

CITY OF ARMADALE

MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 12 JUNE 2007 AT 7:00 PM.

PRESENT: Cr H A Zelones JP Chair
Cr P J Hart
Cr J Everts
Cr J H Munn JP CMC (Deputy for Cr J Knezevich)
Cr C J MacDonald
Cr R J Tizard
Cr L Reynolds AM JP

APOLOGIES: Nil

OBSERVERS: Nil

IN ATTENDANCE: Mr I MacRae Executive Director Development Services
Mr P Sanders Planning Services Manager
Mr I Townson Building Services Manager
Mr J Erceg Health Services Manager
Mr D Bond Environmental Health Officer (7.00pm to 7.30pm)
Mr R Van Delft Project Coordinator / Snr Env Planner
Mrs N Cranfield Executive Assistant EDDS

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 Everts

*Final Adoption of Amendment No.14 to TPS No.4 –
Lot, 50, 3, 16, Portion of Lot 6 Carradine Road, Bedfordale ----- Page 45*

Cr Zelones

Proposal No.11 – Proposed Amendment to No.35 to TPS No.4 – Omnibus No.2 ----- Page 57

QUESTION TIME

Nil.

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 15 May 2007, to be confirmed.

MOVED Cr Hart
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.11/2007

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

▪ **Outstanding Matters & Information Items**

Report on Outstanding Matters – Development Services Committee

2008 PIA Nation Congress – A Climate for Change – April 2008

Amendments to the Metropolitan Region Scheme

- MRS Amendment No.1140/57 Lake Road, Champion Lakes
- MRS Amendment proposal for Lots 50, 51 & 15 Thompson Road / Croyden Road / Brookton Highway, Roleystone
- MRS Amendment – Lots 53 & 54 Keane Road, North Forrestdale

▪ **Health**

Health Services Manager’s Report for the month of April 2006

▪ **Planning**

Planning Services Manager’s Report for the month of April 2006

Town Planning Scheme No.4 - Amendment Action Table

Planning Applications Monthly Statistics - April 2006

Subdivision Applications - WAPC Approvals/Refusals - April 2006

Subdivision Applications - Report on Lots Registered for period Jul to Apr 2006

PAW Closure Report - Significant Actions during April 2006

Road Naming Report 2005/06 & consequential action of Council Recommendation

Compliance Officer’s Report for the month of April 2006

▪ **Building**

Building Services Manager’s Report for the month of April 2006

Building Applications Monthly Statistics for the month of April 2006

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

DEPUTATION – 7.12pm

South East Regional Centre for Urban Landcare (SERCUL) – Industrial Inspection Survey and Inspection Report

Mr Paul Lock (Natural Resource Management Officer - Sustainable Production) SERCUL presented to Committee, by way of PowerPoint presentation, a formal and detailed overview of an Industrial Inspection Survey and Inspection Project which has been held over the past couple of years and which included the City of Armadale in 2005.

The overview by Mr Lock included –

- ◆ *The purpose of the study was to determine the degree to which environmental risk management for stormwater pollution prevention by light industrial businesses (small / medium enterprises) is effected;*
- ◆ *The study of the Kelmscott Industrial Area was undertaken by Mr Paul Lock and the City's Environmental Officer, Mr David Bond;*
- ◆ *Results of the SERCUL Study and auditing processes;*
- ◆ *Advantages of the study eg. prevention of contaminated sites;*
- ◆ *Recommendations eg. create a dedicated and ongoing inspection program by Local Govt officers.*

CHAIR thanked Mr Lock for his attendance and Mr David Bond on his participation in the project.

Deputation retired at 7.30pm.

Mr David Bond, Environmental Health left the meeting at 7.30pm and did not return.

DEVELOPMENT SERVICES COMMITTEE

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12 JUNE 2007

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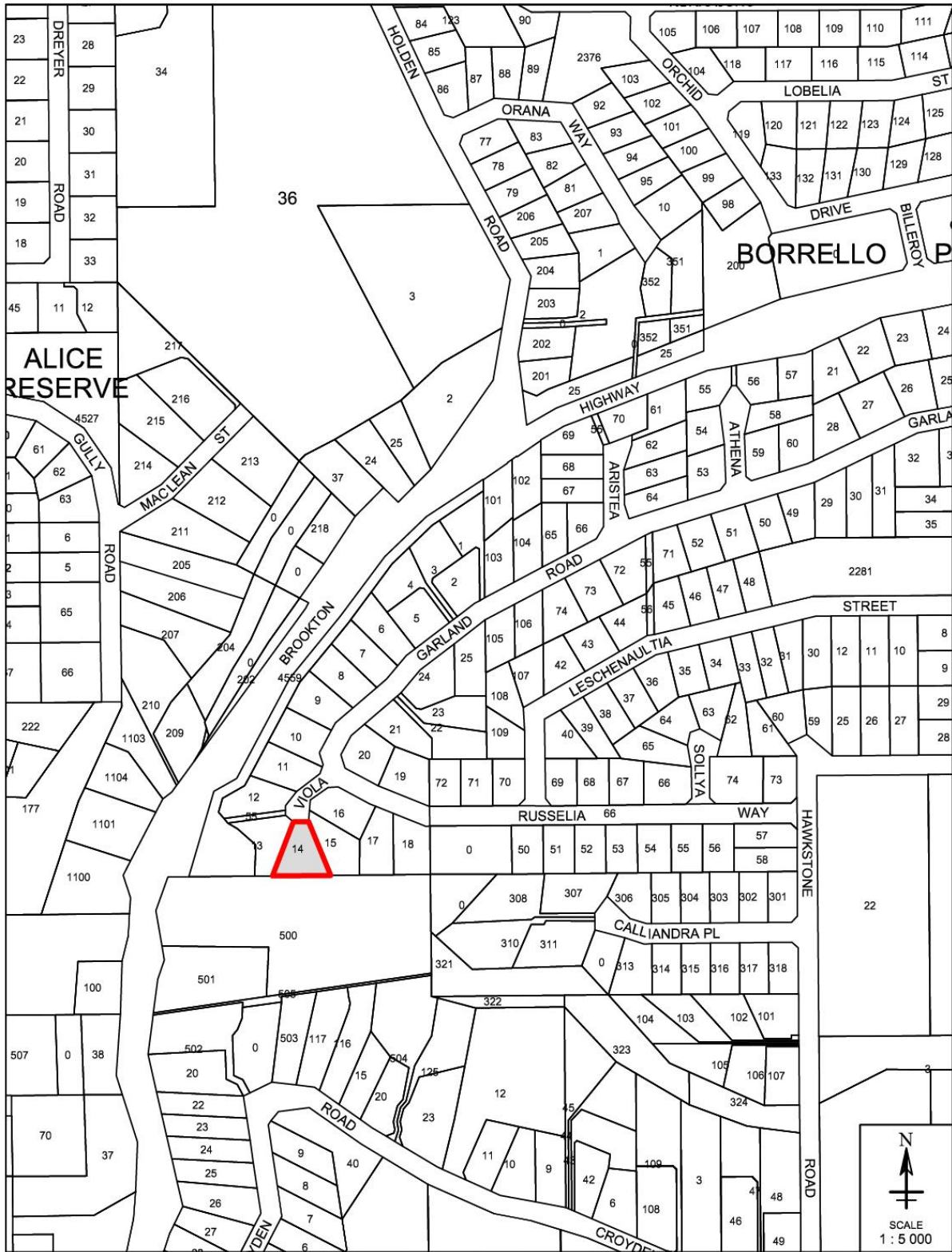
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LOCATION PLAN
LOT 14 VIOLA PLACE, ROLEYSTONE

**CONSTRUCTION OF AN OVER-HEIGHT GARAGE –
LOT 14 VIOLA PLACE, ROLEYSTONE**

WARD : JARRAH
FILE REF : 21.2007.475.1
A235887
DATE : 29 May 2007
REF : JE
RESPONSIBLE : BSM
MANAGER

In Brief:-

- A proposal to construct a garage with a ridge height of 5.7 metres.
- A neighbour has objected to the proposal.
- Recommend that Council approve the construction of a garage with conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005
Residential Design Codes

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

The neighbours at number 4 Viola place have submitted an objection to the proposal based on the following concerns -

- a) The height and pitch of the roof will reduce their views of the highway and opposing hillside.
- b) The colour of the materials used for the house reflects light into their living room; the neighbour’s envisage that the proposed garage will be built of the same material.



AERIAL PHOTOGRAPH
LOT 14 VIOLA PLACE, ROLEYSTONE

BACKGROUND

An application to construct a garage was submitted by Mr Paul Peacock and Ms Karen Douglas of 6 Viola Place, Roleystone on the 27th March 2007.

DETAILS OF PROPOSAL

The application involves constructing a 6 metre by 7 metre Colorbond garage. The height to the eaves of the garage is 2.7 metres and the height to the ridge is 5.7 metres. The steep gradient of the proposed garage is to blend in with the design of the federation character of the existing dwelling.

