

**13.5.5 MODIFICATION TO CENTRAL MADDINGTON OUTLINE DEVELOPMENT PLAN - 30 (LOT 26) RIVER AVENUE AND 1993 (LOT 808) ALBANY HIGHWAY, MADDINGTON - FINALISATION**

Author: C Windass  
Author's Declaration Nil.  
of Interest:  
Reference: 236328, 212792  
Application No: PF11/00030  
Applicant: Dynamic Planning  
Owner: Claymont Land Pty Ltd  
Location: 30 (Lot 26) River Avenue and 1993 (Lot 808) Albany Highway, Maddington  
Zoning: MRS: Urban  
TPS No. 6: Residential Development  
Review Rights: Yes. State Administrative Tribunal or Western Australian Planning Commission against any discretionary decision of Council.  
Area: Lot 26 River Avenue (1.480ha), Lot 808 Albany Highway (5.5042ha)  
Previous Ref: OCM 14 February 2012 (Resolution 52)  
Appendices: 13.5.5A Adopted Central Maddington Outline Development Plan  
13.5.5B Draft Modified Central Maddington Outline Development Plan  
13.5.5C Concept Plan  
13.5.5D Schedule of Submissions  
13.5.5E Government Agency Comment

**PURPOSE OF REPORT**

For Council to consider final adoption of a proposed modification to the Central Maddington Outline Development Plan (ODP).

**BACKGROUND**

On 16 December 2011, the Western Australian Planning Commission (WAPC) approved the Central Maddington ODP (attached as Appendix 13.5.5A).

On 14 February 2012 Council resolved (Resolution 52) to advertise a proposed modification to the Central Maddington ODP.

The advertising period has concluded and the ODP is now presented to Council for consideration.

**Site Description**

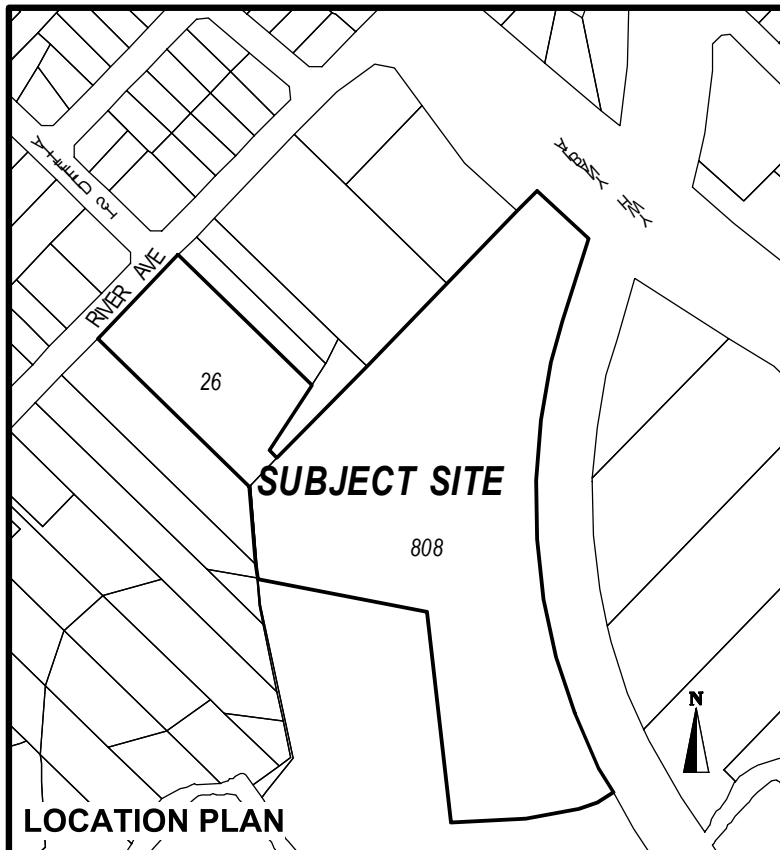
The subject lots, being Lot 26 River Avenue and Lot 808 Albany Highway are generally bound by River Avenue to the west, Albany Highway to the north, the Perth to Armadale railway line to the east, and the Canning River to the south.

