

CITY OF ARMADALE

MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 18 OCTOBER 2010 AT 7:00 PM.

PRESENT: Cr H A Zelones JP Chair
Cr P J Hart
Cr C J MacDonald
Cr M H Norman
Cr L Reynolds AM JP
Cr L Sargeson
Cr R J Tizard

APOLOGIES: Nil.

OBSERVERS: Cr G A Best

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

Public 1

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 Zelones

ARA – Proposal to extend the Forrestdale Business Park (West)

Redevelopment Area boundary to the West-----Page 104

QUESTION TIME

Nil.

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 20 September 2010, to be confirmed.

MOVED Cr Reynolds
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.18/2010

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

▪ **Outstanding Matters & Information Items**

Report on Outstanding Matters - Development Services Committee
Local Govt Reference Group Minutes 28/7/10

▪ **Health**

Health Services Manager’s Report for the month of August 2010

▪ **Planning**

Planning Services Report for the month of August 2010
Planning Applications Report for the month of August 2010
Planning & Building Applications Processing Times
Reviews before the State Administrative Tribunal (SAT)
Town Planning Scheme No.4 - Amendment Action Table
Subdivision Applications - WAPC Approvals/Refusals – August 2010
Subdivision Applications - Rpt on Lots Registered for 05/06, 06/07, 07/08 & 08/09
PAW Closure Report - Significant Actions during August 2010
Road Naming Report 2008/09 & consequential action of Council Recommendation
Compliance Officer’s Report for the month of August 2010

▪ **Building**

Building Services Manager’s Report for the month of August 2010
Building Compliance Report for the month of August 2010
Building Applications Monthly Statistics - August 2010

Committee complimented the Building Department officers for all their hard work in relation to the number of building applications being processed.

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

DEVELOPMENT SERVICES COMMITTEE

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18 OCTOBER 2010

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REVIEW OF ALCOHOL POLICY (HLTH 3)

WARD : ALL
FILE REF : PH/A/3
DATE : October 2010
REF : JE
RESPONSIBLE : HSM
MANAGER

In Brief:-

- Council adopted an Alcohol Policy in 2003, which was last reviewed in February 2007.
- The Health Service has been engaged in a consultative process to review the existing policy and develop a 'whole-of-organisation' Alcohol Risk Minimisation Policy and Alcohol Action Plan to address alcohol-related harm issues within the community.
- It is recommended that Council replace the existing policy HLTH3 with the draft Alcohol Risk Minimisation Policy shown in *at Attachment “A1” of the Minutes.*

Tabled Items

Nil.

Officer Interest Declaration

Nil

Strategic Implications

Community Wellbeing

- Optimum quality of life for all citizens
- Accessible health and other support services that meet the needs of our community

Good Governance and Management

- Good governance and leadership

Legislation Implications

Local Government Act 1995 – section 2.7 refers to the role of Council to determine local government policies.

Liquor Control Act 1988 – enables local governments to apply legislative duties and manage alcohol related risks.

Council Policy / Local Law Implications

The proposed Alcohol Risk Minimisation policy will replace the existing Alcohol policy (HLTH3) if adopted. Related policies are:

- COMD 2 – Community Consultation
- COMD 5 – Sponsorship of the City’s Events, Programs, Facilities and Publications
- RECN 4 – Hire of Halls and Buildings

Budget / Financial Implications

Nil

Consultation

External	Internal
South Metropolitan Public Health Unit (SMPHU)	Relevant managers and officers from Community Services, Development Services and Technical Services Directorates
Local Drug Action Group	Management Executive
Western Australian Local Government Association (WALGA)	Risk Management Coordinator-Human Resources
Department of Health Drug and Alcohol Office	
West Australian Police Department	

BACKGROUND

The City of Armadale has been engaged with the Western Australian Local Government Association (WALGA) and 11 other pilot Councils to address alcohol-related harm issues within the community, using the framework and resources in the "Local Government Alcohol Management Package".

The 12 month project was funded by a grant from the Criminal Confiscation Act 2000 Grants Program, with the ultimate aim being to develop a 'whole-of-organisation' Alcohol Risk Minimisation Policy and Action Plan.

The project coincided with development of a key strategy in the City's Public Health Plan 2008-2013 to reduce the incidence of preventable chronic diseases. Reduction of alcohol related harm across the population of the City was identified as a key priority to achieve that strategy.

To establish a solid foundation, a structured approach was undertaken including formation of a cross functional work team and the mapping of activities across the City that related to alcohol management. This enabled a shared understanding of the broad range of alcohol related activities the City is already involved in and the opportunities that creates for inter-department collaboration and defining the scope of the policy so that key issues could be identified and addressed.

Research of local alcohol data and key documents to provide guidance, identify gaps and develop a local community alcohol profile was also conducted, which showed that among people aged 16 years and above in the South Metropolitan Area Health Service, 49% of people who reported drinking alcohol drank at risky/high levels for long-term harm and 21% drank at risky/high levels for short-term harm (based on the 2009 NHMRC guidelines).

COMMENT

Following extensive consultation across the City a draft Policy has been compiled, together with a Management Practice that describes strategies for achieving the aims of the Policy. While only the Policy is presented for Council approval, both the Policy and current Management Practice are *at Attachment “A1” of the Minutes*.

The policy is based on the premise that the City recognises its obligation to take all reasonable measures to help ensure the protection of public health and safety in the community through initiatives that promote responsible alcohol consumption and provide a safe and secure environment.

The effects of alcohol misuse go beyond diseases, accidents and injuries to a range of social, economic and environmental costs to the City and the community due to anti social behaviours such as drink driving, violence, crime, vandalism and littering, which can have a detrimental effect on the community.

The City is in a position to help minimise alcohol related harm through supporting safer environments for drinking, managing the physical availability of alcohol, and through environmental design and planning that supports community wellbeing.

Once the policy is adopted it is proposed to reconvene the internal working group to develop an action plan to ensure the Policy and management practice are adopted and implemented across the City.

OPTIONS

1. To adopt the draft Alcohol Risk Minimisation Policy unchanged.
2. To adopt the draft Alcohol Risk Minimisation Policy with modifications.
3. To elect not to proceed with adoption of the draft Alcohol Risk Minimisation Policy

CONCLUSION

The draft Alcohol Risk Minimisation Policy was developed in conjunction with the other 11 Councils participating in the Alcohol and Crime Management Project

It also achieves a stated objective in the City’s Public Health Plan 2008-2013, to become more involved in chronic disease prevention in a support and partnership role. An important outcome of the process so far has been the relationships developed between internal departments and key external stakeholders based on recognition of shared goals and interests.

Option 1 is therefore recommended.

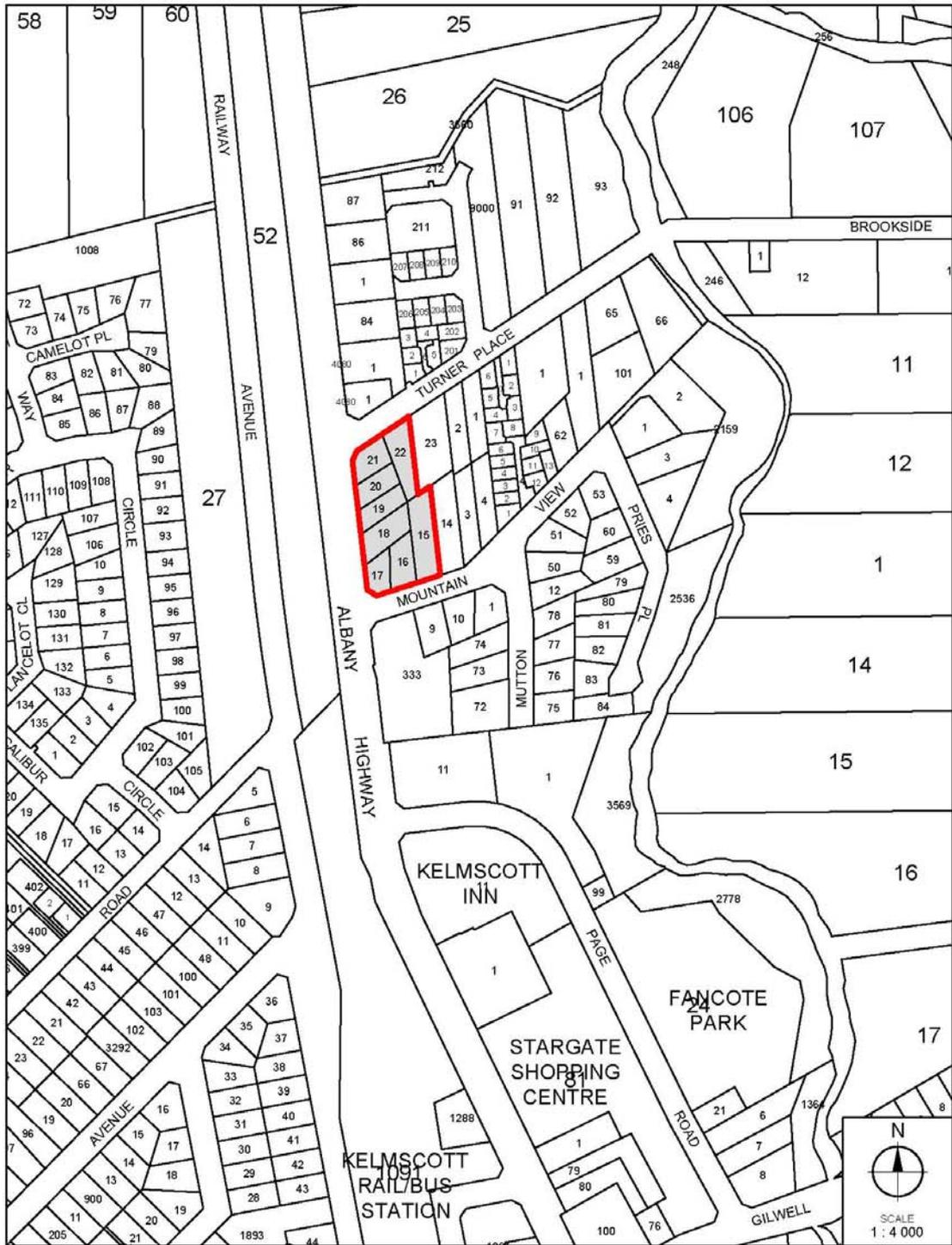
D82/10/10 RECOMMEND

That Council, pursuant to section 2.7 of the *Local Government Act*:

- 1. Adopts Council Policy HLTH 3-Alcohol Risk Minimisation as presented at Attachment “A1” of the Minutes.**
- 2. Delete prior Council Policy HLTH 3 – Alcohol.**

MOVED Cr Hart
MOTION CARRIED (7/0)

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LOCATION PLAN
LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT

PROPOSED MULTI-STOREY MIXED USE DEVELOPMENT – LOTS 17-21 ALBANY HIGHWAY, LOTS 15 AND 16 MOUNTAIN VIEW AND LOT 22 TURNER PLACE, KELMSCOTT

WARD : RIVER
APPLN NO. : 10.2009.536.1
DATE : 4 October 2010
REF : MAK
RESPONSIBLE MANAGER : EMPS
APPLICANT : Dykstra Planning
LANDOWNER : Equal Pty Ltd
SUBJECT LAND : Property size: Approx.
6882m² total.
ZONING
MRS : Urban
TPS No.4 : District Centre – Restricted
Use No.2; Residential
R15/40.

In Brief:

- Council has received an application for Eight (8) Single Bedroom Grouped Dwellings, 21 Multiple Dwellings and 12 commercial tenancies.
- The application was advertised resulting in one (1) submission.
- Recommend that Council approve the application subject to appropriate conditions.

Tabled Items

Plans will be available of the Development Services Committee meeting.

Officer Interest Declaration

Nil.

Strategic Implications

- 2.3 Diverse and attractive development that is integrated with the distinctive character of the City.
 - 2.3.1 Provide supportive planning and development guidance and liaison on major land developments.
- 2.4 Attractive and user-friendly streetscape and open spaces.
 - 2.4.1 Implement townscape, streetscape and parkland improvements to enhance the distinctive character of the City.



AERIAL PHOTOGRAPH
LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT

Legislation Implications

Planning and Development Act 2005
Metropolitan Region Scheme
Town Planning Scheme No.4
Local Planning Strategy 2003

Council Policy / Local Law Implications

PLN 2.9 Landscaping
PLN 3.1 Residential Density Development
PLN 5.1 Highway Development

Budget / Financial Implications

Nil.

Consultation

- ◆ Surrounding landowners;
- ◆ Development Control Unit;
- ◆ Technical Services Directorate;
- ◆ Parks; and
- ◆ Main Roads Western Australia.

BACKGROUND

The subject site is located on the northern edge of the Kelmscott District Centre. The site was previously occupied by a Garden Centre/Nursery (The Colour Drop Nursery) but has been vacant for the last two years.

The site contains a single tree with one other tree being located on the Mountain View verge abutting the property. Apart from these two trees the only other vegetation on site consists of weeds.

There is a bus stop, with a shelter, on Albany Highway adjacent to the front of the development site.

An application for the construction of 36 multiple dwellings and 4 grouped dwellings on the site was lodged with the City in 2007. On 28 March 2008 Planning Approval was issued for this development. However, the landowner did not proceed with the development.

The City received the application on 11 December 2009. Since then, the application has been through a couple of revisions to satisfy various Town Planning Scheme, Residential Design Code and Planning Policy requirements and was advertised for public comment. In addition, further supporting information has been submitted in support of the application in the form of a traffic impact study. Technical Services, following review of the initial traffic assessment, required additional information with regard to the traffic impact.

The application is referred to Council for determination due to the discretionary nature of the density and the prominence of the location as a landmark site and entry to the Kelmscott District Centre.

DETAILS OF PROPOSAL

The applicant proposes to develop eight (8) single-storey single bedroom grouped dwellings, 21 multiple dwellings (apartments) on the upper floor of five two-storey buildings and 12 commercial tenancies on the ground floor of the two-storey blocks. The multiple dwellings consist of a mix of one (1) and two (2) bedroom apartments. All of the grouped dwellings are in a single block.

Refer to attached site and floor plans, elevation drawings and artist impression.

The single bedroom grouped dwellings will each have plot ratio floor area of 60m². The single bedroom multiple dwellings will have floor areas of between 65m² and 80m². The two-bedroom multiple dwellings will have floor sizes ranging from 75m² to 98m². The applicant advises that each multiple dwelling within the complex will be facilitated with personal laundry dryers as part of the development works, and clothes lines will not be permitted on balconies.

The 12 ground floor commercial tenancies will be between 99m² and 176m² (average 129m²) and are intended to be primarily used for small offices, but under the District Centre and Restricted Use zoning applicable to the site could potentially be used for restaurants, consulting rooms, medical centre and veterinary centre (restricted) uses among others. Each commercial tenancy will have:

- ◆ Provision for car parking within close proximity to each use (minimum of 4 car parking bays per tenancy);
- ◆ Glazed shopfronts addressing Albany Highway (and/or external streets) to maximise commercial exposure;
- ◆ Toilet and kitchen facilities; and
- ◆ Rear doorway service access to the tenancies at appropriate locations.

A single centre waste bin storage area is proposed for the site. It is intended that private waste collection contractors employed by the strata company will be responsible for waste collection on the site.

Extensive use of glazing is proposed to external facades facing Albany Highway, to achieve a visual and active interface with the highway. The buildings will comprise tilt-up concrete construction. A full schedule of colours and finishes has not been provided at this stage. However, the applicant advises that a diverse palette of materials will be used including feature stone, face blockwork, timber composite cladding, textured and precast concrete and prefinished metal cladding. The attached Artist Impression provides an indication of the building type, material and colours intended to be used within the development.



ARTIST IMPRESSION
LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT



GROUND FLOOR

DEVELOPMENT SITE PLAN
Lots 15 - 22 Albany Highway
KELMSCOTT



Subdivision, Rezoning, Structure
 Planning, Development Planning,
 Design, Advocacy
 2955 Albany Highway,
 Kelmscott WA 6111
 T: 9465 1647
 F: 9455 1946
 admin@dykstra.com.au

4 May 2010



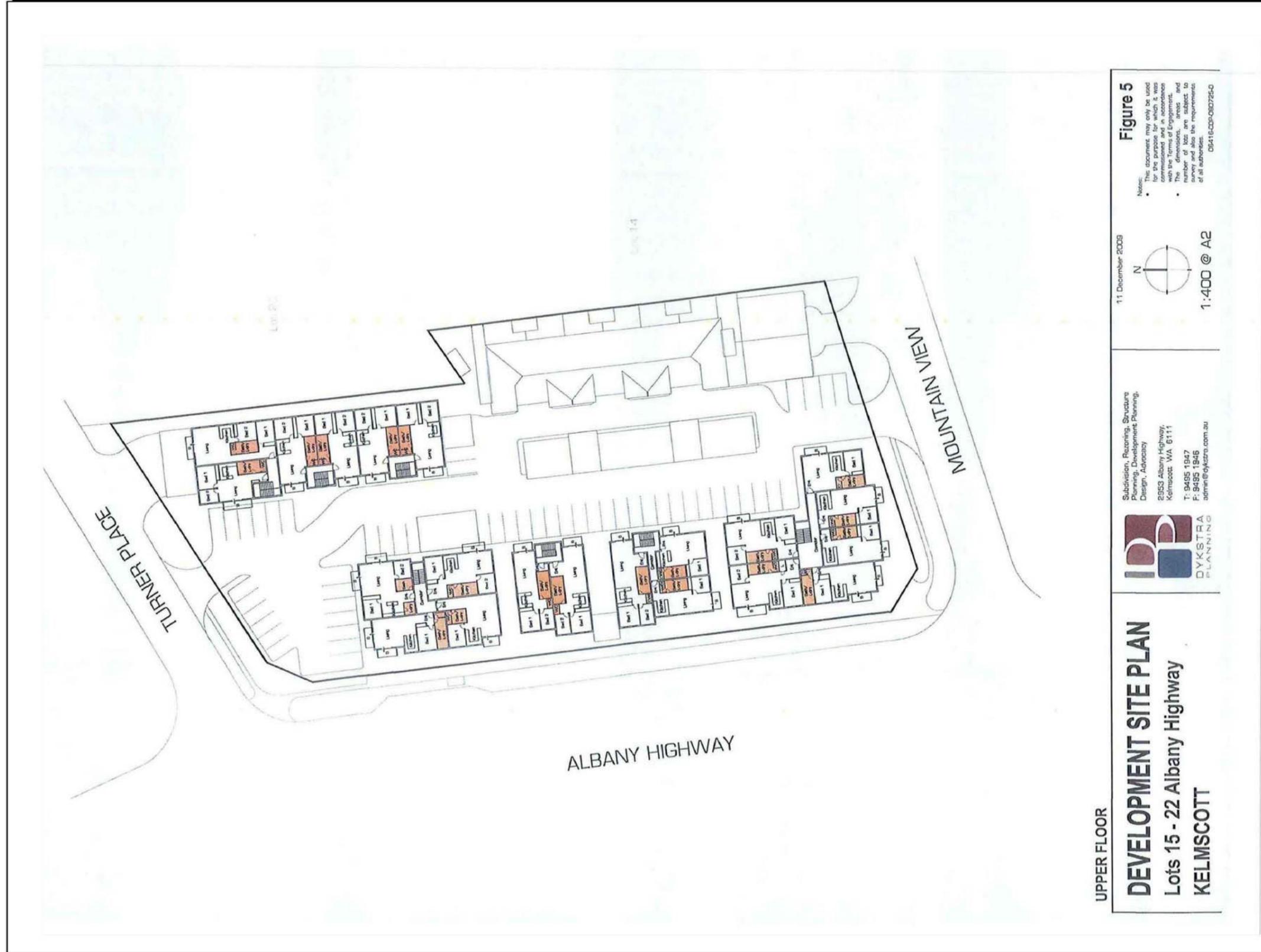
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Figure 4

Notes: This document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement. The number of lots are subject to survey and also the requirements of all authorities.
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SITE PLAN
 LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT

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UPPER FLOOR

DEVELOPMENT SITE PLAN

Lots 15 - 22 Albany Highway

KELMSCOTT

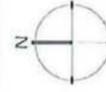
Subdivision, Rezoning, Structure
Planning, Development Planning,
Design, Advocacy

9353 Albany Highway,
Kelmscott WA 6111

T: 9435 1947
F: 9435 1946
admin@dykstra.com.au



11 December 2009



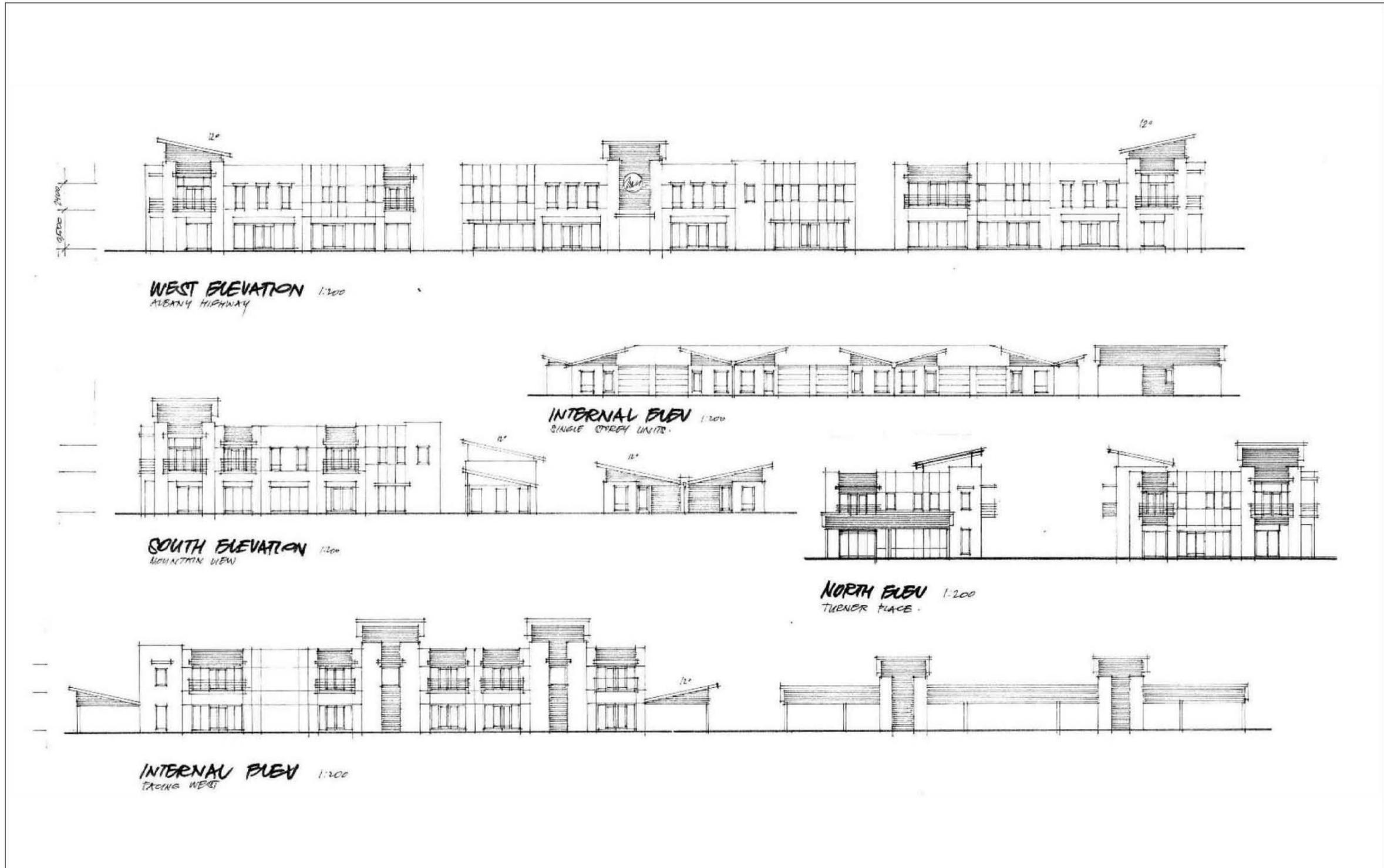
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Figure 5

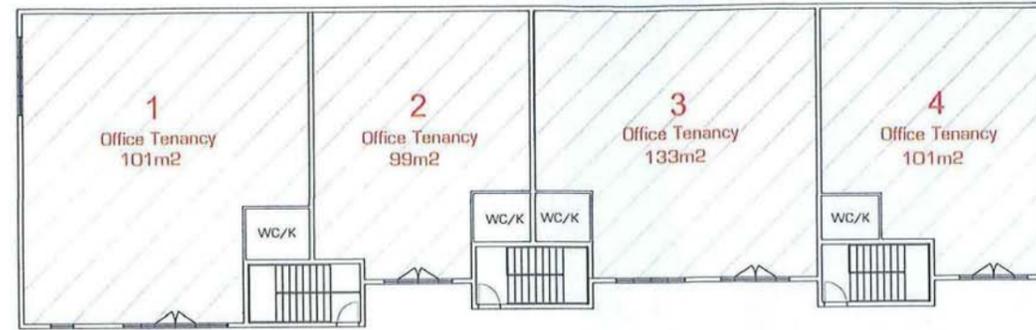
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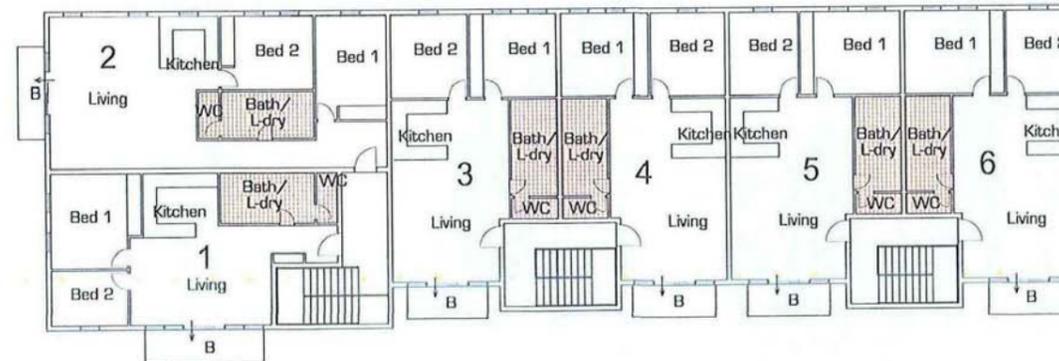
SITE PLAN
LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT



ELEVATION PLAN
LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT



Ground Floor - Office



Upper Floor - Residential

Residential		
Unit No.	Bedrooms	Floor Area
1	2	75m ²
2	2	98m ²
3	2	77m ²
4	2	77m ²
5	2	77m ²
6	2	77m ²

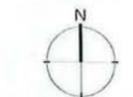
OFFICE & RESIDENTIAL FLOOR PLANS

Lot 15 - 22 Albany Highway
 KELMSCOTT



Subdivision, Rezoning, Structure
 Planning, Development Planning,
 Design, Advocacy
 2053 Albany Highway,
 Kelmscott WA 6111
 T: 9495 1947
 F: 9495 1946
 admin@dykstra.com.au

10 December 2009



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Figure 6

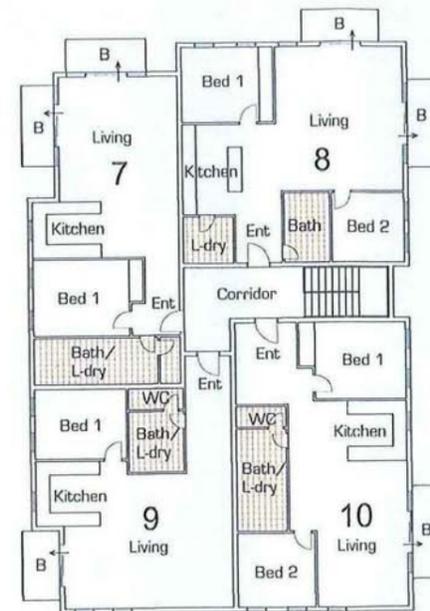
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FLOOR PLAN
 LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT



Ground Floor - Office



Upper Floor - Residential

Residential		
Unit No.	Bedrooms	Floor Area
7	1	78m ²
8	2	90m ²
9	1	80m ²
10	2	92m ²

OFFICE & RESIDENTIAL FLOOR PLANS

Lots 15 - 22 Albany Highway
 KELMSCOTT



Subdivision, Rezoning, Structure
 Planning, Development Planning,
 Design, Advocacy

2953 Albany Highway,
 Kelmscott WA 6111

T: 9495 1947
 F: 9495 1946
 admin@dykstra.com.au

10 December 2009



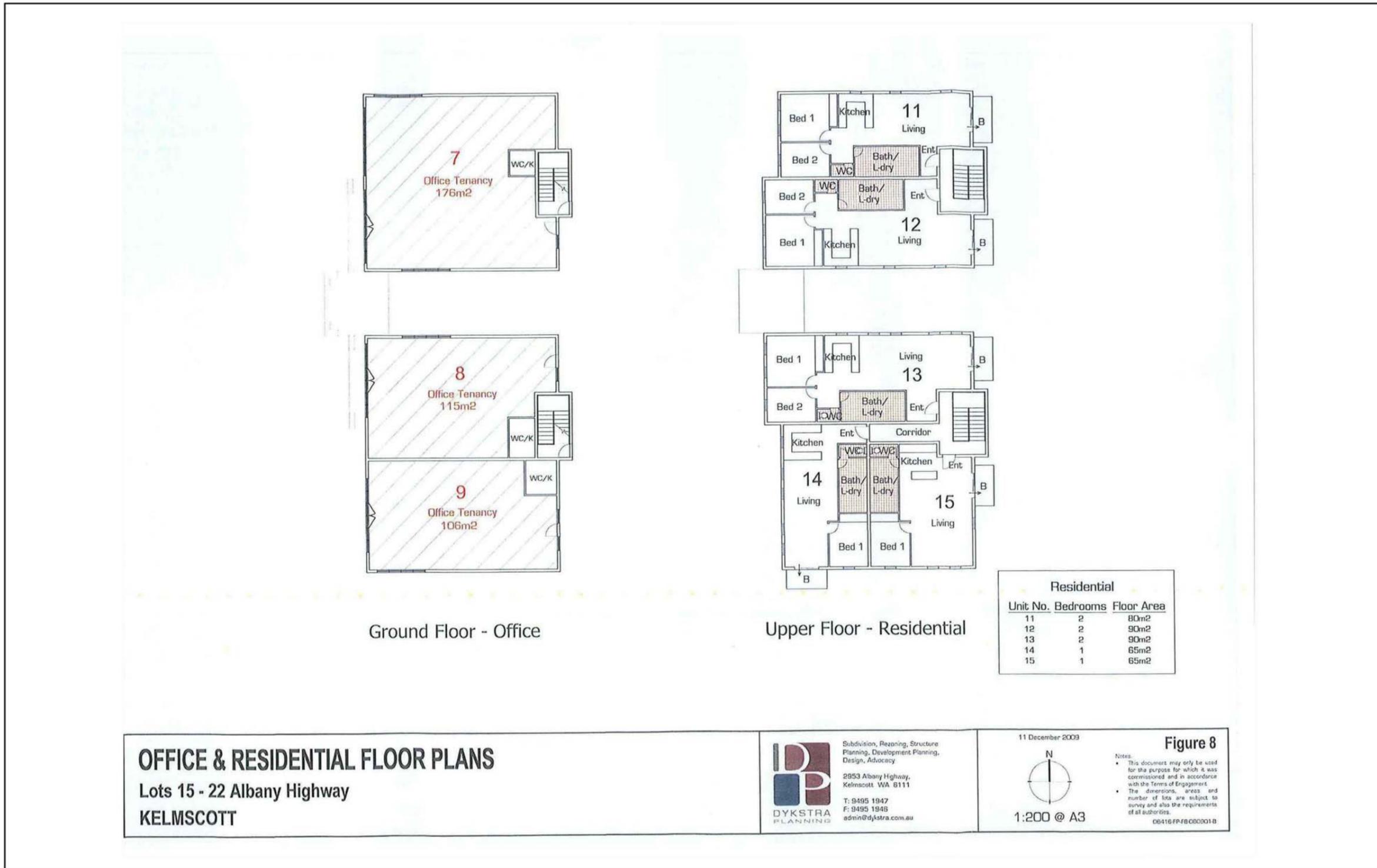
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Figure 7

- Notes:
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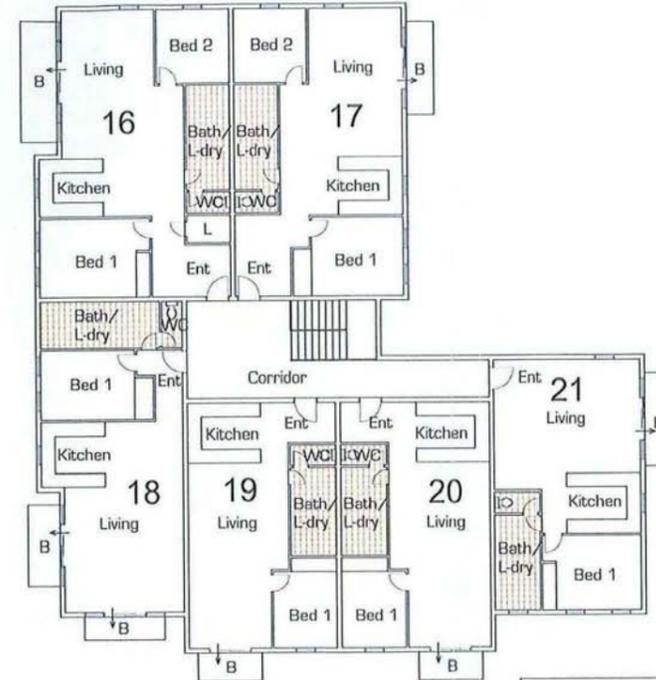
FLOOR PLAN
 LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT



FLOOR PLAN
 LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT



Ground Floor - Office



Upper Floor - Residential

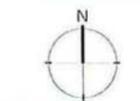
Residential		
Unit No.	Bedrooms	Floor Area
16	2	97m ²
17	2	91m ²
18	1	77m ²
19	1	69m ²
20	1	69m ²
21	1	69m ²

OFFICE & RESIDENTIAL FLOOR PLANS

Lots 15-22 Albany Hwy
KELMSCOTT

DYKSTRA
PLANNING
Subdivision, Rezoning, Structure
Planning, Development Planning,
Design, Advocacy
2953 Albany Highway,
Kelmiscott, WA 6111
T: 9495 1947
F: 9495 1946
admin@dykstra.com.au

11 December 2009

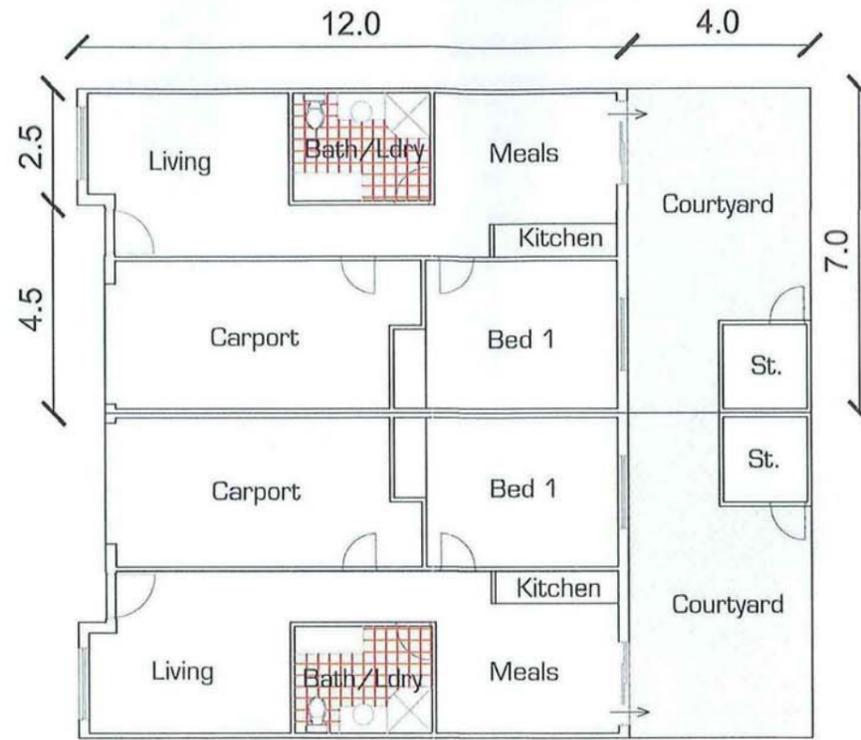


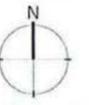
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Figure 9

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06416FP3-080901-B

FLOOR PLAN
LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT



<p>SINGLE BEDROOM UNIT FLOOR PLANS Lots 15-22 Albany Hwy KELMSCOTT</p>	 <p>Subdivision, Rezoning, Structure Planning, Development Planning, Design, Advocacy 2953 Albany Highway, Kelmscott WA 6111 T: 9495 1947 F: 9495 1946 admin@dykstra.com.au</p>	<p>11 December 2009</p>  <p>1:100 @ A3</p> <p>Figure 10</p> <p>Notes:</p> <ul style="list-style-type: none"> This document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement. The dimensions, areas and number of lots are subject to survey and also the requirements of all authorities. <p>06416 FPF10 080901-B</p>
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FLOOR PLAN
 LOTS 15 - 22 ALBANY HIGHWAY, KELMSCOTT

COMMENT

Development Control Unit (DCU)

At its meeting of 5 October 2010 DCU recommended that the application be supported subject to appropriate conditions.

Technical Services

Technical Services carried out a comprehensive review of the proposal and the Traffic Impact Assessment submitted with the application. Technical Services subsequently requested some additional information with regard to following matters:

1. The safety aspects of the separation distance between crossovers to the site and road intersections with Albany Highway;
2. Parking bay layout to be dimensioned so that the City is able to assess compliance with Australian Standard for off street parking;
3. Pedestrian paths internal and external to the site.

The required additional information was submitted by the applicant on 6 September 2010 and Technical Services confirmed the same day that all areas of concern had been addressed or could be addressed by conditions.

Parks Department

Parks Department was requested to inspect and assess the large single eucalyptus tree on the property with regard to whether it was suitable for retention within the development. Parks Department advised as follows:

The tree was found to be in an overall poor condition having previously been lopped incorrectly causing weakened knuckle joints on the tree limbs. Several large limbs have snapped out and fallen to the ground below as a direct result of past poor pruning practices. The limbs growing toward Turner Place do not meet the clearance requirements of Western Power and once pruned will leave the tree unbalanced. The tree species is well known to shed large limbs / self prune, this is also evident on site.

Parks Department recommend the tree be removed and that suitable replacement trees be planted on the development site. These should be advanced e.g. 100 litre size. This can be assessed following submission of a comprehensive landscape plan.

Main Roads Western Australia (MRWA)

As the development site has frontage to Albany Highway, the proposal was required to be forwarded to MRWA for comment. MRWA advised that the proposed development is acceptable to Main Roads subject to several conditions.

ANALYSIS

Public Advertising

The proposal was advertised for 14 days, closing on 15 June 2010. This advertising was carried out by way of a sign on-site and letters to affected and nearby landowners.

Total No. of submissions received	:	1
No. of submissions of conditional support/no objection	:	1
No. of submissions of objection	:	0

The issue raised in the submission is detailed and responded to below.

Issue No.1 - Security

Request clarification as to what security measures will be put in place in the development.

Comment

The following response was provided by email to the submitter:

The developer has not provided any details of security systems/measures to be put in place in the development. The offices will most likely be alarmed as is normally the case with commercial premises. The presence of residences on the same site as the offices will provide passive security when the offices are closed as people will always be on the site. This will deter break-ins in the commercial premises after hours.

Recommendation

That the issue is supported.

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

Use Class and Permissibility

Multiple Dwellings and Grouped Dwellings are both ‘D’ uses within the ‘District Centre’ zone of TPS No.4, meaning that the use is not permitted unless the City has exercised its discretion by granting planning approval. Offices are “P” uses within the ‘District Centre’ zone of TPS No.4, meaning that the use is permitted but still requires planning approval prior to commencement of the use.

The site has a dual zoning of Restricted Use in addition to the District Centre zone. Under the Restricted Use applicable to the site a number of uses normally allowed in the District Centre zone are designated as “X” (prohibited) uses. This leaves a limited range of commercial uses that may be carried out on the land. Generally the uses that are prohibited are those that would be most appropriate in the central retail core of the Kelmscott District Centre.

Given that the development is mixed use with a large amount of residential, any uses proposed to be carried out on the site need to be compatible with residential development. The applicant suggests that the following uses are the only ones that would meet these criteria:

- ◆ Office
- ◆ Restaurant/Café
- ◆ Trade Display
- ◆ Veterinary Centre (without overnight animal accommodation)
- ◆ Medical Centre

It is considered that this is an appropriate range of uses for the site.

It should be noted that the application identifies all of the commercial tenancies as “Office”. Accordingly, the car parking requirements (discussed below) for the site have been calculated based on this land use. Planning Approval would need to be obtained before any uses other than “Office” could be commenced on the site. Changes of use may also result in greater parking requirements and the need for the developer/proponent to pay cash-in-lieu for on-street car parking.

Density

The development has, in effect, three (3) different densities applicable to it. This is partly due to the fact that two (2) separate zonings apply to the subject site.

The grouped dwellings are proposed on the only lot out of the eight (8) involved that is zoned ‘Residential R15/40’, being Lot 15 Mountain View. As these dwellings are Single Bedroom dwellings, the Residential Design Codes allows the required site area to be reduced by one third below the site area normally required under the R40 code. This bonus would result in a potential reduction in the site area from 200m² minimum / 220m² average per dwelling to 133.34m² minimum / 146.68m² minimum. This would allow for a potential of 9 Single Bedroom Dwellings on Lot.