The Residential Design Codes contain provisions limiting the ridge height of outbuildings to 4.20 metres unless a higher ridge height is specifically approved by the Local Government.

COMMENT

It is the officer's opinion that the neighbour's house is located at a much higher level than proposed garage location. This height difference reduces the proposed garage's impact on the neighbour's views. The proposed garage cannot be relocated to the opposing side of the house from the neighbour as there is an existing Aerobic Treatment Unit located in this position. The rear of the proposed garage is located 3.7 metres in front of the dwelling but this can be reduced to 1.2 metres, the minimum distance from an Aerobic Treatment Unit. This amendment will further reduce the visual impact of the proposed garage.

The colour of the proposed garage is Colorbond Classic Cream, an allowable colour for construction east of Albany Highway.

OPTIONS

1. Approve the application without amendment.
2. Approve the application with a condition requiring its relocation to reduce visual impact.
3. Refuse the application.

CONCLUSION

The proposal complies with the Residential Design Codes in all respects except for the over height aspect to the ridge. In this regard, it is recommended that Council approve the application.

On the basis of above, it is considered that Option No.2 is the most appropriate in the circumstances that prevail.

D56/6/07

RECOMMEND

That Council resolve to approve the application to construct a garage on Lot 14 (No.6) Viola Place, Roleystone subject the following conditions:

- 1. The garage be setback an additional 2.5 metres so the rear of the garage is located 1.2 metres from the Aerobic Treatment Unit.**
- 2. A schedule of external colours and materials is to be submitted to and approved by the Executive Director Development Services. The development to be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.**

MOVED Cr Hart
MOTION CARRIED (7/0)

CURRENT PRACTICE - CUT AND FILL - EARTHWORK DEVELOPMENT

WARD : ALL
FILE REF : DBC/B8
DATE : 25 May 2007
REF : IT
RESPONSIBLE : BSM
MANAGER

In Brief:-

- A report documenting the administrative practice used to control earthworks, particularly those involving significant "Cut and Fill".
- Recommendation that the practice outlined be endorsed.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Local Government (Miscellaneous Provisions) Act 1960
Building Regulations 1989
Planning and Development Act 2005
Residential Design Codes 2002

Council Policy / Local Law Implications

PLN 3.7 Araluen Residential Estate

Budget / Financial Implications

Nil, as the practice outlined is reflective of how the issue is currently being administered.

Consultation

- ♦ Planning Department and other Local Governments with undulating topography.



An example where informal rock facing achieves a result that is more in keeping with the “feel” of the area than Limestone retaining, for example! Once plants are established in the bank a reasonable long term outcome is achieved.



Example of an earth worker who has failed to follow the approved plans! Officers became involved to ensure that amendments were made to improve the amenity impact.

BACKGROUND

At its meeting in May 2005 Council via D77/5/05 resolved that Officers prepare a report policy regarding “Cut and Fill on the Scarp” and refer to the Development Services Committee.

Development in the hills areas of the City can be problematic due to the extent of earthworks causing physical and environmental disruption, or aesthetic impact and overlooking, in the case of pole house construction.

This report is primarily intended to inform Council on the steps taken by the officers to ensure that earthworks, particularly those involving significant “Cut and Fill”, are managed with the aim of limiting any adverse impact on the visual amenity of surrounding properties, or in some cases, more distant properties.

In addition to this objective, earthworks have to be undertaken in an appropriate manner to provide long term stability for the structures they support.

The controls applied must conform to current legislative requirements, with particular reference to the Residential Design Codes, the Building Regulations 1989 and the Building Code of Australia. The current statutory framework does not allow the City to prohibit one form of design such as “slab on ground” in the hills. Both the Residential Design Codes and the Building Code of Australia provide parameters under which all forms of construction, whether that is “pole frame” or “slab on ground”, must be constructed.

The practice outlined is predominately applied to residential development, but is also used on a case by case basis for any development which is considered to have the potential to adversely affect the amenity of adjacent properties.

BRIEF OUTLINE OF THE CURRENT PRACTICE

Before a Building Licence is issued for any residence a Building Surveyor visits the site to observe the general site conditions, including lot slope, soil type, vegetation, stormwater issues, erosion potential and any other aspect of the site, or the design, that would need to be managed to limit any adverse impact on surrounding properties.

If the officer is of the view that the earthworks necessary to construct the residence are of such a magnitude, or create issues likely to have an adverse impact, the applicant for the Building Licence is required to separately apply for a Building Licence to undertake the earthworks and/or retaining walls. When the applicant has submitted suitable documentation outlining the extent of the earthworks a Building Licence is issued specifically for the earthworks and/or retaining walls only.

The applicant is advised that the Building Licence for the main development will not be issued until the earthworks and the associated retaining structures are completed to the City’s satisfaction.

Once the earthworks are completed and have been inspected to confirm compliance with the approved plans the licence for the main development is issued.

This process allows the City to ensure that the earthworks are satisfactorily completed before the main development commences. There is a strong incentive on the land owner to ensure his contractors perform appropriately so that work can commence on the balance of the development in a timely manner.

The above process provides the City with stronger controls than those that would be available to the City if the earthworks and main development were licensed under one approval.

The above process works well in the City's hills area and is well accepted by both main stream builders and owner builders.

Without pursuing the approach outlined there is no legal mechanism to ensure that earth bank stabilization and stormwater management is undertaken in the early stages of the project. If all work is licensed under one approval the builder has two years to complete the works and the City has no capacity to demand that a particular aspect of the work is completed early in the project.

While on the whole the practice outlined above has worked extremely well, there are examples where a better outcome could have been achieved. Officers are aware of Council's objectives for its community in this area and strive to ensure that builders address their responsibilities under the applicable legislation.

The following examples show both acceptable outcomes and development where a more appropriate outcome would have been expected.

OPTIONS

1. Retain the current practice, while supporting an approach where options to improve the current strategies are encouraged.
2. Investigate the potential to develop an alternative approach based on a Policy made under the Planning and Development Act 2005, after obtaining appropriate legal advice on how such alternative strategies could be lawfully applied.

CONCLUSION

It is considered that the practice outlined above is achieving an appropriate outcome and that while officers will continue to pursue improvements to this and other practices employed to manage development, officers recommend that the current process should be retained.

On the basis of the above, Option No.1 is considered the most appropriate in the circumstances.

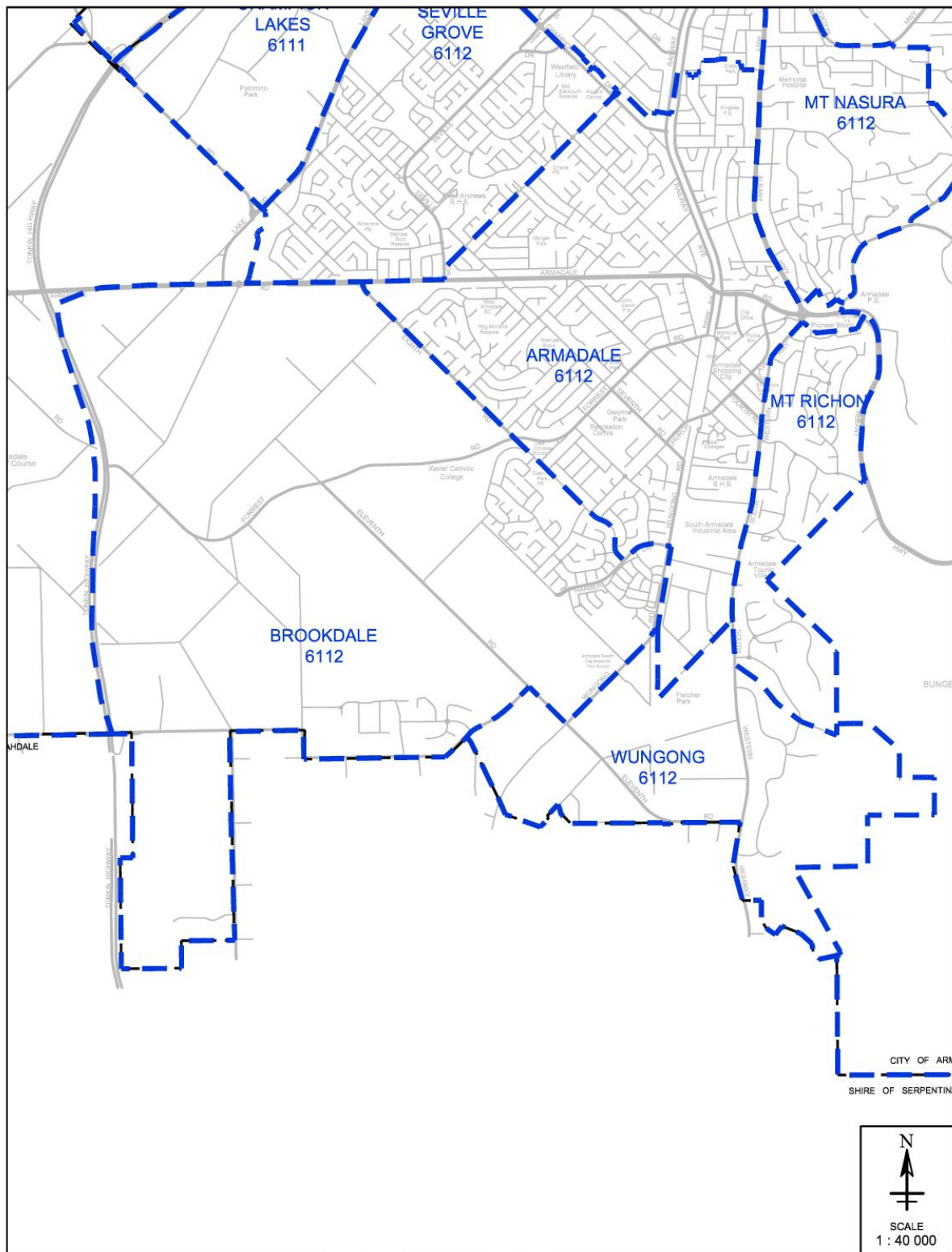
D57/6/07

RECOMMEND

That the practice for the control of Earthworks and Retaining walls as outlined in this report be endorsed.