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Lot 26 is substantially cleared vacant land with very little remnant vegetation remaining and contains a single residence.

Lot 808 is a large isolated lot abutting the railway and Stokely Creek and is in close proximity to the Canning River. It is largely cleared of vegetation and contains a residence.

A location plan identifying the subject lots follows:

**Proposal**

The applicant is seeking to modify the Central Maddington ODP relating to Lot 26 River Avenue and Lot 808 Albany Highway.

It is proposed to:

- Modify the residential density code for Lot 26 River Avenue from R20 to R30
- Modify the density code for Lot 808 Albany Highway from R20 to R40, remove the proposed public road that borders the railway reserve, and indicate a roundabout at the only road intended to access the site.

The proposed ODP modification is contained in Appendix 13.5.5B.

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### **Concept Plan**

The applicant submitted a concept plan with the ODP to demonstrate how the subject lots would be developed at the proposed residential density codes. The concept plan is indicative and is intended to show the urban design criteria and principles, which will need to be reflected in a Detailed Area Plan (DAP) and approved by Council.

The concept plan is contained in Appendix 13.5.5C, and it includes:

- An R30 residential development on Lot 26 River Avenue comprising an over 55's retirement village or single bedroom dwellings
- An R40 residential strata unit development on Lot 808 Albany Highway with a combination of two storey and single storey development (highlighted in red) strategically positioned to overlook the public open space to be located opposite. The development scenario shows private roads, communal private open space and visitor parking spaces in lieu of the public road proposed abutting the railway line. The likely development of predominantly single storey dwellings on the buff coloured areas
- The construction of a noise wall between the boundary of Lot 808 Albany Highway and the Perth to Armadale Railway line
- The construction of a roundabout on Lot 808 Albany Highway
- The extension of Attfield Street with a 20m wide boulevard road reserve terminating at a newly proposed roundabout.

### **Detailed Area Plan**

The Central Maddington ODP provides for Council to require a DAP to establish appropriate controls over the form of the buildings and the way in which they relate to the layout of the area.

The DAP and subsequent development approvals for this land should address various urban design aspects as follows:

- Built form controls shall be clearly articulated to ensure appropriate surveillance of, and interface with, the public realm with particular emphasis on two storey development fronting the public realm
- Overlooking of the public realm shall achieve surveillance with an emphasis on key activity nodes, areas with poor visibility and recreational linkages including connection to the principal shared path (both the river and Albany Highway links)
- Visibility of the streetscape from within the LOS shall reinforce the sense of surveillance from and connection to the urban environment given the significant topographic variation between the two
- A strong streetscape identity shall be provided to accentuate view lines to and from the subject lots
- Built form scale shall achieve a sense of integration with adjoining established areas particularly when viewed from a distance

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- Entry statements to the area shall be designed at the central roundabout and nodes of development at highly visible corners
- Built form diversity shall be shown to vary the estate's streetscape and assist the estate's integration into the broader area, particularly given the predominance of the single storey development proposed
- A roundabout shall be designed and implemented at the proposed intersection on Lot 808 Albany Highway
- The extension of Attfield Street shall be designed and implemented with a 20m boulevard road reserve width terminating at the proposed roundabout on Lot 808 Albany Highway
- The height, length, scale and materials used in the construction of the noise wall shall be designed and implemented to a standard to protect nearby future residences from unreasonable levels of transport noise from the railway line, in accordance with prescribed standards specified in the Environmental Protection (Noise) Regulations 1997
- The noise wall shall attractively frame the development as viewed from the ODP area and the railway line and incorporate an appropriate architectural design.