There is some concern as to whether this additional bonus should be allowed on top of the bonus already allowed under the dual-coding of the site (R15/40). However, it is considered that, in the interests of promoting diversity in housing size and style within Kelmscott, the Single Bedroom Bonus should be allowed for the following reasons:

- ◆ The majority of grouped dwelling stock developed or in the process of being developed in Kelmscott consists of three (3) bedrooms, two (2) bathroom dwellings. Accordingly, people looking to purchase smaller dwellings than traditional standards or who don’t need multiple bathrooms or bedrooms generally are only left with either apartment style living or retirement villages.
- ◆ Apartment style living is not suited to everyone’s taste or level of mobility. A lot of the market that is looking for smaller dwellings are elderly and, walk-up apartments are not always suited to their level of mobility.
- ◆ Increasing the density on this site will provide more dwellings within the 400m walkable catchment of the District Centre and adjacent to public transport nodes.

The multiple dwellings are all within the ‘District Centre – Restricted Use No.2’ zone. Clause 5.2.6 of TPS No.4 outlines that “*in those non-residential zones in which grouped or multiple dwellings are permitted at the discretion of the City... the maximum density of development shall be determined by the City, taking into consideration the suitability of the area for the proposed development and the likely impact of the development on the amenity of the locality*”.

Given R40 can be applied for within a number of areas throughout the City of Armadale (predominantly around the Armadale and Kelmscott city centres, shopping centres, public open space and public transport nodes) it is the officer’s opinion that a density of R60 within the ‘District Centre’ zone that forms the Kelmscott city centre itself would not appear to be an excessive increase, nor would the development’s two-storey form be out of character with the Kelmscott city centre streetscape.

Development Requirements under TPS No.4

Design Element	Required	Proposed	Comments
Plot Ratio	Maximum 1.0	0.66	Complies.
Landscaping	5% of site / 344m ² ; 2m wide strip between parking areas and street; shade trees 1 every 10m length of car bays.	560m ² approximately; minimum 2m wide between boundaries and car parking areas	Complies. Include standard Landscaping Plan conditions and advice notes.
Building Height	No specific height limit; consistency with adjacent buildings.	2-storey	This is consistent with both the Residential Design Codes and the prevailing standard that is emerging throughout the Kelmscott District Centre.

Residential Design Codes of Western Australia (RD-Codes)

Element	Required	Proposed	Comments
Minimum street setbacks	Nil		
Rear Setbacks	2 storey building - 2.3m Grouped Dwellings	2.3m Nil or 1.5m	Complies. Complies - Dwellings have 4m setback and stores have Nil setback
Open space	Mixed Use Development generally - Nil	4183m ² open space or 61%	Complies
Communal open space	Nil	Nil	Complies
Balcony (Multiple Dwellings only)	4m ² with minimum dimension of 1.5m	All multiple dwellings have at least 1 balcony with the required area and dimensions	All comply
Outdoor Living Area (Grouped Dwellings only)	20m ² with minimum dimension of 4m	22m ² with minimum dimension of 4m	All comply

Element	Required	Proposed	Comments
Visual Privacy	Balconies – 7.5m setback or screening required	Eastern side of balcony for unit facing Turner Place requires screening as it will impact on privacy of courtyards of units to the east.	Condition required

PLN 3.1 – Residential Density Development (PLN 3.1)

A full assessment of the proposal against the requirements of Local Planning Policy PLN 3.1 is at Attachment “A2” of the Minutes.

A few areas of non-compliance with the policy were determined as follows:

1. Footpaths – There are not any footpaths constructed on Turner Place or Mountain View and the existing footpath on the Albany Highway verge abutting the property is in very poor condition. A requirement payment of a levy for the construction of footpaths should be included as a condition of approval;
2. Roof Pitch – the policy requires a 25% roof pitch. All of the proposed two-storey buildings have flat roofs. However, this is considered in keeping with the character of the District Centre which is typified by 2 storey height (and in some cases higher) flat roofed buildings. The single storey grouped dwellings have a combination traditional pitched roof with some butterfly (upside down) pitched roof features, which provides a good level of architectural detailing for this smaller building; and
3. Communal Open Space - Under the policy 252m² of communal open space would be required (12m² per dwelling). The Residential Design Codes require 16m² per dwelling for grouped or multiple dwellings except where those dwellings form part of a Mixed Use development. Accordingly, this requirement has not been imposed on this development.

PLN 5.1 – Highway Development

The objectives of PLN 5.1 are as follows:

- ◆ To encourage the uninterrupted movement of traffic along the highway;
- ◆ To reduce conflict to a minimum between traffic wanting to enter and leave properties, and traffic travelling along the highway; and
- ◆ To reduce the incidence of pedestrian/vehicle conflict along the highway.

To achieve the above objectives the policies restricts development on sites with frontage to a primary distributor road (e.g. Albany Highway). Uses other than those designated as “P” (Permitted) uses under the Town Planning Scheme will only be approved by the Council if the site as alternate road frontages that may be used for ingress and egress. The subject site has two street frontages other than Albany Highway and as such meets this requirement.

Car parking

The car parking requirements for the Office component of the development are set out in Schedule 11A of TPS No.4. The car parking requirements for the residential component of the development are determined under the Residential Design Codes of Western Australia. The required and proposed car parking for this development is set out below:

Element	Required	Proposed	Comments
Office: 3 spaces per 100m ² Net Lettable Area (NLA) /minimum 4 spaces per tenancy	1488m ² NLA @ 3 per 100m ² NLA = 44.64 spaces Or 12 office tenancies x 4 spaces each = 48 spaces 48 spaces required	45 regular spaces 4 disabled bays = 49 bays	Complies
Single Bedroom Grouped Dwellings with plot ratio less than 60m ²	1 space per dwelling plus 1 visitor space = 9 spaces	8 spaces for residents plus 1 space for visitors	Complies plus office parking may be available for visitors outside office hours.
Multiple Dwellings 1 per dwelling where on-site spaces for other users is available outside normal business hours.	21 units = 21 dwellings	21 resident spaces plus 1 visitor bay	Complies. Note: Visitors' bays have been designed to disabled parking standards.
	Total required = 78	Provided = 80	complies

Amenity / Streetscape

The applicant has submitted some three-dimensional perspectives to give some indication as to how the development could look when completed. It is considered that the density, style and two-storey form of the development would fit in with the streetscape of the Kelmscott city centre and would not adversely impact upon the amenity of the surrounding 'Residential' zone.

The Artist Impression included with the application demonstrates a high level of architectural detail, different colours; buildings address street corners well and provide interesting architectural design that is appropriate to the landmark nature of the site. The offices and apartments facing Albany Highway are in four separate buildings with space for landscaping including tree planting between the buildings. This will provide an extremely attractive streetscape outcome.

Traffic Impact Study

The applicant has provided a traffic impact study (TIS) prepared by Uloth and Associates, which was examined by the Technical Services Directorate. Technical Services required some additional matters to be addressed by the TIS and consequently a revised TIS was submitted in April 2010. The amended TIS makes several conclusions and recommendations as follows:

- ◆ It is recommended to modify the car park layout and internal road alignment, in order to provide better connectivity along the internal road, whilst also improving the car park layout, and providing access for garbage trucks. The recommended plan provides a total of 80 parking spaces, with 29 spaces for the exclusive use of residents.
- ◆ It is recommended to provide a constant roadway width of 6.1 metres in order to accommodate the swept path of a garbage truck and to also provide adequate room for manoeuvring in and out of parking spaces and car ports.
- ◆ It is recommended to provide a footpath between the internal car park and the adjacent commercial tenancies. Parking spaces adjacent to the footpaths should therefore either have wheel stops installed, or they should have their length reduced to 4.8 metres with a 0.6 metre overhang, in order to stop parked vehicles from encroaching onto the footpath.
- ◆ It is recommended that the proposed footpaths along the southern side of Turner Place and the northern side of Mountain View should extend along the length of the development site. This will provide access for pedestrians to the parking spaces in the far north east corner of the site off Turner Place as well as the 2 grouped dwellings fronting Mountain View.
- ◆ It is recommended to provide a central Bin Storage area as shown in Figure 4, and to relocate the proposed storage rooms to another part of the site.

The applicant submitted amended plans incorporating the above recommendations and Technical Services advised that the amended plans address the issues raised in their initial assessment of the development.

Amalgamation

The development is proposed over eight (8) lots in total. Should the application be approved, the subject site will be required to be amalgamated.

WAPC'S Directions 2031 and Beyond

In August 2010 the Government released “Directions 2031 and Beyond”, which strongly advocates that residential densities increase particularly near Activity Centres. Kelmscott is designated a District Centre under this Strategy. The Strategy indicates that Greenfield development should achieve a density of 15 dwellings per gross hectare and around District Centres a 20 dwelling target should be achieved. The proposal meets the regional target density.

OPTIONS

1. Council could approve the application to develop eight (8) single-storey single bedroom grouped dwellings, 21 multiple dwellings and 12 offices on Lots 17-21 Albany Highway, Lots 15 and 16 Mountain View and Lot 22 Turner Place, Kelmscott, subject to appropriate conditions; or
2. Council could refuse the application the application to develop eight (8) single-storey single bedroom grouped dwellings, 21 multiple dwellings and 12 offices on Lots 17-21 Albany Highway, Lots 15 and 16 Mountain View and Lot 22 Turner Place, Kelmscott for stated reasons.

CONCLUSION

The subject site is both a landmark site and an entry point to the Kelmscott city centre and as such, requires careful consideration to ensure the form of development is consistent with the standard and character the City would like to achieve in the District Centre. In this respect, it is considered that the Artist Impression (attached) demonstrates a high level of architectural detail, different colours, buildings address street corners well and provide interesting architectural design that is appropriate to the landmark nature of the site. The offices and apartments facing Albany Highway are in four separate buildings with space for landscaping including tree planting between the buildings. This will provide an extremely attractive streetscape outcome.

Seven (7) of the eight (8) lots comprising the development site are within the District Centre zone. The residential density allowed on land within the District Centre zone is subject to Council's discretion. The developer is proposing a density on the seven (7) lots within the District Centre zone of R60. Adjacent properties in Mountain View and Turner Place have been developed to a density of R40. However, it is considered that the higher density on this site is warranted given the site's location within the District Centre, proximity to public transport nodes and in the interest of providing a more diverse range of housing types and sizes within Kelmscott.

The density proposed will also help the Kelmscott District Centre to achieve the regional target density of 20 dwellings per gross hectare set by the WAPC's "Directions 2031 and Beyond" strategy for District Centres.

The appropriate implementation of conditions on an approval will address issues that require further work, such as a colour and material schedule, landscape plan, architectural detail and issues proposed by the applicant to be dealt with under strata by-laws. It should also be noted that the application has been considered in the context of the revised Local Planning Policy PLN 3.1 Residential Density Development. In this regard, it is recommended that Council approve the application in accordance with Option 1.

Committee requested that the standard advice note re communal television aerials be recommended as an additional condition of approval stating “that a communal television aerial be installed to improve amenity and improve the service to purchasers”.

Committee considered that the elevation plans associated with this proposal were inappropriate and requested that final elevation plans be re-submitted prior to issue of an approval.

Accordingly, the Recommendation was amended.

D83/10/10 RECOMMEND

That Council:

- A. Approve the application for Eight (8) Single Bedroom Grouped Dwellings, 21 Multiple Dwellings and 12 commercial tenancies on Lots 17-21 Albany Highway, Lots 15 and 16 Mountain View and Lot 22 Turner Place, Kelmscott, subject to the following conditions:**
- 1. The eastern side of the balcony to Unit 1 (as numbered on the approved plan) is to be provided with permanent vertical screening to restrict views within the cone of vision to the private outdoor living areas on Lot 23 Turner Place in accordance with clause 6.8.1 of the Residential Design Codes of Western Australia, to the satisfaction of the Executive Director Development Services.**
 - 2. A schedule of external colours and materials is to be submitted to and approved by the Executive Director Development Services. Alternative colour tones and materials are to be used to demonstrate a high standard of visual amenity and attractive streetscape. The development is to be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.**
 - 3. Clothes drying areas are to be out of public view to the satisfaction of the Executive Director Development Services.**
 - 4. In accordance with the requirements of Local Planning Policy PLN 3.1 Residential Density Development, sun protection measures are to be provided to all northern and west facing windows to habitable rooms (ie such as minimum 300mm eaves, awnings, verandahs or protective glazing) to the satisfaction of the Executive Director Development Services.**

5. **Submission of a comprehensive landscape plan (including the verge) to the satisfaction of the Executive Director Technical Services. Such plan shall include:**
- a) **Plant species (predominantly West Australian natives);**
 - b) **Numbers, location, container size;**
 - c) **Method of irrigation of the landscaped areas;**
 - d) **A minimum 2 metre wide landscaping strip between the parking area and the street boundary of the site;**
 - e) **The provision of shade trees within the car park at the rates of 1 tree per 10 metre interval along any line of car parking;**
 - f) **Retention of existing street tree on Mountain View abutting the site;**
 - g) **Trees planted to be a minimum 100 litre bag size at the time of planting; and**
 - h) **Particular attention being paid to the use of landscaping to break up the bulk of the eastern side of the multiple dwelling/office building abutting the common boundary with Lot 23 Turner Place.**

The landscape plan shall be approved and all landscaping installed and maintained, to the satisfaction of the Executive Director Technical Services.

6. **A Lighting Plan showing lighting to pathways and car parking areas is to be submitted and approved to the satisfaction the Executive Director Development Services. All lighting is to be installed and operated as per approved plan.**
7. **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.**
8. **A cash-in-lieu payment for footpath construction being paid to the City, within 30 days of commencement of construction, at the rate of 5 metres of footpath per unit, to the satisfaction of the Executive Director Technical Services.**
9. **With the exception of fencing within the front setback area, internal fencing and other property boundary fencing shall be 1.8m high measured from the new ground level / top of retaining walls and constructed to a minimum standard of masonry, “Colorbond” or fibro cement painted in a colour to complement the proposed development, to the satisfaction of the Executive Director Development Services.**

- 10. Details of fencing within the front setback area or fronting the public realm demonstrating permeable visibility are to be submitted. The fencing shall be completed and maintained in accordance with the approved plan to the satisfaction of the Executive Director Development Services.**
- 11. Any walls or fencing fronting the public realm are to be treated with an anti-graffiti finish to the satisfaction of the Executive Director Development Services.**
- 12. A Waste Management Plan (including bin locations, waste vehicle routes, turning movements, gate widths and arrangements for gate use/access, construction of waste vehicle routes etc.) is to be submitted to and approved by the Executive Director Technical Services and development is to occur in accordance with those plans.**
- 13. No earthworks or stormwater shall encroach onto the Albany Highway road reserve, to the satisfaction of the Executive Director Technical Services.**
- 14. The intersections of Albany Highway/Turner Place and Albany Highway/Mountain View shall be channelised at the full expense of the developer including any signing, road markings, relocation of services, street lighting and Main Roads costs involved in the checking of the design and constructions drawings and any site inspections.**
- 15. The applicant is required to undertake a transport noise assessment for residential buildings in accordance with the WAPC's State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning". It is expected that the transport noise assessment will be submitted with the application for a Building Licence for the development and the recommendations of the assessment incorporated in the working drawings and specifications submitted for the purpose of obtaining a Building Licence.**
- 16. Crossovers, driveway, car parking, pedestrian paths (flush kerbing where appropriate) 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.**

17. **The provision of eight (8) ‘end of trip bicycle facilities’ in a location 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.**
18. **Visitor parking spaces shall be clearly marked and clearly signposted and maintained to the satisfaction of the Executive Director Technical Services.**
19. **Driveway and pedestrian path finishes are to be different colours, to the satisfaction of the Executive Director Development Services.**
20. **Existing crossovers to be removed and all kerbing / footpaths to be reinstated to the specifications and satisfaction of the Executive Director Technical Services.**
21. **Submission and implementation of a stormwater management plan in accordance with water sensitive design principles to the satisfaction of the Executive Director Technical Services.**
22. **Submission and implementation of a Dust Management Plan to the satisfaction of the Executive Director Development Services.**
23. **The subject lots are to be amalgamated to the satisfaction of the Executive Director Development Services.**
24. **A Management Statement being prepared and registered in accordance with Section 5c of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:**
 - a) **Development or redevelopment of the strata lots shall comply with a development approval issued by the City of Armadale.**
 - c) **Landscaping within communal open space areas shall be implemented and maintained in accordance with an approved Landscape Plan issued by the City of Armadale.**
25. **A communal television aerial should be installed to improve amenity and improve the service to purchasers.**
26. **All conditions are to be complied with prior to exercising the right of this approval, and subject to the submission of final elevation plans to the satisfaction of the Executive Director Development Services.**

B. In addition to standard advice notes, advise the applicant that:

- 1. Any change of use of the Office units will require a new application for Planning Approval to be lodged with the City.**
- 2. Compliance with the Environmental Protection (Noise) Regulations 1997, particularly with regard to installation of equipment (air conditioning units, pumps etc) is required.**
- 3. With regard to Condition 2, please note that Zincalume, metallic or white coloured finishes are not permitted without the City's prior approval. The City requires a variety of external finishes to apply to the unit development to create interest.**
- 4. With regard to Conditions 1, 2, 4, 5, 6, 7, 9-12, 15, 17, 19, 21 and 22 it is expected the required plans / details will be submitted prior to the issue of a Building Licence.**
- 5. With regard to Condition 5, it is expected that the Landscaping Plan will be submitted to Council prior to the issue of a building licence.**
- 6. With regard to Condition 5, please refer to the City's Landscaping Guidelines – Grouped Dwellings and the Landscaping Guidelines – Plants to Avoid, to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City's website at: www.armadale.wa.gov.au/publications/.**
- 7. With regard to Conditions 3, 5, 7, 16, 18 and 24, it is recommended that the issues also be controlled through strata by-laws.**
- 8. Main Roads advise that they do not support a pedestrian zebra crossing facility however it would consider a kerb ramp style crossing on the verge/median. The developer shall be responsible for all costs involved in the design and construction of the required pedestrian crossing.**
- 9. Main Roads advise that their approval for the construction drawings is required before any work is undertaken with the Albany Highway road reservation. A detailed traffic management safety plan while working within the road reservation is to be submitted as part of this approval.**

- 10. With regard to Condition 10, fencing within the front setback area shall be visually permeable above 1.2m in accordance with the Residential Design Codes. Please also note the requirements of Clause 7, Part 2 of the City’s “Local Laws Relating to Fencing” regarding truncation requirements for fences (above 1.2m) adjacent to driveways.**

- 11. With regard to Condition 22, 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.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

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ROAD RENAMING – CHIDZEY DRIVE TO CHEDZEY DRIVE, SEVILLE GROVE

WARD : PALOMINO
DATE : 4 October 2010
REF : RM/HC
RESPONSIBLE MANAGER : EMPS
APPLICANT : Mrs Delys Powell
LAND OWNERS : Various
SUBJECT LAND : Chidzey Drive, Seville Grove
ZONING MRS : Urban
TPS No.4 : Residential R15/25

In Brief:-

- Council has received a proposal to change the spelling of the road name – Chidzey Drive to Chedzey Drive, Seville Grove.
- The change has been requested by the applicant, as it was contended that a spelling mistake was made when the City originally sought approval for the name.
- The applicant believes the street was named after Thomas Henery Chedzey, the applicant's father, who arrived in Armadale in 1930, worked for the Shire of Armadale-Kelmscott for 8 years, and resided in the Armadale Shire for approximately 73 years.
- Resolve that a misspelling of the street name of Chidzey Drive has occurred and canvas residents by way of letter and newspaper advertisements.
- Approach the Geographic Names Committee to seek approval for the name change, if the majority of residents who respond to the survey support the renaming of Chidzey Drive to Chedzey Drive.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

- ♦ Relates to the aim for diverse and attractive development that is integrated with the distinctive character of the City to:
 - 2.3.1 Provide supportive planning and development guidelines and liaison on major land developments.

Legislation Implications

Land Administration Act 1997.
Local Government (Miscellaneous Provisions) Act 1960.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

\$70.00 postage and approximately \$600 newspaper advertising which can be covered within existing budget.

Consultation

- ◆ Geographic Names Committee (GNC).

BACKGROUND

Council at its meeting in April 1987, when considering road names for a subdivision in this area, resolved to utilise pioneer names and requested the then Nomenclature Committee to approved Craigie Way and Chidzey Drive.

DETAILS OF PROPOSAL

The applicant believes the street (Chidzey Drive) was named after her father Thomas Henery Chedzey, and has requested the City to consider changing the spelling of Chidzey Drive to Chedzey Drive, Seville Grove. Mr Chedzey arrived in Armadale in 1930 where he purchased land on the east side of Eighth Road. He lived there until 1953 before he moved across the road onto land he had cleared to establish a new house and citrus orchard.

Mr Chedzey sold the orchard at the end of 1962 and built a house in Railway Avenue, Kelmscott. He moved into this house in April 1963 and lived there until his death in September 2003. Mr Chedzey also worked for the Shire of Armadale-Kelmscott retiring in 1972.

It is contended that there was a spelling mistake made when the City originally sought approval for the name.

The Community Heritage Advisory Group (CHAG) considered the matter and agreed it appeared to be a genuine case of misspelling but asked that a perusal of previous records be undertaken to ensure there were no “Chidzey’s” on record.

A study of the City’s old records has discovered references to the name “Chedzey” but not to “Chidzey”. This supports the contention that the name has been spelled incorrectly and Mr Chedzey has not received the proper recognition he deserves.

COMMENT

Geographic Names Committee criteria requires such a change of road name to have majority support from affected residents.

It is suggested that the matter be advertised to the residents of Chidzey Drive and the wider community to gauge whether they support a correction to the street name from “Chidzey” to “Chedzey” in recognition of Mr Chedzey’s contribution to the Armadale District of over 40 years.

OPTIONS

1. Council resolve that a misspelling of the name of Chidzey Drive has occurred and canvas residents by way of letter and newspaper advertisements to ascertain whether there is support to rename Chidzey Drive to Chedzey Drive.
2. Not support a spelling change and advise the applicant the Council wishes to retain the street name previously approved.

CONCLUSION

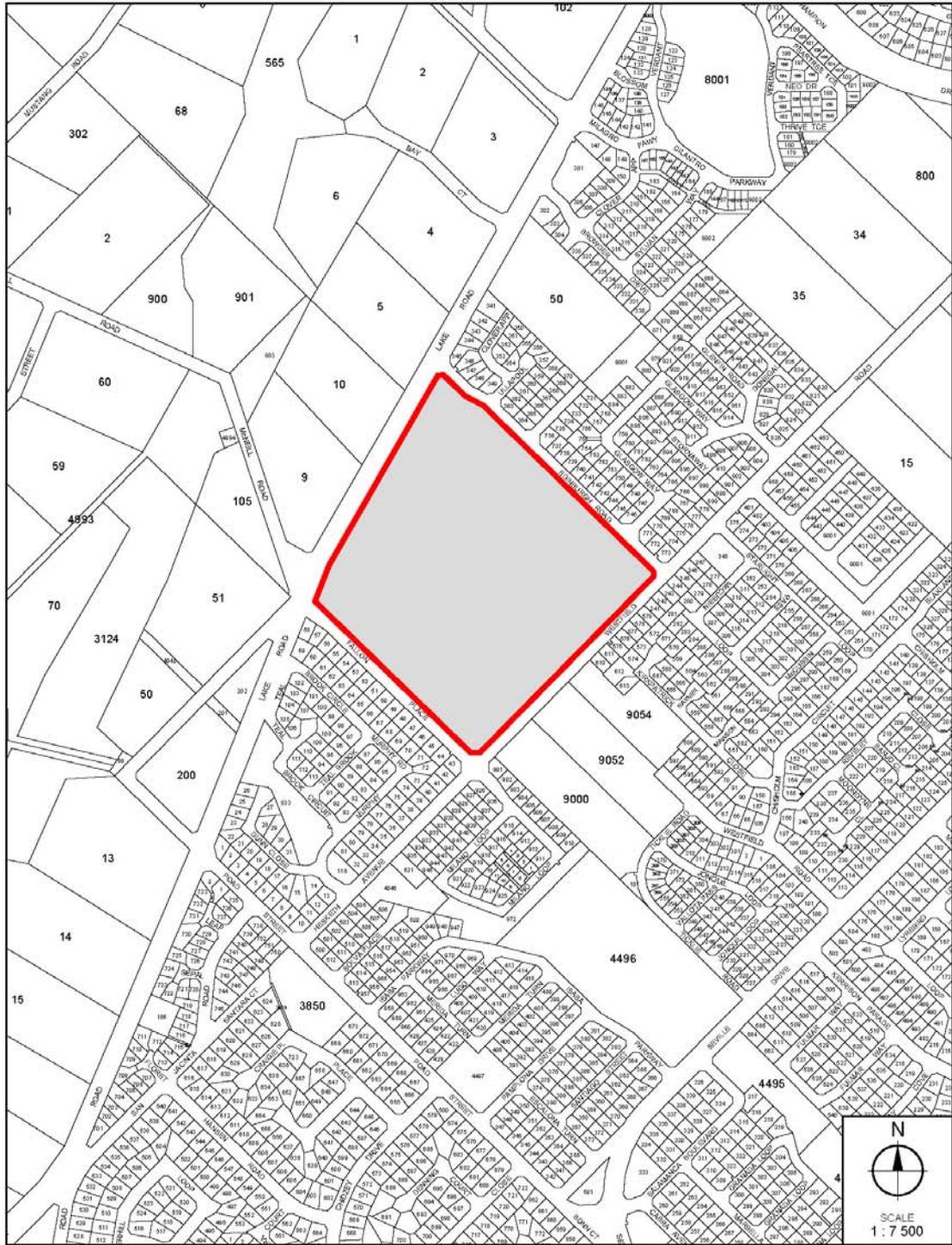
It appears a spelling mistake has occurred and an effort should be made to draw this to the community's attention, to ascertain whether there is local support to correct the name to reflect and recognise the pioneering family name of Chedzey. Option 1 is therefore recommended.

D84/10/10 RECOMMEND

That Council:

1. **Resolve that a misspelling of the name of Chidzey Drive has occurred and canvass residents by way of letter and newspaper advertisement to ascertain whether there is support to rename Chidzey Drive to Chedzey Drive.**
2. **Approach the Geographic Names Committee to seek approval for the name change if a majority of residents responding to the survey support the renaming of Chidzey Drive to Chedzey Drive.**

MOVED Cr Sargeson
MOTION CARRIED (7/0)



LOCATION PLAN
LOT 9000 HESKETH AVENUE, SEVILLE GROVE

FINAL ADOPTION OF PROPOSED AMENDMENT NO.58 TO TOWN PLANNING SCHEME NO.4 AND ASSOCIATED STRUCTURE PLAN MODIFICATION – LOT 9000 HESKETH AVENUE, SEVILLE GROVE

WARD : PALOMINO

REF NO. : TPS/4/58

DATE : 5 October 2010

REF : PRR

RESPONSIBLE MANAGER : EMPS

APPLICANT : Chappell Lambert and Everett

LAND OWNER : Roman Catholic Archbishop of Perth

SUBJECT LAND : 15.4246ha
Lot 9000 Hesketh Ave,
Seville Grove

ZONING

MRS : Urban

TPS No.4 : Residential R17.5/25

In Brief:-

- At its 28 June 2010 meeting, Council initiated a scheme amendment to recode Lot 9000 Hesketh Ave, Seville Grove from “R17.5/25” to “R20” and “R25”.
- A proposal to concurrently modify the Urban Unit A14 Structure Plan over the lot was also received.
- The amendment and modification were advertised for public comment for 42 days and attracted seven (7) submissions.
- Council is required to consider the submissions received during the advertising period and the amendments for final adoption.
- Recommend that Council adopt the amendment without modification and request that the Hon. Minister for Planning; Culture and the Arts grant final approval to the amendment.
- Recommend that Council also adopt the proposed Structure Plan modification.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Local Planning Strategy 2005
PLN 2.5 – Erosion Prevention and Sediment Control
PLN 2.6 – Water Sensitive Design



AERIAL PHOTOGRAPH
LOT 9000 HESKETH AVENUE, SEVILLE GROVE

Budget / Financial Implications

Nil.

Consultation

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

BACKGROUND

The Urban Unit A14 Consolidated Structure Plan was adopted under Town Planning Scheme No.2 in 1990. The plan remained in effect under Town Planning Scheme No.4 when the new Scheme was gazetted in 2005. In 2007, large areas of the structure plan were revoked as development works had been completed and the plan was no longer necessary. Lot 9000 Hesketh Avenue, Seville Grove is now the largest undeveloped lot remaining in the structure plan area.

The City received a request to initiate a recoding and a modification to the structure plan over Lot 9000 Hesketh Avenue, Seville Grove on 9 April 2010. At its 28 June 2010 meeting, Council initiated the amendment to recode Lot 9000 from 'R17.5/25' to 'R20' and 'R25' and determined that the associated proposal for a modification to the structure plan was satisfactory for advertising.

DETAILS OF PROPOSAL

This report proposes the final adoption of a scheme amendment to recode Lot 9000 Hesketh Avenue from 'R17.5/25' to 'R20' and 'R25' and an associated modification to the structure plan for the area. At present, the lot size requirements are a minimum of 500m² and an average of 571m² for R17.5, which would apply in respect of single residential development, and a minimum of 320m² and an average of 350m² for R25, which would apply in respect of grouped dwelling proposals.

The proposed amendment to the structure plan would bring the lot sizes into line with the proposed new R-Codes, and would allow Lot 9000 to be subdivided on the basis of the proposed Structure Plan into 219 lots ranging in size from 353m² to 696m², with an average size of about 480m². None of the proposed lots would have further subdivision / grouped dwelling potential.

The Catholic Primary School that was proposed on Lot 9000 is no longer required as it has been relocated to Development (Structure Planning) Area 31 near the intersection of Armadale and Nicholson Roads, where it will be co-located with a Catholic High School.

The amount of Public Open Space has been increased to 1.7874ha from 6563m². This enables a significant stand of vegetation to be retained (refer photos).



EXISTING TREES PROPOSED TO BE RETAINED IN POS
LOT 9000 HESKETH AVENUE, SEVILLE GROVE



EXISTING TREES PROPOSED TO BE RETAINED IN POS
LOT 9000 HESKETH AVENUE, SEVILLE GROVE

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

- (i) Recent advice from the Catholic Education Office is that this particular site is no longer required for school purposes;
- (ii) The removal of the school site provides the opportunity to review the subdivisional design for Lot 9000;
- (iii) The Public Open Space has been extended to incorporate a number of trees, and will allow for active and passive recreation, drainage swales and pedestrian movement;
- (iv) The road network has been planned to provide good connectivity and integration with the surrounding neighbourhood without impacting upon it; and
- (v) The subdivision provides both affordable and varied home sites to the area.

Public Advertising of the Amendment

The proposed amendment and structure plan modification were advertised for 42 days, closing on 17 September 2010. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, advertisement on the City's website and letters to affected and nearby landowners.

Total No. of submissions received	:	Seven (7)
No. of submissions of conditional support/no objection	:	Four (4)
No. of submissions of objection	:	Three (3)

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

The issues raised by the submissions have been summarised in Attachment "A3" and responded to as described under Analysis below.

The main issues raised in the submissions, together with a comment on each issue are outlined below. The four (4) submissions of conditional support/no objection were received from Government Departments / service agencies.

Key Issues

Issue 1 – Objection based on aesthetic and overcrowding reasons. Need to maintain the semi-rural feel of Seville Grove.

Comment

The applicant has argued that Council has already acknowledged that the land is suitable for residential development with its current zoning and Structure Plan and believes that the existing subdivisions to the north-east, south-east and south-west are comparable. The City agrees and notes that whilst slightly higher densities are proposed in R20 and R25, both are still considered 'Low Density Codes' along with R17.5 within the context of the Residential Design Codes of Western Australia. It is anticipated that the resultant streetscape will be of a similar nature to that in existence in that the proposal would produce a single house per lot and that the amenity of the area will not be adversely affected.

The revised layout proposes the smaller R25 lots central to Lot 9000 away from the existing development on the surrounding roads. The lots along Fallon Place, Hesketh Avenue and Edinburgh Road are proposed to be R20, effectively providing a graduation between the existing R17.5 code (571m² lot size average) and proposed R20 (500m² lot size average) and R25 (350m² lot size average) codes.

Recommendation

That the issue is not supported.

Issue 2 - The proposal could lead to an overabundance of grouped dwelling proposals.

Comment

The applicant argues that the existing coding of R17.5/25 already allows grouped housing to be developed at R25 if a property is of sufficient size and as such they are not applying for anything that is out of context with the area. Whilst the proposal requests an increase to the density over the site which would subsequently result in a higher number of single houses being built, it is important to establish that there would no longer be a split code over the properties and none of the proposed lots are of a sufficient size that a future owner could apply for unit development.

Within the R20 code, the 500m² average lot size would mean a property must be 1000m² to accommodate two grouped dwellings and the proposed lots range in size from approximately 450m² to 696m². Within the R25 code, the 350m² average lot size would mean a property must be 700m² to accommodate two grouped dwellings and the proposed lots range in size from approximately 353m² to 580m². As such there is no possibility for further subdivision / grouped housing development if the subdivision proceeds as proposed.

Recommendation

That the issue is not supported.

Issue 3 – Smaller lots will lead to traffic and noisy neighbours.

Comment

The applicant argues that the original structure plan included the Catholic Primary School within Lot 9000 which is a far higher traffic generator than residential development. The applicant believes that removing the school will compensate for any additional traffic movements resulting from the increase to the number of lots to be created. The City acknowledges this reasoning and believes that the proposed road network provides good legibility and connectivity with the existing surrounding roads.

As with any residential area, all owners/tenants are obliged to abide by the provisions of the Environmental Protection (Noise) Regulations 1997.

Recommendation

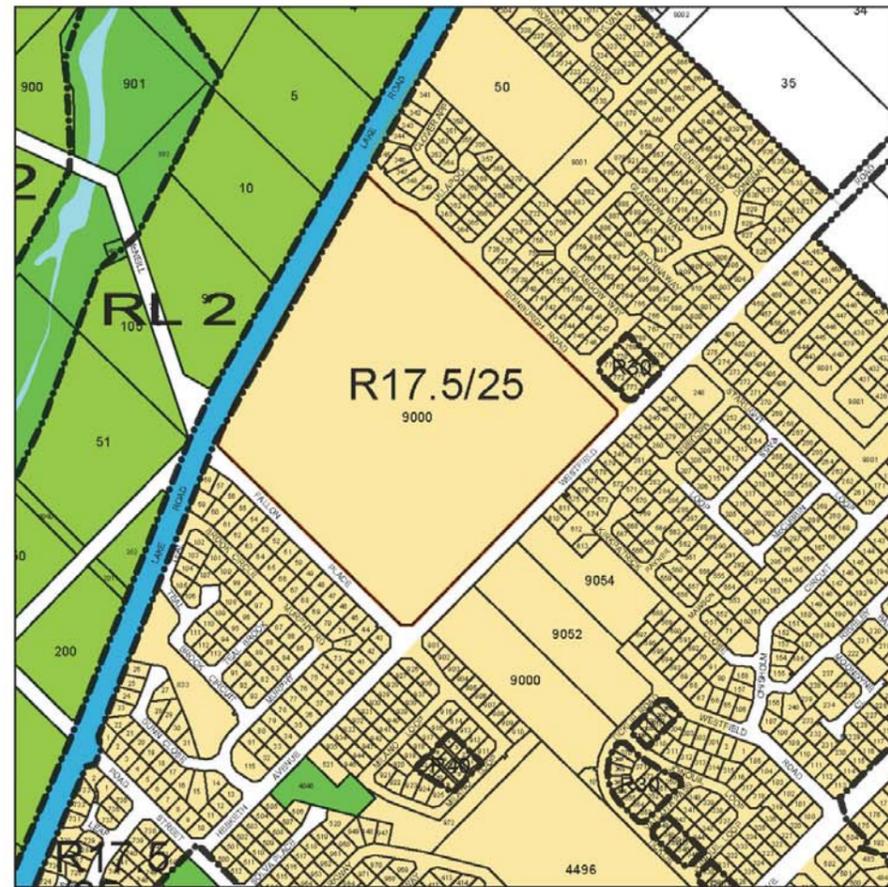
That the issue is not supported.



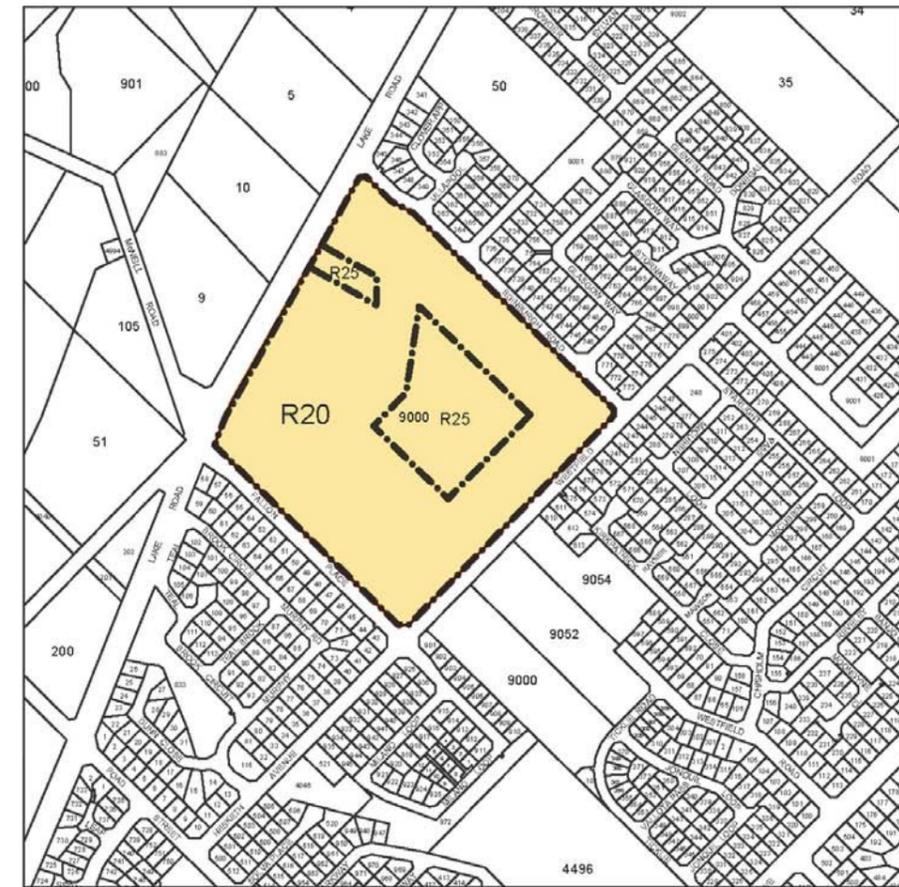
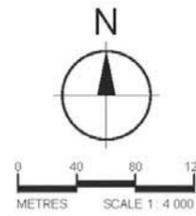
SUBDIVISION CONCEPT PLAN
 LOT 9000 HESKETH AVENUE, SEVILLE GROVE

P:\Public\Projects\2010\241-23D\Hesketh\Hesketh.dwg, 18/10/2010 11:52:25 AM

CITY OF ARMADALE TOWN PLANNING SCHEME No. 4 AMENDMENT No. 58



EXISTING ZONING



PROPOSED ZONING

ZONES			RESERVATIONS		
<p>RESIDENTIAL Including Residential Planning Density Codes</p> <ul style="list-style-type: none"> URBAN DEVELOPMENT ZONE RURAL LIVING - 1,2,4,10,20,X GENERAL RURAL SPECIAL RESIDENTIAL 	<ul style="list-style-type: none"> MIXED BUSINESS / RESIDENTIAL DISTRICT CENTRE LOCAL CENTRE GENERAL INDUSTRY INDUSTRIAL BUSINESS 	<ul style="list-style-type: none"> No.1 SPECIAL USE No.7 ADDITIONAL USE RU No.2 RESTRICTED USE OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING OUTER EDGE OF SCHEME 	<ul style="list-style-type: none"> PARKS & RECREATION (Region) PARKS & RECREATION (Local) RAILWAYS STATE FOREST WATERWAYS WATER CATCHMENTS 	<ul style="list-style-type: none"> PRIMARY REGIONAL ROADS OTHER REGIONAL ROADS (MRS) PUBLIC PURPOSE (Region) PUBLIC PURPOSE (Local) 	<p>PUBLIC PURPOSE MISCELLANEOUS SUB CATEGORIES</p> <ul style="list-style-type: none"> CG Commonwealth Government TS Technical School HS High School PS Primary School H Hospital WSD Water Authority of WA SU Special Use SEC State Energy Commission T Telstra

Issue 4 – Smaller lots could adversely affect the capital growth of surrounding properties.

Comment

This statement is not supported by any evidence and could not form a basis to refuse the proposal on planning grounds.

Recommendation

That the issue is not supported.

Issue 5 – Smaller lots mean no back yards. More Public Open Space is good, but how many young people use it? Boredom sets in and leads to vandalism.

Comment

Whilst backyards would be smaller, the smaller lot sizes do not mean there will be no backyards. In both the R20 and R25 codes the minimum amount of open space required per site is 50%. This is usually broken up into a front and backyard.

The smaller backyards are offset to some degree by the provision of public open space. Whilst the City can facilitate its provision, it cannot force people to use the public open space nor can it control the actions of the public. It is noted however that the proposed lots have been orientated to provide passive surveillance of the public open space, which is a deterrent to anti-social behaviour.

Recommendation

That the issue is not supported.