MOVED Cr Hart
MOTION CARRIED (7/0)

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EXISTING LOCALITIES - BROOKDALE AND WUNGONG

RENAMING A PORTION OF THE BROOKDALE LOCALITY AND BOUNDARIES

WARD : LAKE

DATE : 29 May 2007

REF : PMS/PS

RESPONSIBLE : PSM
MANAGER

LANDOWNER : Various

SUBJECT LAND : Brookdale and
Wungong Locality

ZONING
MRS / TPS No.4 : Various.

In Brief:

Council resolved at its meeting on 15 August 2006 to seek public comment on:

- Suitable locality boundaries for Wungong and Brookdale and boundaries of new localities within the future development areas of Brookdale;
- Suitable names for localities within the Brookdale development area;
- To support the creation of two new localities in Brookdale: one for the area west and one for the area east of the Wungong River; and
- That names that could be suggested by the City as part of the public consultation could include, Hilbert or Neerigen for the area east of the Wungong River and south of Armadale Road and Willows or Gribble be suggested for the area west of the Wungong River.

Recommend that Council:

- Support the expansion of the suburb of Wungong;
- Support the retention of the suburb of Brookdale for the existing residential area;
- Support the creation of two new localities: Haynes and Hilbert;
- Seek approval from GNC for the above proposals.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City to sustain and maintain the distinctive character of the City.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

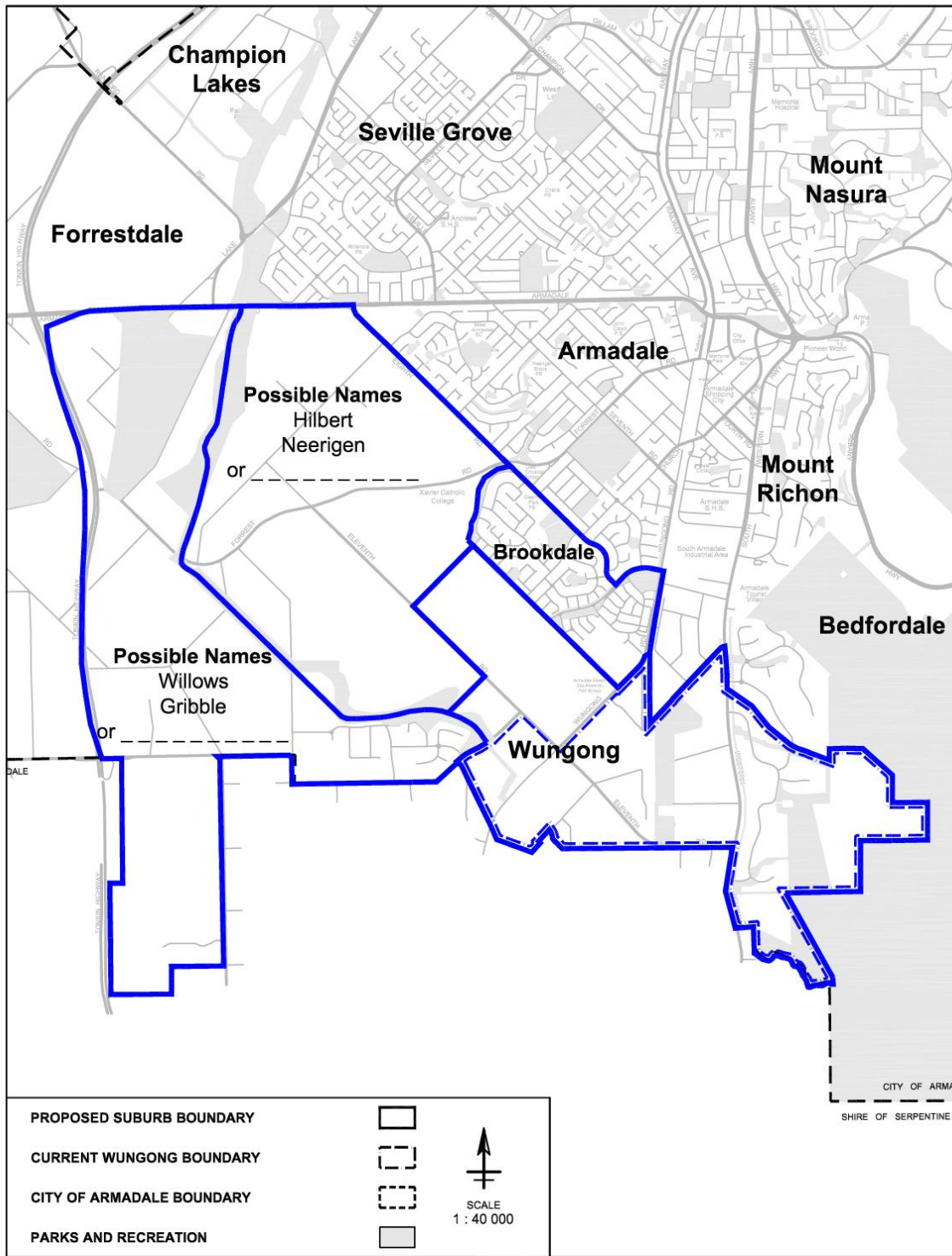
Nil.

Budget / Financial Implications

- ◆ Letter drop to Brookdale and Wungong landowners.
- ◆ Advertising in local newspapers and the City's website.
- ◆ Signage on site.

Consultation

- ◆ Owners of properties in Brookdale and Wungong.
- ◆ Geographic Names Committee (GNC).



**PROPOSED NEW LOCALITY BOUNDARIES - BROOKDALE
 AS ADVERTISED**

BACKGROUND

The Brookdale area has been or is currently being developed with housing. The majority of the area is being planned under the ARA's Master Plan. It is anticipated that the future population within the Master Plan area will be in excess of 30,000 people.

To prepare for the future development and establish suburban identities it would be appropriate to consider the division of the Brookdale locality into smaller areas based on logical boundaries and common features.

Council, at its meeting on 21 August 2006, resolved (D91/8/06):

1. To undertake public consultation by letter to the residents/landowners of the Brookdale area, newspaper advertisement and appropriate signs on site seeking comment on:
 - ◆ The suitable locality boundaries for Wungong and Brookdale and boundaries for new localities within the future development areas of Brookdale; and
 - ◆ Suitable names for localities within the Brookdale development area.
2. To support the creation of two new localities in Brookdale: one for the area west and one the area east of the Wungong River.
3. That names that could be suggested by the City as part of the public consultation could include, Hilbert or Neerigen for the area east of the Wungong River and south of Armadale Road and Willows or Gribble be suggested for the area west of the Wungong River.