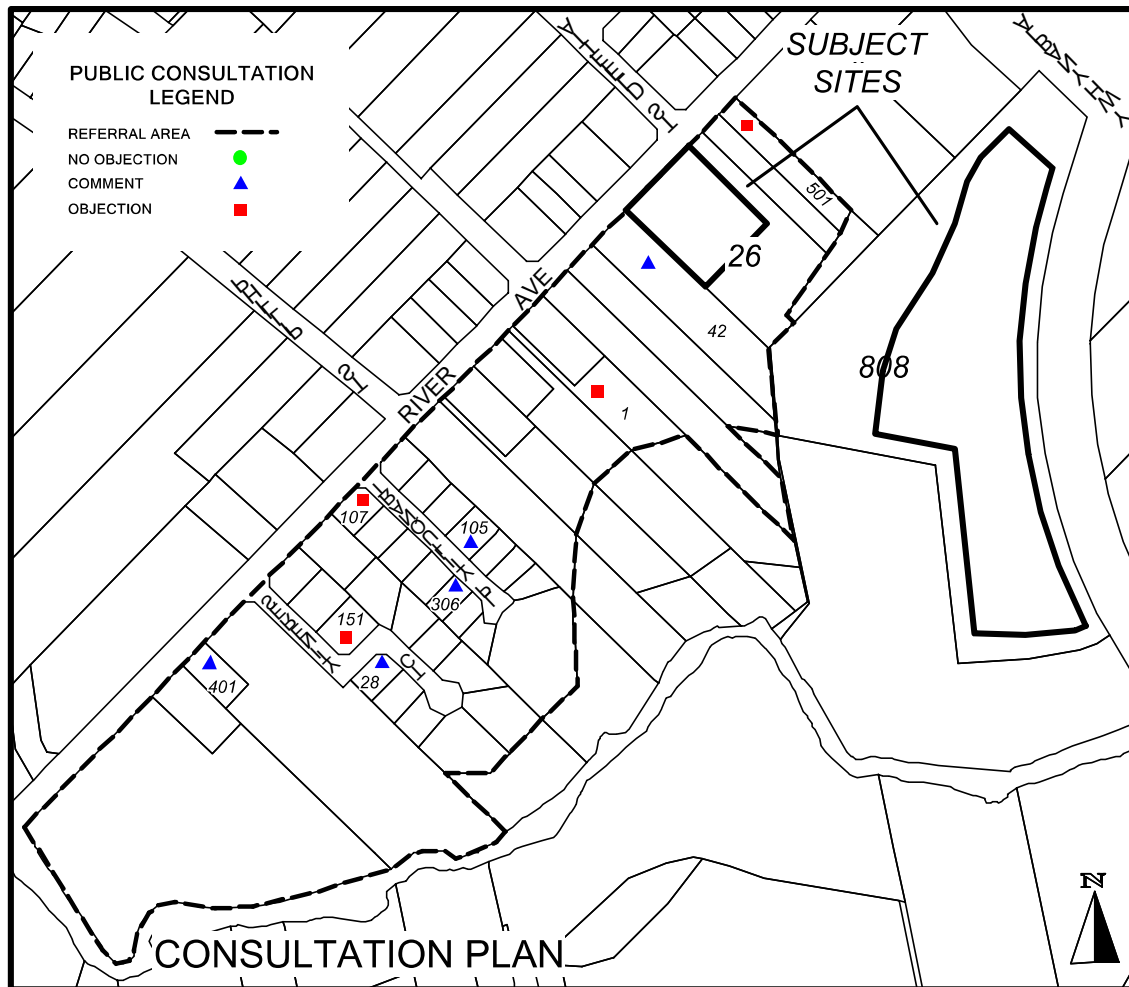
Due to the importance placed on the urban design aspect of the development, the DAP, once prepared, will be referred to Council for consideration. While the importance of design elements for development of Lot 26 are much less, the DAP should still include Lot 26 as it has an integral role in the development of Lot 808, with respect to the boulevard style road proposed to access Lot 808 via Lot 26.