COMMENT

Development Control Unit (DCU)

DCU considered the proposal in the context of the issues raised in the submissions on 5 October 2010. In respect of Issue 3 above, as outlined in the June 2010 report, Technical Services suggested that if Council wanted to be certain that the proposal would not adversely impact traffic volumes on the surrounding road network it could request the preparation of a traffic impact assessment prior to adopting the proposed amendment and approving the proposed structure plan modification. It is likely however that such an assessment would conclude that the additional traffic from 219 lots would not have a detrimental impact on the level of service provided by the road network, particularly when compared to the likely figures generated by the school that has been removed.

ANALYSIS

Committee Discussion on Subdivision Concept Plan

It was conveyed to the applicant that the Development Services Committee at its June 2010 meeting discussed at some length the Subdivision Concept Plan. As a result, the applicant amended the concept plan slightly, removing the battleaxe lots at the 90 degree corners and replacing them with splayed lots (i.e. lots that start with a small frontage but widen out the further you progress towards the rear). In addition the proposed 8m wide laneway adjacent to the R25 lots has been widened to 11m so it can be classified as a disconnected access way, allowing verge treatments (such as trees) along one side and a greater degree of surveillance. Officers believed that this would alleviate the concerns outlined in the discussions at the previous meeting, however it is noted the plan is only a concept at this stage and can be modified further at the subdivision stage if concerns remain.

General Analysis

Planning deals with land use and design issues and their appropriateness under the Scheme and the submissions do not raise any issues with the amendment that could be considered substantial enough in planning terms to warrant refusal. Some issues will even be able to be addressed through future conditions of subdivision. It is therefore appropriate for the amendment to proceed to final adoption.

The structure plan modification was considered in detail as part of the report to Council at its June 2010 meeting. The structure plan modification indicates 219 lots of varying sizes, averaging around 480m², and new subdivisional roads deriving access from existing roads to the north-east, south-east and south-west. The proposed density is not out of context with the area and the modification increases the area of public open space incorporating an existing stand of trees.

It should also be noted that the government's recently released *Directions 2031 and Beyond* strategy seeks to ensure that Greenfield subdivisions achieve a gross residential density of 15 units per hectare. The amendment would be regarded as a step in this direction, with the target density being nearly achieved for the subject lot.

There is no need to amend the proposed layout as a result of the submissions received. The structure plan modification should therefore be adopted with the amendment.

OPTIONS

1. Council may adopt the amendment with or without modifications and request that the Hon. Minister for Planning; Culture and the Arts grant final approval to the amendment and the WAPC grant approval to the structure plan modification.
2. Council may resolve to not adopt the amendment giving reasons and request that the Hon. Minister for Planning; Culture and the Arts refuse to approve the amendment, and refuse to adopt the proposed structure plan modification giving reasons to the proponent.

CONCLUSION

In June 2010 Council considered that the proposal was consistent with the surrounding zoning, coding and land use and initiated the proposed amendment. Public advertising yielded seven (7) submissions, and it is considered that the issues raised in those submissions are not substantial enough in planning terms to warrant refusal of either the amendment or structure plan modification. It is therefore recommended that Council resolve to adopt the amendment and structure plan modification without modification in accordance with Option 1 above.

D85/10/10 RECOMMEND

That Council:

- 1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, without modification, Amendment No.58 to Town Planning Scheme No.4 to:
 - a) recode Lot 9000 Hesketh Avenue, Seville Grove from ‘R17.5/25’ to ‘R20’ and ‘R25’; and
 - b) amend the Scheme Maps accordingly.**
- 2. Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.**
- 3. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning; Culture and the Arts grant final approval to the amendment.**
- 4. Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.**
- 5. Pursuant to Clauses 6A.3.7 and 6A.4 of Town Planning Scheme No.4, adopt the proposed Structure Plan modification over Lot 9000 Hesketh Avenue, Seville Grove and authorises that the proposed Structure Plan modification be forwarded to the Western Australian Planning Commission for adoption under Clauses 6A.3.10 and 6A.4 of Town Planning Scheme No.4.**
- 6. Advise the submitters and the applicant of its decision.**

MOVED Cr Sargeson
MOTION CARRIED (7/0)



LOCATION PLAN
LOT 12 CANN ROAD, BEDFORDALE

FINAL ADOPTION OF PROPOSED AMENDMENT NO.50 TO TOWN PLANNING SCHEME NO.4 AND ASSOCIATED STRUCTURE PLAN – LOT 12 (456) CANNES RD, BEDFORDALE

WARD : NEERIGEN

REF NO. : TPS/4/50

DATE : 12 October 2010

REF : PRR

RESPONSIBLE MANAGER : EMPS

APPLICANT : Taylor Burrell Barnett

LAND OWNER : M A & M L Dunsmore

SUBJECT LAND : 5.6850ha
Lot 12 (456) Cannes Rd,
Bedfordale

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

In Brief:-

- At its September 2009 meeting, Council initiated an amendment to rezone Lot 12 Cannes Road, Bedfordale.
- The amendment was advertised for public comment for 42 days in February / March 2010 and attracted 12 submissions.
- At its April 2010 meeting, Council requested the proposal be recommitted pending the “Fire Management Plan being corrected / clarified to the satisfaction of the Executive Director Development Services”.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption now that the additional information has been received.
- The proposal should be supported as it is consistent with similar amendments that have been undertaken immediately adjacent to the subject property.
- Recommend that Council adopt the Structure Plan subject to modifications and the amendment without modification and request that the Hon. Minister for Planning; Culture and the Arts grant final approval to the amendment.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005
Environmental Protection Act 1986
Metropolitan Region Scheme
Town Planning Scheme (TPS) No.4



AERIAL PHOTOGRAPH
LOT 12 CANNS ROAD, BEDFORDALE

Council Policy / Local Law Implications

Local Planning Strategy 2005

PLN 2.5 – Erosion Prevention and Sediment Control

PLN 2.8 – Subdivision and Structure Planning for Lots with Water Courses

Development Control Policy 2.5 – Special Residential Zones (WAPC)

Development Control Policy 3.7 – Fire Planning (WAPC)

Budget / Financial Implications

Nil.

Consultation

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

BACKGROUND

In 1994, Amendment No.94 to Town Planning Scheme No.2 rezoned several large lots from ‘Rural X’ to ‘Special Use: Rural / Residential’ and included a structure plan to guide subdivision of the land to create the initial stages of the Churchman Brook Estate. Several lots, one of which was Lot 12, were left out of the original structure plan as they contain a valley formation and creek. Since that time, for various reasons, further rezonings and structure plans have been submitted and the subdivision pattern has extended gradually south and west.

The City received a request to initiate an amendment over Lot 12 Canns Road, Bedforddale on 18 March 2009. The applicant also submitted a structure plan associated with the proposal. At its September 2009 meeting, Council initiated an amendment to rezone the subject lot, agreeing to advertise the amendment and structure plan for public comment. Advertising has been undertaken and the amendment and structure plan were referred to Council for final adoption / determination in April 2010.

At its April 2010 meeting, Council requested the proposal be recommitted pending the “Fire Management Plan being corrected / clarified to the satisfaction of the Executive Director Development Services”. The applicant has now submitted an amended Fire Management Plan and additional information so the proposal is recommitted to Council for final adoption / determination.

CITY OF ARMADALE
 TOWN PLANNING SCHEME No. 4
 AMENDMENT No. 50



EXISTING ZONING



PROPOSED ZONING



SCALE
 1 : 10 000



ZONES

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

RESERVATIONS

	PRIMARY REGIONAL ROADS		CG MISCELLANEOUS GOVERNMENT
	PARKS & RECREATION (Region)		TS Technical School
	PARKS & RECREATION (Local)		HS High School
	RAILWAYS		PS Primary School
	STATE FOREST		HSD Hospital
	WATERWAYS		HSU Special Use
	WATER CATCHMENTS		SEC State Energy Commission
			T Telstra

RESERVATIONS

NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Planning Scheme. Road reservations shown in the Metropolitan Region Planning Scheme should be obtained from LDC.

PUBLIC PURPOSE SUB CATEGORIES

CG	MISCELLANEOUS GOVERNMENT
TS	TECHNICAL SCHOOL
HS	HIGH SCHOOL
PS	PRIMARY SCHOOL
HSD	HOSPITAL
HSU	SPECIAL USE
SEC	STATE ENERGY COMMISSION
T	TELSTRA

DETAILS OF PROPOSAL

The applicant proposes to rezone Lot 12 from ‘Rural Living 4’ to ‘Special Residential’, which would allow Lot 12 to be subdivided on the basis of the proposed structure plan into 12 lots ranging in size from 3001m² to 6867m², with an average size of about 4737m². Two of the lots created would contain the existing dwellings on Lot 12, and a third lot would contain an existing cottage. A public open space area is proposed along the seasonal creek running through the subject site to provide a measure of protection and continue the public open space link from the adjoining subdivision. The area would need to be revegetated at the subdivision stage by the developer. Four lots are proposed as battle axe lots, three of which would require access across the creek (i.e. via a bridge/culvert system). It is proposed by the developer that restrictive covenants similar to those applied on lots within the Churchman Brook Estate would be applied by the developer. The applicant has also noted that development envelopes could be utilised to retain vegetation on site and alternative treatment units utilised for effluent disposal.

Public Advertising of the Amendment

The proposed amendment was advertised for 42 days, closing on 26 March 2010. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, an advertisement in the “West Australian” newspaper, placement of information on the City’s website and letters to affected and nearby landowners.

Total No. of submissions received	: 12
No. of submissions of conditional support/no objection	: 11
No. of submissions of objection	: 1

Refer to Confidential Attachment “B2” of the Agenda for location plan of submitters.

The issues raised by the submissions have been summarised in Attachment “A4” and responded to as described under Analysis below.

The main issues raised in the submissions, together with a comment on each issue are outlined below. Seven (7) submissions of conditional support/no objection were received from Government agencies/service providers. It is noted that one submission was received on 30 March 2010 outside the advertising period.

Key Issues

Issue 1 – Potential for detrimental impact on amenity.

Comment

The objective of the ‘Special Residential’ zone is to “provide for low density residential development within a rural setting”. As long as such applications are made within the parameters established for the purpose, Council must assess each rezoning application on its merits and Lot 12 is now undergoing that process. It is considered that the proposal for Lot 12 is similar to the proposal that was put forward for the Churchman Brook estate previously (of which the submitter’s property is a part) and as such will have a similar and acceptable impact on the amenity of the area in terms of the addition of built form.

Recommendation

That the issue is not supported.

**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
 AMENDMENT No. 50**



SCALE
 1 : 10 000

EXISTING SCA MAP 1

PROPOSED SCA MAP 1

LEGEND	
	Municipal Boundary
	Major Roads
	Roads
	Proposed Roads
	Railway
	Water Features
	Drains
	Sewerage Treatment Plant Buffer
	Fruity Farm Buffer
	Armadale Landfill and Recycling Centre Buffer
	Natural Gas Pipeline Buffer
	Bike Works Buffer
	Keweenaw Buffer
	Prime Agricultural Land Protection Area
	Development Envelope Area
	Bush Former Sites - Outside of Parks and Recreation Reservations
	Prime Landscape Quality
	Green Lanes With Remnant Vegetation - Outside of Parks and Recreation Reservations
	Water Courses with Remnant Vegetation - Outside of Parks and Recreation Reservations
	Baseline Protection Areas
	Armadale Redevelopment Area Boundary

Issue 2 – Potential for groundwater contamination.Comment

A hydrological report has been prepared and submitted for a neighbouring property, referencing previous reports prepared in respect of Amendment No.161 to TPS No.2. As a result of the findings of the report, the submitter requests alternative treatment units (ATU's) be used by all 12 properties as opposed to the five (5) proposed, a monitoring bore or bores installed on their property for Council to biannually monitor water quality and an easement to their property boundary be put in place and the water supply continued to that point in case contamination of the groundwater becomes an issue and a reticulated water supply becomes necessary.

The Department of Water and TPS No.4 require a 30m setback to any effluent disposal system from a seasonal watercourse. As is shown on the structure plan the proposed lots will be able to meet this setback distance. As an added precaution the structure plan requires lots adjacent to the seasonal creek to utilise ATU's. To date, the City has not imposed the requirement for ATU's where existing residences already have established effluent disposal systems or where lots are not immediately adjacent to the watercourse. Upon examining the proposed structure plan, only proposed Lot 6 in addition to Lots 1 to 5 could be adjudged to be of a similar proximity to the creek as other lots created that are required to have ATU's. As such, in accordance with statutory requirements and to be consistent with previous decisions, it is believed appropriate that proposed Lots 1-6 be required to utilise ATU's and the remainder of the lots utilise conventional systems.

With regard to the request for a monitoring bore, the submitter should take steps to monitor their water source via an independent body.

In respect of the request for an easement for the provision of a reticulated water supply to the boundary of the lot in question, this is beyond what the City can impose. At the subdivision stage, the Water Corporation will require the reticulated water supply to be brought to the northernmost properties via the road reserve, which ends in a cul-de-sac. Other landowners can investigate connection from that point by making enquiries with the Water Corporation.

Recommendation

That the issue is supported in part.

Issue 3 – Potential for land use conflict with adjacent rural land uses.Comment

A submitter runs various agricultural practices on an adjoining lot and has identified the potential for land use conflict between those activities and the potential residences to be constructed subject to future approval of a "Special Residential" zoning and subdivision of Lot 12. The submitter requests a memorial be imposed on the certificates of title of the proposed lots alerting future landowners to the existence of those activities and the potential for "occasional nuisance" by noise or smell.

In these situations it is standard practice for the City to recommend to the WAPC at the time of subdivision that a Notification, pursuant to Section 165 of the Planning and Development Act 2005, be placed on the Certificates of Title of the proposed lots to advise of a “hazard or other factor”. In order to ensure that the Notifications are imposed as a subdivision condition (should the amendment and structure plan be approved and a subdivision applied for) an additional Provision should be added to the structure plan reflecting this requirement. The Provision should read:

A Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificates of Title of all the proposed lots advising of the existence of a hazard or other factor, notice of which is also to be included on the Deposited Plan. The Notification is to state: “This lot is located within 300 metres of an existing orchard, and may be affected by odours, noise, spray drift of chemicals and other impacts associated with the operation of an orchard”.

Recommendation

That the issue is supported.

Issue 4 – Access across Settlers Common.

Comment

Lot 12 presently has vehicular access across the Armadale Settlers Common via an agreement with the Management Group, as the lot does not have a constructed road frontage. The Management Group has requested that when alternate vehicular access is established, this access be discontinued. The City notes that it would support this action as it would be beneficial to the environmental integrity of Settlers Common, although it is not party to what is understood to be an agreement between the Management Group and the present landowner of Lot 12.

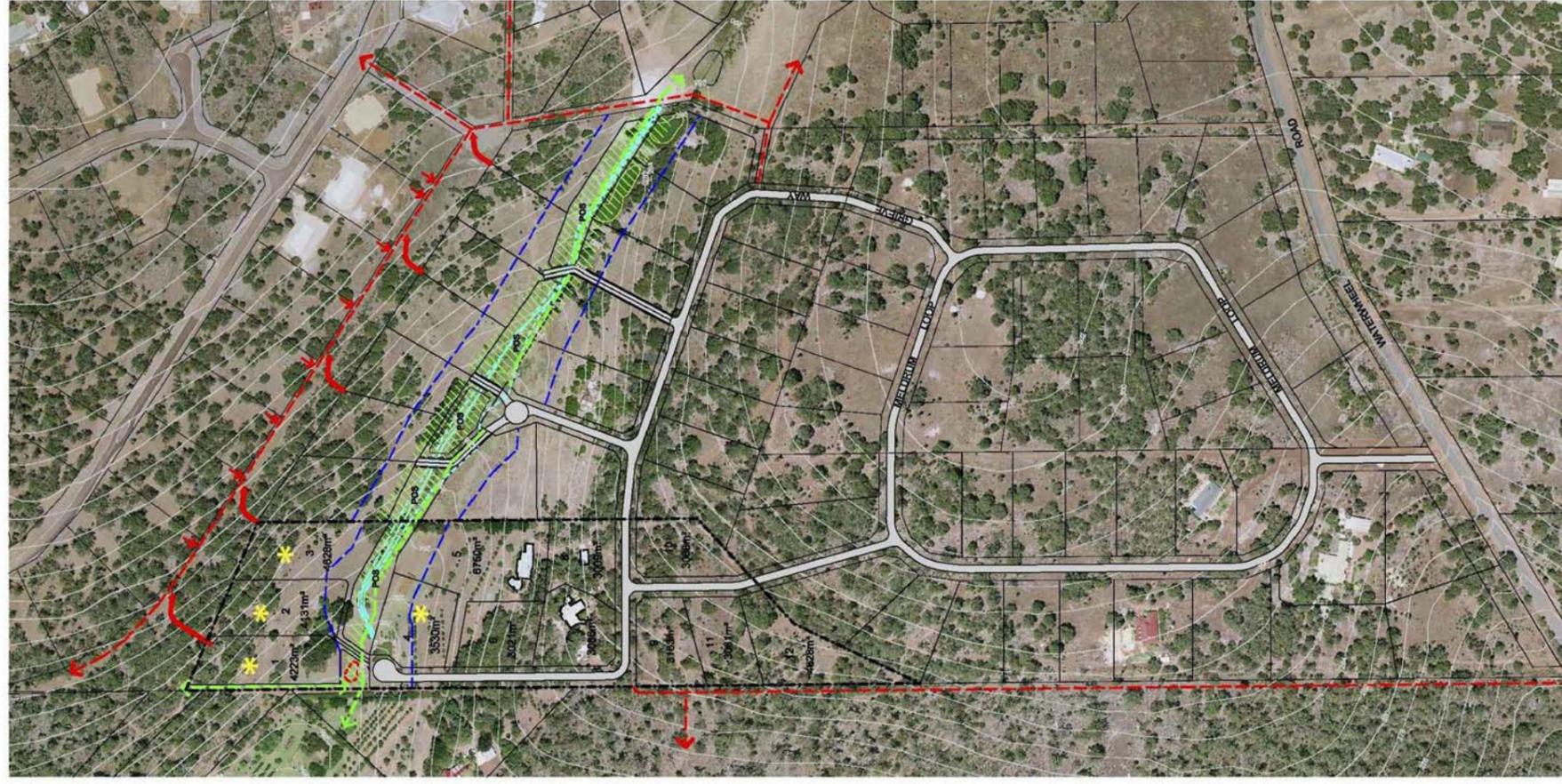
Recommendation

That the issue is supported.

Issue 5 – Potential environmental issues.

Comment

The Department for Environment and Conservation (DEC) supports the use of building envelopes, the provision of public open space along the creek, the use of a single creek crossing point, and the requirement for a dieback management plan and fire management plan. The DEC indicated the need for a declared rare or priority flora investigation, a rehabilitation management plan, and required that no earthworks, drainage infrastructure or stormwater to encroach into the adjacent Regional Park.



LEGEND

	EXISTING BUILDING
	RETENTION BASIN
	SEASONAL WATER COURSE ON-SITE
	EXTENT OF WET AREA
	EFFLUENT DISPOSAL TO BE ALTERNATIVE TREATMENT UNITS
	MULTI-USE PATH
	STRATEGIC REVEGETATION (within sides of water course)
	SEASONAL WATER COURSE FROM THE SEASONAL WATER COURSE
	STRATEGIC FIREBREAK
	SUBJECT LAND

SETTLERS COMMON

PROVISIONS

- The irrigation of any future lot by diverting or otherwise removing water flowing in the watercourse shall not be permitted. Section 1298A of the Transfer of Land Act 1995 (as amended), is to be placed on lots that include or abut the watercourse covering the existence of a restriction on the use of the watercourse. The restriction is to be included on the Deposited Plan. The restrictive covenant is to be included on the appropriate stage of subdivision to:
 - Prevent adjacent lot landowners from allowing water from the creek and;
 - Prevent persons from conducting activities that interfere with the flow of water in the creek.
- A Fire Management Plan has been adopted as part of this Structure Plan and will need to be implemented by the landowners. Landowners shall be responsible for ongoing implementation of the Fire Management Plan on their land.
- The lot identified on this plan are subject to the provisions of the Certificates of Title pursuant to Section 70A of the Transfer of Land Act specifying the appropriate standard of construction in accordance with Australian Standard AS1929 (2009) Construction of Buildings in Subdivided Areas of land, independent standard that supersedes that standard.
- Pedestrian access across the watercourse shall be provided in accordance with the easement on the Certificates of Title to allow unrestricted pedestrian movement along the Public Open Space corridor.
- Setback legs for lots 1-3 to have minimum setbacks of 5m wide driveway constructed at time of development.
- Development envelopes will be required to protect significant vegetation. Refer to the Fire Management Plan for further detail.
- A District Management Plan shall be prepared and approved by the City prior to groundbreaking works pursuant to subdivision.
- The Subdivider shall plant a revegetation buffer utilizing native vegetation 10m wide along the watercourse at the appropriate subdivision stage.
- The Subdivider shall remove the existing dam on site at the appropriate subdivision stage.
- The Subdivider shall construct uniform boundaries of the proposed lot, where they abut Public Open Space. Fencing shall be constructed on high posts of 4m height with wire on high posts of 4m spacing with wire at 300mm spacing.

STRUCTURE PLAN
Lot 12 Cannis Road Bedfordale
A Mike Duremore Project

Scale: 1:1000
S: 1:1000
D: August 2010
P: 07/061

figure 06

PROPOSED STRUCTURE PLAN
LOT 12 CANNIS ROAD, BEDFORDALE

The City notes that an environmental assessment has been undertaken by Berry Consultancy (Dec 2007) for the subject site. A Botanical Survey and Fauna Assessment were undertaken as part of that report. No rare or priority flora or threatened species were found, or known to occur on site. A rehabilitation management plan can be required at the subdivision stage, and a provision added to the structure plan can enforce this. If the amendment and structure plan are approved, the requirements of the DEC relating to encroachment into the reserve can be noted as part of any subdivisional approval.

Recommendation

That the issue is supported in part.

Environmental Protection Authority (EPA) Advice

The proposed amendment was referred to the EPA prior to advertising to set a “level of assessment” as is required for all amendments. The EPA determined the amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 but noted several issues for consideration. It is anticipated that all the issues can be appropriately addressed.

- Remnant Vegetation and Fauna. The area has been significantly cleared through past land uses, though patches of remnant vegetation remain. Support the preservation of significant mature trees and hollows, rock outcrops and understorey where possible. Support the preparation and implementation of a Dieback Management Plan. Department of Environment and Conservation to be consulted in respect of the Declared Rare and Priority Species database.
- Management of water quality and quantity. The change in land use should not lead to unacceptable impacts on groundwater resources. Drainage and Nutrient Management Plan to be prepared including monitoring requirements. The plan should include contingencies in the event water quality and quantity are not met.
- Effluent disposal systems. The installation of alternative treatment units is preferred to septic tanks to prevent the pollution of groundwater.

Other Agency Advice

The Department of Water, Fire and Emergency Services Authority, Department of Health, Water Corporation, Telstra and Western Power all provided general advice that raised no specific objection to the proposal.

COMMENT

Development Control Unit (DCU)

DCU considered the proposal and issues raised in the submissions at its meeting of 6 April 2010. Council’s Health Department provided specific advice in relation to the submission of a hydrological report regarding potential groundwater contamination issues, and on balance it was agreed that all the issues raised in the submissions can be addressed via the implementation of appropriate Provisions on the proposed structure plan and conditions of any future subdivision application.

ANALYSIS

Council's September 2009 Resolution

It is noted that Part 6 of Council's resolution on 29 September 2009 (D99/9/09) regarding the initiation of the amendment and advertising of the structure plan requested the applicant to provide further advice on the potential implications of the existing power lines on the proposed lots and building envelopes, and also to explain the reduction of the recommended 100m setback to development from high risk bushfire areas. The applicant was asked to respond to these queries on 7 October 2009.

In response the applicant advised that the power lines are presently only servicing the adjacent Lot 102 Waterwheel Road, Bedfordale. It is expected that when Lot 102 subdivides, underground power will be required to be brought up from the lots to the south in the road reserve as is normal practice. The power lines will no longer be required at that point. Similarly, when Lot 12 subdivides, underground power will be continued through the road reserve and the power lines will be come redundant and will be able to be removed.

The applicant also provided an amended Fire Management Plan (FMP) to address the reduced setback issue. The FMP outlines that, in accordance with *Planning for Bush Fire Protection*, where the combined Building Protection Zone and Hazard Separation Zone equates to a 100m setback to an extreme risk area, this would mean that the risk is 'low' and construction in accordance with AS 3959 – 2009 would not be necessary. If the setback is between 40-100m, which should be the case for any residences proposed should this application be approved, then the risk would be 'medium' and the Level 1 construction standard of AS 3959 – 2009 would need to apply. The minimum 40m figure is what the FMP recommends and the Provisions of the proposed structure plan require the construction of residences in accordance with the Australian Standard. It is noted however that each building licence submitted would submit its own assessment of the Bush Fire Attack Level and construction standards would be applied accordingly.

Council's April 2010 Resolution

At its April 2010 meeting, Council requested the proposal be recommitted pending the "Fire Management Plan being corrected / clarified to the satisfaction of the Executive Director Development Services". The applicant has submitted a revised FMP to clarify the building setback issue and has also updated the contents to reflect the latest version of *Planning for Bush Fire Protection*, released May 2010.

The revised FMP makes it clear that habitable buildings should be set back a minimum of 40m from Settlers Common and the public open space (POS) corridor to the north. In doing so however, the FMP acknowledges that the spaces within the POS that will remain clear, for instance the 6m wide fire break on the eastern boundary of Settlers Common, can be counted within the minimum distance. As such, for proposed lots 7, 9, 11 and 12, a 34m setback will be required on the lots in question and then the additional 6m within Settlers Common makes a total separation distance of 40m.

There will be a need to contact the Armadale Settlers Common Management Committee regarding the status of the firebreak in question to determine whether the Committee would have any issue with the break being re-established. If there are no objections, then the City's Parks and Reserves department should be contacted in respect of the developer undertaking the work within the reserve. If agreement to utilise the Settlers Common firebreak as part of the separation distance cannot be reached, then an alternative would need to be proposed. It is likely such an alternative would presumably reduce the available area to construct a residence within a development envelope.

The revised FMP was referred to Rangers for comment and the advice received indicated that the FMP is acceptable.

Concept Envelope Plan

The applicant has also prepared a Concept Envelope Plan to assist in demonstrating to Council how the necessary fire separations to Settlers Common and the public open space corridor to the north are achieved and what room that would leave for a development envelope on the lots and the vegetation recommended to be retained by the Environmental Report. Explanatory notes in relation to each of the 12 proposed lots have been prepared by the owner in an attempt to provide as much information as possible to Council.

In respect of development envelopes it is important to note that the envelopes extend into the fire separation (hatched) area, but that only non-habitable structures (i.e. pools, sheds etc) would be considered within these areas. A proposed residence on any of the lots in question would be required to be placed within the grey section of the development envelope area, and these areas are large enough to locate a residence as demonstrated by the area figure in brackets. It is noted that if the amendment and structure plan are approved, a subdivision application will also need to be made and that a condition requiring the submission of a formal development envelope plan would be required as part of any recommendation for approval provided to the WAPC.

There will always be an inherent inconsistency with the objectives of development envelopes and the requirements of a Fire Management Plan. Envelopes seek to retain vegetation on the property, whilst it is becoming increasingly apparent as Fire Management practices develop that the opposite is necessary. The area within 20m of a residence is referred to as the Building Protection Zone (BPZ) and for the first 5m of this area, all flammable material must be removed. For the next 15m, trees must be spaced wide enough so there is separation between the crowns and all leaves, tall grass, logs, branches and twigs must be removed. The remainder of the lot is referred to as the Hazard Separation Zone (HSZ) and bush fire fuel loadings must be maintained at 4-6 tonnes per hectare, dry grass slashed to 50mm in height and all leaves, tall grass, logs, branches and twigs must be removed.

So with regard to vegetation on site, if the area is to be developed for Special Residential purposes it must be acknowledged that in order to maintain fire safety the understorey of all lots will predominantly be removed. This is of course in conflict with the Environmental Assessment, which recommends the retention of fallen logs etc for the purposes of providing fauna habitat. The overstorey is able to be retained within the area 5-20m of a residence where the trees comply with the FMP separation provisions. Outside that 20m area trees may or may not be retained, depending on whether they sit within a development envelope.

Via the Concept Envelope Plan, the applicant aims to balance the Development Envelopes, the Fire Management Plan requirements and the Environmental Assessment recommendations in such a way that each is given due regard. The City believes that the plan does so appropriately and demonstrates what could be achieved on site if the proposed amendment and structure plan are approved.

General Analysis

Planning deals with land use and design issues and their appropriateness under the Scheme and the submissions do not raise any issues that cannot be addressed through appropriate Provisions on the proposed structure plan or future conditions of subdivision or development. It is therefore appropriate for the amendment to proceed to final adoption.

The structure plan was considered in detail as part of the report to Council at its September 2009 meeting. The structure plan indicates 12 lots of varying sizes, averaging around 4737m², and a new subdivisional road deriving access from the lots to the east and south. The structure plan incorporates an appropriate area of public open space along the seasonal creek line and only minor amendments are required as a result of the submissions received. The structure plan should therefore be adopted with the amendment.

OPTIONS

1. Council may adopt the amendment with or without modifications and request that the Hon. Minister for Planning; Culture and the Arts grant final approval to the amendment and the WAPC grant approval to the structure plan.
2. Council may resolve to not adopt the amendment and structure plan giving reasons and request that the Hon. Minister for Planning; Culture and the Arts refuse to approve the amendment.

CONCLUSION

Council considered in September 2009 that the proposal was consistent with the surrounding zoning and land use and initiated the proposed amendment. Public advertising yielded 12 submissions, and it is considered that the issues raised in those submissions and the other issues outstanding can be satisfactorily resolved.

The applicant has now provided the additional information that Council requested in April 2010 and such information demonstrates that the development of the site as proposed is possible. As such, it is recommended that the Council adopt the proposed amendment and structure plan in accordance with Option 1 above.

Committee discussed the separation distances associated with neighbouring orcharding activities such as noise, odour and spray drift.

Committee further discussed the revegetation of road verges prior to subdivision of the land and an additional provision is proposed to be included on the Structure Plan in the Recommendation stating "The subdivider shall make arrangements with the City for the subdivider to revegetate road verges, prior to the subdivision of the land."

The Executive Director Development Services advised Committee that the Fire Management Plan invokes different levels of fire management dependant on the circumstances of each lot as assessed by the fire management consultant. Each lot owner will be required to construct their dwellings in-accordance with the Australian Standards for fire management.

Committee requested the following additional provision be included on the Structure Plan in the Recommendation stating "The subdivider shall construct a 6 metre wide strategic firebreak within the adjoining reserve, which will extend along the boundary of Lot 19 and include a turn around area, prior to the subdivision of the land."

Accordingly, the Recommendation was amended.

The Executive Manager Planning Services advised Committee of further information received from the applicant. Committee advised that they did not support any deferment of the proposed public open space (POS) area being revegetated and ceded to the Crown as part of the subdivision. The proposed POS area was included in the advertised Structure Plan and residents expected the land to be revegetated and ceded to allow public access.

In response to the discussion at Committee concerning the adequacy of the separation distance between the proposed development envelopes and neighbouring orcharding activities the Executive Director Development Services advises that:

- ♦ the adjacent land is zoned Rural Living the objectives of which relate to providing for a range of activities in a rural setting rather than encouraging farming activities as would be the case if the land was zoned General Rural;*
- ♦ the existing orcharding activities are of a small scale nature, are not of a commercial scale, and are not on land identified as being of prime agricultural value;*
- ♦ it is acknowledged that it has been the City's recent practice to require a separation of 150m between commercial orchard operations and residences and that the proposed building envelope on the proposed Lot 1 would enable development to occur at a minimum of 60m from a current orchard;*
- ♦ it is considered that on balance and subject to additional landscaping being provided and shown on the landscaping plan required by part 5(d) of Council's resolution on the western side of the proposed Lot 1, that in view of the nature of the adjacent orcharding activities and the Rural Living zone objectives, the proposal is acceptable.*

D86/10/10

RECOMMEND

That Council:

- 1. Pursuant to Part 5 of the *Planning and Development Act 2005* adopt, without modification, Amendment No.50 to Town Planning Scheme No.4 to:
 - a) rezone Lot 12 (456) Canns Road, Bedforddale from “Rural Living 4” to “Special Residential”;**
 - b) amend Special Control Area Map 1 to include Lot 12 (456) Canns Road, Bedforddale within the “Bushfire Protection Areas” and “Development Envelope Areas”; and**
 - c) amend the Scheme Maps accordingly.****
- 2. Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.**
- 3. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon. Minister for Planning; Culture and the Arts grant final approval to the amendment.**
- 4. Endorse the comments made in this report regarding the submissions received on this scheme amendment and structure plan for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.**
- 5. Pursuant to Clauses 6A.3.7 and 6A.4 of Town Planning Scheme No.4, adopt the proposed Structure Plan over Lot 12 (456) Canns Road, Bedforddale, subject to the following modifications:
 - a) the wording of Provision 6 being amended to include a second sentence stating “Development envelopes are to be located outside the 30m setback from the seasonal watercourse.”;**
 - b) correcting the spelling of the word “Subdivider” in Provision 10;**
 - c) include proposed Lot 6 in the lots required to utilise an alternative treatment unit for effluent disposal;**
 - d) the inclusion of a new Provision stating “A Rehabilitation / Landscape Plan for the Strategic Revegetation Area shall be prepared and approved by the City prior to commencement of subdivision works. The plan shall be implemented by the subdivider and continuously maintained by the landowners.”;****

- e) **the inclusion of a new Provision stating “A Drainage and Nutrient Management Plan shall be prepared and approved by the City prior to commencement of subdivision works. The plan shall be implemented by the Subdivider.”;**
 - f) **the inclusion of a new Provision stating “A Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificates of Title of all the proposed lots advising of the existence of a hazard or other factor, notice of which is also to be included on the Deposited Plan. The Notification is to state: “This lot is located within 300 metres of an existing orchard, and may be affected by odours, noise, spray drift of chemicals and other impacts associated with the operation of an orchard”; and**
 - g) **the inclusion of a new Provision stating “The existing power east/west power lines shall be removed at the subdivision stage”.**
 - h) **The subdivider shall construct a 6 metre wide strategic firebreak within the adjoining reserve, which will extend along the boundary of Lot 19 and include a turn around area, prior to the subdivision of the land.**
 - i) **The subdivider shall make arrangements with the City for the subdivider to revegetate road verges, prior to the subdivision of the land.**
6. **Upon the matters specified in Part 5 above being included in the Structure Plan documentation or otherwise being attended to by the proponent, the Council authorises that the proposed Structure Plan be forwarded to the Western Australian Planning Commission for adoption under Clauses 6A.3.10 and 6A.4 of Town Planning Scheme No.4.**
7. **Advise the submitters and the applicant of its decision.**

MOVED Cr Tizard
MOTION CARRIED (7/0)

PROPOSED STRUCTURE PLAN FOR LOTS 6-8 WOLFE ROAD AND LOT 449 TAYLOR ROAD, FORRESTDAL

WARD	:	LAKE
DATE	:	12 October 2010
REF	:	CMA
RESPONSIBLE MANAGER	:	EMPS
APPLICANT	:	Dykstra Planning
LANDOWNER	:	Various
SUBJECT LAND	:	Lot 449 Taylor Road and Lots 6 – Wolfe Road Forrestdale
ZONING		
MRS	:	Rural - Water Protection
TPS No.4	:	Rural Living 2

In Brief:

- The City has received a proposed structure plan for Lot 449 Taylor Road and Lots 6-8 Wolfe Road, Forrestdale. In total the structure plan proposes to facilitate the development of 25 lots over a total area of 59ha which will result in 15 lots at Lot 449 Taylor Road and 10 lots at Lots 6-8 Wolfe Road.
- The site is currently zoned Rural Living 2 (RL2) under TPS No.4 and Rural (Water Protection) under the Metropolitan Region Scheme (MRS). The land is constrained by various natural resources such as wetlands and groundwater.
- It is considered that an appropriate level of structure planning has taken place to ensure relevant considerations have been adequately addressed or resolved to facilitate the land progressing to subdivision.
- Recommend that Council adopt the Structure Plan subject to modifications.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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



AERIAL PHOTOGRAPH
LOTS 6-8 WOLFE ROAD AND LOT 449 TAYLOR ROAD, FORRESTDAL

Relevant Policies

Local Planning Strategy 2005

Development Control Policy 3.4 – Subdivision of Rural Land

Development Control Policy 3.7 – Fire Planning

Statement of Planning Policy 2.5 – Agricultural and Rural Land Use Planning

Statement of Planning Policy 2.0 – Environmental and Natural Resource Policy

Statement of Planning Policy 2.3 – Jandakot Groundwater Protection Policy

Statement of Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region (Draft)

Statement of Planning Policy 2.7 – Public Drinking Water Source Policy

Statement of Planning Policy 2.9 – Water Resources

Statement of Planning Policy 4.3 – Poultry Farms Policy

Consultation

- ◆ Development Control Unit
- ◆ City Directorates
- ◆ Government Agencies
- ◆ Adjoining and nearby landowners

BACKGROUND

The City has received a proposed structure plan for Lot 449 Taylor Road and Lots 6-8 Wolfe Road, Forrestdale. In total the structure plan proposes to facilitate the development of 25 lots over a total area of 59ha which will result in 15 lots at Lot 449 Taylor Road and 10 lots at Lots 6 – 8 Wolfe Road. Lot 449 Taylor Road is 31.64ha and Lots 6, 7 and 8 Wolfe Road are 9.48ha, 9.16ha and 9.10ha respectively (*Refer to Submittee Structure Plan*). Both lots are located at the south western corner of the City. Lot 449 Taylor Road is at the corner of Oxley and Taylor Roads. Lots 6-8 Wolfe Road are at the corner of Rowley and Wolfe Roads on the City's boundary. The land west of Wolfe Road is under the jurisdiction of the City of Cockburn, subdivided into lots of around 2 hectares and zoned "Resource" under its Town Planning Scheme.

Following a substantial assessment period, in 2005 Town Planning Scheme No.2 was amended to rezone the subject land from "General Rural" to "Special Use - Rural/Residential" (TPS No.2 Amendment No.143). As part of amendment No.143 an environmental review was conducted at the request of the EPA to identify and address a variety of environmental constraints which affect the area. As a consequence of this review, the Special Use Development Table of TPS No.2 was amended to include an extensive list of provisions/management outcomes pertaining to development of the land. Given the approval of amendment No.143 took place after a comprehensive environmental review, it is considered that there is the potential to conditionally support development of the land for rural residential purposes.

A subdivision guide plan was also produced as part of the amendment No.143 proposal. Despite amendment No.143 being approved, the subdivision guide plan was not approved due to it having various deficiencies. The subdivision guide plan proposed 15 lots at Lot 449 Taylor Road and 13 lots at Lots 6-8 Wolfe Road.

When TPS No.4 came into effect in November 2005, the provisions in TPS No.2 relating to the subject land were transferred into Schedules 10 (Environmental Conditions) and 12 (Development [Structure Planning] Areas) of TPS No.4.

The land is currently zoned Rural Living 2 (RL2) under TPS No.4 and Rural (Water Protection) under the Metropolitan Region Scheme (MRS). In the past Lot 449 Taylor Road was used for the cultivation of native plants. Currently Lot 449 is not used for any specific purpose but has more recently been used for exercising horses. Lot 449 Taylor Road does not contain any housing. Lot 7 is used for the keeping of horses and lots 7 and 8 Wolfe Road each accommodate a single house which is currently used for Rural Residential purposes. Lot 6 Wolfe Road remains undeveloped.

Currently Lots 6-8 Wolfe Road have a variety of junk on them such as scrap metal, derelict/unlicensed cars and sea containers. The storage of these materials contravenes the provisions of TPS No.4 and an inspection of the properties and Council records indicate that unapproved uses are taking place. Despite this being a matter separate to the structure plan, it is recommended that the matter is acknowledged and acted upon. Consequently, the City's compliance officers have been working with the landowners regarding the issue and the junk items are progressively being removed from the property.

Both development areas are affected by a variety of constraints some of which include:

- The Poultry Farm on Lot 434 Taylor Road, Forrestdale;
- Wetlands;
- Public Drinking Water Resource Protection Area (priority 2) (Jandakot Groundwater Mound);
- Remnant Vegetation;
- High Water Table;
- Water Corporation ground water extraction wells; and
- Peel Harvey Coastal Plain Catchment Area.