ANALYSIS

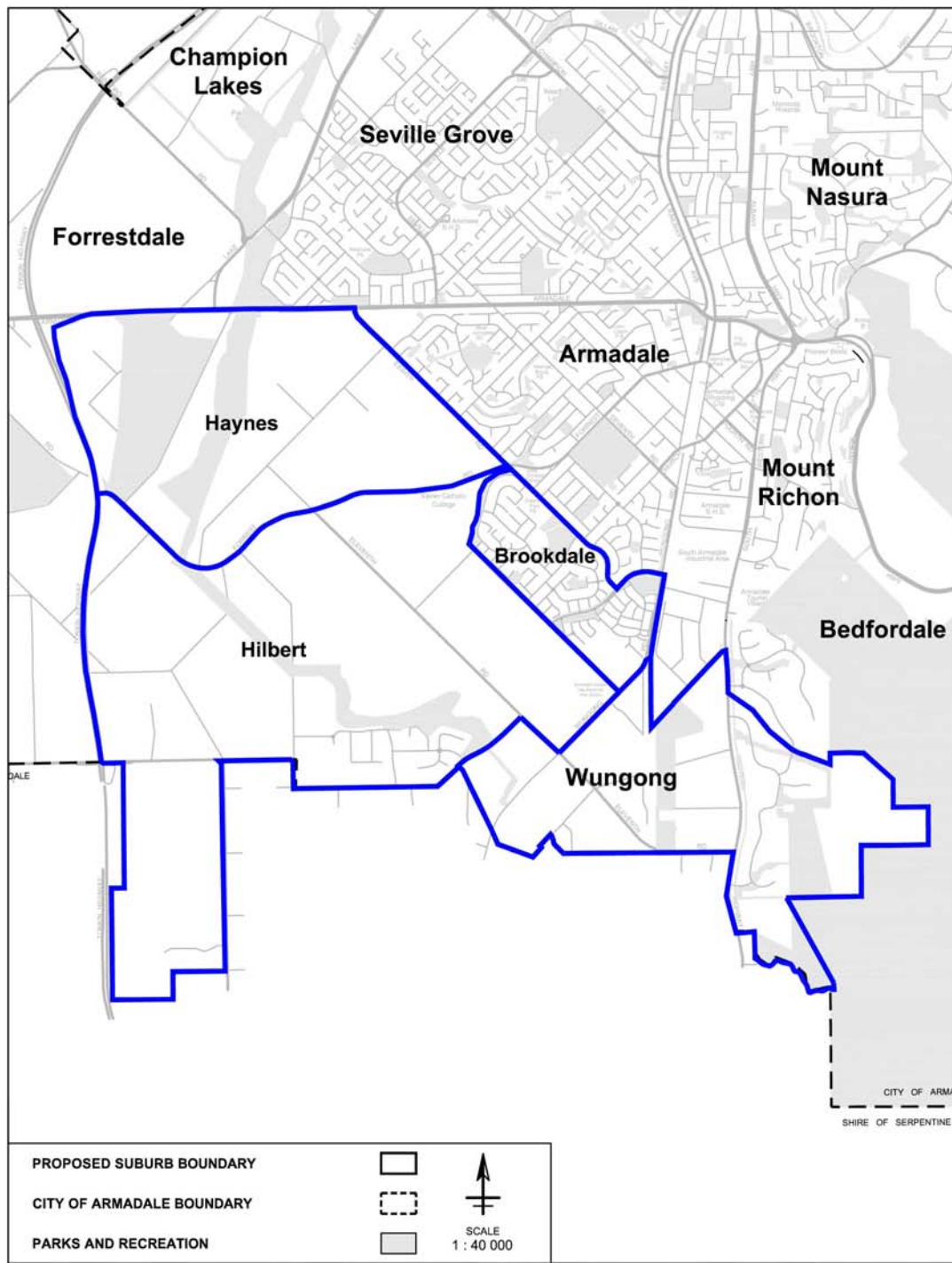
The advertising period was from 16 October 2006 to 1 December 2006. Letters and submission forms were sent to over 1100 landowners within the affected area. Signs advertising the proposal were placed in prominent locations. Advertisements were also placed in the Comment News on 24 October 2006 and the Weekend Examiner on 26 October 2006. Details of the proposal were also available on the City's website and Administration office.

One hundred and three (103) responses were received during the submission period, 72 supporting, 17 objecting to the proposal, 6 responses supported the proposal but provided no suggestions in regards to the names and 8 responses came in from people who didn't own land in the area concerned. The results of the submissions are summarised below for each area.

Landowners in the area West of the Wungong River

- ◆ 57 Responses to the proposal;
- ◆ 56 Supporting the proposal; and
- ◆ 1 Objection to the proposal.

Willows	14
Gribble	0
Brookdale	3
Other suggested names	44



PROPOSED NEW LOCALITY BOUNDARIES - BROOKDALE

The Brookwood Estate Community Association provided 6 alternative suggestions of names for the area west of the Wungong River. They were Mahogany Lakes, Mahogany Meadows, Mahogany Park, Greendale, Rowley and Morrell Vale. The suggested names from the landowners in the area West of the Wungong River are:-

Brookwood	3	Batavia	1	Morrell Vale	1
Brookwood Park	1	Olivedale	1	The Willows	1
Willowdale	2	Mahogany Lakes	17	Ensign Dale	1
Willow Downs	1	Mahogany Meadows	1	Rowley	3
Morrell	1	Mahogany Park	1	Greendale	8
Banksia Brook	1	Mallee Vale	1		

Landowners in the area East of the Wungong River

- ◆ 15 Responses were received;
- ◆ 10 Supporting the proposal; and
- ◆ 5 Objections to the proposal.

Hilbert	2
Neerigen	1
Brookdale	2
Other suggested names	10

Landowners in the area east of the Wungong River suggested: Hayneslea, Inchigan, Verona, Valencia, Granada, Calais, Forrest, Bimbadeen, Killara, Coorabin, Sherwood and Brookdale.

Landowners in the established Brookdale Area

- ◆ 15 Responses were received;
- ◆ 6 Supporting the proposal; and
- ◆ 9 Objections to the proposal

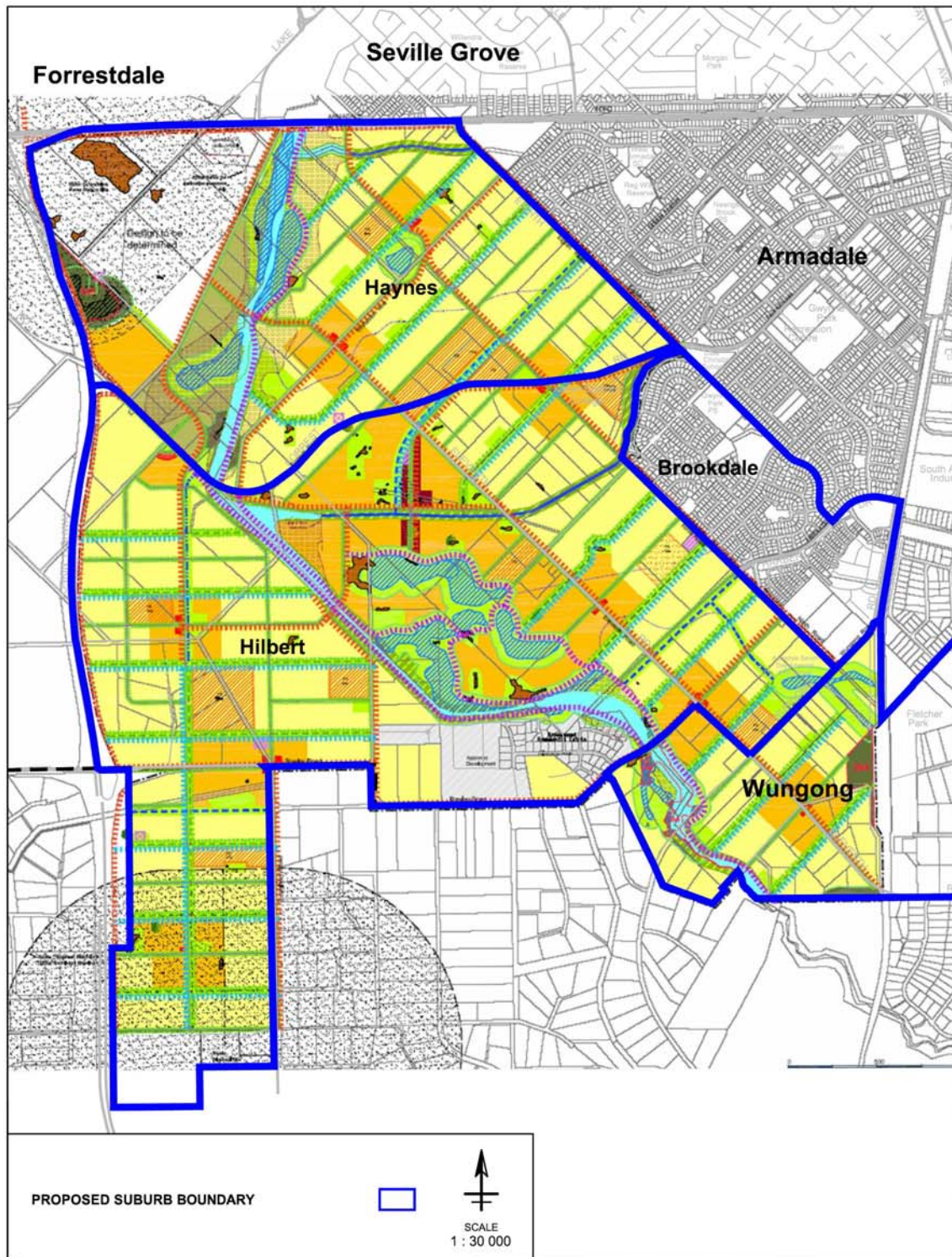
Brookdale (leave as is)	6
Hilbert	1
Neerigen	2
Other suggested names	5

Landowners in the established Brookdale Area suggested: Forrest, Chiltern, Wungong Foothills, Narrogin and Buckingham.