**Consultation**

In accordance with Council's Resolution 52, the proposal was advertised for public comment by way of written invitation to all landowners within the ODP area on land designated R20. A total of nine submissions were received during the advertising period, comprising four objections and five comments on the proposal. A summary of the submissions received is included in a Schedule of Submissions attached as Appendix 13.5.5D.

A map identifying the location of each submission follows:

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**Referrals**

In addition to the above consultation, the modified ODP was referred to a number of government agencies for review and comment. The City received ten submissions from government agencies, with a summary of those submissions and comments thereon detailed in a table contained as Appendix 13.5.5E.

The proposal was also referred to the City's Heritage Advisory Group. The Group's recommendation is discussed under the heading of Historic Gravesite in the following section.

**DISCUSSION**

**Residential Density**

A submission was lodged on the proposal raising concern about the proposed density increase being extreme and the potential to ultimately lead to the creation of an undesirable area.

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In response to this concern it should be noted that the proposed density is consistent with Liveable Neighbourhoods (the State Government strategic and operational policy for community development) which encourages more compact forms of housing surrounding commercial centres, community facilities and public transport nodes. The purpose of this is to support the viability of commercial centres, encourage the use of public transport and ultimately facilitate sustainable urban development.

The increase in density proposed for Lot 26 River Avenue from R20 to R30 is considered marginal when compared to densities on nearby lots of R20, R30 and R40. The additional dwellings which would be created as a result of the increase would provide improved surveillance over the proposed local open space and Stokely Creek and improved accessibility and useability of this high amenity area.

The increase in density proposed for Lot 808 Albany Highway from R20 to R40 was based on locational characteristics unique to this lot and high standard urban design outcomes. This lot is an isolated parcel of land due to the Perth to Armadale railway line, Stokely Creek and associated local open space, and the Canning River Parks and Recreation reserve. In support of the R40 density, the applicant intends to develop a combination of two storey and single storey dwellings at the interface with Stokely Creek and associated local open space, and the Canning River Parks and Recreation reserve, to a high quality urban design. The quality of the urban design should be addressed via the preparation of a detailed area plan.

The proposed modification to the ODP involves the removal of a proposed public road abutting the railway line on Lot 808 Albany Highway. This is considered acceptable as this road would not serve any significant purpose. A noise wall will be constructed along the railway reserve boundary and given that the wall and railway forms a physical barrier that can only be crossed at Albany Highway, there is no need for a road to be located adjacent. It should be noted that the proposed road abutting the Canning River Parks and Recreation reserve and proposed local open space on Lot 808 Albany Highway is to be retained on the ODP, and will provide access to high amenity areas along the river that are presently publicly inaccessible.

In relation to high density development potentially leading to the creation of an undesirable area, it is the quality of the design and construction rather than the density coding that will have the more significant impact on the outcome of the development. Built form controls can be articulated in a DAP to ensure appropriate surveillance of the interface with the public realm, with particular emphasis on two storey development fronting parkland and the Canning River.

**Historic Gravesite**

The City's Heritage Advisory Group met on 16 April 2012 and considered the proposed ODP modification. The Group resolved as follows (proposed Action 7):

*"That as a condition of development, the location of Helms gravesite is established and is incorporated into the 10% public open space; and that the developers agree to provide a quality memorial plaque with historical details to commemorate the local history to the satisfaction of Council and in liaison with the History and Heritage Advisory Group."*

The Group's reference to the Helms' gravesite is understood to be to the burial site of John Thomas Helms.

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According to the Gosnells Story (1988) John Thomas Helms was the son of Thomas Helms who first took up land in Maddington in 1839, including the land subject to the ODP modification proposal.

John Thomas Helms established a winery and ran cattle on what was known as Stoke Farm. He died in April 1879 and was buried on the subject land.

His gravesite is no longer apparent on-site, though it is visible on aerial photography from 1953.

Overlaying the ODP with this photography indicates that the location of the gravesite is within the proposed future public open space.

The Group's recommendation for some sort of memorial to recognise the gravesite and its historical significance will be passed onto the proponents and the details can be addressed at the time subdivision or development applications are to be considered.