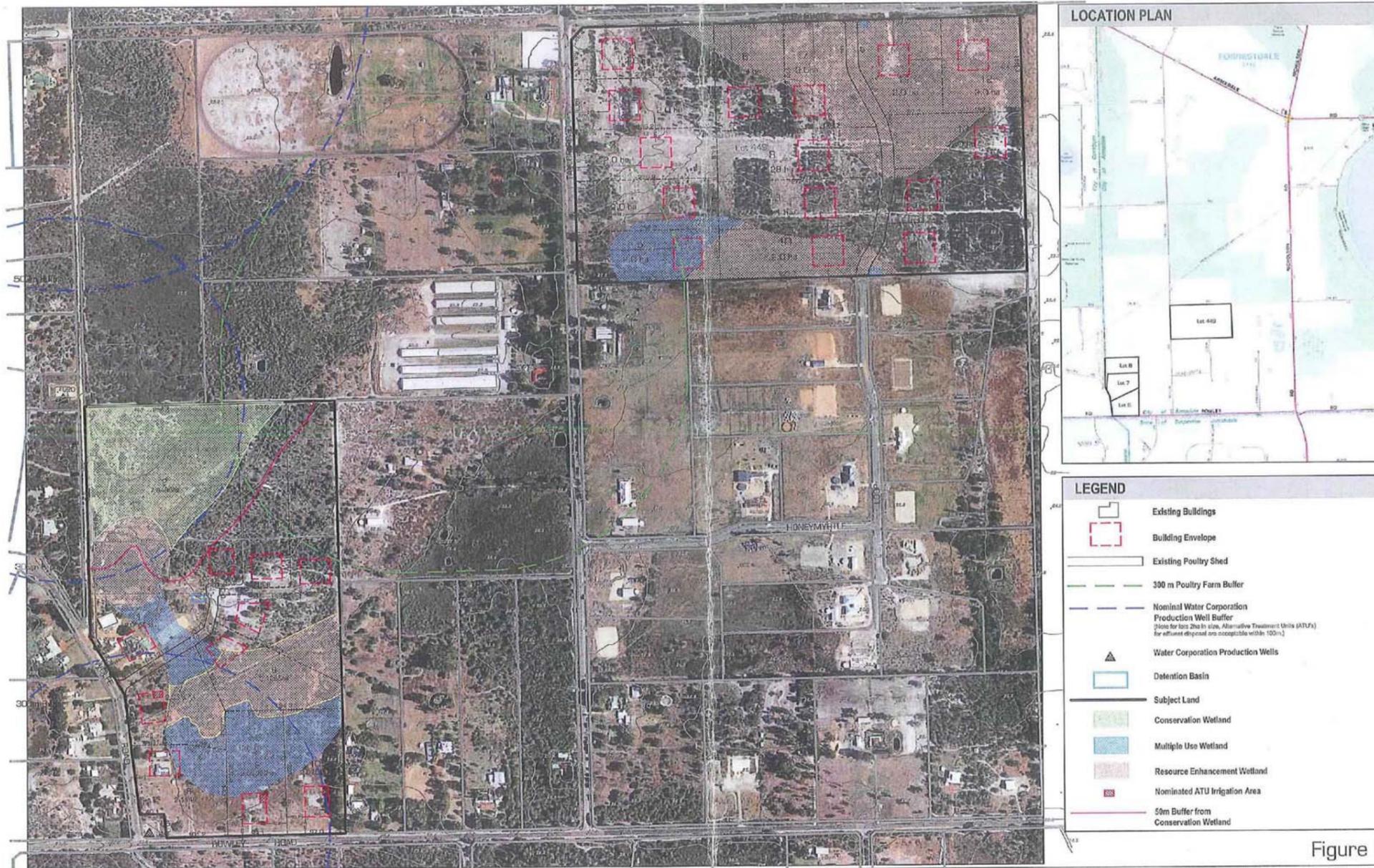
Under TPS No.4 the sites are identified on Special Control Area maps with the following designations:

- Public Drinking Water Resource Protection Area Priority 2
- Wetland Protection Areas
- Poultry Farm Buffer
- Environmental Condition/Development Area No.21

Submissions

The structure plan was advertised in accordance with Clause 6A.3.5 of TPS No.4 and 10 submissions were received from:

- Department of Water (DoW)
- Department of Environment and Conservation (DEC)
- Water Corporation
- Environmental Protection Authority (EPA)
- Main Roads WA



Aerial Overlay Plan
 Lots 6-8 Wolfe Rd and Lot 449 Taylor Rd, Forrestdale

NOTES:
 * THIS DOCUMENT MAY ONLY BE USED FOR THE PURPOSES FOR WHICH IT WAS DEVELOPED AND IN ACCORDANCE WITH THE TERMS OF EMPLOYMENT.
 † IN CONSIDERING STREETS AND BALANCE OF LOTS ARE SUBJECT TO SURVEY AND ALSO THE REQUIREMENTS OF ALL APPLICABLE LEGISLATION.

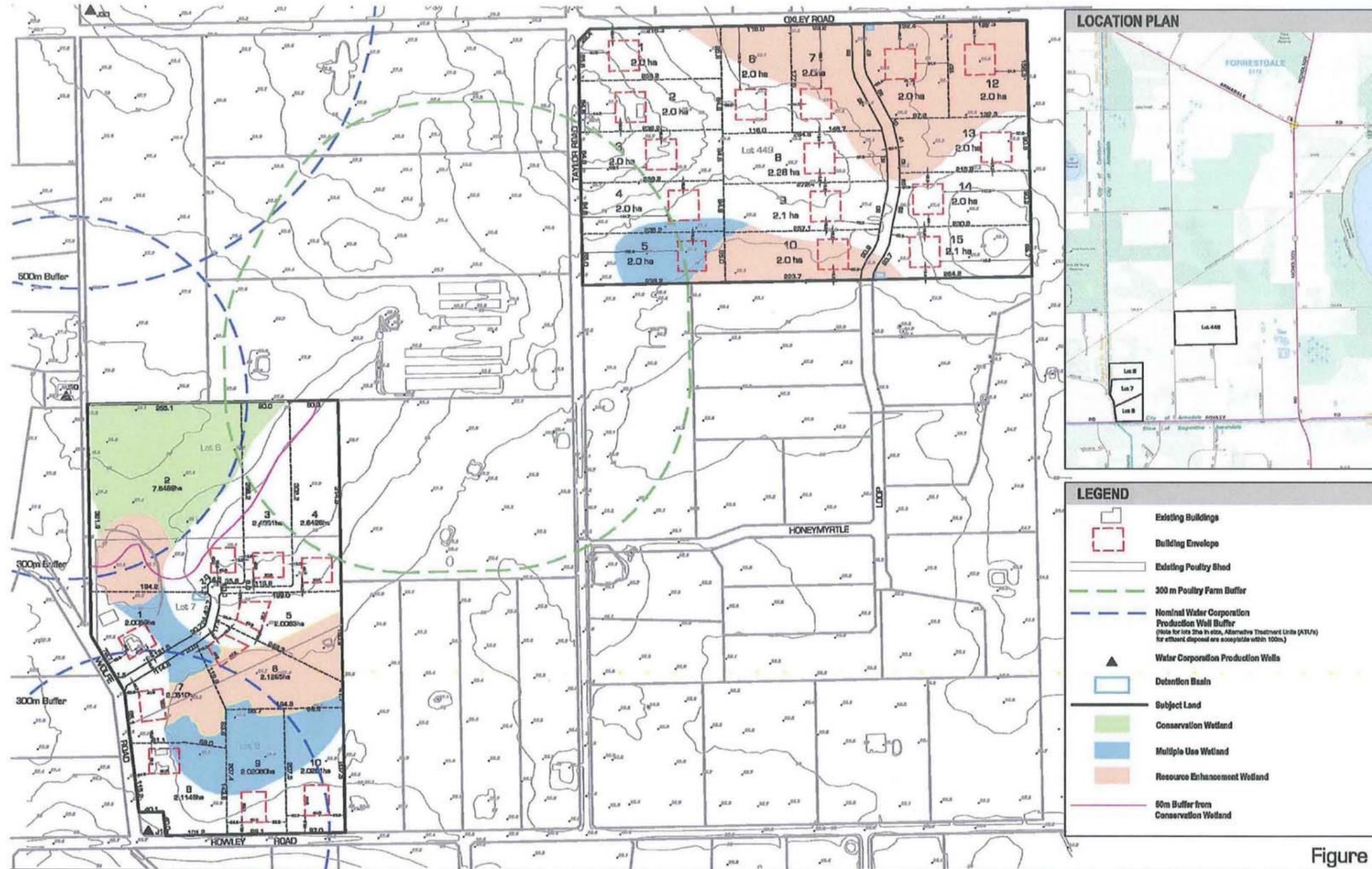
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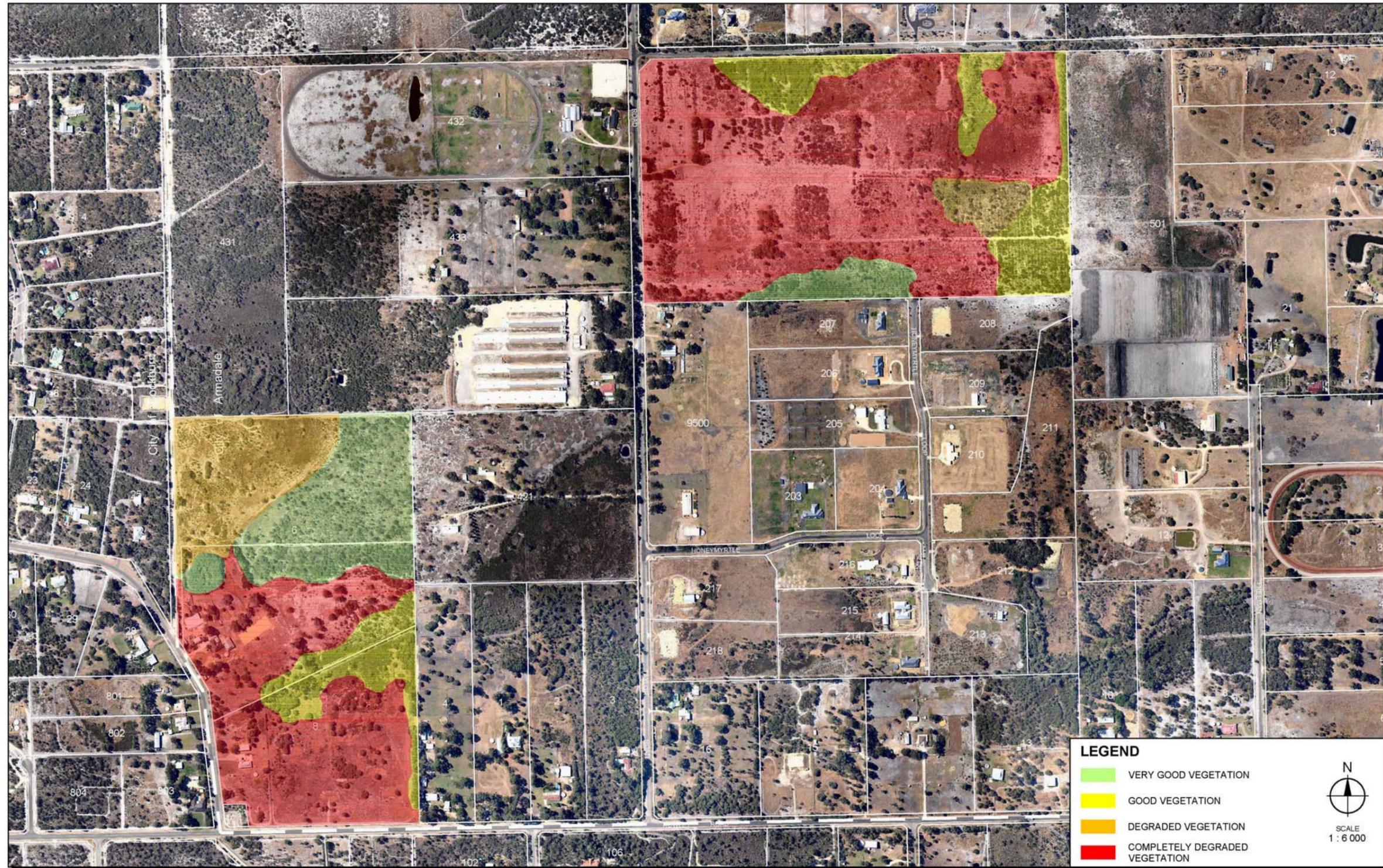
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Figure 2

SUBMITTED AERIAL OVERLAY PLAN
 LOTS 6-8 WOLFE ROAD AND LOT 449 TAYLOR ROAD, FORRESTDALE

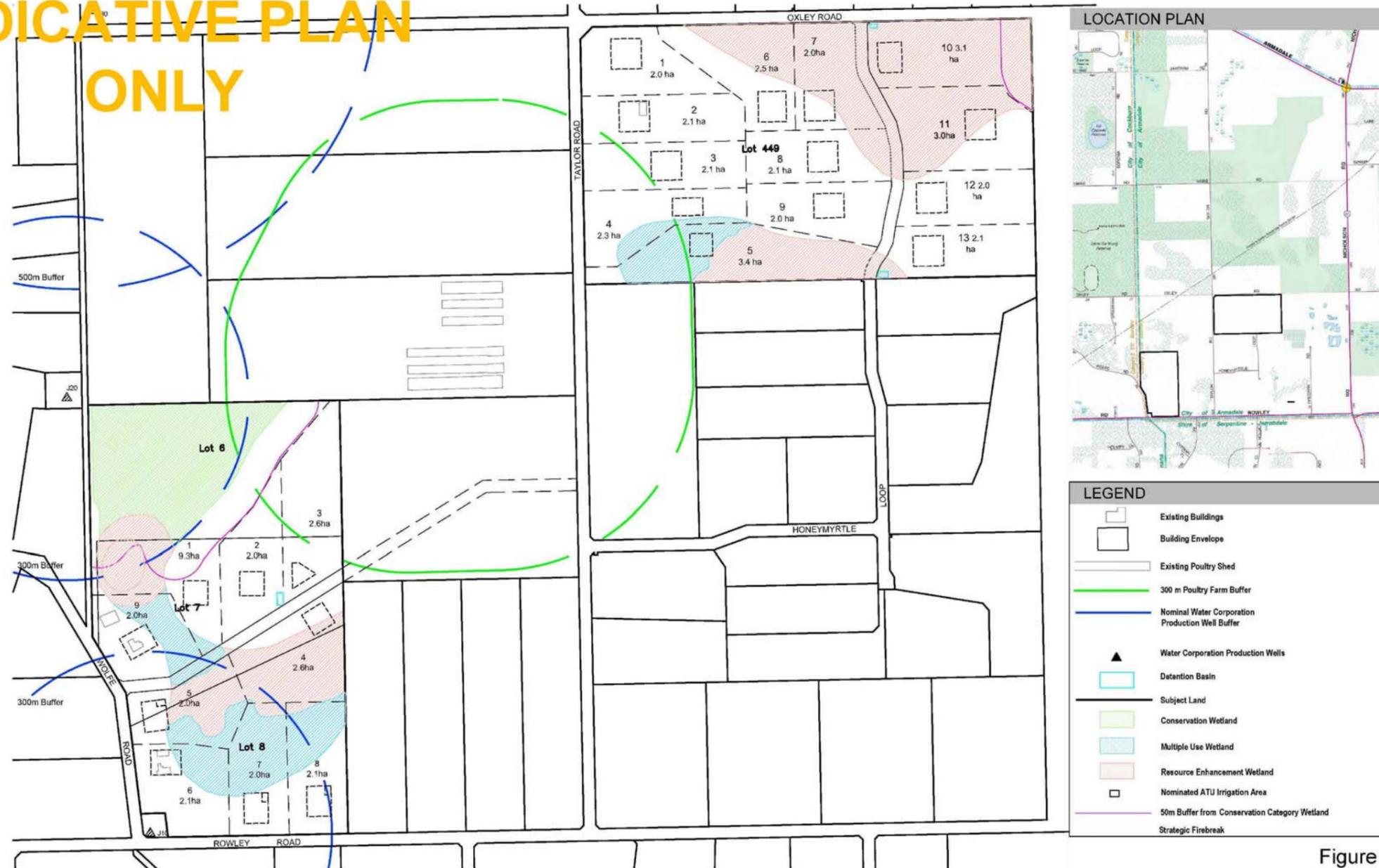


SUBMITTED STRUCTURE PLAN
 LOTS 6-8 WOLFE ROAD AND LOT 449 TAYLOR ROAD, FORRESTDALE



BUSHLAND CONDITION
LOTS 6-8 WOLFE ROAD AND LOT 449 TAYLOR ROAD, FORRESTDALE

**INDICATIVE PLAN
 ONLY**



Structure Plan
 Lots 6-8 Wolfe Rd and Lot 449 Taylor Rd, Forrestdale

NOTE:
 • THIS DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT.
 • THE EXTENSION, AREA AND NUMBER OF LOTS ARE SUBJECT TO SURVEY AND ALSO THE REQUIREMENTS OF ALL AUTHORITIES.



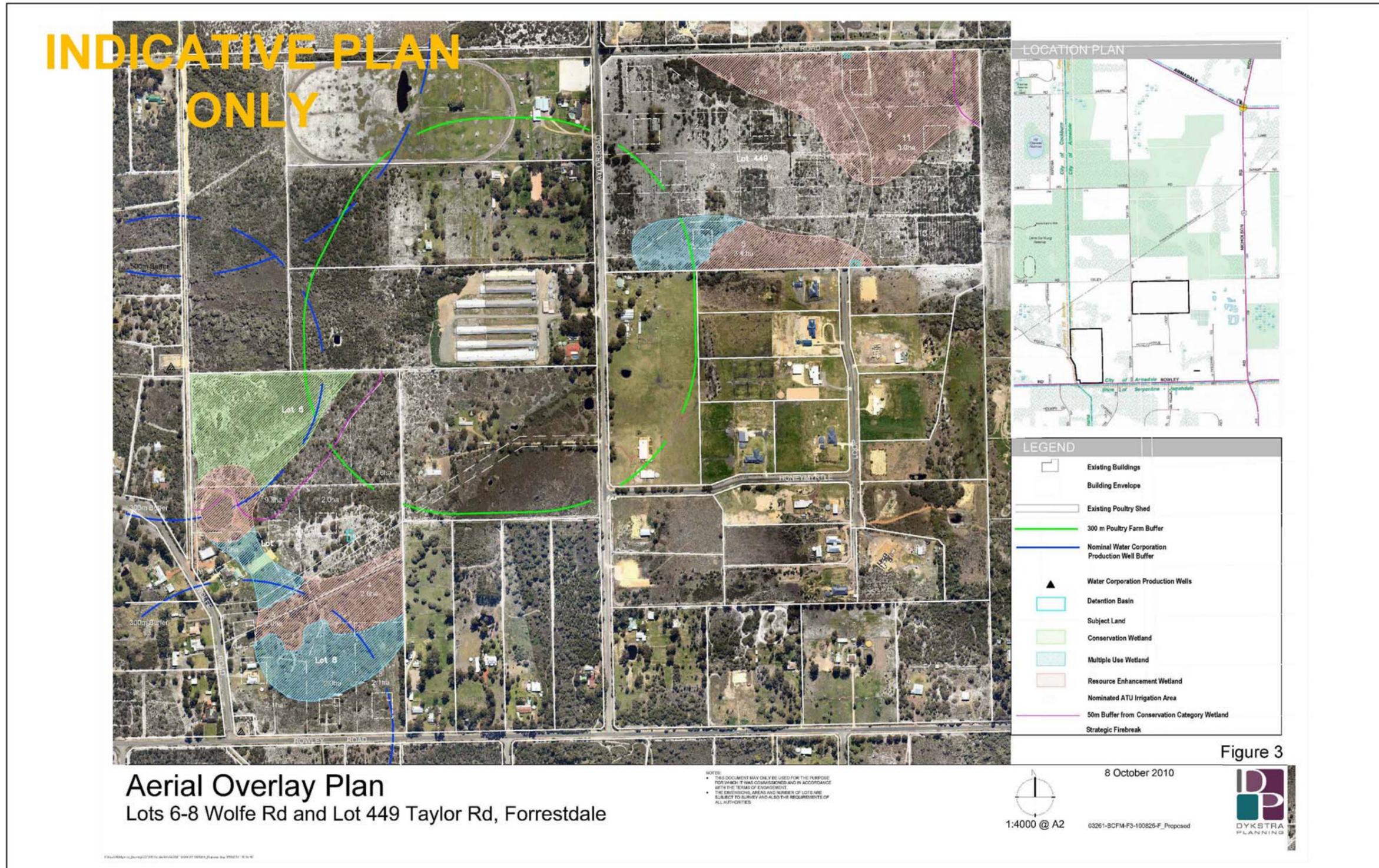
8 October 2010

03261-BCFM-F3-100826-F_Proposed

Figure 1



PROPOSED STRUCTURE PLAN
 LOTS 6-8 WOLFE ROAD AND LOT 449 TAYLOR ROAD, FORRESTDALE



PROPOSED AERIAL OVERLAY PLAN
 LOTS 6-8 WOLFE ROAD AND LOT 449 TAYLOR ROAD, FORRESDALE

- Local Residents
- Department of Indigenous Affairs (DIA)
- WestNet Energy
- Telstra
- Western Power
- Department of Health

A copy of the schedule of submissions is at Attachment “A5” of the Minutes.

LOCAL AREA CONTEXT

Lot 449 Taylor Road and Lots 6-8 Wolfe Road, Forrestdale are located approximately 24 kilometres due south of the Perth CBD, approximately 10 kilometres due west of the Armadale City Centre and approximately 7 kilometres south east of Cockburn Central. The lot is within the Forrestdale (Coastal Plain West) neighbourhood precinct as defined in the TPS No.4 Local Planning Strategy (LPS). As specified in the LPS, key strategies for the future of this area are to:

- *“Ensure zoning and scheme provisions protect the environmentally sensitive and heritage areas of Forrestdale Lake, the Jandakot Regional Park, Bush Forever sites, Jandakot Groundwater Mound and the Peel Harvey Catchment;*
- *Ensure that new residential development has appropriate buffers to the proposed Forrestdale Industrial Park, sewage treatment and proposed wastewater treatment plant, Tonkin Highway extension, existing kennels and other land uses with external impacts;*
- *Integrate new subdivision into existing areas to maintain Forrestdale’s character and amenity;*
- *Encourage a variety of housing types in small clustered neighbourhoods, designed to enable good access to facilities and transport.”*

The lots are also within the Forrestdale Rural Planning Area as defined in the TPS No.4 LPS. The planning objective for this area is *“to protect the water resources, wetlands and remnant vegetation while encouraging landscape enhancement, maintenance to rural character, and good land management practices to allow the land to be used its highest potential.”* Among the “desirable (conditional) future uses” for the area, *Limited Rural Residential* is mentioned.

The objective for the Rural Living zone as specified in TPS No.4 is:

- “a) To provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics.*
- b) To provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites.*
- c) To ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.”*

Given the key objectives and strategies associated with the area's future development, subdivision of the land for rural residential development is possible. However, protecting the natural resources which form part of the land is a consideration which needs to be prioritised to ensure sympathetic development is achieved.

Land in the area which is subject to similar constraints and has been recently developed includes, the land opposite Lot 449 Taylor Road north of Oxley Road and land at Honey Myrtle Loop which has been subdivided into lots ranging from approximately 2 – 4 hectares.

COMMENT

Vegetation and Flora

An environmental report has been submitted with the application which assesses vegetation, flora and fauna at the subject sites. The environmental consultant conducted both a desktop and field assessment of the subject site.

The vegetation on the land is within the Bassendean Dune System, which consists of medium very sparse woodland; jarrah, with low woodland; Banksia and Allocasuarina. The consultants also investigated Vegetation Complexes and Floristic Community Types (*FCT*) to help determine the significance of vegetation in the area.

As part of their desktop assessment, the consultants investigated *Vegetation Complexes* and consulted with Department of Environment and Conservation (DEC) databases to search for Threatened Ecological Communities (TEC) and Priority Ecological Communities (PEC).

The area was determined to be in the Bassendean - Central and South vegetation complex. This vegetation complex has 27% of the original area remaining on the Swan Coastal Plain. This is above the 10% requirement, below which there is a general presumption against clearing.

DECs databases revealed four TECs are known to occur within 10km of the subject site. Two Priority 3 PECs also occur within 10km of the subject site. In addition, two Declared Rare Flora species and seven Priority Flora species are found within 5km of the subject site.

Further to their desktop assessment, the consultant conducted a field assessment. During the field assessment the subject site was assessed and mapped for:

- ◆ vegetation communities, as recognised in the field;
- ◆ vegetation condition, using the Keighery (1994) Bush Forever Bushland Condition Assessment Scale;
- ◆ threatened flora species; and
- ◆ flora inventory.

From the field assessment the consultants concluded that one vegetation community remained intact on the site, the inferred Floristic Community Type (FCT) for the site was SCP 21a Central *Banksia attenuata* - *Eucalyptus marginata* woodland, which is not a Threatened Ecological Community or Priority Ecological Community. In addition, no threatened flora species were found during the field assessment. (*Refer to Bushland Condition Map*).

Fauna

As part of the consultant's desktop assessment for fauna, the following were consulted:

- Western Australian Museum database FaunaBase (2008)
- The Birds Australia (2008), Atlas Database
- DEC Threatened Fauna Database (database search request) and
- The Department of Environment, Water, Heritage and Arts (Australian Government) EPBC Protected Matters Search Tool.

FaunaBase indicates that over 100 fauna species are present in the local area. However, this does not mean they are resident in the subject area. A search of the DEC Threatened Fauna Database revealed the following fauna (listed by their common name) in the local area:

- Numbat
- Black Striped Snake
- Lined Skink
- Western False Pipistrelle
- Quenda
- Tammar Wallaby

Despite the above, the consultant considered it unlikely that the Numbat, Black Striped Snake and Tammar Wallaby are present. However, they thought there was the potential for the Lined Skink, Western False Pipistrelle and Quenda to be present but most likely as temporary non-residents given the small area of good condition vegetation.

To supplement the desktop fauna assessment, a field assessment was conducted. The consultant found that *“in general the habitat quality of the site is good with Proteaceous plant species providing feeding values for bird species. As the study site lacks a large area of good condition bushland it would not be capable of supporting a resident population of Quenda but may be visited on an irregular basis. Small reptiles and mammals (i.e. skinks and mice) may utilise the site however the presence of feral cats and foxes would reduce the possibilities of these faunal assemblages occurring”*. In addition, *“no priority or threatened fauna species were observed during the field survey.”*

Wetlands

The subject sites are covered by a large area of wetlands which have recently been assessed and some reclassified by the DEC. The wetlands at the Wolfe Road site comprise of a Conservation Category Wetland (CCW) in the north-western corner. South of the CCW are areas of both Multiple Use Wetlands (MUW) and Resource Enhancement Wetlands (REW). The wetlands at the Taylor Road site area mainly comprised of REW with an area of MUW in the south-western corner (*Refer to Submitted Aerial Overlay Plan*).

The three categories of wetlands are defined as follows:

- **C category (conservation):** wetlands which support high levels of attributes and functions, with the management priorities being to preserve wetland attributes and functions under environmental protection policies.
- **R category (resource enhancement):** wetlands which have been partly modified but still support substantial functions and attributes, with the management priorities being to restore and enhance wetland functions and attributes.
- **M category (multiple use):** wetlands with few attributes which still provide important wetland functions, with the management priorities developed in an appropriate context with land use.

DEC recently assessed the wetlands at both development areas. On Lot 449 it was indicated that the vegetation community and condition is variable. The wetlands support isolated areas of disturbance in a completed degraded condition. However, it was found that the degraded areas were surrounded by areas of dense vegetation ranging from good to excellent condition. The area of MUW on Lot 449 was found to be disturbed and did not support values consistent with the remaining wetland areas on the lot. It was found that the remaining area of REW on Lot 449 had good condition vegetation and the wetlands supported important habitat values.

On Lots 6 – 8 Wolfe Road the CCW was found to support a vegetation community in good to very good condition and is consistent with the vegetation on the adjoining property to the north. It was found that small and isolated portions of the CCW displayed evidence of disturbance, however overall, the wetland supports important values and functions including dense habitat and a contiguous ecological linkage.

The portion of REW adjoining the CCW displays vegetation, hydrological and hydric soil evidence that it functions as a wetland. The area of wetlands south of this REW supports varying areas of value and condition with some portions being highly disturbed and some portions supporting remnant vegetation in good condition. Consequently, part of this area is classified as REW and the other parts MUW.

Groundwater

The western part of the subject area is within a Public Drinking Water Resource Protection Area (priority 2 area) and development in the area needs to take into consideration *Statement of Planning Policy 2.3 - Jandakot Groundwater Protection Policy (SPP 2.3)* and the *Jandakot Land Use and Water Management Strategy (1995)*. Also, health related documents such as the Government Sewerage Policy need to be considered.

Two Water Corporation production wells are located to the west and south west of the Wolfe Road site. This part of the Structure Plan area is affected by a well head protection zone (WHPZ) which is curricular and has a radius of 300m extending from the well. It is also affected by the Peel-Harvey Coastal Plain Catchment Area.

“The main purpose of SPP 2.3 is to help ensure development over the Jandakot public groundwater supply mound is compatible with the long-term use of the groundwater for human consumption. The Policy is to ensure that land use changes within the Policy Area that are likely to cause detrimental effects to the groundwater are brought under planning control and prevented or managed.”

“The policy reinforces a minimum lot size of 2ha. Where it can be demonstrated that the risk of contamination to the groundwater resource is not increased, then a 2ha average lot size may be acceptable by, for example, using innovative subdivisions designs such as cluster form developments.”

The policy also defines acceptable land uses over public groundwater. The policy states:

“The local government may propose a number of different local zones within the area covered by the MRS “Rural-Water Protection” zone, and may choose which of the permitted uses would apply to each of their zones.”

Dwellings are listed as permitted under SPP 2.3. The requirements of SPP 2.3 are reflected in the TPS No.4 provisions related to the subject area. More specifically, a minimum lot size of 2 hectares is required and single houses are a permitted use pursuant to the TPS No.4 zoning table.

Drainage and Nutrient Management

Drainage and nutrient management are two important issues which need to be addressed as part of the development to ensure various natural resources in the area are not adversely affected.

The potential impacts on water resources from the proposed development are primarily associated with effluent disposal, stormwater runoff, possible agricultural pursuits and the keeping of livestock. It is generally considered that rural residential development in the subject area will not cause significant adverse impacts providing nutrient import/export and storm water runoff are appropriately managed.

As recognized in TPS No.2 amendment 143 and subsequent environmental reports, the land form of the subject area is capable of rural residential development, however aerobic treatment units (ATU) should be used and other relevant conditions need to be considered, such as adequate separation to groundwater. Generally, a minimum depth to groundwater of 0.5m is required for effluent disposal systems only when an approved ATU is used.

The applicant’s submission includes an assessment by a consultant which assesses the maximum groundwater level over the subject area. The consultant used existing data from Department of Water Monitoring Wells and fieldwork in the form of test pits at proposed building envelope locations to assess the maximum groundwater level.

At the Wolfe Road site groundwater was encountered at depths between 2.13m and 3.40m at the test locations on 9 November 2006. At the Taylor Road site groundwater was encountered at depths between 1.3m and 2.95m. At test pits 1, 2, 3, 8, 10, 11 and 13 at the Taylor Road site groundwater was not encountered to a depth beyond 3.0m. It should be noted that typically the maximum groundwater level is reached towards the end of winter and by November it is lower.

Therefore, the maximum groundwater level is most likely higher than that measured by the consultants in November at the test pits locations. Considering this the consultants also estimated the maximum ground water level at the test pits locations. The estimated maximum groundwater level at the Wolfe Road site ranges between a depth of 0.31m and 1.43m. The estimated maximum groundwater level at the Taylor Road site ranges between a depth of 0m (at ground level) and 4.3m.

In the desktop land capability assessment undertaken by consultants there is reference to similar types of soil conditions which were found in the nearby developments at Honeymyrtle Loop and Oxley Rd. On these sites, perched wetlands have been a problem rather than the maximum groundwater level. While it is not mentioned in the groundwater level assessment, it is considered that given the similarity between the proposed development and nearby sites developed previously, there is the strong possibility that perched wetlands will also be an issue at the subject area.

The groundwater assessment conducted by consultants was undertaken in November and due to a lack of recent rainfall perched wetlands may not have been apparent. The soil sampling does not mention a ferricrete layer (this is what is likely to cause perched wetlands) that are present at the other nearby sites but given its fragility it may have been broken up during the extraction of the samples. The wetland values report suggests that there are perched wetlands as it mentions surface water being evident during the field surveys. This report was done in September when rainfall was higher than in November.

At Honeymyrtle Loop the perched wetlands cause the groundwater to be at the natural ground level across large sections of the site. When the Honeymyrtle Loop subdivision was developed a minimum 500mm separation from the groundwater levels was required. However, this only gave a minimal allowance for the installation of onsite effluent disposal systems, which in some instances has caused problems. Consequently, in this instance it is considered necessary to determine if there are perched wetlands over the subject area during wetter months. If there are perched wetlands there needs to be detailed information about where the surface water/stormwater will go. Most importantly, submerged effluent disposal systems need to be avoided as they will fail. Appropriate structure plan provisions have been included to ensure this issue is addressed prior to any subdivision of the land.

Well Head Protection Zone

As mentioned, part of the subject area is covered by a wellhead protection zone (WHPZ). Some parts of the proposed development envelopes are within the 300m WHPZ buffer zone at its outer extremities. It has been highlighted by the Water Corporation that land use restrictions essentially apply to the storage of materials such as petroleum, pesticides and fertilizers and the keeping of livestock in WHPZ. These restrictions are invoked by the State Agencies such as the Water Corporation, Department of Water and Department of Health. On balance it is considered likely that low density rural residential development could occur within a wellhead protection zone providing development meets the various applicable restrictions. As a general rule no ATU effluent disposal system should be within 100m of the well head.

Soil Contamination

Given Lot 449 was used as a native plant nursery in the past, a site investigation for contamination has been undertaken for the lot to help ensure no dangerous levels of contaminants exist as per TPS No.4 environmental conditions. The requirements under the Special Use Zone No.96 in TPS No.2 only required a site contamination assessment for Lots 432 Oxley Road and Lot 449 Taylor Road. The environmental conditions under Schedule No.10 of TPS No.4 do not mention specific lots to which the contamination assessment should relate, however, it shall be to the satisfaction of the City. Based on the requirements under the Special Use Zone No.96 in TPS No.2, a site contamination assessment has been prepared for Lot 449 Taylor Road only.

The site contamination assessment for Lot 449 Taylor Road concluded:

- ◆ Heavy metal, BTEX, TRH, OCP, OPP, PAH and triazine herbicide concentrations in all samples are all below Ecological Investigation Levels (EIL) Criteria and therefore do not impact soil quality across the Site and do not limit the redevelopment of the Site.
- ◆ Groundwater results are all below laboratory detection limits, except for one isolated concentration of TRH in well MI. The recorded concentration of 0.06 mg/L is not considered significant and can be attributed to the washdown of equipment or chemical containers at this location.
- ◆ The groundwater investigation was limited to the northwest corner of the Site, however, based on the results contained in this report it is considered that the potential for significant groundwater contamination across the Site is very limited. Consequently, groundwater quality at the Site does not limit redevelopment of the Site.

It should be noted that the above conclusions are drawn from samples at various test locations at the site only. The results of such assessments therefore have some limitations. On balance however and based on the consultant's report, the above conclusions suggest that the land at Lot 449 Taylor Road is not impeded by contamination to an extent where it would limit rural residential development.

Poultry Farm (Odours)

A poultry farm is currently located at Lot 434 Taylor Road, Forrestdale. Statement of Planning Policy 4.3 – Poultry Farms Policy identifies the need for a 300m buffer between poultry farms and rural residential development. This buffer is achieved by the proposed development. With consideration of the poultry farm impacts, the application is supported. However, to help limit management issues in the future it is recommended that a structure plan provision is included which requires notifications on the proposed lot titles notifying landowners that there is a poultry farm nearby.

Gas Pipeline

The environmental conditions in Schedule No.10 of TPS No.4 specify that High Pressure Natural Gas Pipeline Management Plan should be prepared prior to subdivision of land within Development Area 21, which includes the subject land. In this instance it is not considered necessary as the subject land is not affected by the pipeline aside from a small area at the north west of Lot 449 which is affected by the pipeline buffer.

Visual Amenity

A key objective for the area as specified in TPS No.4 and the LPS is for development not to compromise the area's existing rural character. Given a minimum 2ha lot size is proposed and the form of other development in the area, which is characterised by single houses on rural living lots, the proposed development will not be distinguished from existing development or compromise the area's general amenity. However, clearing will be required for development envelope, driveways, new roads and clearing required for fire management purposes. Where possible, clearing should be limited to maintain the natural character of the area, particularly the large amount of clearing which has occurred on other nearby land. The subdivider will be required to submit a landscaping and vegetation rehabilitation plan which will assist to offset the visual impacts of any clearing. Providing clearing is minimised through the structure plan design and a landscaping plan initiated by the subdivider, clearing some parts of the development area is considered acceptable to allow for the proposal.

Bush Fire Protection

The Fire Management Plan (FMP) for the subject development was prepared in 2008 prior to the latest bush fire protection guidelines being released. The FMP does have some deficiencies with a main one being that residents/the public have not been provided with two vehicle access routes to the public road network. Consequently, the road network could be amended or alternatively strategic firebreaks/emergency access ways should be proposed and installed as part of subdivision. The applicant will be asked to review the FMP with considerations to the latest guidelines. They will need to modify the FMP where necessary and show its implications on the Structure Plan.

Access

Taylor Road Site

During the advertising period a petition signed by five residents of Honeymyrtle Loop was received. The main concern of the residents was the proposed extension north of Honeymyrtle Loop through Lot 449 Taylor Road to connect with Oxley Road. The residents consider that the extension will result in higher traffic volumes along the road which they suggest may promote “hoon” behaviour. The residents are also concerned that a through road may compromise security in the area. Given that Honeymyrtle Loop is a low order rural road it is considered that its extension will not create any significant concerns. In addition, having a more permeable road layout in the area is considered to improve the amenity and safety of the area as a whole. It does this by helping to disperse traffic so it is spread more evenly and it also provides better access opportunities during fire emergencies.

It should also be noted that when the subdivision guide plan for the Honeymyrtle Loop area (Taylor Fields) was approved by Council, the road was shown to extend all the way to the boundary of Lot 449 Taylor Road and it did not have a cul-de-sac. Furthermore, previous proposals also included a through road. Given the above, the road as proposed at the Taylor Road site is supported.

Wolfe Road Site

The City has investigated the option of extending the cul-de-sac at the Wolfe Road site to the eastern boundary of the site to allow for future access to Lot 421 Taylor Road and the RL4 lots at the corner of Rowley and Taylor Roads. As per the benefits for continuing Honeymyrtle Loop discussed above, the same benefits apply to extending the Wolfe Road cul-de-sac. In addition, extending the cul-de-sac would likely prevent any battleaxe lots, which are not encouraged in bush fire prone area due to access limitations. It should be noted that Lot 421 Taylor Road can not be developed for rural residential purposes until the neighbouring poultry farm ceases operation due to the odour buffer which currently surrounds it. In addition, both Lot 421 and the RL4 lots are constrained by areas of REW and areas of good condition vegetation which should be retained where possible if redevelopment occurs. Given the constraints on the adjoining land, its full development potential can not be accurately determined until detailed structure planning has been undertaken. However, given the other form of development which has occurred in the area, development of this land for a form of more intensive rural residential purposes can be considered likely.

Lot 421 is part of Development Area No.21, like the Wolfe and Taylor Road sites. Providing it is practical to do so, land within a structure plan area, or other nearby land with similar development potential, should be developed in a coordinated manner. This issue is usually addressed as part of relevant development proposals, even if some land may not be developed for many years to come. The designation of Lot 421 under development area No.21 and with a zoning of RL2 demonstrates that under TPS No.4 its development potential has been realized, subject to relevant constraints being addressed. Consequently, ensuring the Wolfe Road site can integrate with Lot 421 Taylor Road should be considered important.

Instead of extending the cul-de-sac to the eastern boundary as requested by the City, the applicant has proposed a strategic firebreak that extends from the cul-de-sac head to the eastern boundary. The applicant states that the firebreak could eventually be connected to the adjoining land if the opportunity arose. However, extending a strategic firebreak to the boundary would only address fire management considerations and does so in a less than ideal manner.

Under the planning for bush fire protection guidelines, cul-de-sacs are generally not encouraged in bush fire prone areas because they do not provide two way access and egress for residents. Areas at and around the Wolfe Road site currently have a fire hazard assessment level ranging from extreme to medium. Consequently, cul-de-sacs should only be installed if unavoidable. With consideration to the site's long term future, cul-de-sacs are avoidable. During the first stage of development, the development currently proposed at the Wolfe Road site would still include a cul-de-sac. However, the long term objective would be for the road to eventually extend through to Taylor Road via a redeveloped Lot 421. In the interim, an emergency access way would need to be constructed down the eastern boundary of the Wolfe Road site connecting to Rowley Road.

In regard to residential development, which includes rural living development, the LPS promotes the incorporation of the general principles and neighbourhood amenity, urban design and access provisions of the Liveable Neighbourhoods Community Design Code in the preparation of Local Structure Plans and in the assessment of subdivisions and development plans. Among the objectives of the Community design code, highly interconnected movement networks are promoted which promote things such as, good internal and external access for residents, walking and safety. Cul-de-sacs are not closely related to highly interconnected road networks. This is another reason to try and ensure a through road from the Wolfe Road site to Taylor Road via Lot 421 is eventually achieved.

ANALYSIS OF KEY ISSUES

The key issues to consider as part of this application are:

1. Protection of Vegetation, Flora and Fauna;
2. Protection of wetlands;
3. Protection of groundwater;
4. Bush Fire Protection; and
5. Access.

Protection of Vegetation, Flora and Fauna

The potential impacts on vegetation, flora and fauna from the proposed development are primarily associated with the clearing for buildings, fire protection, infrastructure, the keeping and grazing of animals and general disturbances associated with development processes.

As part of the assessment it has been identified that some areas of "very good" condition vegetation would be lost. This will occur at proposed lots 5 and 10 at the Taylor Road site and at proposed lots 2, 3 and 4 at the Wolfe Road site.

Retaining “good” to “very good” condition vegetation is important to protect the area’s natural ecosystems and its visual character, pursuant to the objectives of TPS No.4 and the City’s strategic documents. This opinion is reflected in advice from the DEC who supported the retention of vegetation in good or better condition where practicable. In this instance it is considered practicable to do so given the structure planning process allows the opportunity for natural attributes to be protected where necessary to achieve goals such as those set out in the City’s strategic documents. Furthermore, it is considered that protecting vegetation will not significantly compromise the potential lot yield, which as proposed is at the maximum at the Taylor Road site and close to the maximum at the Wolfe Road site.