Landowners in the Wungong Area

- ◆ 5 Responses were received

No. supporting proposed boundary changes for Wungong -	3
No. objecting to proposed boundary changes for Wungong -	1
Other - No comment -	1



PROPOSED NEW LOCALITY BOUNDARIES - BROOKDALE

Geographic Names Committee

The Geographic Names Committee (GNC) naming criteria indicates that “preferred sources of names should include names from Aboriginal languages, pioneers of the State or area, or citizens who have made a significant community contribution”. The GNC criteria also state that similar sounding and duplicated names are not usually accepted.

The GNC has been consulted regarding some of the suggested names and they have indicated that many of the suggested names would not be accepted as they are unsuitable, are duplicated or do not comply with GNC criteria. The suggested Mahogany locality names for a portion of Brookdale are unlikely to be supported by the GNC due to the existing Mahogany Creek locality in the Shire of Mundaring. Neerigen is too similar to Narrogin. There is a Willows locality in QLD and as the City’s suggestion of Willows was based on the unmade Willows Road within the area, GNC have indicated that it would be unlikely to support this name. Greendale locality is unsuitable as there are two Greendales in NSW, one in Vic and Greenvales in Vic and QLD.

OPTIONS

Council appears to have several options for the suburb names and boundaries, including:

1. Retain the current boundaries of the suburb of Brookdale.
2. Continue with the Brookdale name for the existing residential area in Brookdale.
3. Approve the enlargement of Wungong as advertised or similar.
4. Support the naming of the area west of the Wungong River to Willows or a new name.
5. Support the naming of the area east of the Wungong River to Hilbert.
6. Consider any alternative names and/or boundaries.

Option 1 - The Council could retain the current boundaries of the suburb of Brookdale, however the suburb of Brookdale would be too large and contain a population of over 30,000 people when the area is urbanised. To prepare for the future development and establish suburban identities, the City needs to consider the division of the Brookdale locality into smaller areas based on logical boundaries and common features. Therefore, this option is not recommended.

Option 2 - The retention of the suburb name of Brookdale for the existing residential area of Brookdale was generally supported by the submissions received during the advertising period for this area and the phone calls the City received. It is recommended that the Council support the retention of the name of Brookdale for the existing residential area of Brookdale bounded by Powell Cr, Tijuana Road, Harbour Drive, Wungong Road, Ninth Road and Whiteley Road or similar.

Option 3 - The City did not receive many submissions in regard to the proposed expansion of the suburb of Wungong. The current Wungong locality is small in size and population and in view of its historic acceptance as a name, the suburb should be extended northwards. The preferred locality boundaries would extend the Wungong locality to create a more optimum sized locality and population. It is recommended that the Council support the enlargement of Wungong as included on the attached plan or similar.

Option 4 - The most popular names chosen or selected during the public submission period for the area west of the Wungong River were Willows, Mahogany Lakes and Greendale. The GNC have advised that many of the suggested names for this area and the above three names would not be accepted as they are unsuitable, are duplicated or do not comply with GNC criteria. It is recommended that the Council consider alternative names and boundaries to those advertised for this area.

Option 5 - The most popular names chosen or selected during the public submission period for the area east of the Wungong River were Hilbert and Brookdale. However, if the area was retained in the suburb of Brookdale, then the suburb would be too large as explained earlier. The use of the name Hilbert is generally accepted and recommended, however the boundaries of the suburb require further examination.

Option 6 - Given the advice from GNC, the submissions received, the size of the area and recommendations above, the consideration of alternative names and boundaries is therefore required. The majority of new names suggested in the submissions would not be approved by GNC, therefore a new name is required. During a recent Councillor Briefing on the matter, the name of Haynes was proposed. The Haynes family have owned land and operated a dairy farm in the northern portion of the area for many years. Members of the family have made significant contributions to local community organisations for many years, such as sporting clubs, and helped establish many other groups. The family has made a significant contribution to the City and its residents. The name of Haynes is an appropriate name for a suburb in the City.

The Council had originally proposed to create suburbs either side of Wungong River, however it is now considered more appropriate to create a new suburb in the north named Haynes, where the family operated their dairy farm. The suburb of Hilbert could then include the land generally south of Forrest Road, with the Hilbert Road wetlands and Wungong River being central and major recreational and environmental features of the new suburb. Should GNC raised any concerns regarding the name of Haynes, the City could agree to alternatives including: Haynes Park, Haynes Waters, etc. As the area is developed and subdivided, minor rationalisation of the suburb boundaries may be required to reflect the development that has occurred.

CONCLUSION

The current suburb of Brookdale will be too large when the area is urbanised, the creation of two new localities within the existing Brookdale locality is necessary. The existing residential area of Brookdale should continue with the name of Brookdale. The current suburb of Wungong should be enlarged as per the attached plan to create a more optimum sized locality and future population. The names of Haynes and Hilbert are appropriate new suburb names for the area.

Officer's report recommends –

That Council resolve to:

1. Support the retention of the name of Brookdale for the existing residential area of Brookdale bounded by Powell Cr, Tijuana Road, Harbour Drive, Wungong Road, Ninth Road and Whiteley Road, as identified on the attached plan or any other minor variation required by Geographic Names Committee;
2. Support the expansion of the suburb of Wungong and seek approval from the Geographic Names Committee to the inclusion of the land bounded by Eleventh Road, Whiteley Road and Ninth Road within the suburb of Wungong, as identified on the attached plan or any other minor variation required by Geographic Names Committee;
3. Support the creation of two new localities in the Brookdale Locality and seek approval from the Geographic Names Committee to the creation and naming of two new localities, as identified on the attached plan, in the western portion of Brookdale:
 - i) “Haynes” which includes the land bounded by Armadale Road, Tonkin Highway, Forrest Road, the eastern boundaries of Lot 29 Forrest Road and Lot 28 Whiteley Road, Powell Cr and Eighth Road, or any other minor variation required by Geographic Names Committee;
 - ii) “Hilbert” which includes land bounded by Forrest Road, Tonkin Highway, the southern boundary of the City of Armadale, Rowley Road, Eleventh Road, Whiteley Road and the eastern boundaries of Lot 29 Forrest Road and Lot 28 Whiteley Road, or any other minor variation required by Geographic Names Committee; and
 - iii) That GNC give consideration to the land in the City south of Rowley Road being included in the Darling Downs locality.
4. Advise submitters and the Armadale Redevelopment Authority of the above decision.

COMMITTEE discussed the locality renaming proposal and supported the names “Haynes” and “Hilbert” as appropriate new suburb names for the area.

In addition to the officer's comments regarding the name “Haynes” it was noted that Walter Haynes was the first Chief Executive Officer of the Armadale-Kelmscott Road Board and also a Member of the Road Board.

COMMITTEE requested that the following proposed new locality boundaries be modified –

- ◆ *Including the land north of the proposed Brookdale boundary (bounded by Forrest Road, the western boundary of Lot 1 Forrest Road, Powell Crescent and the eastern boundary of Lot 29 Forrest Road and Lot 29 Whiteley Road) within the new suburb of Hilbert;*
- ◆ *Retain the existing boundaries of Wungong;*
- ◆ *Seek advice from GNC on possibility of the land south of Rowley Road (bounded by Tonkin Highway and Hopkinson Road) being included in the Darling Downs locality.*

Accordingly the Recommendation was amended.

