.

The Council enjoys the discretion to decide on planning grounds as to what it considers are relevant considerations of orderly and proper planning in the relevant circumstances.

Council should be mindful that it should not be seen as involving itself in an issue which may limit or prevent economic competition between traders. It is well settled that the issue of commercial competition is not a planning issue.

Please telephone the writer on 9483 0119 direct with any queries.

Yours faithfully
KOTT GUNNING



ERNIE SAMEC
Partner