Protection of Wetlands

Further to the protection of vegetation, flora and fauna, the wetlands of the area need to be appropriately considered and protected. In this instance it is considered important to protect the CCW at the Wolfe Road site and the REWs at both sites.

In their wetlands assessment, the DEC found that the REWs at Lot 449 had good condition vegetation present and supported important habitat values. Where practicable REWs should be exposed to management practices which promote them being restored and enhance their wetland functions and attributes. In their advice DEC recommend that where practicable the REW wetland vegetation be retained. This stance is also promoted through Council’s statutory and strategic documents which promote the protection of natural environments in the area. Targets 5 and 6 of the City’s Local Biodiversity strategy state:

Target 5

“Wetlands in Rural Living and General Rural zones - Protect, restore and manage all CCWs, EPP Lakes and all vegetated or high-habitat REWs as opportunities arise through rezoning, structure planning after rezoning, subdivision and/or development in Category 3 precincts where practicable.”

Target 6

“Wetland buffers - Protect and restore buffers to all protected CCW, vegetated or high-habitat REWs, and EPP lakes as outlined by the draft guideline for the determination of wetland buffer requirements (WAPC 2005).” (As a minimum standard, buffers to wetlands are often agreed at 50 metres for Conservation Category Wetlands and 30 metres for Resource Enhancement Wetlands.)

Protecting the REWs at Lot 449 is considered particularly important given the significant amount of disturbance that has already occurred to the wetland areas around Honey Myrtle Loop. Given this disturbance the REWs at Lot 449 may be regarded as an important isolated habitat for fauna which permanently or temporarily inhabit the area. In addition, protecting the REWs at Lot 449 will assist to maintain the visual character of the area. Parts of the REW at proposed lots 11 at Lot 449 have been modified by the introduction of fill and clearing of vegetation in recent time. From aerial photography it seems that the fill was introduced sometime between 2007 and 2008. It is unclear when, if and how the vegetation was cleared and what type of vegetation it was.

Given DEC recently retained the classification of REW for this part of the land and since filling of the land was undertaken without approval, there is justification for this area of the land to be rehabilitated via restoring the land to its natural ground level and vegetating the disturbed areas.

The CCW at the Wolfe Road site is protected under state government environmental legislation. The structure plan proposes development envelopes outside the CCW buffer but it does not contain the buffer within one lot. Given this, the buffer area will need to be cleared for multiple fire breaks and boundary fencing. This is not recommended and the CCW buffer should be contained within one lot and protected from unnecessary disturbance as far as practicable. Also, there is reason, as discussed, for disturbance of the REWs at the Wolfe Road site to be minimized.

Given the above, it is recommended that the structure plan is modified via the reduction of lots and/or the realignment of lot boundaries to protect the areas wetland values and minimize the impact of development. In particular, the CCW and REW's containing "good" to "very good" condition vegetation.

Protection of groundwater

The potential impacts on groundwater are primarily associated with effluent disposal, the keeping and grazing of animals and imported contaminants. Generally these impacts can be controlled through the development approvals process when the applications can be considered on their merits and appropriately dealt with by restricting the use in some way or by not allowing it to occur. In this instance, given the constrained nature of the land and the importance of the groundwater resource, dealing with the protection of groundwater through the structure planning process is important to help ensure its sustainability. Furthermore, TPS No.4 requires that certain conditions are in place to help ensure natural resources are protected. Consequently, the structure plan incorporates mechanisms to achieve this.

Public Open Space

Under WAPC Guidelines for *Rural – Residential Development in the Perth Metropolitan Region (1992)* it states among other things that rural residential zoning should incorporate town planning scheme provisions and general controls for the "*provision of public open space where appropriate to protect landscape and conservation features, provide a recreational amenity for residents, achieve open space linkages, and provide facilities integral to the development.*"

It could be appropriate for some parts of the development area to be given up as public open space to assist in the protection of the conservation features. For example, the CCW area and parts of the REW areas where "good" to "very good" vegetation exists. However, protection of such areas can still be achieved through the design, number and size of lots. Also, given the form of development which has already been approved in the area, such as that at Honeymyrtle Loop and opposite Lot 449 Taylor Road north of Oxley Road, achieving beneficial open space which is integrated with other conservation areas within the locality would be difficult.

It is questionable whether sizeable areas of POS which offer substantial recreational benefit to the community could be attained, particularly without significant investment from Council to develop such things as bridal trails and measures for the ongoing management of the POS areas. In addition, allowing public access to sensitive land may be detrimental to the conservation values of the area. In this instance, it is considered that the conservation values of the area can be protected through the structure planning process, the existing provisions within TPS No.4 and state government environmental legislation instead of through the allocation of public open space.

Bush Fire Protection

As discussed, the Fire Management Plan has deficiencies with a major concern being the lack of emergency access ways so two vehicle access routes are provided for all residents/the public. In addition, the fire management needs to be amended to consider the latest bush fire protection guidelines. The structure plan therefore needs to be amended to address this.

Access

Despite the benefits of extending the cul-de-sac to the boundary of Lot 421 Taylor Road not being obtained immediately, in the long term it is considered to be worthwhile as the rural residential neighbourhood of Forrestdale continues to develop. A through road will provide for a more connected movement network which will integrate residents with other parts of the City more easily and promote integration of the Forrestdale Neighbourhood Precinct. In addition, a through road is considered to align better with the objectives of the TPS No.4 and the LPS. These objectives are acknowledged in both the Wolfe Road and Lot 421 Taylor Road being the listed under the same structure planning area in TPS No.4 and having the same RL2 zoning. More importantly, having a through road will eventually result in a more optimal solution in terms of bush fire protection.

RECOMMENDATIONS TO ADDRESS ISSUES

The main recommendations to assist in addressing the variety of constraints which affect the subject area centre on the control of development through structure plan provisions and changes to the design and number of lots.

To help limit the impact on the areas natural resources and to protect its overall amenity, it is recommended that two (2) lots at Lot 449 Taylor Road and one (1) lot at Lots 6 – 8 Wolfe Road are deleted from the plan. It is also recommended that the proposed location of the building envelopes and lot boundaries is amended and access requirements are addressed within the structure plan. The recommended changes will help ensure development is located outside of the poultry farm buffer, wetlands are protected and they will also ensure clearing within “very good” and “good” condition vegetation areas is minimised.

Despite the deletion of the proposed lots at the Wolfe Road site, some clearing will still take place in a “very good” condition vegetation area and within parts of an REW. On balance this is considered acceptable given a large portion of the Wolfe Road site is to be conserved as CCW and the amendment of development envelopes and boundaries will allow for other areas of “Very Good” condition vegetation to remain. Furthermore, some areas will not be disturbed in anyway.

In consultation with the applicant, the City has proposed a structure plan design which addresses the above recommendations as shown in the *Proposed Structure Plan*. The applicant has indicated they support the proposed design and are willing to implement changes to the *Submitted Structure Plan* prior to it being forwarded to WAPC for final approval.

In addition to the above, a range of structure plan provisions have been recommended to help ensure development is sympathetic to the area's natural resources and other attributes. These provisions relate to matters such as separation to groundwater, wetland conservation, effluent disposal, rehabilitation, the keeping of livestock and fire management. Also, a through road has been included at the Wolfe Road site to allow for more integrated development of the area in the future.

OPTIONS

1. Council could resolve to adopt the Structure Plan with modifications required and request that the Western Australian Planning Commission grant final approval to the Structure Plan.
2. Council could resolve to defer the Structure Plan pending further information for consideration at a later date.
3. Council could decline adoption of the Structure Plan and give its reasons and recommend that the Western Australian Planning Commission refuse to approve the Structure Plan.

CONCLUSION

As discussed, the environmental constraints of the site are important issues which need to be considered and addressed as part of the assessment of the structure plan.

It is considered that an appropriate level of structure planning has taken place to ensure relevant considerations have been adequately addressed or resolved to facilitate the land progressing to subdivision. This structure planning has resulted in a recommendation to reduce the number of lots, modify the location of development envelopes, amend lot boundaries and introduce structure plan provisions which will help ensure the area's conservation values are maintained whilst allowing for rural residential development to occur. It is recommended that Council adopt the structure plan with modifications.

D87/10/10

RECOMMEND

That Council:

- A) Pursuant to Clause 6.A.3.7 (a) of City of Armadale Town Planning Scheme 4, adopt the Structure Plan for Lot 449 Taylor Road and Lots 6, 7 and 8 Wolfe Road, Forrestdale subject to modifications as detailed below:**
- i) The proponent shall modify the Structure Plan to delete 2 lots from the Taylor Road site and delete 1 lot from the Wolfe Road site to ensure development is located outside of poultry farm buffer, wetlands are protected and to prevent clearing of “very good” and “good” condition vegetation. The CCW and its buffer shall be located within one lot only as identified in the *Proposed Structure Plan* of the report. The proponent shall apply the requested modifications to the City’s satisfaction.**
 - ii) The proponent shall modify the Structure Plan so the current location of the building envelopes and lot boundaries is amended to prevent clearing within “very good” and “good” condition vegetation areas, ensure wetlands are protected and to ensure the level of separation between development (including the underside of the effluent disposal systems) and groundwater is acceptable. The proponent shall apply the requested modifications to the City’s satisfaction.**
 - iii) The proponent shall modify the Structure Plan to extend the proposed road at the Wolfe Road site to the lot boundary with Lot 421 (No.380) Taylor Road as identified in the *Proposed Structure Plan* of the report, including a temporary cul-de-sac head at the end of the road.**
 - iv) Add the following provisions to the Structure Plan:**
 - 1. Subdivision shall be in accordance with the Structure Plan and the City shall not support any further subdivision. The maximum number of lots at Lots 6 - 8 Wolfe Road shall be nine (9) and the maximum number of lots at Lot 449 Taylor Road shall be thirteen (13).**

- 2. Prior to subdivision of the land, a Wetland Management Plan shall be prepared and implemented by a suitably qualified person at the expense of the subdivider for the Conservation Category Wetland at the Wolfe Road Site to the satisfaction of the City of Armadale. Notifications are to be placed on the certificate of title of any affected lot advising landowners that the use and development of the land shall be in accordance with the approved Wetland Management Plan.**
- 3. Prior to the subdivision of the land, a Fire Management Plan shall be prepared and implemented by a suitably qualified person at the expense of the subdivider to the satisfaction of the City of Armadale. Landowners shall be responsible for ongoing implementation of the Fire Management Plan on their land. Notifications are to be placed on the certificate of title of each lot advising landowners that the use and development of the land shall be in accordance with the approved Fire Management Plan.**
- 4. The highest known groundwater level at each development envelope shall be determined prior to subdivision.**
- 5. There shall be a minimum depth of 0.5m to the highest known groundwater level below all development (including the underside of the effluent disposal systems) to the City's satisfaction. All development envelopes shall be prepared accordingly prior to subdivision of the land.**
- 6. Prior to subdivision of the land, a drainage and nutrient management plan shall be prepared by a suitably qualified person at the expense of the subdivider and to the satisfaction of the City of Armadale. In addition to any other information required by the City of Armadale, the report will need to include the findings from provision No.4 above and identify if any seasonal perched wetlands exists within the development envelope areas. In addition, the report will need to identify suitable locations for on-site effluent disposal, buildings and drainage infrastructure within each development envelope and confirm that development can comply with the Government Sewerage Policy.**

- 7. The use of Aerobic Treatment Units is required for onsite effluent disposal on all lots.**
- 8. Prior to subdivision of the land, Landscaping, Land Rehabilitation, Revegetation and Weed Management Plans shall be prepared and implemented for the land by a suitably qualified person at the expense of the subdivider to the requirements and satisfaction of the City of Armadale. Landowners shall be responsible for the ongoing implementation of the Landscaping, Land Rehabilitation, Revegetation and Weed Management Plans on their land. Notifications are to be placed on the certificate of title of each lot advising landowners that the use and development of the land shall be in accordance with the approved Landscaping, Land Rehabilitation, Revegetation and Weed Management Plans.**
- 9. A Conservation Covenant shall be prepared and placed on the certificate of title of the lot affected by the Conservation Category Wetland at the Wolfe Road site.**
- 10. Notifications are to be placed on the certificate of title of lots within the well head protection zone advising landowners that the lot is in close proximity to Water Corporation Groundwater Production Wells and the use and development of the lot is subject to the requirements of the Water Corporation, Department of Water and/or Department of Health (or their successors).**
- 11. Other than as required by the approved Fire Management Plan and Wetland Management Plan, fencing shall be in accordance with the City of Armadale Fencing Local Law (or standards which supersede it).**
- 12. Other than as permitted by the Town Planning Scheme or as required by an approved Fire Management Plan for the structure plan area, no clearing of vegetation shall occur outside development envelopes.**
- 13. Development Envelopes shall be a minimum of 50 metres from Conservation Category Wetlands.**
- 14. All habitable buildings shall be built in accordance with Australian Standards 3959 - Construction of Buildings in Bushfire-Prone Areas pursuant to approved Fire Management Plan for the area. Notifications are to be placed on the Certificate of Title advising of this.**

15. Strategic firebreaks identified on the Structure Plan shall be provided as an easement and deed on the title of any affected lot.
 16. Land owners are required to supply their own domestic water (minimum 100,000 litre tank) for potable and other uses. A minimum of 10,000 litres shall be available at all times for structural fire fighting purposes. Each tank shall be fitted with a minimum 50 or 75mm Ball Valve and a 50mm storz fitting with a blanking cap. Fire appliances shall be able to access the each tank in accordance with the approved Fire Management Plan.
 17. Access to development envelopes shall not be adversely affect “very good” and “good” vegetation areas or wetlands to the satisfaction of the City of Armadale.
 18. The keeping of livestock including horses is not permitted on any lots within the structure plan area. Notifications are to be placed on the certificate of title of all lots advising landowners of this.
 19. Notifications are to be placed on the certificate of title of all lots advising landowners that the lot is in proximity to an operating poultry farm and nuisances such as noise and odour may be experienced.
- B) The Fire Management Plan shall be amended where required to address the requirements in *Edition No.2 of the Planning for Bush Fire Protection Guidelines* issued in May 2010. Also, minor edits shall be made to the Fire Management Plan where necessary as directed by the City. The fire management plan shall be reflected on the Structure Plan.
- C) All supporting documents and plans shall be amended by the applicant to reflect the revised Structure Plan.
- D) Upon receipt of the appropriately modified documents, forward the Structure Plan (as modified) to the Western Australian Planning Commission for approval under Clause 6A.3.9 of City of Armadale Town Planning Scheme 4.

- E) Endorse the comments and recommendations made in the schedule of submissions to be forwarded to the Western Australian Planning Commission and advise the submitters of its decision in relation to the Structure Plan.**

- F) Include Lot 449 Taylor Road and Lots 6-8 Wolfe Road, Forrestdale in the next City of Armadale Town Planning Scheme Omnibus Amendment to facilitate the lot being included within Special Control Area Map 1 with the designations of “Bushfire Protection Area” and “Development Envelope Area”.**

MOVED Cr MacDonald
MOTION CARRIED (7/0)

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.

ARMADALE REDEVELOPMENT AUTHORITY - PROPOSAL TO EXTEND THE FORRESTDALE BUSINESS PARK (WEST) REDEVELOPMENT AREA BOUNDARY TO THE WEST

WARD : LAKE
DATE : 1 October 2010
REF : JR
RESPONSIBLE : EMPS
MANAGER

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

City of Armadale's Strategic Plan 2010 - 2014

3. Economic growth

3.6 Infrastructure that supports sustainable economic development

3.6.1 Identify future infrastructure needs of industry and business and determine funding and implementation options.

WAPC Southern River Forrestdale Brookdale Wungong District Structure Plan (2001)

Legislation Implications

Planning and Development Act 2005

Metropolitan Region Scheme

Town Planning Scheme No.4

Armadale Redevelopment Act 2001

Armadale Redevelopment Regulations 2003

Armadale Redevelopment Scheme 2004

In Brief:

- The Minister for Planning, Culture and the Arts seeks Council's comment on the Armadale Redevelopment Authority's (ARA) proposal to realign the Forrestdale Business Park (FBP) and Redevelopment Area boundary 150m further to the west of its current location on Armadale Road.
- The proposal will facilitate a strategic 'entrance road' to the Business Park West and allowing better access to the Business Park from Armadale Road.
- A strategic 'entrance road' to the Business Park a minimum of 350m west of Tonkin Highway as part of ARA Structure Planning accords with the intersection location previously identified as a "possible future bus route" in the WAPC's Southern River Forrestdale Brookdale Wungong District Structure Plan.
- Recommend that Council provide in-principle support for a westward extension of Forrestdale Business Park (West) Redevelopment Area boundary subject to detailed designs being undertaken in liaison with MRWA and the City.



AERIAL PHOTOGRAPH
MODIFICATION TO THE BOUNDARY OF THE ARMADALE REDEVELOPMENT
SCHEME 2004 REDEVELOPMENT AREA

Council Policy / Local Law Implications

Local Planning Strategy 2005

Budget / Financial Implications

Nil.

Consultation

- ◆ Technical Services Directorate
- ◆ Armadale Redevelopment Authority

BACKGROUND

At its meeting of January 2008 Council resolved (CS8/1/08) to “*advise the Minister for Planning and Infrastructure that it supports the proposed extension of the Forrestdale Business Park to include land west of the Tonkin Highway*”.

Following incorporation of the western extension, the FBP total area comprises approximately 330 hectares (140 ha of which is west of the Tonkin Highway).

Part of Council’s 2008 resolution was that the ARA should recognise and anticipate concerns from some landowners and provide opportunities to consult with these landowners, to ensure that “*land north of Keane Road is carefully planned to provide an appropriate interface with future residential zones south of Keane Road, recognising the existence of Bush Forever site wetland protection areas, kennel buffer and take account of the Dampier-Bunbury gas pipeline buffer that traverses the area*”.

The ARA have appointed consultants to prepare a Structure Plan and related studies and once completed will be subject to formal consultation with agencies, landowners and the public.

DETAILS OF PROPOSAL

The Minister for Planning, Culture and the Arts has written to the Mayor seeking Council’s comment on a proposed extension of the ARA FBP Redevelopment Area and Redevelopment Scheme (2004) boundary approximately 150m to the west along Armadale Road as illustrated on the *Aerial Photograph overleaf*.

The purpose of the proposal is to allow for a strategic 'entrance road' to the FBP west of the Tonkin Highway. The need for a strategic 'entrance road' in this location has been identified in the ARA’s structure planning studies and recommended by the ARA’s consulting engineer who has consulted with Main Roads WA. The road will allow the precinct to be efficiently accessed from Armadale Road in addition to the planned Ranford Road access.

COMMENT

Main Roads WA advised that the 'entrance road' must achieve a minimum intersection spacing of 350m from Tonkin Highway. Currently the 'entrance road' would be located approximately 150m outside of the Armadale Redevelopment Authority (ARA) Redevelopment Area and hence the rationale for extending it.

The ARA therefore proposes to incorporate a portion of Lot 10 Keane Road, Forrestdale into the ARA Business Park Precinct. A “Preliminary Issue” acquisition plan is provided in *Confidential Attachment “B4” of the Agenda*.

Technical Services Directorate comment that given a structure plan has not been completed at this stage, the future traffic volume and circulation pattern and road requirements will need to be assessed. Therefore the land requirements and “Preliminary Issue” Land Acquisition Plan and designs may need to change.

Technical Services Directorate has requested a traffic study to be submitted to address a number of issues:

- ◆ desirable road widths to accommodate traffic volume modelling for 2031 (including heavy haulage vehicle access to the FBP);
- ◆ land requirements for the new road section intersecting Armadale Road (including whether the initial section needs to be constructed as a dual carriageway);
- ◆ preferred intersection treatment at Armadale Road (such as signals or a roundabout) and draft drawings approved by MRWA;
- ◆ desirable intersection separation distance from Tonkin Hwy approved by MRWA in consultation with the City;
- ◆ road layout within the FBP development, including potential (realignment) changes to Anstey road previously discussed with the ARA; and
- ◆ water sensitive design requirements.

As currently proposed, a portion (approximately 1.5ha) of the 3.7 ha Lot 10 would be located within Redevelopment Area and provide the additional land required for the 'entrance road'.

The western boundary of the 'entrance road' road reservation would correspond with the realigned Redevelopment Area boundary. The balance portion of Lot 10 would be retained within the Rural Living 2 zoning under the City's TPS No.4 which ultimately can be considered for future potential urban zoning in the MRS as indicated by the WAPC Southern River Forrestdale Brookdale Wungong District Structure Plan (*see Scheme Maps Plan overleaf*).

The 'entrance road' will ultimately form the boundary between commercial development in the ARA's Forrestdale Business Park (West) Precinct and existing Rural Living (possible future urban) development located further west along Armadale Road and remaining under the City of Armadale's planning control .

Strategic Considerations

The Forrestdale Business Park is a major component in the City's long term economic development and employment strategy. Development in the Eastern FBP Precinct is well underway and will soon be providing additional employment and business opportunities for the Armadale and nearby communities. The FBP Western Precinct is in the Structure Planning stage and ultimately it will extend the life of the overall estate development.

The Forrestdale Business Park will accommodate a range of uses from general industrial, such as metal fabrication through to commercial developments and professional offices. ARA documents indicated the FBP can potentially accommodate up to 700 industrial lots and has the potential for creating up to 10,000 plus jobs.

ANALYSIS

The location of the proposed FBP 'entrance road' corresponds with a road deviation shown on the Southern River Forrestdale Brookdale Wungong District Structure Plan as a possible bus route.

The extension of the ARA area will provide for the new 'entrance road' to link Armadale Road to the south-eastern end of Keane Road and provide for:

- ◆ a logical boundary between the future ARA's Forrestdale Business Park West Redevelopment Precinct and existing Rural Living land (and possible future urban); and
- ◆ a strategic 'entrance road' to the ARA's Forrestdale Business Park West Redevelopment Precinct.

Additionally it would provide a safer and more efficient intersection at Armadale Road than the current Keane Road and a better presentation of the Forrestdale Business Park (West) to Armadale Road.

As the extension would also result in additional land that could be developed as part of the Forrestdale Business Estate, the City should advise ARA that its objective for the Armadale Road frontage of the Forrestdale Business Park (West) Precinct will be for a high standard of presentation to this major entry road into the City and this can be achieved by means of attractive landscape treatments and design guidelines. Costs associated with this infrastructure could also be included in the FBP Developer Contribution Plan.

In view of the advice of MRWA, further investigation should be undertaken prior to formalising the extension to the ARA area. Design details need to be worked up for assessment by all relevant authorities. The ARA will then be able to secure the land for this important FBP infrastructure.

The new boundary will also encourage a more distinct form and identity for the Business Park and its separation from the Rural Living precinct (potential future urban) further to the west. It will assist the ARA in consolidated planning for the Business Park and contribute to its future economic viability and the major contribution it will make to the Armadale district's local economy.

OPTIONS

1. Council may resolve to advise the Minister for Planning, Culture and the Arts that in-principle it supports the ARA's proposal to realign the Forrestdale Business Park West Precinct Redevelopment Area boundary further to the west to facilitate a strategic access road.
2. Council may resolve to advise the Minister for Planning, Culture and the Arts, citing the reasons why, it does not support the ARA's proposed boundary realignment.

CONCLUSION

The proposal to extend the Forrestdale Business Park further to the west of Tonkin Highway is a strategic proposal supported by the City in-principle. However, in view of the advice of MRWA the ARA should be advised of the need to prove-up the detailed road design and land requirements, the main intersection treatment and separation distance from Tonkin Highway.

D88/10/10 RECOMMEND

That Council:

1. **Advise the Minister for Planning, Culture and the Arts that in-principle the City supports the Armadale Redevelopment Authority's proposal to facilitate a strategic access road to the Forrestdale Business Park by extending the Redevelopment Area boundary further to the west along Armadale Road.**
2. **Advise the Minister for Planning, Culture and the Arts that agreement on an adequate separation distance from Tonkin Highway, the detailed road designs and land requirements for the new road and Armadale Road intersection treatments needs to be reached with MRWA in consultation with the City.**
3. **Advise the Armadale Redevelopment Authority of the City's view that the Armadale Road frontage to the Forrestdale Business Park (West) Precinct should be treated with attractive landscape treatments and/or design guidelines to ensure this major entry road into the City is ultimately developed with high quality urban design presentations to Armadale Road and the view-shed from Tonkin Highway.**

MOVED Cr MacDonald
MOTION CARRIED (7/0)

***DIRECTIONS 2031 AND BEYOND –
OUTER METROPOLITAN SUB-REGIONAL STRATEGY***

WARD : ALL
DATE : 11 October 2010
REF : IM
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- Following the release of Directions 2031 and Beyond an Outer Metropolitan sub-regional strategy has been released for comment.
- Recommend that Council make a submission to the Western Australian Planning Commission on the Outer Metropolitan Perth and Peel sub-regional strategy based on the comments in the above report.

Tabled Items

Published documents – Directions 2031 and Beyond, Central Metropolitan Sub-regional Strategy and Outer Metropolitan Perth and Peel Sub-regional Strategy.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005
Metropolitan Region Scheme
Peel Region Scheme

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Financial implications would arise from any requirement to initiate MRS amendments and associated studies.

Consultation

- ♦ Public comment is invited on the Sub-regional Strategies associated with *Directions 2031 and Beyond* by 29th November 2010.

BACKGROUND

In June 2009 a report was released to provide a spatial framework for the planning of the Perth and Peel regions. After the receipt of 294 submissions a final report was released on 30th August 2010 with accompanying documents – regarding which further consultation is sought. The parallel Activity Centres Policy was released earlier in August and was gazetted as a Statement of Planning Policy on 31st August 2010.

Council made a comprehensive submission to the draft *Directions 2031* report based upon:

- ◆ The limitation of Primary centres to Joondalup and Rockingham is not supported – Armadale and Midland have the same potential and should be similarly designated;
- ◆ The refinement of the Activity Centre concept is supported;
- ◆ The consolidation objective is ambitious and needs clearer policy guidance and incentive;
- ◆ The residential density of 15du/ha is supported as a target for 2031 – but there is concern that it would be unlikely to be achieved for the 20 year average for all Greenfield development;
- ◆ The calculations underestimate the Greenfield land requirement by as much as 20% in each scenario;
- ◆ The dwelling data for the SE sub-region is incorrect and out of date; and
- ◆ The City’s participation in related strategies relating to the sub-region is supported.

SUMMARY OF DIRECTIONS 2031 AND BEYOND FINAL REPORT

Directions 2031 and Beyond primarily responds to population growth which for Perth is anticipated to climb from 1.65 to 2.2 million by 2031 and 3.5 million by 2056. This triggers the need for an urban expansion management program and has resulted in the adoption of the “Connected City” model as the preferred medium-density future growth scenario for regional development.

A target of 47% infill has been set – meaning that the current ratio of infill to greenfield development of 35:65 would be replaced by the greater infill ratio of 47:53. On this basis it is envisaged that an additional 121,000 dwellings will be located in the central parts of the Perth Region. In addition, the density of development currently being achieved in Greenfield development of 10 dwellings per gross urban zoned hectare (dph) is proposed to increase to 15. An additional 207,000 dwellings will be required in outer areas up to 2031 to meet the total housing requirement.

A key initiative will be the urban expansion management program with its 25 year supply of undeveloped land – comprised of an ongoing land bank of 15 years zoned land plus a 10 year buffer of identified future urban land.

The concept of Primary Centres, which in the 2009 release were allocated to Joondalup and Rockingham, (to which the City and the ARA strongly objected), has been retained as an “aspirational target” but no centres have been designated as such. It is stated that “As the population grows towards a city of 3.5m, existing major centres will clearly emerge to perform this role at some point in the future.” Existing centres are expected to build on existing assets and invest in attributes which influence location decisions to achieve the Primary Centre status. Meanwhile ten centres (including Armadale) are designated Strategic Metropolitan Centres.

A new distinction has been made between strategic industrial centres and existing industrial centres. The former include Western Trade Cost, Oakley (Alcoa), Wagerup (Alcoa) and Kewdale/Welshpool. Six priority industrial estates have been identified for development over the next 20 years. South Forrestdale has been identified as a Priority Industrial estate.

15 “Metropolitan attractors” have been identified as places highly valued and visited by local and regional residents. These include Kings Park, Perth Zoo, the Swan Valley and the Perth Hills.

A large section of the document (pages 42-73) develops “themes and strategies” which include a range of issues (divided into A liveable city, A prosperous city, An accessible city, A sustainable city, and A responsible city), and concluding with 47 standard boxes entitled “Way forward” which indicate that Directions 2031 supports various policies. It is not clear how these boxes will be treated as they are not clear policy statements, however, they are generally predicated by the phrase “Directions 2031 supports” prior to a brief summary of various policies or approaches. The policy impact would appear to be minimal in view of the references being to existing policies or strategies adopted elsewhere by the Commission or other agencies.

Pages 74-89 address issues associated with the six sub-regional areas, including the South-east within which Armadale is located. A main area for the City’s concern with the previous draft issue of the document was its lack of recognition of the changes occurring in the South East sub-region. It is interesting that the future population, dwellings and employment figures for all the Sub-regional areas have been retained from the 2009 publication notwithstanding submissions. The City’s previous contention that the document’s predicted growth for the South-east sub-region (Armadale, Gosnells and S-J) of 35,000 dwellings up to 2031 was considerably less than would be accommodated in existing and available zoned land, has not been responded to.

It remains the case that the land identified as required by *Directions 2031 and Beyond* for the future population in the SE sub-region could be roughly provided by Armadale alone from identified urban land and from likely redevelopment. Certainly the City does not need to alter its strategy to achieve this target. This said, *Directions 2031 and Beyond* argues for the need for greenfields development to achieve 15 dwellings per hectare (dph). While there is no need to develop at this density to achieve the regional dwelling target, the document could be used to argue for a level of density that may be generally inappropriate or unachievable. There are technical difficulties in achieving 15dph throughout greenfields areas (due to the extent to which new areas are heavily constrained and have to set aside land for drainage, environmental and servicing requirements) that need to be recognised.

Beyond 2031 to 2051

The report emphasises the need to plan for 2031 “and beyond” by planning for the needs of 3.5 million people. This will require 925,000 additional dwellings which will certainly be more challenging, although not beyond the land capacity identified within the Perth and Peel regions. The issue will be how we live not whether there is capacity for us to live in the region.

Figure 14 illustrates the thinking behind the provision of 925,000 dwellings by 2051. Clearly, if more dwellings are built in the central areas there will be less need for greenfields development. Taking the “Connected City” scenario (which is mid-way between the “High density” and “Business as usual” scenario, there would be 225,000 dwellings in the central region, and 116,000 infill and 584,000 greenfield dwellings in the outer regions. The Connected City scenario requires 20,300ha of land in outer regions up to 2051 as compared with the 44,600ha required if development continues at the relatively lower densities of the past. In view of the fact that 32,300ha of land has been identified as variously available for urban development, it can be concluded that there is sufficient land if we develop at a higher density, but not if we go on as we have in the past unless additional land is made available.

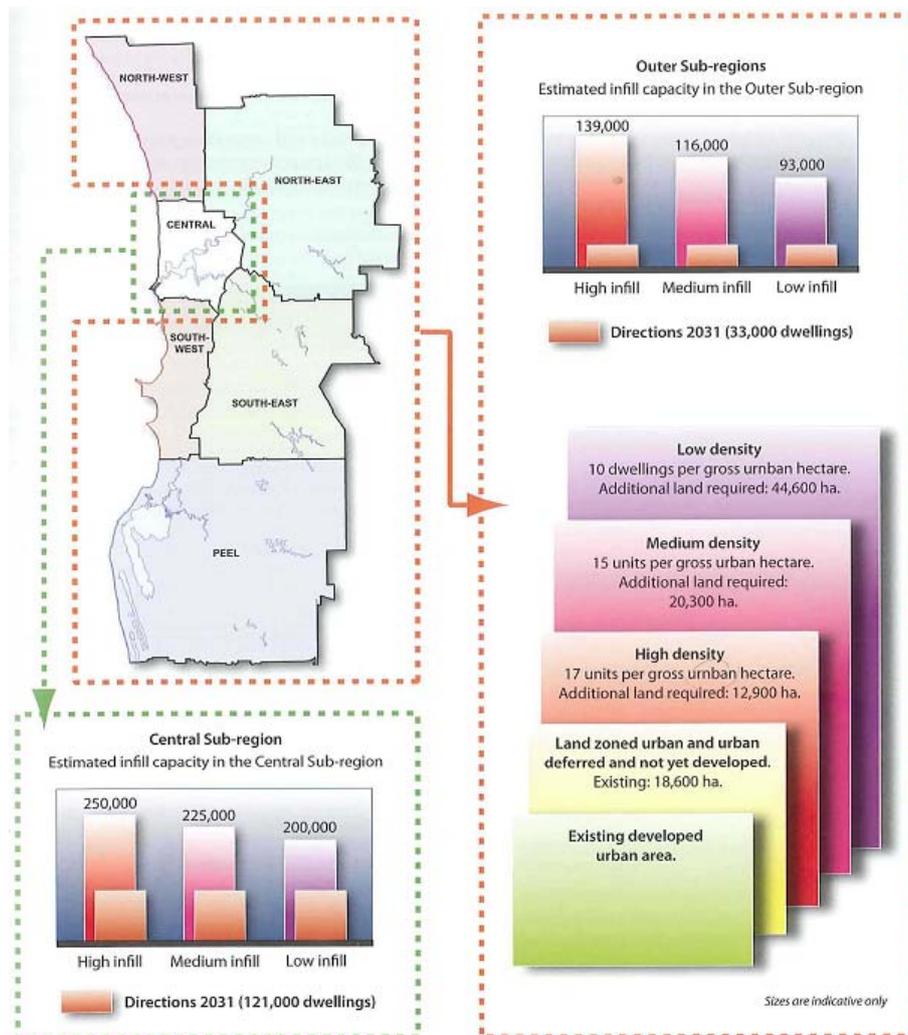


Figure 14: Scenario planning outcomes for additional land requirements to accommodate a city of 3.5 million people

Comment on Directions 2031 and Beyond

Directions 2031 and Beyond is a final document for which no comment is sought. However, as an observation it appears to be a disappointing document and actually provides little direction. *Directions 2031 and Beyond* relies on photos and repetition of a few themes stated in different ways. Rhetoric has superseded substantial analysis. It is also noted that the final *Directions 2031 and Beyond* is very little different from the draft – and the City’s submission regarding the lack of recognition of the rate of development in the SE Corridor, has been substantially ignored.

The comments that could be made from the City’s perspective are that:

- The focus is primarily on sufficient land supply and secondly on repeating standard policy requirements. There is too little substance for such an important document which has been so long in preparation.
- There is no evidence of traffic modelling for the growth strategy – indeed it is highly simplistic. The traffic crisis points should be dramatically illustrated to enable policy responses to be given priority.
- There are general statements such as - people should live in higher density, use public transport and work locally. But there is no modelling region-wide of the situation to provide forceful argument in support of these bland statements.
- The need to provide some perspective beyond 2031 is supported;
- The identified 32,300ha outer region urban land does not include large areas in the SE Sub-region which could come into contention over a longer time period (for instance areas west of Forrestdale Lake, areas currently zoned Special Rural south of Rowley Road and land on the Jandakot mound).

SUB-REGIONAL STRATEGIES

In tandem with the release of the final *Directions 2031 and Beyond* document two sub-regional strategy documents have been released for public comment. The strategies for *Central Metropolitan Perth* and *Outer Metropolitan Perth and Peel* are intended to identify opportunities to accommodate growth at the local level, provide more detailed policy guidance for urban and specify where the preparation of a structure plan is required.

The key focus of the Central Area (Figure 1) strategy is the establishment of dwelling targets for each local government (as summarised on Figure 5). The Central area would see a 38% increase in dwelling stock by 2031, largely accounting for the strategy of achieving 47% of additional dwellings in infill locations. The objective is to provide 121,000 additional dwellings in the Central area which will be achieved if each local government achieves 85% of its target number of dwellings. If the Central area targets are not met, greater reliance will be placed on the outer sub-regions.

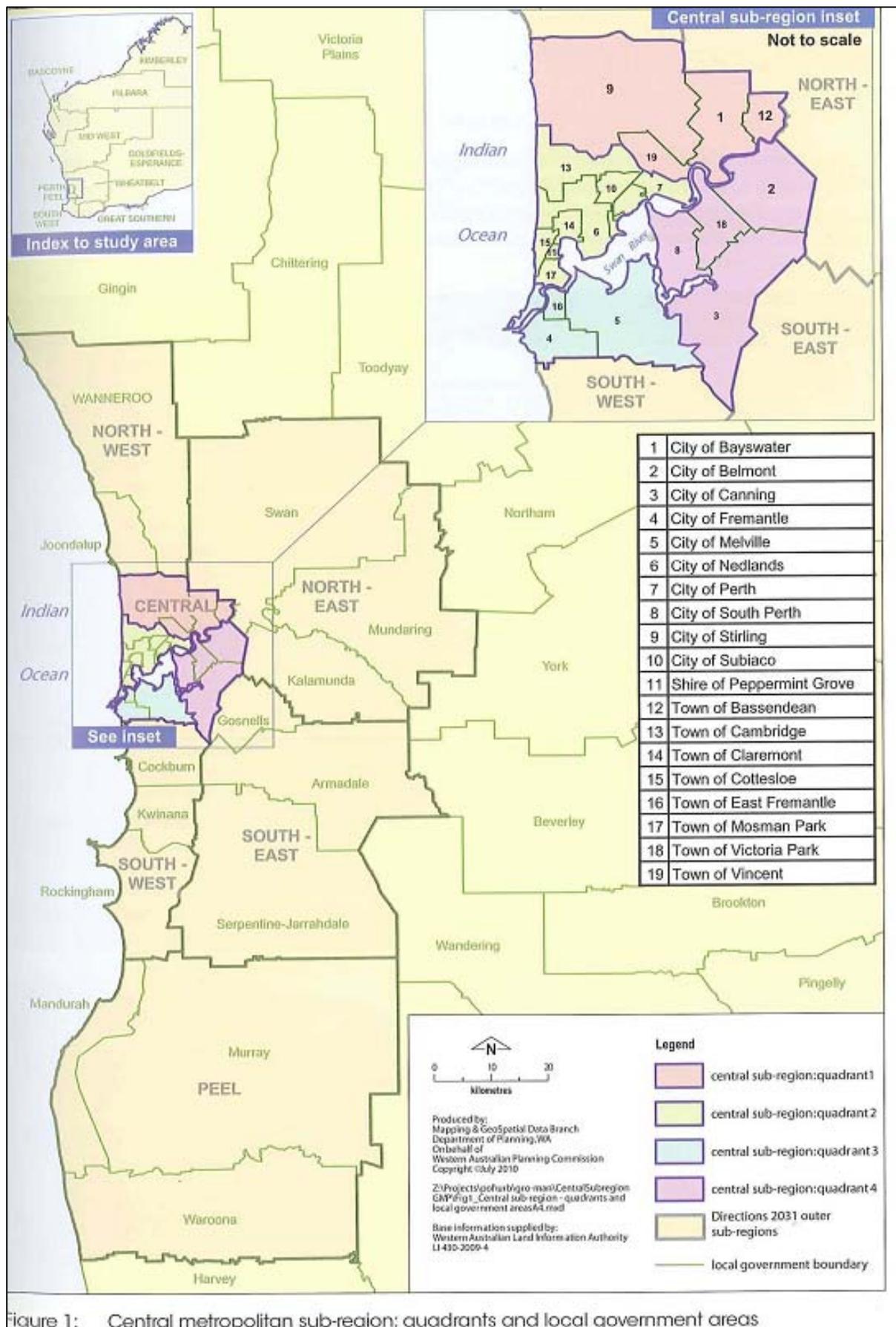


Figure 1: Central metropolitan sub-region: quadrants and local government areas

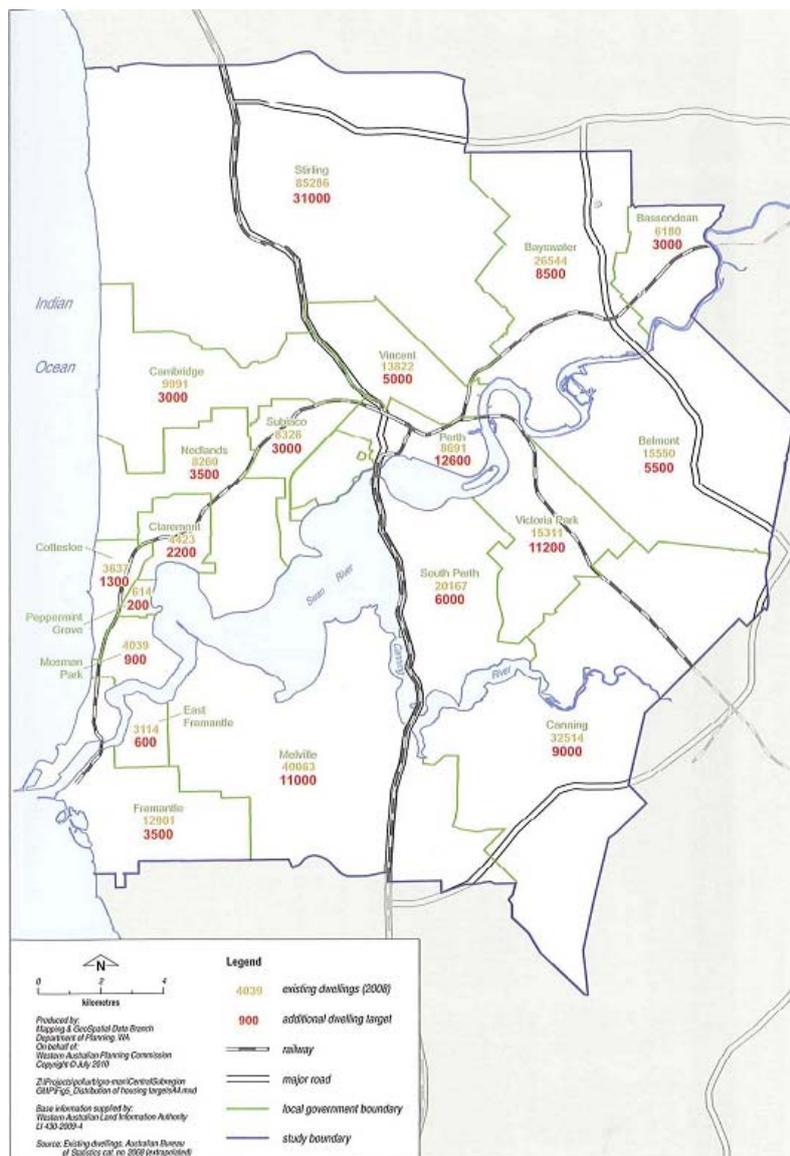


Figure 5: Distribution of Housing Targets by local government area

Outer Metropolitan Perth and Peel Sub-regional Strategy

The main purpose of the Outer Metropolitan strategy is to promote increased density in greenfields developments.