D58/6/07

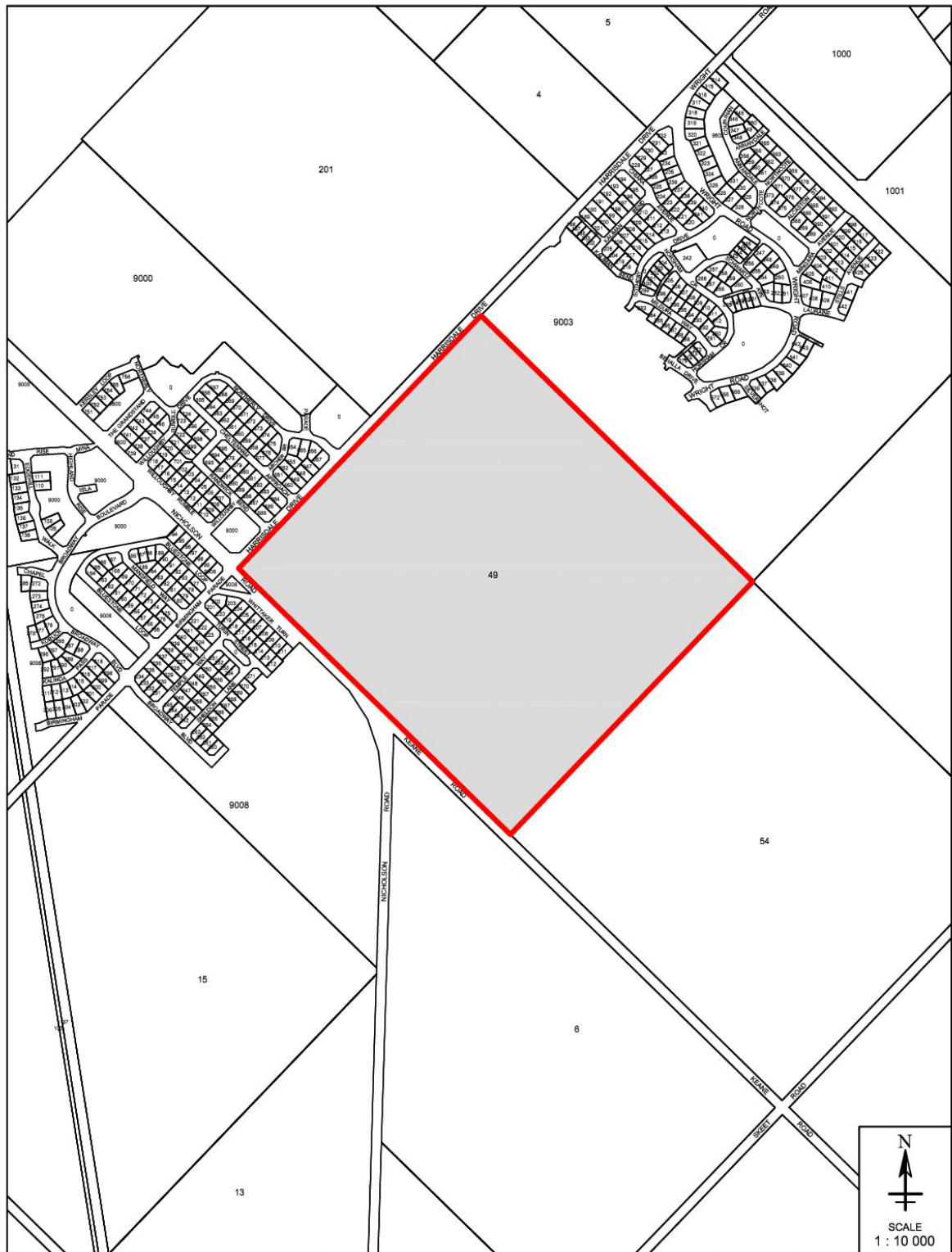
RECOMMEND

That Council resolve to:

- 1. Support the retention of the name of Brookdale for the existing residential area of Brookdale bounded by Powell Cr, Tijuana Road, Harbour Drive, Wungong Road, Ninth Road and Whiteley Road, as identified on the attached plan or any other minor variation required by Geographic Names Committee;**
- 2. Retain the existing boundaries of Wungong;**
- 3. Support the creation of two new localities in the Brookdale Locality and seek approval from the Geographic Names Committee to the creation and naming of two new localities, as identified on the attached plan, in the western portion of Brookdale:**
 - i) “Haynes” which includes the land bounded by Armadale Road, Tonkin Highway, Forrest Road and Eighth Road or any other minor variation required by Geographic Names Committee;**
 - ii) “Hilbert” which includes land bounded by Forrest Road, Tonkin Highway, the southern boundary of the City of Armadale, Rowley Road, Eleventh Road, Wungong Road, Ninth Road, Whiteley Road, Powell Crescent and the eastern boundary of Lot 1 Forrest Road or any other minor variation required by Geographic Names Committee; and**
- 4. Seek GNC’s advice on the possible inclusion of the land south of Rowley Road being included in the Darling Downs locality.**
- 5. Advise submitters and the Armadale Redevelopment Authority of the above decision.**

MOVED Cr MacDonald
MOTION CARRIED (7/0)

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LOCATION PLAN - BAKERS HOUSE
LOT 49 WRIGHT ROAD, FORRESTDAL

NAMING THE COMMUNITY CENTRE IN NORTH FORRESTDALE

WARD : LAKE
DATE : 28 MAY 2007
REF : IM
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- It would be appropriate to formally name the future community facility in North Forrestdale.
- Alternative names are suggested.
- Recommend that the facility be named Baker's House.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City to sustain and maintain the distinctive character of the City.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

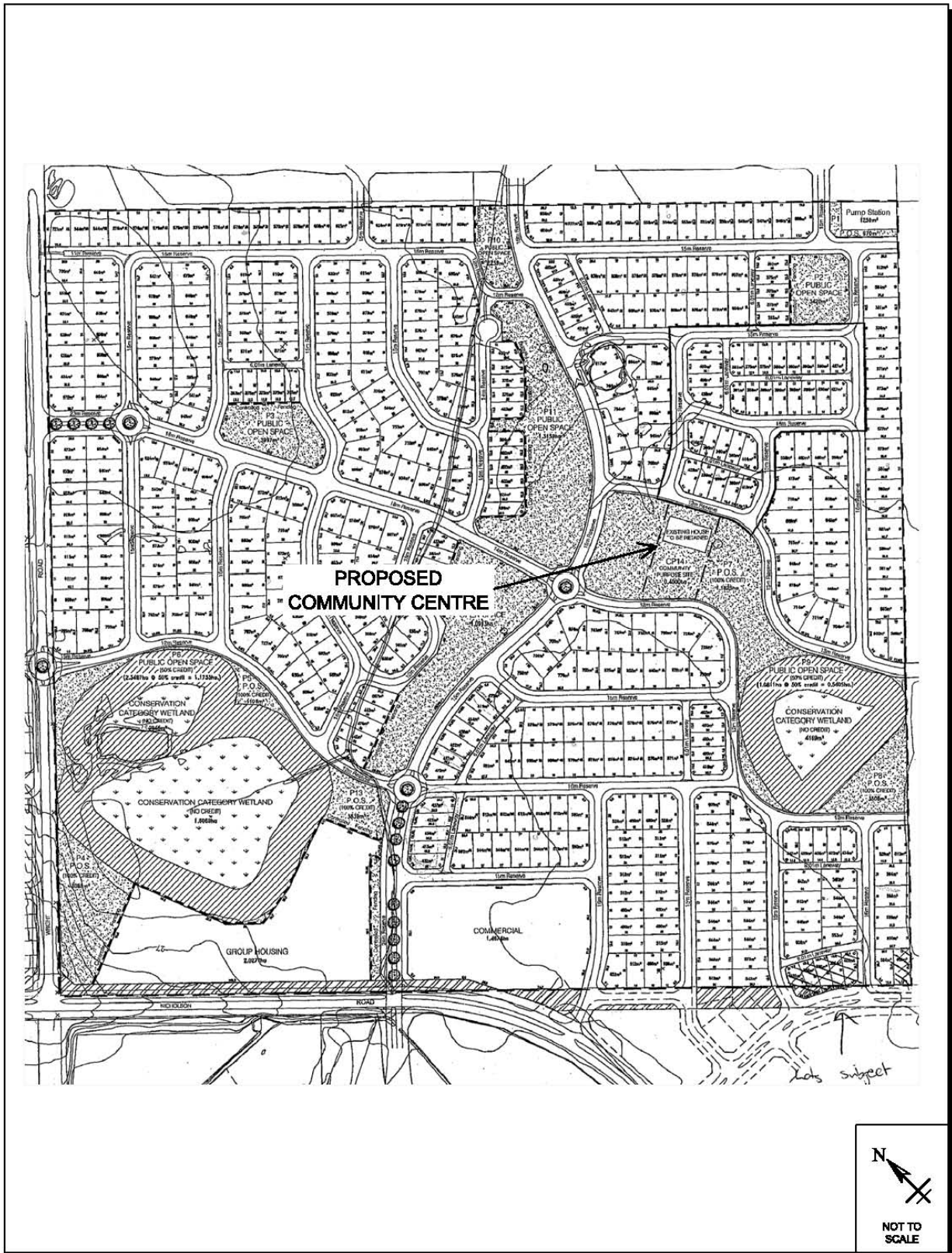
- ◆ The Baker family, Prof Roger Dawkins.
- ◆ Community Services

BACKGROUND

A community centre has been identified in North Forrestdale and the Developers Contribution Scheme has made provision for payments to be made to secure an existing building and undertake modifications (with contributions from other sources).

While the existing substantial building has not been formally named by Council, it is generally being referred to as "The Baker's House" for the sake of convenience.

The community facility will be used for a sales office for a few years and would not be utilised for its intended community purpose until 2009.



LOCATION PLAN - BAKERS HOUSE
LOT 49 WRIGHT ROAD, FORRESTDAL

DETAILS OF PROPOSAL

It is proposed that Council consider the naming of the community centre in North Forrestdale.

A number of options are readily apparent including the following:

- ◆ **Baker's House** – The Baker family erected the house over a number of years using recycled materials collected from across the State.
- ◆ **Harrisdale Centre** – Harrisdale is the name agreed for the naming of the suburb within which the facility is located.
- ◆ **Piara House** – a signification Conservation Category Wetland named the Piara Nature Reserve is located to the south of the facility.
- ◆ **Wright Place** – the facility is located on Wright Road which is a major spine road for the future residential area.
- ◆ **Melaleuca Centre** – this would represent tree species found within the locality.