**CONCLUSION**

In accordance with Clauses 7.4.7(a) and (b) of Town Planning Scheme No. 6 (TPS 6), the following options are available to Council in progressing the modified ODP.

- Adopt the proposed modification to the ODP, with or without changes
- Refuse to adopt the proposed modification to the ODP.

The proposed modification to the Central Maddington ODP has addressed the technical and planning requirements applicable to the ODP area and the subject land.

It will be recommended that Council adopt the proposed modification to the ODP (as contained in Appendix 13.5.5B) and in accordance with TPS 6 forward the adopted ODP to the WAPC for determination.

**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY IMPLICATIONS**

Town Planning Scheme No. 6.

**VOTING REQUIREMENTS**

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3)
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**Moved Cr R Mitchell Seconded Cr L Griffiths**

That Council, pursuant to clause 7.4.7 of Town Planning Scheme No. 6, note the submissions received in respect of the proposed modification to the Central Maddington Outline Development Plan and endorse the responses to those submissions, as contained in Appendix 13.5.5D.

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STAFF RECOMMENDATION (2 OF 3)

**Moved Cr R Mitchell Seconded Cr L Griffiths**

That Council, pursuant to Clause 7.4.7(a) of Town Planning Scheme No. 6, adopt the proposed modification to the Central Maddington Outline Development Plan, as contained in Appendix 13.5.5B.

STAFF RECOMMENDATION (3 OF 3)

**Moved Cr R Mitchell Seconded Cr L Griffiths**

That Council, pursuant to Clause 7.4.9 of Town Planning Scheme No. 6, forward the proposed modification to the Central Maddington Outline Development Plan to the Western Australian Planning Commission for approval.

Additional Motion

*During debate Cr J Brown moved the following additional motion:*

*"That Council advise the owners of the land that the proposed Detailed Area Plan should include the following specific details to be resolved to the satisfaction of the Council;*

- 1. the proposed method of acknowledgement for John Thomas Helms grave site and the remains of the homestead, and*
- 2. the proposed design of the Stokely Creek road bridge crossing."*

*Cr J Brown provided the following written reason for the motion:*

*"To highlight these aspects on the land owner to ensure that the next level of design includes an appropriate response to these planning issues as highlighted by the History and Heritage Advisory Group".*

*Cr R Hoffman Seconded Cr J Brown's additional motion.*

*At the conclusion of debate the Mayor put Cr J Brown's additional motion, which reads:*

COUNCIL RESOLUTION

**181 Moved Cr J Brown Seconded Cr R Hoffman**

That Council advise the owners of the land that the proposed Detailed Area Plan should include the following specific details to be resolved to the satisfaction of the Council;

1. the proposed method of acknowledgement for John Thomas Helms grave site and the remains of the homestead, and
2. the proposed design of the Stokely Creek road bridge crossing.

CARRIED 11/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

**AGAINST:** Nil.



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The Mayor then put the staff recommendations, which read:

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

**182 Moved Cr R Mitchell Seconded Cr L Griffiths**

That Council, pursuant to clause 7.4.7 of Town Planning Scheme No. 6, note the submissions received in respect of the proposed modification to the Central Maddington Outline Development Plan and endorse the responses to those submissions, as contained in Appendix 13.5.5D.

CARRIED 11/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

**AGAINST:** Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

**183 Moved Cr R Mitchell Seconded Cr L Griffiths**

That Council, pursuant to Clause 7.4.7(a) of Town Planning Scheme No. 6, adopt the proposed modification to the Central Maddington Outline Development Plan, as contained in Appendix 13.5.5B.

CARRIED 11/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

**AGAINST:** Nil.

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION

**184 Moved Cr R Mitchell Seconded Cr L Griffiths**

That Council, pursuant to Clause 7.4.9 of Town Planning Scheme No. 6, forward the proposed modification to the Central Maddington Outline Development Plan to the Western Australian Planning Commission for approval.

CARRIED 11/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

**AGAINST:** Nil.