Dwellings

It is somewhat confusing that the main *Directions 2031 and Beyond* document includes dwelling figures for all sub-regions considerably at variance with the figures in the Sub-regional strategy. This is because *Directions 2031 and Beyond* focuses on how many dwellings are needed in each sub-region, whereas the Sub-regional Strategy provides an indication of how many dwellings could be provided from the available land. Clearly while emphasizing the need to carefully plan for increasing population and ensuring that a high proportion (47%) of future dwellings is injected into established areas, there is some difficulty in acknowledging that there is abundant land available in new areas – certainly to accommodate need up to the 2031 horizon.

The region needs 328,000 dwellings by 2031 of which it is estimated that 154,000 will be infill from established areas and 174,000 will be in Greenfields locations. From the information provided it would appear to be relatively easy to provide these 174,000 dwellings in the outer sub-region suggesting there should be no land availability crisis. Data included in the report based on the more ambitious Connected City assumptions of 15dph rather than the currently achieved 10dph indicates that 428,040 additional dwellings can be located on land generally appropriately zoned within the outer areas of the Perth Region. A further 85,850 dwellings could be located in the Peel region (grand total of 513,890). The figures are summarised in the table below.

Table 1 – Directions 2031 Infill dwelling targets and outer sub-regions capacity

Sub-region	2008 Dwellings	Directions 2031 additional dwelling requirements	Additional dwelling capacity from identified outer areas at 10 dph*	Additional dwelling capacity from identified outer areas at 15 dph*
Central	319,429	121,100		
NW	106,694	64,800	131,900	167,000
NE	73,446	40,300	42,490	54,580
SE	64,803	34,700	62,400	86,700
SW	82,035	41,100	87,220	119,760
Peel	38,191	26,100	64,380	85,850
Total	684,598	328,100	388,390	513,890

*Includes some infill of established areas

Certainly for the SE sub-region the figures are achievable. The figures are based on currently identified infill opportunities, existing urban and urban deferred zoned land and some identified urban expansion and investigation areas. While it is recognised that other sub-regions contain land that is yet to be rezoned - these represent a relatively small part of the total and certainly in the case of the SE Sub-region such areas form a minor portion (as shown on Figure 45). Accordingly the identified outer area dwelling capacity is achievable. Moreover if further Greenfield land was required there are obvious potential areas not identified as future urban expansion areas within the sub-region.

The specific data upon which the dwelling capacity figures were based for the City of Armadale generally tally with the City's own estimates as described in Table 2.

Table 2 - City of Armadale estimated dwelling yield

Figure 45 Ref	LOCALITY	10 dph	15 dph	CoA est.	Comment
CL1	Champion Drive	400	600	520	520 lots on structure plan - ARA project
SG1	Champion Lakes	300	500	322	322 lots on structure plan - ARA project
FR1	Forrestdale Townsite	1400	2100	2100	Shown as Urban Expansion area. Requires MRS amendment over 170ha area zoned Rural Living. Potential 2100 dwellings may be achievable.
HD1	Harrisdale	400	600	538	Being developed by Cedar Woods/DoH - approved structure plan - map includes private school. 255 lots and 538 dwellings on structure plan.
HD2	Harrisdale	100	200	-	Possibly a mapping error - primary school site
No Ref Fig 45	Harrisdale			959	Figure 45 does not recognise future additions to the Newhaven and Burtonia Gardens estates. Note total potential 796 dwellings in Newhaven, and 163 in Burtonia Gardens - most of which exist.
PW1	S Piara Waters/E Harrisdale	3300	5000	7090	Generally zoned and planned. 6820 lots (7090 dwellings) on structure plans - including lots already fully developed and some areas yet to be structure planned.
PW2	Piara Waters SE	700	1100	1079	Planned and being developed. 1028 lots (1079 dwellings) on structure plans.
PW3	Ranford Road	400	600	670	Shown as Urban Expansion area. Partial MRS Urban Deferred - partial Rural. 670 estimated potential lots (no structure plans yet).
HH1	Haynes and Hilbert (Wungong N and Central)	6000	7800	11,715	ARA Wungong project - CoA (id forecasts) estimate 11,715 dwellings in total Wungong area by 2031.
HH2	Hilbert (Wungong SE)	900	1200		ARA Wungong project
HH3	Hilbert (Wungong SW)	3500	4600		ARA Wungong project
	Total Greenfields	17,400	24,300	23,992	
	Redevelopment target	7200	8500	7200	Requires between 360 and 425 dwellings per annum to achieve target - possibly too high over the whole period.
	Total	24,600	32,800	31,192	

From Appendix 3 – Outer Metropolitan Perth and Peel sub-regional strategy 2010.

While there are some inaccuracies in Figure 45 and Appendix 3 which need to be brought to the attention of the Department of Planning, the dwelling targets are broadly achievable over time subject to recognition that Greenfield densities of 15dph will not be achieved in most cases.

In recent years the City has seen the development of between 146 (2006/07) and 424 (2008/09) grouped dwellings per annum and between 700 (2006/07) and 1348 (2009/10) single dwellings per annum. However the grouped dwelling development in established areas has largely taken advantage of large undeveloped sites of which there is a finite supply. Accordingly it may be difficult to achieve the Department of Planning higher target for redevelopment.

Directions 2031 and Beyond identifies the need for 35,000 additional dwellings in the SE Sub-Region by 2031. It is clear from Table 2 that the Department of Planning estimates and the more detailed planning by landowners, the City and the ARA, that the continuation of the recent pattern of development and redevelopment in the City could potentially result in most of the development dwelling requirements of the SE Sub-region up to 2031 being met from within the City of Armadale.

Implementation

Other than general strategies relating to the need to create a liveable, prosperous, accessible, sustainable and responsible city, the only specific action and commitment in the document relates to the re-establishment of the Urban Development Program to monitor land supply. The City expressed concern to the Department of Planning when this was disbanded some years ago with the assurance that it was being replaced by a more sophisticated approach (which never occurred). Accordingly, the re-establishment of an Urban Development Program is welcome.

GENERAL COMMENTS

The comments that could be made on the *Outer Metropolitan Perth and Peel sub-regional strategy* from the City's perspective include:

- ◆ The only mention of housing affordability is in the *Central Metropolitan Perth sub-regional strategy* (p68-70) which tends to absolve planning from any significant role. Possible strategies to permit single persons dwellings in back yards, the adoption of the multi-unit code and incentives and policies used elsewhere, are not mentioned.
- ◆ The growing disparity between residential suburbs and workplaces is not drawn out as a significant issue. No mention is given to the relocation of government offices as a possible strategy. No taxation incentives even mooted.
- ◆ No mention is made of the need to complete the backlog sewerage program. In view of this program not being finalised it could have been identified as an important strategy to pursue in support of greater infill development.
- ◆ The key strategy for outer areas development is the proposal that greenfields development be at a 15dph density. This will be difficult to achieve throughout new residential areas. There are environmental constraints which reduce the area of developable land. In addition for most of Harrisdale and Piara Waters at least, structure plans have already established the dwelling yield (which generally achieves around 10.5) and it would be very difficult to amend these adopted plans to achieve a theoretical 15 dph. Notwithstanding the general difficulty of achieving the target, in certain areas such as within 400m of the Harrisdale centre calculations have revealed that a density of close to 15 dph can be achieved;

- ◆ Redevelopment and infill of established areas is supported. However, from experience it takes many years to secure redevelopment of areas subject to higher density codes. The expectation that there would be 85% build-out of infill areas is very optimistic and would only be achieved in areas subject to comprehensive redevelopment;
- ◆ The main aim of *Directions 2031 and Beyond* is to achieve more dwellings in the Central areas and thereby less in outer areas than would otherwise be the case. While this is sensible to a degree, it is simplistic as it relies on a total orientation of regional growth towards the centre. As the region expands the centre becomes less dominant and while 25% of workers work in the capital city area now, in the future this proportion will decline. Moreover there are segments of society with no need or desire to orientate towards the centre.
- ◆ The strategy tends to treat all market segments the same. For instance, people whose employment is based on fly-in fly-out or subcontracting across the region have different needs to those commuting to central Perth and simplistic admonishments to live in higher density make less sense to these;
- ◆ There is greater scope for development in outer areas than is credited. This development will occur as the land is zoned and available. While *Directions 2031 and Beyond* indicates a need for an additional 207,000 dwellings in the outer areas (35,000 dwellings in the SE sub-region), the Outer Metropolitan strategy indicates that up to 513,890 dwellings (86,700 in the SE) could be provided on identified outer area sites. Whether the inner or outer areas develop to or beyond their targets will depend upon the market for which the Strategy proposes no restraint or incentive. There is a huge discrepancy between what is likely to be available in terms of land and what is needed for the foreseeable future. It should be recognised that this is a fortunate situation unlike that of the Sydney region where outward expansion is physically constrained;
- ◆ It is unreasonable to expect the community to significantly change their living patterns based on the information presented. For many there will be no crisis. If Government is to make a difference then the strategy should promote incentives to change behaviour through a range of economic measures;
- ◆ There is a general approach manifest in the documents which does not recognise that for many people, the Perth region offers living environments unimaginable elsewhere. For particular market segments it should be possible to continue to enable such opportunities to exist, provided beneficiaries pay the true cost. Certainly the large number of subcontractors and fly-in, fly-out workers have no particular reason to reside in the central areas of Perth;
- ◆ The strategy appears to expect people to live in higher density and then the infrastructure will be justified by their presence. A more convincing approach would be to provide a comprehensive future infrastructure strategy for the delivery of such infrastructure upon which there would be confidence to invest in higher density development;

- ◆ There is a need to prioritise amongst the Outer Metropolitan Strategies and Actions listed under the title “The Strategy” between pages 122 and 133. Although a large number of the identified Actions are already in place through longstanding practice and policy, they mostly require the initiation of the Department of Planning. From experience it is unlikely that the Department would be able to deliver more than a few such initiatives and to list so many without prioritisation could be a recipe for failure. As an example, possibly the most significant strategy is 9.3 “to create, and enable mechanisms to support and manage the urban expansion management program” yet it is relatively hidden as the second to last strategy.
- ◆ Of the Strategy Actions listed the following deserve comment:
 - 1.4 - the suggesting that schemes allocate sufficient land for aged care accommodation requires careful consideration as the uses range between hospital and residential type uses;
 - 1.5 - the suggestion that partnerships be entered between local governments and service providers to facilitate aged care facilities may be appropriate in some cases although it may in other cases not be considered to be local government core business;
 - The actions listed under Strategy 2 relating to housing density have mostly been accommodated under the City’s TPS No.4;
 - 3.6 - the City would be happy to participate in keeping the urban expansion plan current;
 - 5.6 and 5.7 - further advice from the Department of Planning is sought with respect to how local planning strategies can best optimise economic opportunities, distribute employment or create desirable development;
 - 6.3 - It remains unclear under what circumstances a local government would prepare activity centre plans (which could be a significant burden) and when a developer would do so.

SPECIFIC COMMENTS

Comments on section 10. South-east sub-region (pages 77-89):

- ◆ From the Department of Planning estimated dwelling yield (Figure 45 and 48, and Appendix 3) and the more detailed planning by landowners, the City and the ARA, it is confirmed that development and redevelopment of land in the City will result in the City’s share of the *Directions 2031 and Beyond* dwelling requirement being met.
- ◆ The identification of new urban expansion areas around Forrestdale townsite and in the vicinity of the Armadale Kennel area may be supported (and in the case of the latter has already been initiated for part of the identified area). However, there is concern that there should not be an expectation that the City should initiate and fund the necessary studies and rezoning processes in view of the adequacy of residential land elsewhere in the City.
- ◆ Land to the east of Kelmscott on the Canning River is proposed to be zoned Urban under the MRS and has been supported by the Commission but is omitted from Figure 45.

- ◆ The Perth Hills area and the Champion Lakes international rowing facility are identified as a “metropolitan attractors”. These are supported;
- ◆ Employment self-sufficiency in the SE sub-region is currently 42% - a target of 55% is set suggesting the need for an additional 32,000-48,000 jobs over the next 25 years. The report identifies the need to create jobs but has no strategy for assisting - this is a major shortcoming of the strategy;
- ◆ Land south of Forrestdale Lake has been identified as a priority industrial site to provide a land bank for industrial land supply over the short to medium term. Council on 25th January 2010 resolved to support the identification of this land for the purposes of pursuing more detailed planning and environmental studies;
- ◆ The Forrestdale West industrial area currently being planned by the Armadale Redevelopment Authority has been omitted from Figure 45. This 100 hectare extension to the Forrestdale Business Park should be included in the same category;
- ◆ “Brookdale” has been identified in the report (p85) as a possible future industrial site. The 2009 draft Industrial Land Strategy identified a site located south of Rowley Road within the Wungong Urban Water project area and including the City’s landfill facility. This has been omitted from Figure 45 but is retained in the text. Council in its submission to the Industrial Land Strategy resolved not to support this site as future industrial (it is located within the Wungong Urban Water project) but to draw attention to the possible extension south of the South Armadale Industrial area;
- ◆ The report indicates that the Department of Planning, in partnership with local government, will develop a Perth metropolitan and Peel region economic development and employment strategy which will address issues such as facilitating major revitalisation initiatives such as Armadale Alive, capitalising on assets such as Champion Lakes, diversifying local employment opportunities, investment in industrial and employment land and facilitating economic development opportunities such as attracting business investment. This is supported and active State commitment is sought;
- ◆ Errors have been identified in Figure 45 (page 79) and at Appendix 3 (page 139).
 - HD1 - the map wrongly includes the Carey Baptist private school as a development site;
 - HD2 - this site is included in error as a development site, however it is earmarked on the structure plan as a Primary School site;
 - The land which continues to produce lots in the Newhaven and Burtonia Gardens estates is omitted from Figure 45;
 - PW1 - PW stands for Piara Waters yet some of the land is in Harrisdale;
 - PW3 - Piara Waters North - actually this is all located within the locality of Harrisdale. The PW3 area identifier should be divided into two parts as the western part has already been subject to an MRS rezoning process while the eastern portion may be appropriately identified as urban expansion area.

- ◆ Comments on SE sub-region required infrastructure (pp 85-89):
 - Page 86 - a “Forrestfield Reservoir” by 2018-2020. This proposed reservoir is located in the NE sub-region and has been identified as a SE item of infrastructure in error;
 - Page 85 - Noted the proposed development of a network capacity mapping tool to show electricity capacity. More significant recognition of power supply deficiencies which are restricting future development would be of greater value;
 - Page 85 - the “long term vision” of extensions to the Armadale (to Byford) and Thornlie (to the Mandurah line) railways. These proposals are supported but in view of anticipated population growth within the line extension catchments, these should be on a short-term time horizon;
 - Page 87 - the upgrading of Armadale Road between Tapper Road and Anstey Road to a four lane standard. This is overdue in view of urban development proceeding faster than anticipated by Main Roads;
 - Page 87 - the future grade separation of the Armadale Road railway crossing. This is supported, but the grade separation at Kelmscott also needs identification and prioritisation as without it there will be unacceptable congestion on Albany Highway and the existing Denny Avenue crossing;
 - Page 87 - the protection of Nicholson Road as an important freight route. This is strongly objected to in view of the delivery by the City of a better and less constrained alternative at Warton Road at a \$9.6m cost, and the urbanisation of Harrisdale and Piara Waters which feed into Nicholson Road through 14 intersections and four roundabouts between Armadale Road and Warton Road;
 - Page 87 - the upgrading of Nicholson and Ranford Roads. These are being undertaken by the City with the assistance of grants and contributions from Development Contribution Schemes for North Forrestdale and the Forrestdale Business Park.
 - Page 87 - “Garden Street” not “Garner Street”.
 - Page 88 - Social infrastructure - one of the most significant issues not addressed relates to the increasingly apparent lack of active playing space in new areas arising from open space contributions being allocated to environmental areas. Regional sporting facilities should be identified strategically in the strategy.

OPTIONS

Council could:

1. make a submission on the Outer Metropolitan Perth and Peel sub-regional strategy based on the above report.
2. not make a submission.

CONCLUSION

Directions 2031 and Beyond has been finalised and released as the future broad scale blueprint for metropolitan development. No further comment is invited on the broad strategy.

Sub-regional strategies have been released for comment to provide greater detail regarding the implications of the broad framework. The strategy for the outer metropolitan areas (which includes the City of Armadale) includes some inaccuracies which require amendment but in general supports the approaches already adopted by the City. The Strategy identifies two areas for future MRS amendment with the implication that this would be initiated by the City. This would have financial implications.

The document lists in a large number of individual strategies which will be difficult to deliver in total suggesting the need for prioritisation.

There is an over-emphasis on higher density housing as the dominant solution to future planning issues rather than employment creation and distribution. There is also a general emphasis on Central area issues and solutions which is at odds with the strategy itself which recognises that at least two thirds of new residential development will be in the Outer sub-regions. The transport, service and social and infrastructure strategies and employment relocation strategies need to give greater prioritisation to the needs of the Outer sub-regions .

Executive Director Development Services briefed Committee on the report.

D89/10/10 RECOMMEND

That Council:

- 1. Make a submission to the Western Australian Planning Commission on the Outer Metropolitan Perth and Peel sub-regional strategy based on the Comments in the above report;**
- 2. Provide a copy of the report to the Western Australian Local Government Association.**

MOVED Cr Reynolds
MOTION CARRIED (7/0)

REQUEST TO ADVERTISE DRAFT RIVER ROAD HERITAGE STUDY REPORT AND LOCAL PLANNING POLICY

WARD : RIVER
APPLN NO. : PLU/STU/3
DATE : 8 October 2010
REF : CMA
RESPONSIBLE : EMPS
MANAGER

In Brief:

- The appointed consultants have submitted the Draft River Road Heritage Study Report which recommends the designation of a Heritage Area under TPS No.4 around River Road.
- Prior to the area being designated as a Heritage Area, the draft report and draft local planning policy need to be advertised for a period of 21 days in accordance with TPS No.4 requirements.
- The Draft Report and Draft Local Planning Policy are considered satisfactory for consultation purposes and it is therefore recommended that Council resolve accordingly.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Budget / Financial Implications

- ◆ Funds have already been allocated for the study.
- ◆ Funds and resources may need to be allocated in the future if certain recommendations of the study are to be implemented, however this will be subject to further reporting.

Consultation

- ◆ Community Heritage Advisory Group (CHAG).
- ◆ Relevant City departments and the public (including affected landowners) will be invited to provide comments during the consultation period.

BACKGROUND

In 2008 Council reviewed and updated its Municipal Heritage Inventory (MHI 2008). The City's MHI identifies a number of properties along and around River Road as Heritage Places including:

Place Entry Number & Description:

- 35 – No.31 River Road Kelmscott - Abdulah's Residence
- 36 – No.104 River Road Kelmscott - Albert Butcher's Residence
- 37 – No.93 River Road Kelmscott - Betsy Buckingham's Residence
- 39 – No.24 Brookton Highway Kelmscott - Butcher Residence and Former Hospital
- 40 – No.112 River Road Kelmscott - Butcher's Residence
- 43 – No.38 Fancote Street Kelmscott - Fancote Residence
- 47 – Kelmscott Agricultural Showgrounds
- 48 – No.17 Rundle Street Kelmscott - Kelmscott Congregational Church
- 49 – No.20 Church Street Kelmscott - Kelmscott Scout Hall
- 50 – Kelmscott Primary School Site and Palm Tree
- 53 – Martins Crossing, Road Reserve and Rosebushes
- 55 – Metropolitan Water Supply "The Yard"
- 59 – No.63 River Road Kelmscott - Phil Martin's Residence
- 63 – Rushton Park Obelisk Memorial
- 64 – No.67 River Road Kelmscott - Silas Rundle's Residence
- 66 – No.6 River Road Kelmscott - St Mary's Church Cemetery
- 68 – No.18 Church Street Kelmscott - Ulliyott Residence
- 69 – No.16 Armitage Road Kelmscott - Uren Residence
- 71 – No.61 River Road Kelmscott - Walter Butcher's Residence

Council previously resolved to commission a heritage study to make recommendations for a "historic precinct based on River Road Kelmscott" (resolution D54/4/08). Council resolved that the study was to "establish design guidelines, landscape guidelines, interpretive materials and recommend other mechanisms that would enhance and preserve the historic importance of the nature of the River Road Heritage Precinct." Council also resolved to include Lot 26 Clifton Street, Kelmscott in the precinct area, extending along both sides of River Road from the three logs river crossing to No.24 Brookton Highway. The subject section of River Road is just over a kilometre in length. In addition, Council adopted the Heritage Management Incentives Policy PLN 3.8 to encourage landowners to appreciate and conserve heritage values.

On 1 April 2009 the City advertised for expressions of interest (EOI) to undertake a heritage study for the River Road Precinct, Kelmscott. Subsequently a restricted request for tender was issued. The *Heritage and Conservation Professionals* were the successful tenderer and on 14 September 2009 were awarded the contract to carry out the study.

The first draft of the study was received from the consultant on 7 May 2010 and officer feedback was subsequently provided. The amended draft was received from the consultant on 29 July 2010 and forwarded to the monthly CHAG meeting on 19 August 2010 for preliminary comments.

DETAILS OF PROJECT

Objective of the Study

To define a Heritage Precinct in the vicinity of River Road providing a rationale for the heritage precinct boundary and to establish design guidelines, landscape guidelines, interpretive materials and recommend other mechanisms that would enhance and preserve the historic importance of the nature of the River Road Precinct.

Requirements/Tasks expected to be completed as part of the Project

1. Review the places of heritage significance within the study area.
2. Identify if there are or are not any other relevant sites of cultural heritage significance within the study area.
3. Define the boundaries of the Heritage Precinct based on River Road Kelmscott and extending from Lot 26 Clifton Street and the three logs river crossing, along both sides of River Road to 24 Brookton Highway (inclusive).
4. Explain why the precinct can be regarded as having heritage significance.
5. Identify and discuss people of interest within the precinct now and in the past.
6. Identify and discuss special interest zones or areas within the precinct (if applicable).
7. Categorise, define and explain the built form of the area.
8. Produce a map identifying the built form of each of the properties within the precinct and identify (if applicable) the contribution it has to the precinct's heritage significance. The map should also identify any special interest zones or areas within the precinct (if applicable).
9. Recommend ways to raise awareness of the precinct's heritage significance. This may include but does not need to be limited to, heritage trails, interpretative materials and plaques.
10. Identify and consider existing development approvals, studies and strategies that are within or are likely to affect the precinct (this includes studies and strategies which have been given in principle approval by Council but may not yet have been finalised as formal statutory or policy documents).
11. Liaise with relevant government or non-government organizations/departments where appropriate. For example, the Swan River Trust may need to be contacted in regard to land abutting the Canning River.
12. Liaise with relevant officers of the City of Armadale (Steering Group) on Council policy and statutory requirements.
13. Liaise with Council's Community Heritage Advisory Group.
14. Identify and recommend any related statutory or policy mechanisms to support conservation of the heritage values of the precinct.

15. Prepare an operational policy for the conservation of heritage values in the precinct, based on the study findings as an attachment to the report. The policy should include:
 - Aims and Objectives;
 - The Policy's General Principles;
 - Design guidelines established with reference to the integration of new development within and around places recommended for conservation;
 - Landscape Guidelines established with reference to the findings of the heritage report;
 - A map such as that discussed in point No.8 above;
 - Definitions; and
 - References.
16. Respond and make recommendations to Council in regard to feedback provided by landowners and the public in response to the advertising of the draft heritage policy (The City will conduct the advertising and provide a summary of submissions to the consultant)
17. Present the draft and final report and policy to the Council.
18. Recommend further actions which may be required to assist in the conservation of the precincts heritage values.

ANALYSIS

The procedures set out in Part 7.2 of TPS No.4 need to be followed when designating a Heritage Area. Part 7.2.1 of TPS No.4 states:

If, in the opinion of the City, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the City may, by resolution, designate that area as a heritage area.

Pursuant to Part 7.2.2 of TPS No.4, when designating a Heritage Area the City is to:

- (a) *adopt for each heritage area a Local Planning Policy which is to comprise:*
 - (i) *a map showing the boundaries of the heritage area;*
 - (ii) *a record of places of heritage significance; and*
 - (iii) *objectives and guidelines for the conservation of the heritage area; and*
- (b) *keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.*

The Draft Heritage Study Report and Planning Policy prepared by the consultant addresses the requirements/tasks which were contained in the project brief and is considered an adequate document which captures the heritage significance of the River Road area.

The Draft Heritage Study Report establishes the foundations that support the River Road area being designated as a Heritage Area under Part 7.2.1 of TPS No.4. Parts contained in the Draft Heritage Study Report deemed important in determining the appropriateness of designating a Heritage Area around River Road include:

1. A Statement of Significance which provides reasons why the precinct has heritage significance;
2. Maps/figures which define the boundary of the area and illustrate factors which contribute to the area's heritage significance;
3. Recommendations and mechanisms to conserve, manage and interpret the heritage significance of the area;
4. References to the City's policy and statutory documents and other projects and how the proposed Heritage Area integrates with them; and
5. Implementation strategies, which include a Local Planning Policy that is required under Part 7.2.2 of TPS No.4. The strategies will help ensure the relevance and heritage significance of the study area is sustained into the future. The policy addresses things such as demolition, conservation and alterations to existing buildings. It also addresses requirements for new buildings and fences and provides a set of design guidelines for landscaping.

(Refer to copy of full Draft Heritage Study Report at Attachment "A8" of the Agenda).

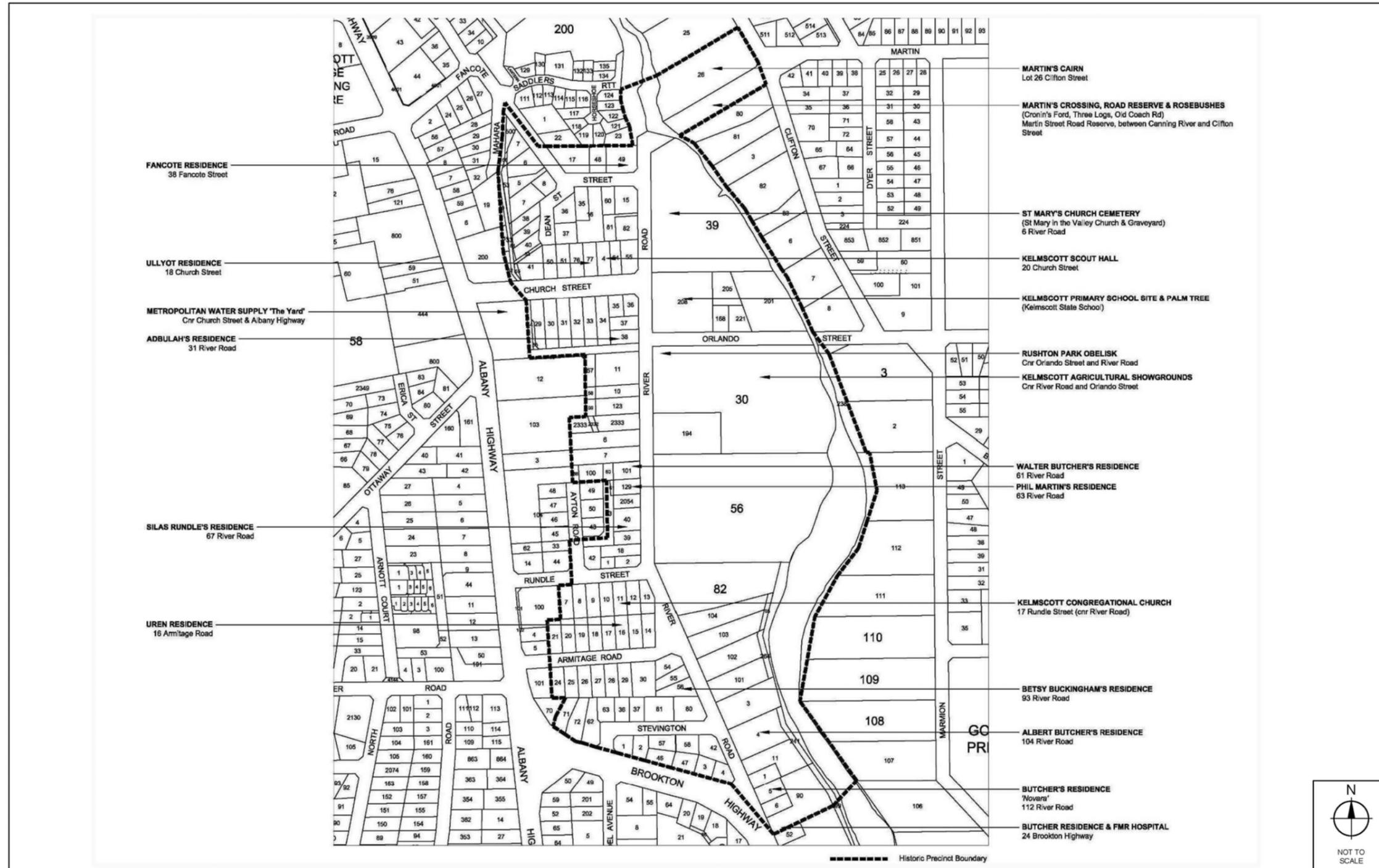
The Draft Heritage Study Report currently includes some minor typing and grammatical errors which do not blur its meaning in any significant manner. These types of errors are common in drafts and will be corrected prior to finalization of the project. The City has not yet requested the consultant to address the minor errors as further changes may be required as a result of the reporting and consultation processes.

Based on the Draft Heritage Study Report, the River Road area can be recognised as having heritage significance. It can therefore be considered that designating it as a Heritage Area under TPS No.4 is appropriate.

Designation of a Heritage Area

Prior to a Heritage Area being designated, or a Local Planning Policy being adopted, the intention of Council must be advertised (consultation) in accordance with the requirements of TPS No.4. After the consultation process is completed a report will be presented to Council.

All property owners within and adjacent to the proposed Heritage Area will be provided with a copy of the Draft Local Planning Policy and invited to make comment on the draft policy and proposed designation of a heritage area. In addition, advertisements notifying the public of the proposal and how applicable documents can be viewed need to be placed in relevant newspapers for two consecutive weeks and signage needs to be placed in a prominent location in the area. Also, notice will be placed on the City's website. The most appropriate location for the sign is considered to be at Rushton Park near the War Memorial at the Corner of Orlando Street and River Road. The consultation will extend for a period of 21 days from the day it is advertised in the newspaper.



**HERITAGE PLACES LISTED ON THE CITY OF
 ARMADALE MUNICIPAL HERITAGE INVENTORY**

Once consultation is complete all submissions will be referred to Council for consideration along with appropriate changes to be incorporated into finalization of the Heritage Study Report and Local Planning Policy.

Prior to final adoption of the Heritage Study Report and Local Planning Policy, a presentation by the consultant to Councillors on the Heritage Study could be arranged if required. There will be opportunity for any queries to be addressed by the consultant prior to Council being asked to designate the Heritage Area and adopt the applicable Local Planning Policy.

After adoption Council can modify or revoke a designated Heritage Area after the consultation process under part 7.2 of TPS No.4 has been carried out.

CHAG Comments

The Draft Heritage Study Report was forwarded to CHAG for preliminary comment. In addition to the identification of some minor typing and grammatical errors and the recommendation of the inclusion of some additional information, a point taken from CHAG's advice was their recommendation to modify the heritage area boundary. In relation to the later, CHAG made the following recommendations which are discussed further in the following section.

1. CHAG recommended that the Water Corporation Yard (The Yard) on Albany Highway be included in the precinct boundary along with Lot 200 Church Street which is at the corner of Albany Highway and Church Street. The Water Corporation Yard is on the City's MHI and was considered significant by CHAG due to the role it played in establishing the areas water supply. Furthermore, Lot 200 along with The Yard were considered to provide an attractive entry feature to the Heritage Area consisting of mature trees.
2. CHAG recommended that the boundary be modified so the Moreton Bay Fig Tree outside Lot 52 Brookton Highway is included within the Heritage Area and therefore offered more protection.
3. CHAG recommended that Lot 25 Clifton Street be included in the heritage area boundary. CHAG suggested that the first building in Kelmscott, a barracks constructed by soldiers in 1830, may have been located on, or in the vicinity of, Lot 25 rather than Lot 26 Clifton Street as stated in the Draft Heritage Study.
4. CHAG suggested that Lots 1 and 22 Fancote Street also be given consideration for inclusion within the Heritage Area boundary as they provide for continuation of the Heritage Area along Fancote Street before it meets the newer lots developed around Saddlers Retreat.

Response to CHAG Comments

There are other mechanisms to acknowledge the significance of a place other than including it within the heritage area. Also, issues other than heritage need to be considered before applying a blanket style designation over an area, issues such as zoning and existing controls.

The Yard

With regard to CHAG's recommendation to include The Yard within the Heritage Area, it should be noted that the heritage significance of The Yard has already been acknowledged through the City's MHI via its Category D listing. The consultant was aware of this listing and consciously did not recommend The Yard for inclusion in the Heritage Area. The Yard is zoned District Centre under TPS No.4 and forms part of the Kelmscott Albany Highway commercial precinct. The objectives for a District Centre under TPS No.4 are:

- (a) *To provide for an extended range of shopping, commercial and community services to meet the weekly needs of neighbourhood groupings, and contribute towards the employment needs of the local workforce.*
- (b) *To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community within the service area.*

Inclusion of land zoned for commercial purposes along Albany Highway within the River Road Heritage Area should be carefully considered. The objectives of the Heritage Area may prove difficult to balance with the competing objectives the District Centre.

The recommendation in the MHI for a Category D listing states:

Significant, but not essential to an understanding of the history of the district. Record the place photographically prior to any major redevelopment or demolition.

Given the location of The Yard adjacent to Albany Highway it does not significantly contribute to the character of the streetscape in the River Road area. The historic value of The Yard, as defined in the MHI, *is its association with the development and expansion of the Metropolitan Water supply in the Darling Range region during the 1920s.* The main historical and aesthetic features of The Yard are the stone and tile building, bottlebrushes and rose gardens which contribute to an otherwise purely functional works depot. These features do not add to the aesthetics of the River Road area in any significant manner. As recognised by its listing in the MHI, The Yard could be redeveloped without undermining the story of the River Road area.

If The Yard was redeveloped its heritage significance could be acknowledged and sustained into the future via appropriate interpretive features. In addition, a photographic record could be required and the MHI listing could be retained. The City would have regard to the MHI listing for the site if considering future development of The Yard and heritage related considerations would be dealt with as part of a development approval, whilst still allowing the site to be developed in accordance with its zoning.

In addition to the MHI and District Centre zoning, the site is included under Schedule 3 – Restricted Use No.1 in TPS No.4. The provisions of Restricted Use No.1 aim to ensure commercial development along Albany Highway integrates appropriately with surrounding residential land. When considering applications in the restricted use zone, the City may impose conditions and require proposed developments to specifically address issues such as, but not limited to:

- Building design that is integrated and consistent with the surrounding built environment;
- Interfaces with adjacent parks and recreation reservations; and
- The retention of existing on-site trees or significant vegetation.

Given The Yard is already offered a level of protection under the MHI, does not contribute the significance of the River Road area in a significant manner and is subject to District Centre zoning, which has objectives distinct from those of a Heritage Area, and since any future development will not only need to consider existing features on the lot but also surrounding development, it is not considered necessary or appropriate that The Yard is included in the Heritage Area boundary.

Trees

With regard to CHAG concerns about the significant trees along Church Street and the Moreton Bay Fig Tree along Brookton Highway, these are within the road reserve and therefore under the City's control. These trees are already offered a level of protection through the City and someone wanting to remove or modify the trees would need to seek the City's approval first. Furthermore, if considered necessary Council could request tree preservation orders for significant trees in the Road Reserve or on private property as a means of protection. Should Council wish to include Road Reserves and/or trees within the Heritage Area, this can be considered after advertising so all submissions can be considered collectively and any changes to the proposal implemented more efficiently.

Lots 1 and 22 Fancote Street

CHAG suggested Lots 1 and 22 Fancote Street be given consideration for inclusion within the Heritage Area as they provide a continuation of the Heritage Area along Fancote Street before it meets Saddlers Retreat. However, existing development on lots 1 and 22 has no heritage significance. Consequently, to only include the lots to create a more logical boundary is considered unnecessary. The boundary as proposed will include all those properties on Fancote Street facing south which will still create a boundary that can be considered logical and uniform.

Lot 25 Clifton Street

CHAG recommended including Lot 25 Clifton Street in the Heritage Area due to the possibility of archaeological remains being located at or near the site, however this can be required as part of the Structure Plan to be prepared for the Canning River Precinct. Council can make recommendation to include the requirement for an archaeological study to be carried out over lot prior to development taking place. Development could then be subject to conditions if archaeological remains are found, however this is not dependent on including it in the River Road Heritage Area.

Conclusion on CHAG Recommendations

It is recommended that having the boundary more centered and closer to River Road will help ensure a more robust heritage area is created that achieves the objectives of Council in a more targeted and effective manner. Given this, it is not considered necessary that the River Road Heritage Area boundary be modified. Notwithstanding, it is important that landowners who could be affected by the designation of a Heritage Area boundary are included in the consultation process. Therefore, if Council decides to modify the boundary before advertising all the relevant documents will need to be amended by the consultant which will take a considerable time and may result in the proposal not being advertised until 2011.

OPTIONS

1. Determine that the Draft River Road Heritage Study, including a Draft Policy, is supported for the purpose of advertising in accordance with TPS No.4 requirements.
2. Determine that the Draft River Road Heritage Study, including a Draft Policy, should not be advertised in its current form and state the reasons why. Once amended Council could support advertising of the Draft River Road Heritage Study, including a Draft Policy, in accordance with TPS No.4 requirements.

CONCLUSION

The Draft Heritage Study Report has provided the reasoning and evidence for the area around River Road in Kelmscott to be designated as a Heritage Area under TPS No.4. In addition, the draft local planning policy provides a clear indication of Council's intention and implications regarding future development.

Once consultation is complete and all submissions are considered, amendments can be made to the report and local planning policy so they align with the intentions of Council balanced with the reasonable needs of the community and the need to sustain the heritage significance of the area. Once consultation is completed a report will be presented to Council advising on the next course of action, which will likely include a recommendation to designate an area around River Road as a Heritage Area under TPS No.4 and to adopt the associated local planning policy with or without modifications. Council will also be advised on actions in relation to implementing other recommendations presented in the Draft Heritage Study Report.

In summary, the Draft Heritage Study Report is considered satisfactory for consultation purposes in accordance with TPS No.4 requirements.

D90/10/10 RECOMMEND

That Council:

- 1. Advertise the proposal to designate the area around River Road in Kelmscott as a Heritage Area under Town Planning Scheme No.4 and the associated Draft River Road Heritage Study and Draft Local Planning Policy for a period of 21 days in accordance with the provisions of Clauses 7.2.3 and 7.2.4 of Town Planning Scheme No.4.**
- 2. Recommit the documents and public submissions for further consideration after advertising is completed.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

*** REVIEW OF DELEGATIONS OF AUTHORITY TO THE DEVELOPMENT SERVICES DIRECTORATE**

WARD : ALL
DATE : 12 October 2010
REF : KC
RESPONSIBLE : EMPS
MANAGER

Tabled Items

Nil.

Officer Interest Declaration

Nil.

In Brief:

- Council has granted Delegation of Authority to officers of the City to ensure the efficient processing and determination of applications and so that Council's time can be spent on policy and more complex matters.
- Delegations of Authority are required to be reviewed annually. Delegations were last reviewed in October 2009.
- Various modifications have been made in this review and it is considered that the delegations are appropriate and enable decisions to be made consistent with Council's statutory documents.
- Recommend that Delegations be adopted as amended and remain in force for the next 12 months.

Strategic Implications

- 4.1.1 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.
- 4.4.2 Create a culture of team work, creativity and self empowerment.
- 4.5.1 Ensure compliance of relevant Council policies and procedures with legislative and organisational requirements.
- 4.5.2 Provide professional administrative services to support Council operations and services.
- 4.7.1 Provide and promote responsive customer services.
- 4.7.2 Implement a program of continuous improvement in service delivery.
- 4.7.3 Ensure effective integration and management of information, communication and technology systems.