COMMENT

It would be appropriate for the Council to provide a name for what will be an important focus of the development of the estates in North Forrestdale.

The City is not aware of any reasons why the original owner of the building should not be commemorated. While the Scheme has allocated funds to purchase the building, it is recognised to be for a modest sum compared with the value of the building. The family support the naming. However, Council may prefer an alternative name more reflective of the locality or its features. Community Services prefer a name relating to the suburb name, which in this case suggest Harrisdale House.

OPTIONS

Council has the following options:

1. To select the name “The Baker's House” as an appropriate name for the North Forrestdale community facility.
2. To select an alternative name for the North Forrestdale community facility.
3. To decline to consider naming the community facility at this time.

CONCLUSION

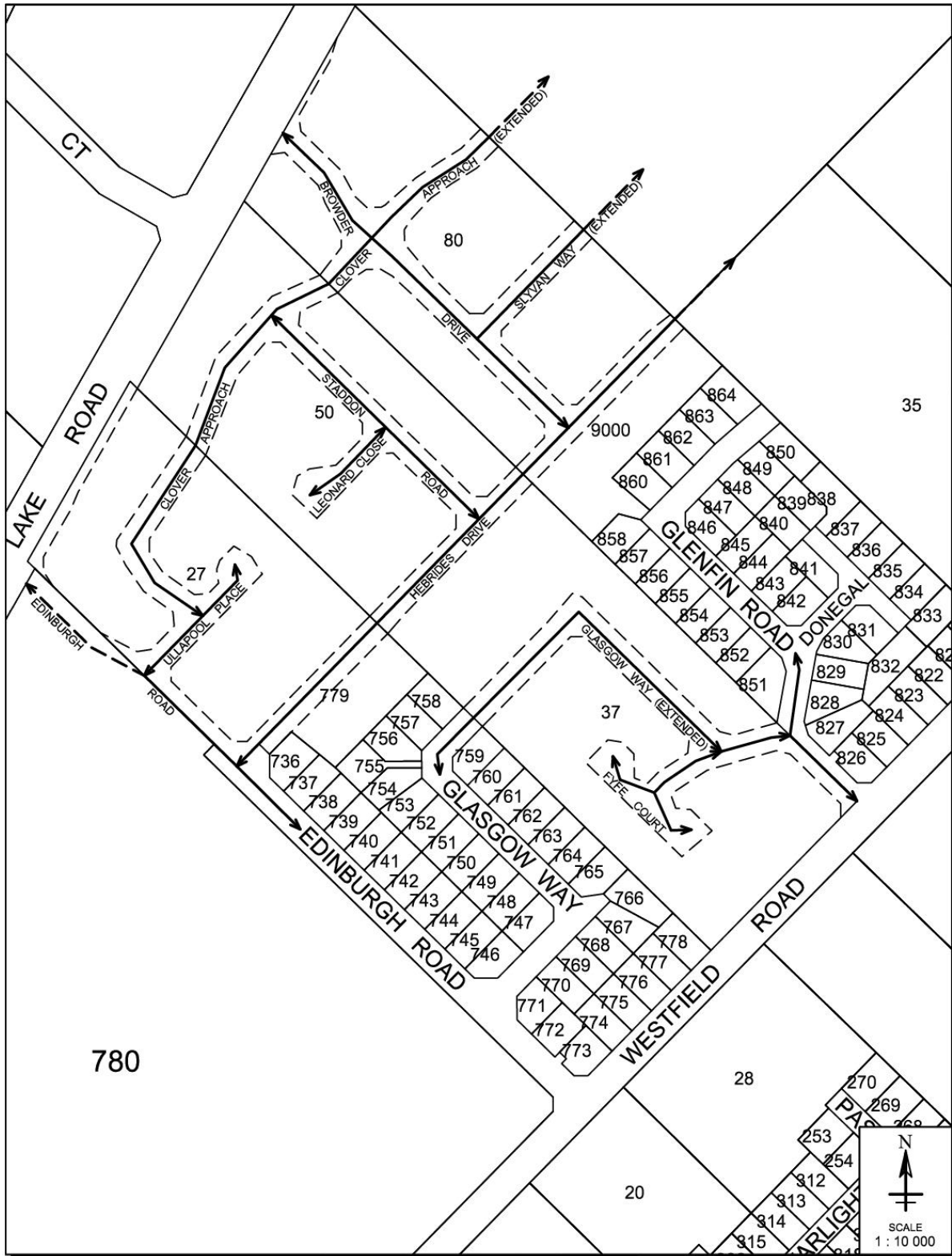
It is preferable to name the North Forrestdale community facility at an early time to help establish community identity. The choice of the original occupant and building of the facility would be appropriate and accordingly option 1 is recommended.

D59/6/07 RECOMMEND

That Council resolve that the community facility in North Forrestdale be named “Baker’s House”.

MOVED Cr MacDonald
MOTION CARRIED (7/0)

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PROPOSED ROAD NAMES
VARIOUS LOTS, SEVILLE GROVE

***ROAD NAMING –
LOTS 80, 50 & 27 LAKE ROAD AND LOT 37 WESTFIELD ROAD, SEVILLE GROVE***

WARD : PALOMINO
DATE : 30 May 2007
REF : SEN
RESPONSIBLE MANAGER : PSM
APPLICANT : Brook & Marsh Pty Ltd
LAND OWNER : HT Nguyen, Mulic P/L and Department of Housing and Works
SUBJECT LAND : Property size 91.5 ha approx. Map 21-05
ZONING
MRS : Urban
TPS No.4 : A14 Structure Plan

In Brief:-

- Council has received a request to name the new road reserves within the new subdivisions of Lots 80 & 27 Lake Road and Lot 37 Westfield Road, Seville Grove.
- Three of the proposed road names follow the Scottish theme approved on adjoining subdivisions. Three other road names are derived from previous resident names and comply with the Geographic Names Committee (GNC) criteria.

Recommend that Council approach the Geographic Names Committee seeking approval for:

- the following new road names: Hebrides Drive, Ullapool Place, Fyfe Court, Browder Drive, Staddon Road and Leonard Close; and
- the approval to the extension of Glasgow Way, Edinburgh Road, Slyvan Way and Clover Approach street names.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Relates to the aim for developing our City to:

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

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

- ◆ Geographic Names Committee.

DETAILS OF PROPOSAL

Council has received a request to name the road reserves for new streets which are being created by the subdivision proposed for Lots 80 & 27 Lake Road and Lot 37 Westfield Road, Seville Grove (SUB/131925, SUB/133215, SUB/128522). It is also proposed to name the proposed roads on Lot 50 Lake Road. The proposed road names follow the Scottish theme approved for adjoining subdivisions and also incorporates acknowledgement of three past residents who lived within the City of Armadale.

The following new names are proposed to be allocated to the new road reserves in the positions indicated on the attached plan:

- ◆ Fyfe Court - Scottish Origin.
- ◆ Ullapool Place - Scottish Origin.
- ◆ Hebrides Drive - Scottish Origin.
- ◆ Browder Drive - Past Local Resident.
- ◆ Staddon Road - Past Local Resident.
- ◆ Leonard Court- Past Local Resident.

The City has received three requests for families to name streets after their family members.

The Leonard family arrived in the area in the early 1920's and after some time moved to the corner of Hesketh and Poad Roads establishing a small vegetable farm and then a poultry farm. Mr Cyril Leonard worked for the City of Armadale in road maintenance and repairs for seventeen years, retiring in 1974. Mr Cyril Leonard passed away in 1990.

Mr Staddon was a local resident for many years. He was a lay preacher in the local Anglican church and volunteered his time during the Kelmscott Shows. He owned land along Railway Avenue, Kelmscott (where City Farmers is now located) and built the house approximately eighty years ago. Mr Staddon has passed away.

Mr Frank Browder and his family have lived within the City of Armadale for over forty years. He was involved with horse racing in Western Australia, as a jockey, trainer and owner. Mr Browder passed away in 2003. GNC have already approved the use of Browder as a road name in the City.

It is also proposed to extend the street names Glasgow Way, Edinburgh Road, Slyvan Way and Clover Approach on the new extensions of these roads (see attached plan).

COMMENT

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

OPTIONS

1. Approve the road names as proposed.
2. Not approve the road names and request the developer to provide alternative road names complying with GNC criteria. Advise the submitters of Council's reasons.
3. Not approve the road names and that Council recommend new road names to GNC and the developer.

CONCLUSION

The road names, chosen by the developer and submitted by the three families, should meet GNC criteria and appear to be an appropriate proposal for Council to approve. The use of the street names Glasgow Way, Edinburgh Road, Slyvan Way and Clover Approach on the extension of these roads is logical. Option 1 is recommended.