Legislation Implications

Health Act 1911
Strata Titles Act 1985
Local Government (Miscellaneous Provisions) Act 1960
Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste) Regulations 1974
Local Government Act 1995
Residential Design Codes 2002
Planning & Development Act 2005
Town Planning Scheme (TPS) No.4
Environment, Animals and Nuisance Local Laws 2002
Street Numbering Local Law 2010

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

The granting of the proposed delegations will assist in managing the City's growing workload within its current resources.

Consultation

Corporate Services, Executive Director Development Services, Executive Manager Planning Services, Building Services Manager, Health Services Manager, Landgate and the City's solicitors.

BACKGROUND

It is a requirement of the Local Government Act 1995 that all Delegations of Authority be reviewed annually. Revised Delegations were adopted by Council in October 2009 to comply with relevant Legislation. A copy of the previously adopted (October 2009) Delegations are attached for further reference.

The Delegations enable the City to effectively make decisions to meet statutory timeframes. Delegations provide guidelines for how the City can best use its resources to manage its consistently high workload within each of the Building, Health and Planning Services. The Delegations facilitate greater efficiency through better time management and use of Council resources, which allows for an increased focus on strategic projects, improving internal organisational processes and enable decisions to be made consistently with Council's statutory documents.

The Delegation amendments primarily reduce duplication, clarify clauses of relevant legislation and improve wording and terminology to align with legal phrases under relevant legislation.

Copies of the Delegations (as amended) relevant to this Committee are enclosed under Attachment "A6" of the Minutes.

A copy of the previously adopted (October 2009) Delegations are also attached for further reference at Attachment "A7" of the Minutes.

COMMENT

Reviewed Delegations

Modifications

The most significant modifications are listed below:

1. The wording of Delegation 21 has been modified to clarify the Schedules utilised in the acquisition of land, and ensure consistency with Delegation 732.
2. Minor wording of Delegation 22 has been modified for clarity.

3. A new Delegation 23 is proposed, which will provide for the signing of documents and deeds by the Chief Executive Officer, Executive Director Development Services or Executive Manager Planning Services. These documents do not require the Common Seal and the City's solicitors have advised that the Council can delegate the signing of these documents to the abovementioned officers. Delegation No.23 will streamline the processing of these documents to assist land owners and developers.
4. Delegation 37 has been amended with the appropriate year the Act was adopted.
5. Delegation 601 has been amended to cover all discretionary matters under the Fencing Local Law.
6. Delegation 702 has been amended to also encompass determinations of applications for commercial vehicle parking and retrospective applications. These determinations existed under Delegation 703. Expansion of Delegation 702 permits the CEO to determine Outline Development Concept Plans under Policy PLN 3.1. To encompass these changes, the title of the Delegation has been modified to include Policies. Delegation 730 has been included within Delegation 702.
7. Delegation 703 has been deleted, with determination of applications for commercial vehicle parking approvals consolidated into Delegation 702.
8. The Ministerial Planning Appeal system has been removed from Delegation 712, and the terminology updated.
9. Wording of Delegation 714 has been modified to clarify procedures when undertaking consultation. The notes detailing development of a significant scale (including demolition of Category 'A' structures), which was previously noted to not form part of Delegation 714, has been deleted from this delegation as it is not required.
10. Minor wording and grammar has been corrected in Delegation 721, with an improvement in its operation.
11. The last dot point in Delegation 727 has been deleted due to it being superfluous and the wording regarding refusal of an application by the CEO has been modified to minimise use of redundant phrases and ensure consistency with other delegations.
12. Delegation 730 has been deleted as it has been incorporated into Delegation 702.
13. Revocation of a Detailed Area Plan has been removed from Delegation 731 and instead the CEO has been given authority to refuse modifications or amendments, and to make any other decision relating to Detailed Area Plans and Structure Plans, enabling a more streamlined process.
14. Delegation 732 has been modified to make reference to Schedule 13B of Town Planning Scheme No.4, maintaining consistency with the wording of Delegation 21. A clause was removed as it was deemed unnecessary.

OPTIONS

1. Approve the suggested amendments to the Delegations of Authority outlined, including new Delegation No.23, and authorise that these Delegations and those that can continue unamended remain in force for the next twelve months.
2. Approve some of the suggested amendments to the Delegations of Authority outlined, but leave others as they are and authorise that these remain in force for the next twelve months.

CONCLUSION

The various modifications and new Delegations are proposed to sustain the City's effective decision making processes. It would be in the interest of efficiency to approve the amendments as requested, as it will assist in the effective processing and determination of applications, particularly given the City's growing population and workload. The Delegations aim to ensure Council's time is focused on high level policy and generally more complex matters. Therefore, it is recommended that the Delegation request be approved in accordance with Option 1.

D91/10/10 RECOMMEND

That Council:

1. **Acknowledges the review of Delegations of Authority under Section 5.46 of the Local Government Act and grant the authority under delegation as follows:**
 - a) **That the powers or duties in Delegations numbered 13, 21, 22, 23, 30, 31, 32, 33, 34, 35, 36, 37, 90, 91, 92, 100, 240 and 601 outlined at Attachment "A6" of the Minutes, remain in force for the next 12 months.**
2. **Acknowledges the review of Delegations of Authority under Section 5.46 of the Local Government Act and grant the authority under delegation in accordance with Clause 11.3.1 of Town Planning Scheme No.4 as follows:**
 - a) **That the powers or duties in Delegations numbered 702, 712, 714, 719, 721, 727, 731, 732 and 733 outlined at Attachment "A6" of the Minutes, remain in force for the next 12 months.**
3. **Note that Delegations numbered 703 and 730 are revoked and deleted from the Delegations Register.**

*** ABSOLUTE MAJORITY OF COUNCIL REQUIRED**

MOVED Cr Tizard
MOTION CARRIED (7/0)

LATE ITEMS

Nil.

COUNCILLORS' ITEMS

Cr Reynolds

- ◆ *Cr Reynolds commended officers on their informative and thorough Agenda reports, including the set up and uncomplicated use of the City's Website when reading the reports.*
- ◆ *Cr Reynolds advised Committee of recent meeting with Mr Andrew Bruce, Executive Director Technical Services and Moltoni Corporation Pty Ltd in regards to the proposed rehabilitation of the Shale Quarry (Armadale Brickworks Quarry) and that a formal report will be submitted to Council once the proposal has been reviewed and assessed by the City.*

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS

Nil.

MEETING DECLARED CLOSED AT 8:35 PM



POLICY

HLTH 3– Alcohol Risk Minimisation

Management Practice

HLTH 3

Relevant Delegation

N/A

Rationale

The City recognises its obligation to take all reasonable measures to help ensure the protection of public health and safety in the community through initiatives that promote responsible alcohol consumption and provide a safe and secure environment.

The effects of alcohol misuse go beyond diseases, accidents and injuries to a range of social, economic and environmental costs to the City and the community due to anti social behaviours such as drink driving, violence, crime, vandalism and littering, which can have a detrimental effect on the community.

The City is in a position to help minimise alcohol related harm through supporting safer environments for drinking, managing the physical availability of alcohol, and through environmental design and planning that supports community wellbeing.

Application of Policy

This policy has application throughout the whole of the City.

Policy Statement

The City is committed to support and promote the responsible sale, supply and consumption of alcohol and to reduce the effects of unhealthy drinking practices. In order to achieve those outcomes, the City will:

1. Rigorously assess all applications for planning approval of licensed premises, liquor licences and permits regarding potential unreasonable impacts on the health, wellbeing, amenity and safety of the community, including internal engagement with relevant Departments within the City and externally where appropriate with the WA Police Service, the Drug and Alcohol Office and other agencies;
2. Promote an appropriate mix of land use that will prevent licensed premises having an unreasonable impact on the health, wellbeing, amenity and safety of the community;
3. Require all liquor licence applicants to demonstrate a commitment to the responsible sale, supply and promotion of alcohol;
4. Work alongside agencies to help improve public health, community safety and wellbeing and to assist with the reduction of the harmful effects of alcohol;
5. Reflect community values and expectations in the City's services and programs in assisting with the management of alcohol and the issues it creates;
6. Consult with the community and encourage participation to enhance decision making processes;

7. Advocate on behalf of the community when substantiated complaints have been lodged in relation to licensed premises; and
8. Promote responsible drinking and personal accountability at events supported and organised by the City and venues it owns or manages.

Related Local Law

N/A

Related Policies

- COMD 2 – Community Consultation
- COMD 5 – Sponsorship of the City’s Events, Programs, Facilities and Publications
- RECN 4 – Hire of Halls and Buildings

Related Budget Schedule

N/A

Last Reviewed

2007

Next Review Date

2013

Authority

Council Meeting

DRAFT

MANAGEMENT PRACTICE

HLTH3 | Alcohol Risk Minimisation

INTRODUCTION

The management practice has been developed to encourage and assist officers across the City to take all reasonable measures to prevent risks to public health, safety and amenity resulting from the sale, supply and consumption of alcohol. It is divided into four (4) sections:

1. **Assessing Applications for Licensed Premises and Liquor Licences**
2. **Supporting and Organising Events**
 - ❖ Community Events
 - ❖ Council Events
 - ❖ Youth Events
3. **Leasing and Hiring of Council Owned Land, Property and Facilities**
 - ❖ Sporting, Leisure and Recreational Club Leases
 - ❖ Hire of Buildings and Public Land for Functions and Events
4. **Responding to the Community**

1. ASSESSING APPLICATIONS FOR LICENSED PREMISES AND LIQUOR LICENCES

All development applications for planning approval of licensed premises and for **Section 39 and 40 certificates* required to accompany liquor licence applications to the Department of Racing, Gaming and Liquor, will be assessed to ensure that licensed venues and activities have a minimal impact on surrounding land uses and alcohol related problems in the community are prevented or minimised. Assessments will include considerations of the requirements of the *Liquor Control Act 1988*, Town Planning Scheme, public health legislation and relevant policies of the City.

Factors that will be taken into account when assessing applications will include:

1.1 Location and Compatibility with Other Land Uses and Activities

- The location of the proposed facility, the nature and potential impact of the proposed facility and compatibility with adjoining land uses and activities, including noise levels, operational hours, traffic flow, car parking, harm and amenity risks and the scale and size of the development, *(This could include the requirement for specialist studies by suitably qualified consultants).*

1.2 Location and Public Safety

- Whether the proposed location or activity of the licensed premises poses a high risk to public safety, including due to poor lighting, inadequate access to taxi services and public transport and connected streets.

1.3 Public Interest Test

- Whether it can be demonstrated that the application is in the public interest *(This could include providing the City with copies of documentation required by the Department of Racing, Gaming and Liquor in support of the application).*

1.4 Density

- The density of existing liquor outlets in terms of the potential to adversely affect the amenity and safety of households, businesses, public space and visitors in the area.

1.5 Strategies to Prevent Anti Social Behaviour

- The applicant being able to demonstrate responsible service strategies for patrons and security measures to reduce opportunities for anti social behaviour in surrounding areas that are relevant to the location and nature of the proposed facility and related activities. An **Alcohol Management Plan* may be required to support the application which outlines the licensee's planned operational responses/position regarding alcohol-related risks and management at the venue. *(This could be achieved by providing the City with copies of documentation required by the Department of Racing, Gaming and Liquor in support of the application).*

1.6 Accessibility

- Whether the premises is appropriately designed in relation to access, egress and compliance with relevant legislation.

1.7 Past History

- The past history of the facility and/or applicant/s with respect to noise, public safety, harm and anti social behaviour.

* Defined in Appendix 1

2. SUPPORTING AND ORGANISING EVENTS

2.1 Community Events

Community events have the primary purpose of entertainment and in some circumstances, the City may be involved in either a support role and/or organising an event. The City recognises it should provide leadership to the community by promoting responsible drinking and personal accountability. As such, the City will promote events to encourage safe, enjoyable and community orientated activities and a positive healthy lifestyle.

Although alcohol free events are preferred, where applications for events involving alcohol are submitted to the City for approval, they will be subject to all relevant policies, conditions and legislative requirements and processed as per the City's procedures for liquor licence applications. Requirements will include:

- 2.1.1 Each relevant department will consider the potential impact that the licence or permit may have on the safety, health and wellbeing of the community. This assessment will include communication with the WA Police Service and the Drug and Alcohol Office where appropriate.
- 2.1.2 The City will require all applicants to demonstrate a commitment to the provision of a safe and healthy environment, ensuring the responsible sale, supply and promotion of alcohol and the provision of appropriate facilities.
- 2.1.3 Access to non alcoholic and low alcohol drinks, as well as potable water and ** substantial food* must be available for the duration of the event.
- 2.1.4 The consumption and supply of alcohol during **youth specific events* organised by the City or by outside agencies or groups is prohibited. This situation applies to adults who may also be attending youth events.

2.1.5 Approval for alcohol consumption will be granted to a nominated person, who will be required to ensure:

- the responsible provision of alcohol;
- monitoring and control of people under the influence of alcohol while they are in the licensed area and its vicinity;
- bar staff are trained in the responsible service of alcohol;
- minimal impact on neighbouring properties and people due to excessive noise or anti social behaviour;
- no person under the age of 18 is able to purchase or consume alcohol; and
- compliance with any relevant legislation.

2.1.6 At the discretion of the City applications for a **Liquor Consumption Permit* or **Liquor License* may require preparation of an **Alcohol Management Plan* to ensure all the requirements listed above can be met.

N.B. Council reserves the right to deny the responsible person or the organisation he/she represents permission to hold licensed events on land under the City's control.

2.1.7 The nature and operation of a licensed area will be subject to conditions listed in a contract with the City.

2.2 Council Events

The City is committed to the provision of a safe and healthy working environment and encourages healthy living. This part applies to all City staff, Councillors, volunteers, contractors, visitors to the City and work placement students attending official events such as corporate functions, ceremonies and any other forum of business of Council and Council officers on Council premises.

2.2.1 Low percentage alcohol beverages will be made available at all functions. Non alcoholic drinks and ** substantial food* will also be served and drinking water that is free of charge will be readily available.

2.2.2 Alcohol is not to be consumed or supplied during ** youth specific events* organised by the City.

2.2.3 For each Council event, the City will nominate a person, who will be responsible for ensuring:

- the responsible provision of alcohol and availability of low percentage and non alcoholic alternatives;
- monitoring and control of people under the influence of alcohol while they are in the licensed area and its vicinity;
- bar staff are trained in the responsible service of alcohol;
- minimal impact on neighbouring properties and people due to excessive noise or anti social behaviour;
- no person under the age of 18 is able to purchase or consume alcohol; and

- compliance with any relevant legislation, including any **Liquor Consumption Permit* or **Liquor License*, where applicable.

2.2.4 Generally, the availability of alcoholic beverages will be limited to the length of the event.

2.3 **Youth Specific Events*

The City acknowledges that young people feature strongly in alcohol-related harm statistics and supports the provision of healthy environments and experiences for young people, which promote positive role modelling and harm minimisation. In particular:

- 2.3.1 The consumption and supply of alcohol during **youth specific events* organised by the City or by outside agencies or groups is prohibited. This situation applies to adults who may also be attending.
- 2.3.2 Preventing the availability and potential access to alcohol by young people will be considered when determining approval of any liquor licence application before the City.
- 2.3.3 Where a specific problem relating to young people and alcohol is known, the City is committed to collaborating with relevant agencies to ensure the minimisation of alcohol-related harm to young people.

*** Defined in Appendix 1**

3 LEASING AND HIRING OF COUNCIL OWNED LAND, PROPERTY AND FACILITIES

3.1 Sporting, Leisure and Recreational Clubs

Clubs exist for the benefit of their members and some types, such as senior sporting clubs, have a longstanding dependence on licensed bar sales for a significant percentage of their annual revenue.

As the City hires and leases land, property and facilities to clubs, it has an obligation to encourage responsible alcohol consumption and reduce associated risks. In order to satisfy its obligations therefore, the City has adopted the following principles when considering the leasing and hiring of Council owned land, property and facilities:

- 3.1.1 **Alcohol Consumption Permits* will not be issued for functions involving people under 18 years of age.
- 3.1.2 When reviewing **Restricted Club, Club and Special Facility Licenses*, the amenity, safety and wellbeing of the members, local residents, businesses and visitors in the area will be taken into account;
- 3.1.3 Licensed premises may be required to produce an acceptable **Alcohol Management Plan* detailing responsible service strategies to ensure the health, safety and wellbeing of customers, staff and individuals within the surrounding areas;

- 3.1.4 A Club's constitution, policies and rules must support the stated commitments in the **Alcohol Management Plan* and the requirements of the **Liquor Licence*;
- 3.1.5 The previous performance of the applicant and the associated organisation in complying with the *Liquor Control Act 1988*, the City Local Laws and policies, and the prevention and minimisation of alcohol-related harm will be taken into account when reviewing leases.
- 3.1.6 When approving a new lease or reviewing an existing one, the position of the WA Police Service and Drug and Alcohol Office or other relevant agencies/stakeholders will be sought where it is appropriate.

3.2 Hire of Buildings and Public Land for Functions and Events

Council provides halls, public land and other facilities for hiring to the community for functions and events. In order to ensure the prevention and minimisation of the harmful effects of alcohol and the responsible sale, supply and consumption of alcohol to venue users and community members living in and visiting the surrounding areas, the following restrictions will apply:

- 3.2.1 Consumption of alcohol is not permitted unless an **Liquor Consumption Permit*, or where appropriate, a **Liquor Licence* has been issued.
- 3.2.2 Approval for alcohol consumption will be granted to a nominated person, who will be required to ensure:
- the responsible provision of alcohol;
 - people under the influence of alcohol are monitored while they are in the licensed area and its vicinity;
 - bar staff are trained in the responsible service of alcohol;
 - minimal impact on neighbouring properties and people due to excessive noise or anti social behaviour;
 - no person under the age of 18 is able to purchase or consume alcohol;
 - and
 - compliance with all relevant legislation.
- 3.2.3 At the discretion of the City applications for a **Liquor Consumption Permit* or **Liquor Licence* may require preparation of an **Alcohol Management Plan* to ensure all the requirements listed above can be met.
- 3.2.4 Times that alcohol may be supplied or consumed may be restricted, to prevent and minimise harm and disturbance in the community.
- 3.2.5 Non-alcoholic beverages, low alcoholic products, water and food must be available during the duration of the event.
- 3.2.6 No person under the age of 18 years is permitted within the licensed areas unless accompanied by a responsible adult and is not permitted to consume or be supplied with alcohol. There may be some instances where youths will not be permitted within the licensed area at all, which will be advised at the time of hire.
- 3.2.7 The supply and consumption of alcohol can only occur within the designated boundary area as defined in the **Liquor Licence*, and must be situated as far away as practical from any body of water.

- 3.2.8 Any breaches of the conditions of the **Liquor Licence* or **Liquor Consumption Permit* may result in the responsible person and the organisation or group to which that person belongs, being unable to utilise public/community halls.

*** Defined in Appendix 1**

4 RESPONDING TO THE COMMUNITY

The community has a legitimate expectation that the City will act on its behalf to address concerns about health, wellbeing, amenity and safety associated with the harmful effects of alcohol consumption. The community also expects to be consulted where appropriate, when proposals for licensed premises and liquor licences are received by the City, which have the potential to lead to adverse neighbourhood impacts.

In order to understand community expectations and respond appropriately to reflect community values the City commits to:

- 4.1 Assess applications for large public events held in the City and take measures to ensure they are managed and well organised to prevent community impacts on health, wellbeing, amenity and safety.
- 4.2 Investigate and take action to resolve complaints lodged in relation to licensed premises and where necessary, liaise with other enforcement agencies to achieve a satisfactory outcome.
- 4.3 Monitor complaint data and information and where necessary, use it in documents to inform both internal and external decision making regarding development approval and liquor licence applications.
- 4.4 Consult with the community and relevant private and public sector agencies where appropriate, to provide opportunities for input into the City's decision making processes. (ref: Council Community Consultation Policy COMD 2-1)
- 4.5 Develop and implement evidence-based safety and crime prevention initiatives to minimise effects of alcohol related harm.
- 4.6 Support state-wide evidence based community education initiatives to reduce and prevent alcohol-related harm and ill-health.

*** Defined in Appendix 1**

5 APPENDIX 1: DEFINITIONS

- 5.1 **Alcohol Management Plan**
An alcohol management plan describes how the licensed premises will minimise and prevent harm and antisocial behaviour on and in the vicinity of the premises, as a result of alcohol abuse.

- 5.2 **Club Licence**
A licence allowing liquor to be supplied to a member, or guest of a member of the club for consumption on or off the premises.
- 5.3 **Extended Trading Permit**
An extended Trading Permit enables licensees to operate outside the normal constraints of their liquor licence conditions. There are two types of Extended Trading Permit:
- Short term or one off
 - Ongoing or infinite
- 5.4 **Liquor Consumption Permit**
A Liquor Consumption Permit issued to hirers wishing to consume liquor on City premises. It is the hirer's responsibility to obtain the necessary liquor permit/license from the police station nearest to the community facility.
- 5.5 **Liquor Licence**
A licence to sell or supply liquor, issued by the Department of Racing, Gaming and Liquor.
- 5.6 **Restricted Club Licence**
Similar to a Club Licence except the sale of packaged liquor is not permitted and trading hours are limited.
- 5.7 **Section 39 Certificate**
A Section 39 Certificate is required to be signed by the local government health authority, confirming the premises applying for a licence comply with the relevant provisions of:
- The Health Act 1911;
 - The Local Government Act 1995;
 - The Local Government (Miscellaneous Provisions) Act 1960; and
 - Any written law applying to the sewerage and drainage of those premises.
- The certificate is also able to state how the premises can be made to comply, however it cannot be issued until construction of the premises has been completed.
- 5.8 **Section 40 Certificate**
A Section 40 Certificate is required to be signed by the City's Planning Department, confirming that the proposed use of the premises:
- Will comply with the requirements of the City's Town Planning Scheme;
 - Would comply if consent were to be given by Council, if it is known that consent would be given and the conditions that would be applied; or
 - Can not comply for reasons that are specified
- 5.9 **Special Facility Licence**
A Special Facility Licence can only be issued in situations described in regulation 9 of the Liquor Licensing Regulations and the supply and sale must take place within the terms and conditions of the licence.

- 5.10 **Substantial Food**
Food provided that is nourishing and abundant in order to maintain and sustain human health.
- 5.11 **Youth Specific Event**
An event organised specifically for the attendance of young people including those who are under the legal drinking age.

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PROPOSED MIXED USE DEVELOPMENT – LOTS 15 – 22 ALBANY HWY CORNER TURNER PLACE AND MOUNTAIN VIEW ASSESSMENT AGAINST LOCAL PLANNING POLICY PLN 3.1	
Requirement	Compliance/Comments
Footpaths are constructed within the road reserve to which the site abuts;	An old footpath in extreme disrepair runs along the Albany Highway verge at the front of the property. There aren't any footpaths constructed in Turner Place and Mountain View. Condition required
The proposal complies with the Design Guidelines for Medium Density Housing set out in Clause 4.3;	See below – some areas of non-compliance
The site is adequately drained to the satisfaction of the Manager Technical Services (<i>in the event of the City not being satisfied that there is adequate provision for on-site drainage, a contribution may be required towards the upgrade of the City's drainage network</i>);	Outlet drainage system exists in Albany Highway reserve. Soil type will permit soakwells. Conditions required.
Access arrangements ensure that traffic generated by the proposal can be accommodated by the existing street network;	Proposal has been assessed by MRWA and Technical Services and deemed acceptable from a traffic management perspective.
Adequate parking is available on-site without detriment to the streetscape;	Parking provision complies with RCode and TPS requirements.
Adequate provision is made for the safe and convenient collection of rubbish and recycling bins.	A central bin storage area is to be provided on site. Applicant advises that strata body will employ private contractor to collect waste on site. Add standard conditions re waste management.
<i>Design Guidelines contained in Clause 4.3 of policy</i>	
<i>Building Design</i>	
Roof pitch 25% or greater	Flat roofs proposed. Although non-compliant with the policy this roof style is in keeping with that of most new buildings within the Kelmscott District Centre. Variation is acceptable.
Colour schemes and materials – natural tones, high level of amenity	Minimal details of colours provided – condition re colour & material schedule.
High Level architectural detail	Artist impression demonstrates a high level of architectural detail, different colours, buildings address street corners well and provide interesting architectural design that is appropriate to the landmark nature of the site. The offices and apartments facing Albany Highway are in four separate buildings with space for landscaping including tree planting between the building. This will provide an extremely attractive streetscape outcome.
Non-reflective materials	Condition
Colouring of trim	Condition
Rear dwelling to have habitable room window facing street	More than half the dwelling have habitable room windows facing one or more streets.

PROPOSED MIXED USE DEVELOPMENT – LOTS 15 – 22 ALBANY HWY CORNER TURNER PLACE AND MOUNTAIN VIEW ASSESSMENT AGAINST LOCAL PLANNING POLICY PLN 3.1	
Eaves and verandahs 300mm min	Complies
Developments with more than 3 dwellings – 1/3 to be 2 storey in height or 50% of dwellings to have plot ratio floor area <110m ² and outdoor living area min. 24m ² .	Office/apartment buildings are two-storey and Single Bed Grouped Dwelling are single storey. Two-thirds of the dwellings are less than 110m ² plot ratio floor area. Outdoor living areas not relevant for multiple dwellings. Balconies comply with R-Code requirements.
<i>Streetscape</i>	
Front dwelling – entrance and major opening to face primary street	Complies
Clear view of street provided by staggering dwellings	Complies – most dwellings have a view of the street due to either directly fronting street or due to wide accessway areas through centre of site and gaps between the buildings fronting Albany Highway.
Surveillance of primary street by two or more dwellings	Complies – see above
Blank walls & solid fences not visible from Primary Street	Complies
End of communal streets not to include horizontal windowless areas unless includes 2 storey dwellings.	Complies
Anti-graffiti finish to blank walls and fences	Condition
Communal streets to be central within development.	Complies
Entrances to dwellings should be visible from communal street.	Complies
<i>Fencing Design</i>	
Front walls and fences not constructed of fibro cement where visible from street, access way or public space.	Applicant advises rear fences will be replaced with Colorbond steel. Condition.
Height, texture, colour & style of walls and fences in public view to be compatible with streetscape and existing buildings.	Condition
Front fences to be visually permeable above a height of 1.2m, including fences abutting POS.	Condition. POS not applicable
<i>Open Space & Landscaping</i>	
0.5m vegetated buffer strip between access ways and side boundaries	Not applicable to central access way. Other crossovers/driveways are more than 3m from side boundaries.
Verge & front yard to be combined in landscaping proposal	Condition
Landscaping plan required	Condition

PROPOSED MIXED USE DEVELOPMENT – LOTS 15 – 22 ALBANY HWY CORNER TURNER PLACE AND MOUNTAIN VIEW ASSESSMENT AGAINST LOCAL PLANNING POLICY PLN 3.1	
Vegetation survey, identification of significant vegetation and retention of maximum vegetation.	Condition re retention of street trees on Mountain View verge only. Existing tree on site is not suitable for retention – see assessment by Parks.
Existing trees, especially mature, preserved where possible	See above
Principal outdoor living area to rear of dwellings	All grouped dwellings comply. Not applicable to multiple dwellings.
12 or more dwellings – communal open space required.	Under policy 252m ² of communal open space would be required (12m ² per dwelling). The Residential Design Codes require 16m ² per dwelling for grouped or multiple dwellings except where those dwellings form part of a Mixed Use development. Accordingly, this requirement has not been imposed on this development.
Planting of 1 low maintenance native tree for every six units at strategic locations for developments of 6 or more dwellings.	Condition
Verge tree provided for each unit adjacent to public street unless existing trees are adequate.	Condition
Cash in lieu of open space provision only permitted where units abut POS.	Not Applicable
<i>Access and car parking</i>	
Garages & carports to be consistent materials, colours style as dwellings	Condition
Parking in front setback only acceptable in open carport	Complies.
Noise/light screening required where car parking abuts side boundaries	Not applicable.
Driveway pavement to: - meander - have passing places - limit width to 3 metres at appropriate locations	Central driveway meanders and there are spaces for significant landscaping at strategic points along the driveway.
Turning circle radius of 5.5m	Complies
Block/Brick paving materials (or other high quality finish i.e. coloured & stamped concrete) required for developments with more than 2 units.	Condition
<i>Rubbish Collection</i>	Applicant advises on-site pick-up by private contractor.
<i>Footpaths</i> Contribution required in areas with dual coding or coded R40	Condition – developer to construct footpaths

SCHEDULE OF SUBMISSIONS			
TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.58			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION
1	S Rameshwar 1 Edinburgh Rd SEVILLE GROVE WA 6112	Same	<p>1.1 Object on overcrowding and aesthetic reasons. Like the semi-rural feel of Seville Grove. Preference is to preserve that as much as possible, rather than convert it into more high density housing.</p>
			<p>RECOMMENDATION</p> <p>1.1 Not Supported. The applicant has argued that Council has already acknowledged that the land is suitable for residential development with its current zoning and Structure Plan and believes that the existing subdivisions to the north-east, south-east and south-west are comparable. The City agrees and notes that whilst slightly higher densities are proposed in R20 and R25, both are still considered 'Low Density Codes' along with R17.5 within the context of the Residential Design Codes of Western Australia. It is anticipated that the resultant streetscape will be of a similar nature to that in existence in that the proposal would produce a single house per lot and that the amenity of the area will not be adversely affected.</p> <p>The revised layout proposes the smaller R25 lots central to Lot 9000 away from the existing development on the surrounding roads. The lots along Fallon Place, Hesketh Avenue and Edinburgh Road are proposed to be R20, effectively providing a graduation between the existing R17.5 code (571m² lot size average) and proposed R20 (500m² lot size average) and R25 (350m² lot size average) codes.</p>

SCHEDULE OF SUBMISSIONS			
TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.58			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
2	T Eschler 5 Jasper St QUAKERS HILL NSW 2763	10 Fallon Pl SEVILLE GROVE WA 6112	<p>2.1 Object, as smaller lot sizes could lead to an over abundance of grouped dwelling proposals.</p> <p>2.2 This in turn could adversely affect the capital growth of existing properties, in that their rate of capital growth may be slower than surrounding suburbs because of this proposal.</p> <p>2.1 Not Supported. The applicant argues that the existing coding of R17.5/25 already allows grouped housing to be developed at R25 if a property is of sufficient size and as such they are not applying for anything that is out of context with the area. Whilst the proposal requests an increase to the density over the site which would subsequently result in a higher number of single houses being built, it is important to establish that there would no longer be a split code over the properties and none of the proposed lots are of a sufficient size that a future owner could apply for unit development.</p> <p>Within the R20 code, the 500m² average lot size would mean a property must be 1000m² to accommodate two grouped dwellings and the proposed lots range in size from approximately 450m² to 696m². Within the R25 code, the 350m² average lot size would mean a property must be 700m² to accommodate two grouped dwellings and the proposed lots range in size from approximately 353m² to 580m². As such there is no possibility for further subdivision / grouped housing development.</p> <p>2.2 Not Supported. This statement is not supported by any evidence and could not form a basis to refuse the proposal on planning grounds.</p>

SCHEDULE OF SUBMISSIONS				
TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.58				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
3	R & G Taylor 41 Hesketh Ave SEVILLE GROVE WA 6112	Same	<p>3.1 Happy to have development, but the blocks are too small which will lead to traffic and noisy neighbours.</p> <p>3.2 Smaller lots mean no backyards. More open space is good, but how many young people will use it? Boredom sets in and vandalism happens.</p>	<p>3.1 Not Supported. The applicant argues that the original structure plan included the Catholic Primary School within Lot 9000 which is a far higher traffic generator than residential development. The applicant believes that removing the school will compensate for any additional traffic movements resulting from the increase to the number of lots to be created. The City acknowledges this reasoning and believes that the proposed road network provides good legibility and connectivity with the existing surrounding roads. As with any residential area, all owners/tenants are obliged to abide by the provisions of the Environmental Protection (Noise) Regulations 1997.</p> <p>3.2 Not Supported. Whilst backyards are smaller, the smaller lot sizes do not mean there will be no backyards. In both the R20 and R25 codes the minimum amount of open space required per site is 50%. This is usually broken up into a front and backyard. The smaller backyards are offset to some degree by the provision of POS. Whilst the City can facilitate its provision, it cannot force people to use the POS nor can it control the actions of the public. It is noted however that the proposed lots have been orientated to provide passive surveillance of the POS, which is a deterrent to anti-social behaviour.</p>

SCHEDULE OF SUBMISSIONS				
TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.56				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
4	Western Power Locked Bag 2520 PERTH WA 6001	Service Authority	4.1 No objections, subject to standard advice regarding One Call Service and Work Safe requirements.	4.1 Noted.
5	Department of Education 151 Royal St EAST PERTH WA 6004	Government Department	5.1 No objections.	5.1 Noted.
6	Water Corporation PO Box 100 LEDERVILLE WA 6902	Service Authority	6.1 No objections. 6.2 Noted presence of Acid Sulphate Soils, and recommend the City ensure appropriate management procedures are in place.	6.1 Noted. 6.2 Supported. The City will be able to request the provision of an Acid Sulphate Soil assessment and management plan as a condition of any future subdivision approval.
7	WA Gas Networks GPO Box W2030 PERTH WA 6846	Service Authority	7.1 No objections. 7.2 Noted presence of a gas main at the northern corner of Lot 9000.	7.1 Noted. 7.2 Noted.

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.50			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION
1	A L & J C Paton 46 View St, PEPPERMINT GROVE WA 6011	Lots 9510 and 102 Waterwheel Rd, BEDFORDALE	<p>1.1 We are in support of the rezoning of Lot 12 resulting in the entire property between Waterwheel Road and Churchman Brook Road being the same zoning.</p> <p>1.1 Noted.</p>
2	D J Parker & S J Sieradzki 130C Bishopgate St, CARLISLE WA 6101	Lot 350 Blissett Drv, BEDFORDALE	<p>2.1 Disappointing to have purchased property in a semi-rural area only to have it built up around due to the rezoning of rural properties surrounding.</p> <p>2.1 Noted. Lot 12 is presently undergoing the same process that was undertaken for the adjoining property, which now includes Blissett Drive, to introduce the same zoning that is presently over Blissett Drive. As was the case for the Churchman Brook Estate proposal, the City must consider each application on its merits.</p>
3	P Blaxell 430 Canns Rd, BEDFORDALE WA 6112 (late submission)	430 Canns Rd, BEDFORDALE	<p>3.1 Objection is made solely for the purpose of achieving appropriate conditions to address the issues of the impact of the proposal on our domestic water supply and the potential for future objections from new residents to normal rural activities on our land.</p> <p>3.2 Ask Council to impose conditions to protect our domestic water supply and minimise potential for future objections.</p> <p>3.3 All 12 lots be required to have aerobic treatment units that comply with the WA Health Department's requirements.</p> <p>3.4 A ground water monitoring bore (or bores) be installed at the lower boundary of Lot 18 to enable biannual sampling and testing by Council for contamination of groundwater moving down hill from Lot 12.</p> <p>3.5 Any necessary easement over Lot 12 to ensure that a reticulated water supply can be made available to Lot 18 in the event of any future contamination of the ground water. The need for any easement to be determined in consultation with the Water Corporation.</p> <p>3.6 A memorial on the Certificates of Title of the 12 lots be imposed to the following effect "Land in the close vicinity of this lot is used for normal rural purposes which may result in occasional nuisances caused by noise or smells".</p> <p>3.1 Noted.</p> <p>3.2 Supported in part. The two issues are directly related to land use change and should be addressed as part of the process currently being undertaken.</p> <p>3.3 Supported in part. The structure plan presently requires Lots 1-5 to utilise ATU's. Lot 6 could also be included in this requirement given its location, which would see a building set back similar distances to those lots already requiring ATU's. However Council has not required the use of ATU's on lots further from the creek in previous Structure Plans as it is not believed to be necessary and for consistency, it is believed the same should apply in respect of this proposed structure plan. As such it is recommended Lot 6 be added to the requirement to utilise an ATU, but conventional systems will be satisfactory for the remaining lots.</p> <p>3.4 Not Supported. The submitor should take steps to monitor their water source via an independent body.</p> <p>3.5 Not supported. The request for an easement for the provision of a reticulated water supply to the boundary of the lot in question is beyond what the</p>

SCHEDULE OF SUBMISSIONS			
TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.50			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
		<p>3.7 Lot 18 contains a fruit and nut orchard, alpacas, geese and poultry and a dam used to grow marron. These activities require the regular use of two tractors, a mist sprayer, a rotovator, and other agricultural equipment.</p> <p>3.8 Lot 18 was originally bisected by the brook, but a previous owner encased it in a concrete pipe during the 1950's or 60's. The orchard is reticulated by a small spring fed dam which overflows into a second dam constructed in 2001. During summer the upper portion of the brook dries up and the spring fed dam becomes its uppermost source of water. Until 2004 the dam was Lot 18's water source. A new bore was sunk in 2004 on the south-west side of the valley and this is now the water source. The bore was drilled to a depth of 80 feet and found three separate underground streams at 30 feet, 55 feet and 70 feet (driller's log provided). The static water level in mid-summer was at a depth of 1.5m.</p> <p>3.9 The hydrology of the valley became an issue in 2000 when Council considered Amendment No.161 to TPS No.2. The amendment proposed the deletion of a vegetation buffer to the south of the Churchman's Brook subdivision and its replacement with additional lots. The owners of adjoining properties including ourselves objected and Council arrived at a compromise under which only part of the buffer was deleted.</p> <p>3.10 Our principal objection to Amendment No.161 was the likely impact on our domestic water supply. To support the objection a hydrological study was prepared by Rockwater P/L. That study concluded that previous studies by Mackie Martin and Associates (1989 and 1992) and Bowman Bishaw Gorham (1992) had failed to allow for the possibility of "preferential flow" through the laterite which would allow the contamination of our water supply by nitrate and</p>	<p>City can impose. The Water Corporation will require the reticulated water supply to be brought to the northernmost properties via the road reserve, which ends in a cul-de-sac, at the subdivision stage. Other landowners can investigate connection from that point by making enquiries with the Water Corporation.</p> <p>3.6 Supported. A Notification on the Certificates of Title of the new lots is usually required in this scenario via Section 165 of the Planning and Development Act 2005. The City has standard wording that it would utilise. A new provision can be added to the proposed structure plan in this regard.</p> <p>3.7 Noted.</p> <p>3.8 Noted.</p> <p>3.9 Noted.</p> <p>3.10 Noted.</p> <p>3.11 Noted.</p> <p>3.12 Noted.</p> <p>3.13 Noted.</p> <p>3.14 Noted.</p> <p>3.15 Noted.</p> <p>3.16 Supported in part. Refer to comments for 3.3.</p> <p>3.17 Not supported. Refer to comments for 3.5.</p> <p>3.18 Supported. Refer to comments for 3.6.</p>

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.50			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
			<p>bacteria. The submitter quotes the findings of the report in this regard.</p> <p>3.11 Council then commissioned an independent review of the 2000 Rockwater report by Sinclair Knight Merz. The submitter quotes the conclusions of that review, dated 19 July 2000, which essentially outlines that previous studies appeared to have generalised the environment and site suitability and that further work was required on the specifics of contaminant transport and the groundwater regime.</p> <p>3.12 The developers of the Churchman Brook Estate then commissioned a responsive review by PPK Environment and Infrastructure dated August 2000. The report emphasised that soil profiles within the valley were distinct from the undulating ridge crest land occupied by the development and that outside the development area closer to the creek, groundwater depth decreases and the laterite and residual duricrust layers can be saturated. Preferential flows may exist within the vicinity of the creek and it is apparent these areas are unsuitable for onsite disposal. "While Rockwater has highlighted the potential for preferential flow of groundwater in the vicinity of the creek line in the Carradine Valley, the prevailing hydrology tends to mitigate any such risk in the buffer zone and on the estate proper". PPK then carried out further field investigations as recommended by SKM. Three trial pits did not provide evidence of preferential flows on the estate itself.</p> <p>3.13 Note that none of the experts challenged Rockwater's findings as to preferential flow routes in the valley or Lot 18. The excavation of the new dam on Lot 18 in 2001 provided further evidence of such flows. During construction a small underground stream was exposed issuing from a hole no more than 5cm across. Although difficult to ascertain, the position of the hole suggested</p>

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.50			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
			<p>it flowed from a southerly direction. Photographs can be provided to support this.</p> <p>3.14 For the proposed amendment, a further report has been obtained from Rockwater (March 2010). The report confirms the conclusions reached by the hydrologist in 2000 and indicates that the significance of preferential flows is greater potential for microbiological contamination, less opportunity for nitrate uptake and degradation and phosphate absorption, compared with interstitial flow in porous aquifers.</p> <p>3.15 The likelihood that effluent from Lot 12 will eventually contaminate the water supply on Lot 18 is significantly increased by the fact there is no vegetated buffer zone in the proposed subdivision. The importance of the buffer in reducing the risk of contamination was highlighted by the various expert reports in 2000. It is every citizen's right to have a clean and safe water supply. In view of this, we would be fully justified in lodging a strong objection to the proposal, however after careful consideration believe our interests can be sufficiently protected by the conditions proposed above.</p> <p>3.16 With regard to the installation of alternative treatment units, it is important that units comply with all aspects of the Department of Health's Code of Practice. Such units will only work long term if maintained properly, and the Code of Practice requires authorised contractors to carry out quarterly maintenance.</p> <p>3.17 With regard to the provision of an easement, we point out it would be unreasonable if we had to negotiate with future owners of adjacent Lot 19, or to incur significant costs, in order to gain access to a reticulated water supply. In all circumstances it is only fair that (in the event the need arises) we will be able to connect at minimal cost to a water main situated at our boundary.</p> <p>3.18 With regard to the memorial on the Certificates of</p>

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.50				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
			<p>Title, general experience, particularly in the Roleystone area, shows that when residential subdivisions are developed adjacent to orchards, disputes often occur. Normal activities necessary to run a rural property are sometimes regarded as a nuisance by the occupants of the residential area. Such activities can include early morning tractor noises, alleged drift from mist spraying, airgun discharges to scare birds, and animal / poultry noises. This potential for conflict will be increased because of the contours of the valley and the consequent "amphitheatre effect". On days with little or no wind, noise carries a long distance up and down the valley. It is submitted the scope for future conflicts will be greatly minimised by the proposed memorial on titles, which is not prescriptive, is not an encumbrance and will not affect the value of lots.</p>	
4	Wholesalers (Morley) Pty Ltd c/- 12 View Rd, MT PLEASANT WA 6153	9501 Waterwheel Rd, BEDFORDALE	<p>4.1 Rezoning of Lot 12 is in conformity with the adjacent property zoning, including the excellent Churchman Brook Estate.</p>	<p>4.1 Noted.</p>
5	M Moltoni Chairman Armadale Settlers Common Management Group 12 Wagner Turr, BALDIVIS WA 6171	Armadale Settlers Common	<p>5.1 The proposed Structure Plan is supported. 5.2 Access to Lot 12 from Canns Road through Settlers Common should be denied when access to Lot 12 from Waterwheel Road is provided. The retention of a locked gate on the boundary of Lot 12 and Settlers Common is supported. 5.3 The suggested access from Lot 12 to the Public Open Space south of Churchman Brook Estate is supported. 5.4 Rampant exotic and non-indigenous plants should be excluded from any landscaping of the area.</p>	<p>5.1 Noted. 5.2 Noted. It is understood the owner of Lot 12 has had an understanding with the Armadale Settlers Common Management Group for access across the reserve. Once an alternate access route is provided the City would support closing the existing access. 5.3 Noted. 5.4 Supported. Non-invasive, native plant species would be specified by the City's Parks Department in landscape plans.</p>

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.50			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION
6	Dept Environment and Conservation PO Box 1535 FREMANTLE WA 6959	Government Agency	<p>6.1 Remnant native vegetation appears across the site, and a vegetation survey is recommended to determine the presence of any declared rare, priority or other significant flora. This should be done at the Structure Planning Stage. Placement of Building Envelopes supported in this regard. Proponent to contact DEC with regard to the possible need for clearing permits.</p> <p>6.2 Support the inclusion of the seasonal watercourse within a continuous public open space strip. Development outside of the POS but still within the wetland boundary, should be avoided. Recommend modification of Provision 6 so development envelopes are placed outside the "Extent of Wet Area".</p> <p>6.3 Support Provision 8 relating to revegetation of the watercourse, but recommend rewording to reference the requirement for a Rehabilitation Management Plan.</p> <p>6.4 Single access / crossing point over the creek supported.</p> <p>6.5 No drainage infrastructure is to be placed within the Wungong Regional Park, nor is any drainage water to be discharged into the Regional Park.</p> <p>6.6 The road along the western boundary is to be contained wholly within Lot 12. No earthworks are to encroach into the Regional Park. Construction of the multi-use path is supported.</p> <p>6.7 Support the inclusion of Provision 7 relating to the preparation and implementation of a Dieback Management Plan.</p> <p>6.8 Necessary fire management requirements should be provided for within the Structure Plan area, in accordance with Planning for Bush Fire Protection and the advice of FESA.</p>
			<p>RECOMMENDATION</p> <p>6.1 Supported. An environmental assessment has been undertaken by Berry Consultancy (Dec 2007) for the subject site. A Botanical Survey and Fauna Assessment were undertaken as part of that report. No rare or priority flora or threatened species were found, or known to occur on site.</p> <p>6.2 Supported in part. The City would not support envelopes proposed within the wet area, and at any rate, the "extent of wet area" is entirely within the POS. The wording of Provision 6 could be amended however to note that envelopes must be outside the 30m setback from the seasonal watercourse.</p> <p>6.3 Supported. The City would have required a landscape plan as part of the subdivision process should the Amendment and Structure Plan be approved. An additional provision referring to a specific Rehabilitation / Landscape Management Plan is supported.</p> <p>6.4 Noted.</p> <p>6.5 Noted.</p> <p>6.6 Noted. The DEC's requirements relating to the potential encroachment of drainage infrastructure, earthworks and stormwater into the reserve can be administered as part of a future subdivision application should the amendment and structure plan be approved.</p> <p>6.7 Noted.</p> <p>6.8 Supported. A Fire Management Plan has been prepared as part of the application. FESA was invited to comment on the application and a response was received, however their office had no comment to make.</p>

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.50				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
7	Water Corporation PO Box 100 LEEDERVILLE WA 6902	Service Authority	7.1 No objections, however subdivision likely to require a pressure reducing valve at the developer's cost. Also, subdivider will be required to pay contributions under the Special Developer Contribution arrangement for the Bedforddale water scheme.	7.1 Noted.
8	Dept of Health PO Box 8172 PERTH BUSINESS CENTRE WA 6894	Government Agency	8.1 No objection, however subdivision will need to be supported by a geotechnical report.	8.1 Supported. This could be imposed as a condition of subdivision should the Amendment and Structure Plan be approved.
9	FESA PO Box 1174 PERTH WA 6844	Government Agency	9.1 No information or comment to provide.	9.1 Noted.
10	Western Power Locked Bag 2520 PERTH WA 6001	Service Authority	10.1 No objections.	10.1 Noted.
11	Dept of Water 7 Ellam St VICTORIA PARK WA 6100	Government Agency	11.1 The Department of Water provided advice requiring a biophysical assessment of the foreshore area and a Local Water Management Strategy. The City spoke with the Department of Water regarding their requirements and it was identified the biophysical assessment was excessive. The LWMS could be requested at the subdivision stage and amended advice is forthcoming in this regard, but has not been received to date.	11.1 Noted.
12	Telstra Locked Bag 2525 PERTH WA 6001	Service Authority	12.1 No negative comment to make.	12.1 Noted.

STRUCTURE PLAN FOR LOTS 6-8 WOLFE ROAD AND LOT 449 TAYLOR ROAD FORRESTDALE				
NO	NAME & ADDRESS	AFFECTED PROPERTY/INTEREST	RESUMÉ OF SUBMISSION	
			DISCUSSION	
1	Western Power Locked Bag 2511 Perth WA 6001		No Objections	N/A
2	Westnet Energy PO Box 8491 Perth BC 6849		Westnet provided general advice advising that if the gas network is affected they should be notified accordingly. In addition, they advised that the developer should contact "Dial Before You Dig" prior to any ground breaking works.	Noted.
3	Telstra		No Objections	N/A
4	Department of Indigenous Affairs (DIA)		No significant sites were found by DIA when a electronic search of the subject land was undertaken. However, the DIA recommends that a survey is carried out by a suitably qualified person to ensure that landowner responsibilities and requirements under the Aboriginal Heritage Act 1972 are met.	Noted.
5	Department of Environment and Conservation (DEC)		DEC acknowledged that the report submitted with the application did not identify the presence of any protected or declared rare flora species, DEC urged for the protection of vegetation in good or better condition. DEC identified that the Carnaby Black Cockatoo was observed resting and feeding on Lot 449 Taylor Road. Therefore, DEC encouraged the retention of native vegetation in good or better condition, in particular mature trees suitable for the Carnaby's habitat. DEC recommended that the CCW be fenced and a wetland and buffer management plan be prepared and implemented to mitigate potential adverse impacts to the CCW. DEC recommended that further investigation of the surface and groundwater interactions of the wetland area of Lot 449 is conducted for the area, and that all surface and groundwater management is conducted in accordance with DoW guidelines. DEC recommended that areas of dense wetland vegetation in good or better condition be retained where practicable. DEC recommended that investigation for soil and groundwater contamination be carried out for Lot 449 of the application.	Supported in Part - Structure Plan modifications and provisions recommended which help address the points raised by DEC.

STRUCTURE PLAN FOR LOTS 6-8 WOLFE ROAD AND LOT 449 TAYLOR ROAD FORRESTDALE			
SCHEDULE OF SUBMISSIONS			
NO	NAME & ADDRESS	AFFECTED PROPERTY/INTEREST	RESUMÉ OF SUBMISSION
6	Water Corporation Po Box 100 Leederville WA 6902		In view of the shallow draw of the bores in this area, the Water Corporation's preference is that on-site effluent treatment and disposal systems should not be located within the wellhead protection area. However, provided that the conditions above can be satisfied and DOW agrees, the Corporation will accept subdivision in the wellhead protection area. The proponent should be required to prepare a detailed land capability assessment confirming that there are suitable areas for effluent disposal systems on each lot and the structure plan/subdivision layout modified if necessary to locate the on-site systems and building envelopes as far as possible from the bores.
7	Department of Water (DoW) 7 Ellam Street Victoria Park WA 6100		DoW identified that the proposed development is located within the Jandakot Public Water Supply Area (PDWSA) and is managed for Priority 2 (P2) source protection. Also, they identified that the proposed development is within a PDWSA, a large section of the property is covered by a wellhead protection zone (WHPZ).
8	Environmental Protection Authority (EPA) Locked Bag 33 Cloister Square Perth WA 6850		DoW advised that for further information the City should refer to the Jandakot Land Use and Water Management Strategy (1995) and Statement of Planning Policy 2.3 Jandakot groundwater protection policy. The EPA did not formally assess the application but did offer advice to the city. The EPA identified wetlands on the site and advised the City to work closely with the DEC regarding the subdivision design. The EPA acknowledged that no DRF or TEC were found at the site during desktop and field investigations. However, they highlighted that should any DRF or TEC be found that these should be put aside for conservation and further detailed planning. The EPA identified the need to protect groundwater resources and water management and drainage should be appropriately considered.
			Noted.
			Noted.
			Noted.

Noted - Structure Plan provisions recommended which help address the points raised by the Water Corp.

Noted.

Noted.

SCHEDULE OF SUBMISSIONS			
STRUCTURE PLAN FOR LOTS 6-8 WOLFE ROAD AND LOT 449 TAYLOR ROAD FORRESTDALE			
NO	NAME & ADDRESS	AFFECTED PROPERTY/INTEREST	DISCUSSION
9	Main Roads WA		<p style="text-align: center;">RESUMÉ OF SUBMISSION</p> <p>Main Roads WA has an interest in protecting Rowley Road as a major east-west freight route. They have advised that land adjacent to Rowley Road may be required for road widening in the future and the impact of Rowley Road on future dwellings near Rowley Road should be considered.</p>
10	Honeymyrtle Residents Group		<p style="text-align: center;">DISCUSSION</p> <p>Noted – Rowley road is not a Red or Blue Road under the MRS, and as such there is no additional road widening shown on Lot 8 Wolfe Road, Forrestdale at this time.</p> <p>Not Supported – Concerns not supported given the low order rural road that Honeymyrtle Loop is.</p>

DEVELOPMENT SERVICES DELEGATIONS PROPOSED FOR 2010

Local Government Act 1995

NO.	SECTION		ASSIGNEE
13	9.28	All of the powers and duties of the City of Armadale under the Town Planning Scheme, the Planning and Development Act 2005 and the Planning and Development Regulations 2009.	Yes
21	5.43.(d)	The Chief Executive Officer is delegated authority to acquire land identified for Development Contribution Plan No.3 in Schedule 13B of Town Planning Scheme No.4 and/or the associated adopted Infrastructure Cost Schedule: a) at a value less than or equal to the Assessed Value plus 10% (as per Clause 3.12.5 of Development Contribution Plan No.3); or b) at a value equal to or less than the Assessed Value plus the amount allowed by Clause 3.12.5 and any additional claim that is not significant and/or in accordance with advice from the City's valuer.	Yes
22	5.42 & 5.43(d)	Pursuant to Sections 5.42 and 5.43(d) of the <i>Local Government Act 1995</i> , delegates ** to the Chief Executive Officer (CEO) authority to: ▪ sign any offer and acceptance for the sale of land, including land in the Public Open Space Strategy (POS Strategy) and the City's Strategic Land Assets, where offers are not less than 10% below a current market valuation and do not exceed 100% of a current market valuation, subject to Council determining the sale of land being by private treaty; ▪ lodge any contracts, transfer documents and any other related documents in relation to the above if no submissions are received following advertising as required under Section 3.58(3)(iii) of the <i>Local Government Act 1995</i> . Any Contract for Sale entered into under Delegated Authority by the CEO, be reported in the Executive Director Development Services Report for Council's information.	No
23	9.49(A)(4)&(5)	That Council pursuant to Section 9.49(A) of the Local Government Act 1995, delegates to the Chief Executive Officer, Executive Director Development Services and Executive Manager Planning Services authority to sign the following documents and/or deeds on behalf of the City, including lodgement, removal, withdrawal, surrender or modification: <ul style="list-style-type: none"> • Notifications, covenants and easements under the Transfer of Land Act 1893; • Reciprocal access and/or parking agreements; • Rights of carriageway agreements; • Caveats under the Transfer of Land Act 1893; and • Easements or deeds of easement under the Land Administration Act 1997. 	No

Local Government (Miscellaneous Provisions) Act 1960

NO.	SECTION	ASSIGNEE
30	401 Notice of required alterations The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	Yes
31	401A Stopping unlawful work The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	Yes
32	403 Dangerous buildings The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	Yes
33	406 Power to remove occupants from dangerous buildings The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	Yes
34	408 Neglected buildings The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	Yes
35	409 Power to compel renovation of dilapidated buildings The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	Yes
36	409A Uncompleted buildings The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	Yes

37	374AA	Delegation of authority to approve plans of buildings or unauthorised building work	Yes
<p>The Chief Executive Officer is delegated authority to approve plans as referred to in S374AA of the Local Government (Miscellaneous Provisions) Act 1960.</p>			

Local Government (Miscellaneous Provisions) Act 1960

NO	SECTION	DELEGATION	ASSIGNEE
90	374(1b)	The Chief Executive Officer is delegated authority to approve or refuse building licence applications in accordance with applicable legislation.	Yes
91	374(C)	The Chief Executive Officer has the authority to issue Certificates of Classification for buildings in accordance with applicable legislation.	Yes
92	374(A)	The Chief Executive Officer is delegated authority to approve or refuse demolition licence applications in accordance with applicable legislation.	Yes

Strata Titles Act 1985

NO	SECTION	DELEGATION	ASSIGNEE
100	23(4)	The Chief Executive Officer is delegated authority to approve and sign Strata Title Certificates which come within the boundaries of the Municipality.	Yes

Local Law – Environment, Animals and Nuisances

NO	SECTION	DELEGATION	ASSIGNEE
240	5.44(1)	<p>The Chief Executive Officer is delegated authority to discharge the following powers and functions under the City of Armadale Environment, Animals and Nuisance Local Laws 2002:</p> <ul style="list-style-type: none"> a) The granting, refusal, cancellation and setting conditions of approval to conduct activities; b) The carrying out of works in default of a duly served notice; <p>Any other powers and functions where, in the opinion of the Health Services Manager, immediate action is necessary to prevent or alleviate a public health hazard.</p>	Yes

Local Law - Fencing

NO	SECTION	DELEGATION	ASSIGNEE
601	Various	The Chief Executive Officer is delegated authority to approve front boundary fencing over 1200 millimetres high and all discretionary matters covered under the City's Local Law Relating to Fencing.	Yes

Planning Delegations

NO.	SECTION	ASSIGNEE
702	11.3	Yes
<p>Authority to Exercise Powers under the Town Planning Scheme, Policies, and provide advice/recommendations to the WAPC for Subdivisions, Amalgamations, Strata and Survey Strata applications for all areas of the City.</p>		
<p>The Chief Executive Officer be given full delegation to deal with:</p>		
<ol style="list-style-type: none"> 1. All strata, survey strata, subdivision and amalgamation applications within the City and Armadale Redevelopment Authority Area. 2. Determination of applications for 'P' Uses, 'D' Uses, 'A' Uses, 'Uses Not Listed (Cl.4.4.2)' and 'Non-Conforming Uses'. 3. Determination of applications for signage and/or advertising devices, illuminated directional signs and directional signs. 4. Determination of applications for an extension to the term of a planning approval. 5. Where delegation is specifically provided for in accordance with a Council resolution or adopted policy. 6. Determination of applications for the establishment or variation of a development envelope. 7. Determination of applications for two houses on one lot in a General Rural Zone. 8. Determination of setbacks within all areas of the City. 9. Determination of variations to the Residential Design Codes. 10. Refuse applications for "X" uses in all zones. 11. Determine requests to waive or refund in whole or in part payment of a fee for a planning service. 12. Determine all applications for commercial vehicle parking, including approvals, refusals and/or renewals. 13. Determine or make decisions where an adopted policy requires a discretionary decision regarding policy provisions that refer to "Council" and/or "the City". 14. Determine all retrospective applications, including approvals or refusals. 15. Determine Outline Development Concept Plans under Policy PLN 3.1. 16. Amending or revoking planning approvals. 		
<p>The Chief Executive Officer also be given full delegation to deal with:</p>		
<ol style="list-style-type: none"> 1. All Notice of Determinations for single houses and outbuildings within all zones. 2. Determination of applications for variations to approved group housing and aged person's developments. 		
<p>City of Armadale Town Planning Scheme No 4</p>		

712	11.3	<p>Authority to Exercise Discretion on Behalf of Council to Reach Determination, Where Appropriate, of Appeals Processed by Mediation</p>	Yes
<p>The Chief Executive Officer is delegated authority to perform all functions associated with applications for review and to exercise discretion on behalf of Council to attend and reach determination, where appropriate, of Applications for Review processed by mediation within the State Administrative Tribunal system under the Planning and Development Act 2005.</p>			
<p>City of Armadale Town Planning Scheme No 4</p>			
714	11.3	<p>Authority to Determine Applications Involving Properties Listed on the Municipal Heritage Inventory Approvals</p>	Yes
<p>The Chief Executive Officer is delegated authority to approve applications involving properties listed on the Municipal Heritage Inventory subject to the application satisfying the following criteria:</p>			
<p>Applications for development involving properties, objects, structures and places listed as Category 'A' in the Municipal Heritage Inventory:</p>			
<ul style="list-style-type: none"> • The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant; • Consultation has been undertaken with the Heritage Council of Western Australia is undertaken and no objection/comment or favourable advice is received; • Consultation has been undertaken with the Community Heritage Advisory Group (or its members) is undertaken and no response, no objection or favourable advice is received; 			
<p>Applications for development involving properties, objects, structures and places listed as Categories 'B' through 'F' in the Municipal Heritage Inventory:</p>			
<ul style="list-style-type: none"> • The proposal is consistent with the current Town Planning Scheme and any policy provisions that may be relevant; or • Consultation has been undertaken with the Community Heritage Advisory Group (or its members) is undertaken and no response, no objection or favourable advice is received. 			
<p>Refusals</p>			
<p>The Chief Executive Officer is delegated authority to refuse applications involving properties listed on the Municipal Heritage Inventory if any of the following apply:</p>			
<ul style="list-style-type: none"> • The proposal is not consistent with the current Town Planning Scheme and/or any relevant Policy provisions; • The proposal would have a detrimental effect on the integrity of heritage value of the site; • The advice received from the heritage referral agencies or the Community Heritage Advisory Committee (or its members) is not favourable. 			
<p>Notes</p>			
<p>Where an application has been submitted by a qualified heritage architect or is accompanied by a report from such a professional, this will contribute to the favourable consideration of the application.</p>			
<p>City of Armadale Town Planning Scheme No 4</p>			

719	11.3	<p>Authority to Determine the Necessity, Duration and Extent of Advertising of Development Services Applications</p>	Yes
<p>The Chief Executive Officer is delegated authority to determine the necessity, duration and extent of advertising of development applications under Town Planning Scheme No.4, the Residential Design Codes of Western Australia and any policy of Council.</p>			
<p>City of Armadale Town Planning Scheme No 4</p>			
721	11.3	<p>Authority to Determine Requests for Tree Removal or Maintenance</p>	Yes
<p>Approvals</p>			
<p>The Chief Executive Officer is delegated authority to:</p>			
<ul style="list-style-type: none"> • Determine requests to remove trees with a trunk circumference in excess of 0.6 metres measured at a height of one (1) metre from the ground in the District Centre, Local Centre and Mixed Business/Residential zone; • Determine requests to remove trees in all Zones; • Determine requests to maintain trees that are subject to tree preservation orders. 			
<p>Note: Where appropriate, an arboriculturalist's report can be required to clearly outline whether the removal or maintenance of a tree or trees is necessary.</p>			
<p>Refusals</p>			
<p>The Chief Executive Officer is delegated authority to refuse such applications.</p>			
<p>City of Armadale Town Planning Scheme No 4</p>			
727	11.3	<p>Authority to Determine Applications Involving the Use of Potentially Reflective Material</p>	Yes
<p>The Chief Executive Officer is delegated authority to determine applications involving the use of potentially reflective material where assessed against:</p>			
<ul style="list-style-type: none"> • The provisions of the relevant Town Planning Scheme; • Relevant Council Policies; and • The Residential Design Codes of Western Australia. 			
<p>Applications may be considered more favourably:</p>			
<ul style="list-style-type: none"> • Where glare can be adequately mitigated through the introduction of landscaping or physical screening; • Where it is deemed the use of reflective material will have no adverse impact on adjoining (or overlooking) properties due to location, vegetation, topography etc; or • Where the use of reflective material would complement existing material utilised by a structure on the same property. 			
<p>Refusals</p>			
<p>The Chief Executive Officer is delegated authority to refuse such applications.</p>			

731	11.3	<p>Authority to Make Decisions and Determine Structure Plans and Detailed Area Plans Under Part 6A of Town Planning Scheme No.4</p>	Yes
<p>The Chief Executive Officer is delegated authority to make the decisions and determinations referred to under Part 6A - Development (Structure Planning) Areas of Town Planning Scheme No.4 in respect of Structure Plans and Detailed Area Plans as follows:</p>			
<ul style="list-style-type: none"> • Advertising of a Structure Plan and Changes or Departures to a Structure Plan; • Adoption of a Structure Plan under Clauses 6A.3.7 and 6A.3.15; • Adoption of Changes or Departures to a Structure Plan under Clauses 6A.3 and 6A.4; • Revocation of a Structure Plan or part of a Structure Plan under Clause 6A.4.4; • Revocation of a Detailed Area Plan under Clause 6A.5.5; • Advertising and/or adoption of a Detailed Area Plan and any modification or amendment to an adopted Detailed Area Plan; • Revocation of a Structure Plan or part of a Structure Plan under Clause 6A.4.4; • Refusal of a Detailed Area Plan and any modification or amendment to an adopted Detailed Area Plan; • Any other decision under the Town Planning Scheme in relation to Structure Plans and/or Detailed Area Plans. 			
732	11.3	<p>Authority to implement works or grant Credit offsets for Common Infrastructure Works in the adopted Infrastructure Cost Schedule - Development Contribution Plan No.3</p>	Yes
<p>1. The Chief Executive Officer is delegated authority to undertake works or authorise prefunding of Common Infrastructure Works leading to Credits under Clauses 3.7 and 3.10 of Development Control Plan No.3 in Schedule 13b of Town Planning Scheme No.4 for all Common Infrastructure Works funded in the adopted Infrastructure Cost Schedule subject to the Chief Executive Officer being satisfied that:</p> <ul style="list-style-type: none"> (i) the works will meet the objectives implicit in the Scheme text describing the Common Infrastructure Work; and (ii) the works are in accordance with the Development Contribution Plan No.3 Scheme text and specifications or guidance noted in the adopted Infrastructure Cost Schedule; and (iii) it is timely to fund the works in the context of the Infrastructure Cost Schedule Forward Financial Plan, the current Development Contribution Plan No.3 Reserve Fund balance, the need to act opportunistically to achieve the works, and advice from the North Forrestdale Planning Steering Group where appropriate; and (iv) the cost of works to be undertaken is at or below current market rates; or (v) where the cost is higher than that identified in the Infrastructure Cost Schedule, that the costs can be justified and that decisions are considered with due regard for point two (2) below. 			

2. Where in the opinion of the Chief Executive Officer quotations for works significantly exceed that budgeted in the Infrastructure Cost Schedule, the Chief Executive Officer shall refer the Common Infrastructure Work proposal to Council for consideration as to whether the work should be implemented as proposed, revised in scope, or deferred.
3. The granting of Credits may be conditional upon the owner providing itemised records of expenditure with Credits being accrued only after receipt of expenditure records.
4. The Chief Executive Officer is delegated authority to grant Credits or Credit offsets for the acquisition of land identified in Development Contribution Plan No.3 in Schedule 13B of Town Planning Scheme No.4 and/or the associated adopted Infrastructure Cost Schedule:
 - (i) at a value less than or equal to the Assessed Value plus the amount permitted under Clause 3.12.5; or
 - (ii) at a value equal to or less than the Assessed Value plus the amount allowed by Clause 3.12.5 and any additional claim that is not significant and/or in accordance with advice from the City's valuer.

733 11.3 **Authority to Issue, Refuse and Rescind Tree Preservation Notices (Clause 11.8)** Yes

The Chief Executive Officer is delegated authority to:

- determine if a tree is sufficiently significant to warrant issuing a notice to an owner based on advice and assessment in accordance with part 3.2 of Policy PLN 2.4;
- to issue a notice in accordance with Clause 11.8 if a tree is determined to be sufficiently significant, or if it is expedient to do so until such time as an assessment is completed; and
- to rescind a notice issued in accordance with Clause 11.8 following an assessment or re-assessment of the tree in accordance with part 3.2 of Policy PLN 2.4.

When a nomination is received seeking issuance of a notice and the Chief Executive Officer does not consider the tree sufficiently significant to warrant a notice, the Chief Executive Officer may refuse to issue a notice.

Note: Following the Chief Executive Officer's determination on individual Tree Preservation Applications that a report on the outcomes be listed in the Information Bulletin (Development Services) for Council information.

**DEVELOPMENT SERVICES DELEGATIONS
ADOPTED OCTOBER 2009**

Local Government Act 1995

NO.	SECTION		ASSIGNEE
13	9.28	All of the powers and duties of the City of Armadale under the Town Planning Scheme, the Planning and Development Act 2005 and the Planning and Development Regulations 2009.	Yes
21	5.43.(d)	The Chief Executive Officer is delegated authority is delegated to acquire land identified in the adopted Infrastructure Cost Schedule associated with Schedule 13, Development Contribution Plan No.3 of Town Planning Scheme No.4 for: a) land within Development Contribution Area No.3 at a value less than or equal to the Assessed Value plus 10% (as per Clause 3.12.5 of Development Contribution Plan No.3); and b) land identified in the Infrastructure Cost Schedule that is voluntarily offered at a value equal to or less than the Assessed Value plus the amount allowed by Clause 3.12.5 and any additional claim that is not significant.	Yes
22	5.42 & 5.43(d)	Pursuant to Sections 5.42 and 5.43(d) of the <i>Local Government Act 1995</i> , delegates ** to the Chief Executive Officer (CEO) authority to: ▪ sign any offer and acceptance for the sale of land, including land in the Public Open Space Strategy (POS Strategy) and the City's Strategic Land Assets, where offers are not less than 10% below a current market valuation and do not exceed 100% of a current market valuation, subject to Council determining the sale of land being by private treaty; ▪ lodge any contracts, transfer documents and any other related documents in relation to the above if no submissions are received following advertising as required under Section 3.58(3)(iii) of the <i>Local Government Act 1995</i> . Requests that any contract entered into under Delegated Authority by the CEO be reported in the Executive Director Development Services Report for Council's information.	No

Local Government (Miscellaneous Provisions) Act 1960

NO.	SECTION		ASSIGNEE
30	401	Notice of required alterations The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	Yes
31	401A	Stopping unlawful work The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	Yes

32	403	Dangerous buildings	Yes
		The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	
33	406	Power to remove occupants from dangerous buildings	Yes
		The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	
34	408	Neglected buildings	Yes
		The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	
35	409	Power to compel renovation of dilapidated buildings	Yes
		The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	
36	409A	Uncompleted buildings	Yes
		The Chief Executive Officer is delegated authority to serve notices under the above section is subject to the requirement that the circumstances and detail of a notice served under the delegation is to be reported to Council at the earliest opportunity after the notice has been served.	
37	374AA	Delegation of authority to approve plans of buildings or unauthorised building work	Yes
		The Chief Executive Officer is delegated authority to approve plans as referred to in S374AA of the Local Government (Miscellaneous Provisions) Act.	

Local Government (Miscellaneous Provisions) Act 1960

NO	SECTION	DELEGATION	ASSIGNEE
90	374(1b)	The Chief Executive Officer is delegated authority to approve or refuse building licence applications in accordance with applicable legislation.	Yes
91	374(C)	The Chief Executive Officer has the authority to issue Certificates of Classification for building matters in accordance with applicable legislation.	Yes
92	374(A)	The Chief Executive Officer is delegated authority to approve or refuse demolition licence applications in accordance with applicable legislation.	Yes

Strata Titles Act 1985

NO	SECTION	DELEGATION	ASSIGNEE
100	23(4)	The Chief Executive Officer is delegated authority to approve and sign Strata Title Certificates which come within the boundaries of the Municipality.	Yes

Local Law – Environment, Animals and Nuisances

NO	SECTION	DELEGATION	ASSIGNEE
240	5.44(1)	<p>The Chief Executive Officer is delegated authority to discharge the following powers and functions under the City of Armadale Environment, Animals and Nuisance Local Laws 2002:</p> <ul style="list-style-type: none"> a) The granting, refusal, cancellation and setting conditions of approval to conduct activities; b) The carrying out of works in default of a duly served notice; <p>Any other powers and functions where, in the opinion of the Health Services Manager, immediate action is necessary to prevent or alleviate a public health hazard.</p>	Yes

Other Delegations

NO	SECTION	DELEGATION	ASSIGNEE
601	BUILDING	The Chief Executive Officer is delegated authority to approve front boundary fencing over 1200 millimetres high.	Yes

Planning Delegations

NO.	SECTION		ASSIGNEE
702	11.3	<p>Authority to Exercise Powers under the Town Planning Scheme and provide advice/recommendations to the WAPC for Subdivisions, Amalgamations, Strata and Survey Strata applications for all areas of the City.</p> <p>The Chief Executive Officer be given full delegation to deal with:</p> <ol style="list-style-type: none"> 1. All strata, survey strata, subdivision and amalgamation applications within the City and Armadale Redevelopment Authority Area. 2. Determination of applications for 'P' Uses, 'D' Uses, 'A' Uses, 'Uses Not Listed (Cl.4.4.2)' and 'Non-Conforming Uses'. 3. Determination of applications for signage and/or advertising devices, illuminated directional signs and directional signs. 4. Determination of applications for an extension to the term of a planning approval. 5. Where delegation is specifically provided for in accordance with a Council resolution or adopted policy. 6. Determination of applications for the establishment or variation of a development envelope. 7. Determination of applications for two houses on one lot in a General Rural Zone. 8. Determination of setbacks within all areas of the City. 9. Determination of variations to the Residential Design Codes. 10. Refuse applications for "X" uses in all zones. 11. Determine requests to waive or refund in whole or in part payment of a fee for a planning service. <p>The Chief Executive Officer also be given full delegation to deal with:</p> <ol style="list-style-type: none"> 1. All Notice of Determinations for single houses and outbuildings within all zones. 2. Determination of applications for variations to approved group housing and aged person's developments. <p>City of Armadale Town Planning Scheme No 4</p>	Yes

703	11.3	<p>Authority to Determine Applications for Commercial Vehicle Parking Approvals</p> <p>The Chief Executive Officer is delegated authority to approve applications where:</p> <ul style="list-style-type: none"> • an application seeks renewal to an existing permit issued by Council where there have been no complaints received from adjoining or surrounding residents; or • an application complies with all Scheme provisions and there has been no sustainable objection concerning the activity following advertising. <p>Approvals shall be valid for a period of 12 months at which time renewal will be required following payment of the prescribed fee.</p> <p>Refusals</p> <p>The Chief Executive Officer is delegated authority to refuse applications:</p> <ul style="list-style-type: none"> • in circumstances where an application is received and the proposal does not comply with the requirements of the Town Planning Scheme and/or where substantiated objections are received during advertising. 	Yes
712	11.3	<p>City of Armadale Town Planning Scheme No 4</p> <p>Authority to Exercise Discretion on Behalf of Council to Reach Determination, Where Appropriate, of Appeals Processed by Mediation</p> <p>The Chief Executive Officer is delegated authority to perform all functions associated with applications for review and to exercise discretion on behalf of Council to attend and reach determination, where appropriate, of Appeals processed by mediation within the Ministerial Planning Appeal system and within the State Administrative Tribunal system under the Planning and Development Act 2005.</p>	Yes
714	11.3	<p>City of Armadale Town Planning Scheme No 4</p> <p>Authority to Determine Applications Involving Properties Listed on the Municipal Heritage Inventory</p> <p>Approvals</p> <p>The Chief Executive Officer is delegated authority to approve applications involving properties listed on the Municipal Heritage Inventory subject to the application satisfying the following criteria:</p> <p>Applications for development involving properties, objects, structures and places listed as Category 'A' in the Municipal Heritage Inventory:</p> <ul style="list-style-type: none"> • The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant; 	Yes

	<ul style="list-style-type: none"> • Consultation with the Heritage Council of Western Australia is undertaken and favourable advice is received; • Consultation with the Community Heritage Advisory Committee is undertaken and favourable advice is received; • Advertising is undertaken as appropriate and no sustainable objections are received. <p>Applications for development involving properties, objects, structures and places listed as Categories 'B' through 'F' in the Municipal Heritage Inventory:</p> <ul style="list-style-type: none"> • The proposal is consistent with the current Town Planning Scheme and any policy provisions that may be relevant; and • Consultation with the Community Heritage Advisory Committee is undertaken and favourable advice is received. <p>Refusals</p> <p>The Chief Executive Officer is delegated authority to refuse applications involving properties listed on the Municipal Heritage Inventory if any of the following apply:</p> <ul style="list-style-type: none"> • The proposal is not consistent with the current Town Planning Scheme and/or any relevant Policy provisions; • The proposal would have a detrimental effect on the integrity of heritage value of the site; • The advice received from the heritage referral agencies is not favourable. <p>Notes</p> <p>Development that, in the opinion of the Chief Executive Officer, is of a significant scale (including demolition of Category 'A' structures) does not form part of this delegation.</p> <p>Where an application has been submitted by a qualified heritage architect or is accompanied by a report from such a professional, this will contribute to the favourable consideration of the application.</p>	
<p>719 11.3</p>	<p>City of Armadale Town Planning Scheme No 4</p> <p>Authority to Determine the Necessity, Duration and Extent of Advertising of Development Services Applications</p> <p>The Chief Executive Officer is delegated authority to determine the necessity, duration and extent of advertising of development applications under Town Planning Scheme No.4, the Residential Design Codes of Western Australia and any policy of Council.</p> <p>City of Armadale Town Planning Scheme No 4</p>	<p>Yes</p>

721	11.3	<p>Authority to Determine Requests for Tree Removal or Maintenance</p> <p>Approvals</p> <p>The Chief Executive Officer is delegated authority, if after seeking comments from Council's Manager Parks, no objections are raised, to:</p> <ul style="list-style-type: none"> • Determine requests to remove trees with a trunk circumference in excess of 0.6 metres measured at a height of one (1) metre from the ground in the District Centre, Local Centre and Mixed Business/Residential zone; • Determine requests to remove trees in all Zones; • Determine requests to maintain trees that are subject to tree preservation orders. <p>Note: Where appropriate, an arboriculturalist's report will be required to clearly outline whether the removal or maintenance of a tree or trees is necessary.</p> <p>Refusals</p> <p>The Chief Executive Officer is delegated authority to refuse such applications.</p>	Yes
727	11.3	<p>City of Armadale Town Planning Scheme No 4</p> <p>Authority to Determine Applications Involving the Use of Potentially Reflective Material</p> <p>The Chief Executive Officer is delegated authority to determine applications involving the use of potentially reflective material where assessed against:</p> <ul style="list-style-type: none"> • The provisions of the relevant Town Planning Scheme; • Relevant Council Policies; and • The Residential Design Codes of Western Australia. <p>Applications may be considered more favourably:</p> <ul style="list-style-type: none"> • Where glare can be adequately mitigated through the introduction of landscaping or physical screening; • Where it is deemed the use of reflective material will have no adverse impact on adjoining (or overlooking) properties due to location, vegetation, topography etc; • Where the use of reflective material would complement existing material utilised by a structure on the same property; and • Where the property is not within a Primary Landscape Quality Area, and only within a Secondary Landscape Quality Area where glare can be mitigated. <p>Refusals</p> <p>Where, in the opinion of the Chief Executive Officer applications are advertised and valid objections are received,</p>	Yes

		<p>the application may be refused or can be referred to Council for a decision as appropriate</p> <p><i>Note – Where, in the opinion of the Chief Executive Officer, applications are advertised and valid objections are received, the application may be refused or can be referred to Council for a decision as appropriate.</i></p>	
730	11.3	<p>Authority to Determine Applications/Make Decisions Involving Discretionary Situations in Policies</p>	Yes
731	11.3	<p>The Chief Executive Officer is delegated authority to make decisions where an adopted Planning or Building policy requires a discretionary decision regarding Planning and Building Services policy provisions that refer to "Council and/or the City".</p> <p>Authority to Make Decisions and Determine Structure Plans and Detailed Area Plans Under Part 6A of Town Planning Scheme No.4</p> <p>The Chief Executive Officer is delegated authority to make the decisions and determinations referred to under Part 6A - Development (Structure Planning) Areas of Town Planning Scheme No.4 in respect of Structure Plans and Detailed Area Plans as follows:</p> <ul style="list-style-type: none"> • Advertising of a Structure Plan and Changes or Departures to a Structure Plan; • Adoption of a Structure Plan under Clauses 6A.3.7 and 6A.3.15; • Adoption of Changes or Departures to a Structure Plan under Clauses 6A.3 and 6A.4; • Revocation of a Structure Plan or part of a Structure Plan under Clause 6A.4.4; • Revocation of a Detailed Area Plan under Clause 6A.5.5; • Advertising and/or adoption of a Detailed Area Plan and any modification or amendment to an adopted Detailed Area Plan; • Revocation of a Structure Plan or part of a Structure Plan under Clause 6A.4.4; • Revocation of a Detailed Area Plan under Clause 6A.5.5; • Refusal of a Detailed Area Plan. 	Yes

732	11.3	<p>Authority to implement works or grant Credit offsets for Common Infrastructure Works in the adopted Infrastructure Cost Schedule - Development Contribution Plan No.3</p> <p>1. The Chief Executive Officer is delegated authority to undertake works or authorise prefunding of Common Infrastructure Works leading to Credits under Clauses 3.7 and 3.10 of Development Control Plan No.3 in Schedule 13 of Town Planning Scheme No.4 for all Common Infrastructure Works funded in the adopted Infrastructure Cost Schedule subject to the Chief Executive Officer being satisfied that:</p> <ul style="list-style-type: none">(i) the works will meet the objectives implicit in the Scheme text describing the Common Infrastructure Work; and(ii) the works are in accordance with the Development Contribution Plan No.3 Scheme text and specifications or guidance noted in the adopted Infrastructure Cost Schedule; and(iii) it is timely to fund the works in the context of the Infrastructure Cost Schedule Forward Plan, the current Development Contribution Plan No.3 Reserve Fund balance, the need to act opportunistically to achieve the works, and advice from the North Forrestdale Planning Steering Group where appropriate; and(iv) the cost of works to be undertaken is at or below current market rates; or(v) where the cost is higher than that identified in the Infrastructure Cost Schedule, that the costs can be justified and that decisions are taken in accordance with due regard for points two (2) and three (3) below. <p>2. Where in the opinion of the Chief Executive Officer quotations for works significantly exceed that budgeted in the Infrastructure Cost Schedule, the Chief Executive Officer shall refer the Common Infrastructure Work proposal to Council for consideration as to whether the work should be implemented as proposed, revised in scope, or deferred.</p> <p>3. Where in the opinion of the Chief Executive Officer a request for entitlement to additional re-imburement significantly exceeds that budgeted or agreed and agreement cannot be reached with an owner, the matter shall be referred to Council prior to going to arbitration.</p> <p>4. The granting of Credits may be conditional upon the owner providing itemised records of expenditure with Credits being accrued only after receipt of expenditure records.</p> <p>5. The Chief Executive Officer is delegated authority to</p>	Yes
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grant Credits or Credit offsets or purchase land in accordance with Clause 3.12 (f) and 3.12.5 of Development Control Plan No.3 in Schedule 13 of Town Planning Scheme No.4 for:

- (i) land that lies within Development Control Area No.3 at a value less than or equal to the Assessed Value plus the amount permitted under Clause 3.12.5; or
- (ii) land identified in the Infrastructure Cost Schedule that is voluntarily offered at a value equal to or less than the Assessed Value plus the amount allowed by Clause 3.12.5 and any additional claim that is not significant and/or in-accordance with advice from the City's valuer.

733 11.3 Authority to Issue, Refuse and Rescind Tree Preservation Notices (Clause 11.8) Yes

The Chief Executive Officer is delegated authority to:

- determine if a tree is sufficiently significant to warrant issuing a notice to an owner based on advice and assessment in accordance with part 3.2 of Policy PLN 2.4;
- to issue a notice in accordance with Clause 11.8 if a tree is determined to be sufficiently significant, or if it is expedient to do so until such time as an assessment is completed; and
- to rescind a notice issued in accordance with Clause 11.8 following an assessment or re-assessment of the tree in accordance with part 3.2 of Policy PLN 2.4.

When a nomination is received seeking issuance of a notice and the Chief Executive Officer does not consider the tree sufficiently significant to warrant a notice, the Chief Executive Officer may refuse to issue a notice.

Note: Following the Chief Executive Officer's determination on individual Tree Preservation Applications that a report on the outcomes be listed in the Information Bulletin (Development Services) for Council information.