D60/6/07 RECOMMEND

That Council resolves to:

1. **Approach the Geographic Names Committee (GNC) seeking approval for:**
 - a) **The following new road names (or suitable road types acceptable to the GNC) for the subdivision of Lots 80, 50 & 27 Lake Road, and Lot 37 Westfield Road, Seville Grove as shown on the attached plan:**
 - ♦ **Hebrides Drive; Ullapool Place; Fyfe Court; Browder Drive; Staddon Road; and Leonard Close; and**
 - b) **The extension of the street names Glasgow Way, Edinburgh Road, Slyvan Way and Clover Approach on the new extensions of these roads, as shown on the attached plan.**
2. **Advise the applicants of the above decision.**

MOVED Cr Everts
MOTION CARRIED (7/0)

ROAD NAMING – LOT 879 ROAD, SEVILLE GROVE

WARD : PALOMINO
DATE : 7 May 2007
REF : SEN
RESPONSIBLE MANAGER : PSM
APPLICANT : McMullen Nolan
LAND OWNER : West Australian Land Authority
SUBJECT LAND : Property size 11.48ha approx.
Map 21-05/21
ZONING
MRS : Urban
TPS No.4 : ARA Area

In Brief:-

- Council has received a proposal to rename a portion of the road reserve previously approved as Verdant Circle due to a modified road alignment within the subdivision of Lot 879 Lake Road, Seville Grove.
- The proposed road name follows the “green” theme previously approved, acknowledging the large wetland area within the development and complies with the Geographic Names Committee (GNC) criteria.
- Recommend that Council approach the Geographic Names Committee seeking approval for the new road name “Cilantro Parkway” and modify the road type of Verdant Circle to Circuit within the subdivision of Lot 879 Lake Road, Seville Grove.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Relates to the aim for developing our City to:

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

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

- ◆ Geographic Names Committee

DETAILS OF PROPOSAL

Council has received a proposal for the renaming of a portion of road reserve, previously approved as Verdant Circle, within the subdivision proposed for Lot 879 Lake Road, Seville Grove (SUB/130480 – Champion Drive Structure Plan Area). A modification to the road alignment within the subdivision has resulted in Verdant Circle no longer being a circular road and a portion of road reserve left unnamed. The road name Cilantro Parkway (a green herb) has been proposed and is in keeping with the “Green” theme acknowledging the large wetland area within the development, of the previously approved road names for the subdivision.

The road name Verdant Circle will also require an amendment to Verdant Circuit to reflect the change in the road design and road type description.

COMMENT

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

OPTIONS

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

CONCLUSION

The road name, chosen by the developer, should meet GNC criteria and appear to be an appropriate proposal for Council to approve. Option 1 is recommended.

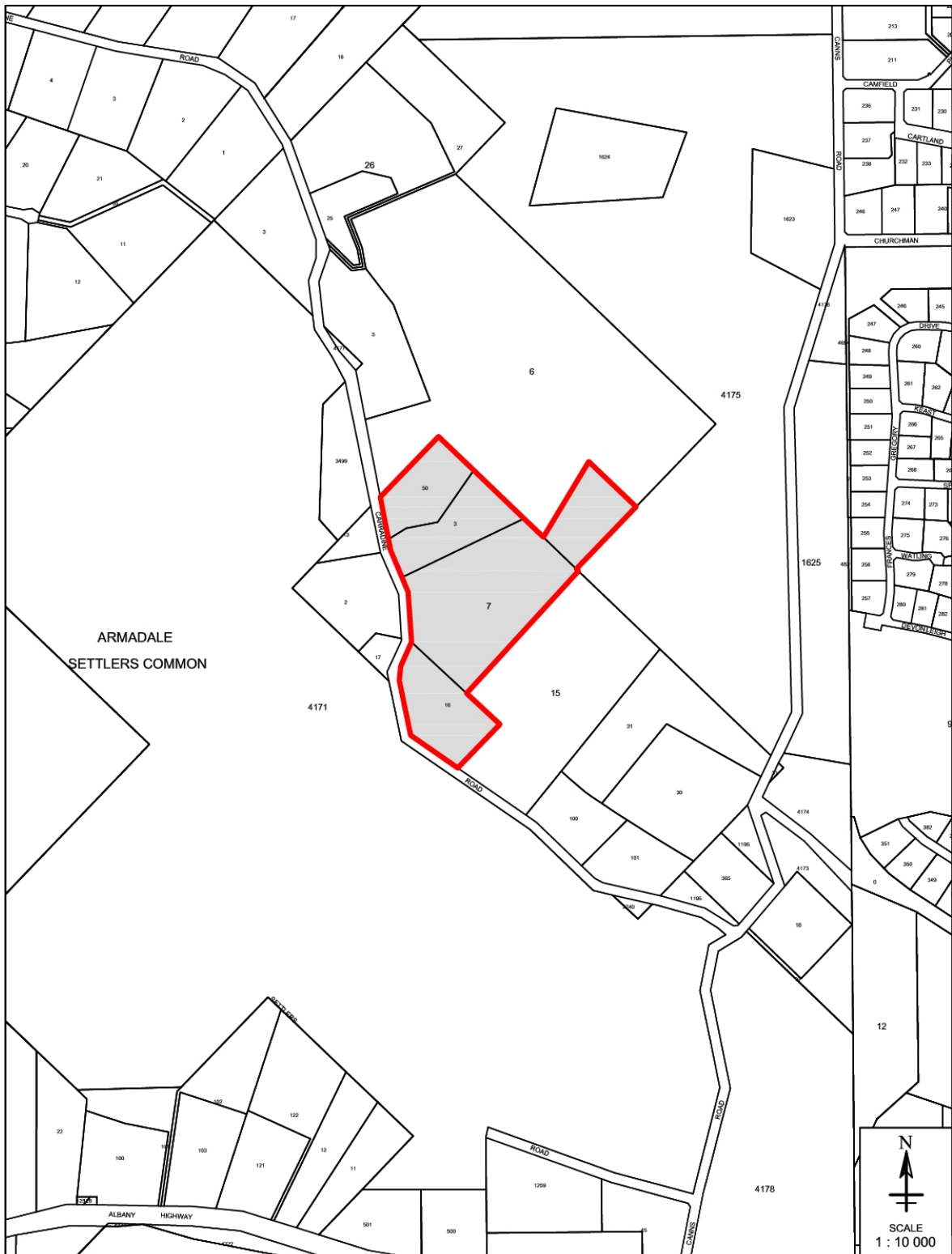
COMMITTEE discussed the proposed new road names and was of the view that “Verdant Crescent” was a more appropriate description as “Crescent” means “a crescent of half mooned shaped roadway”.

D61/6/07 RECOMMEND

That Council approach the Geographic Names Committee (GNC) seeking approval for the new road name, “Cilantro Parkway” (or suitable road types acceptable to the GNC) and amend “Verdant Circle” to “Verdant Crescent” for the subdivision of Lot 879 Lake Road, Seville Grove as shown on the attached plan.

MOVED Cr Everts
MOTION CARRIED (7/0)

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LOCATION PLAN
LOTS 3, 7, 16 & 50 AND PART LOT 6 CARRADINE ROAD, BEDFORDALE

Cr Everts declared an interest in this item on the basis that a family member is a landowner of the subject site and left the meeting at 7.58pm.

***FINAL ADOPTION OF AMENDMENT NO.14 TO TPS NO.4 –
LOT 7, 50, 3, 16 & PORTION OF LOT 6 CARRADINE ROAD, BEDFORDALE***

WARD : NEERIGEN
REF NO. : 34.2006.1.1
DATE : 1 June 2007
REF : EP/PS
RESPONSIBLE MANAGER : PSM
APPLICANT : Dykstra & Associates
LAND OWNER : G D Heys
SUBJECT LAND : Property size 8.0 hectares
ZONING
MRS : Rural
TPS No.4 : Rural Living 4 (RL4) &
Rural Living 10 (RL10)

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme (TPS) No.4

In Brief:-

- At its April 2006 meeting, Council considered this amendment and an associated Structure Plan and resolved that the proposed Structure Plan required modification prior to being advertised and initiated Amendment No.14.
- Council at its November 2006 meeting considered the applicant’s suggested alternative to modifying the Structure Plan design to achieve Council’s Policy objective of minimising water usage of Neerigen Brook and accepted the proposal.
- The amendment and Structure Plan were advertised for public comment for 42 days and attracted 7 submissions.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption.
- The proposal should be supported as it is consistent with the existing use and lot sizes on nearby land.
- Recommend that Council adopt the amendment with modification and request that the Hon Minister for Planning & Infrastructure grant final approval to the amendment.
- Recommend that Council adopt the modified Structure Plan and forward to the WAPC for adoption.



AERIAL PHOTOGRAPH
LOTS 3, 7, 16 & 50 AND PART LOT 6 CARRADINE ROAD, BEDFORDDALE

Council Policy / Local Law Implications

Local Planning Strategy 2005

Policy – “Subdivision and Structure Planning for Lots with Water Courses in Rural Living and General Rural zones.”

Budget / Financial Implications

Nil.

Consultation

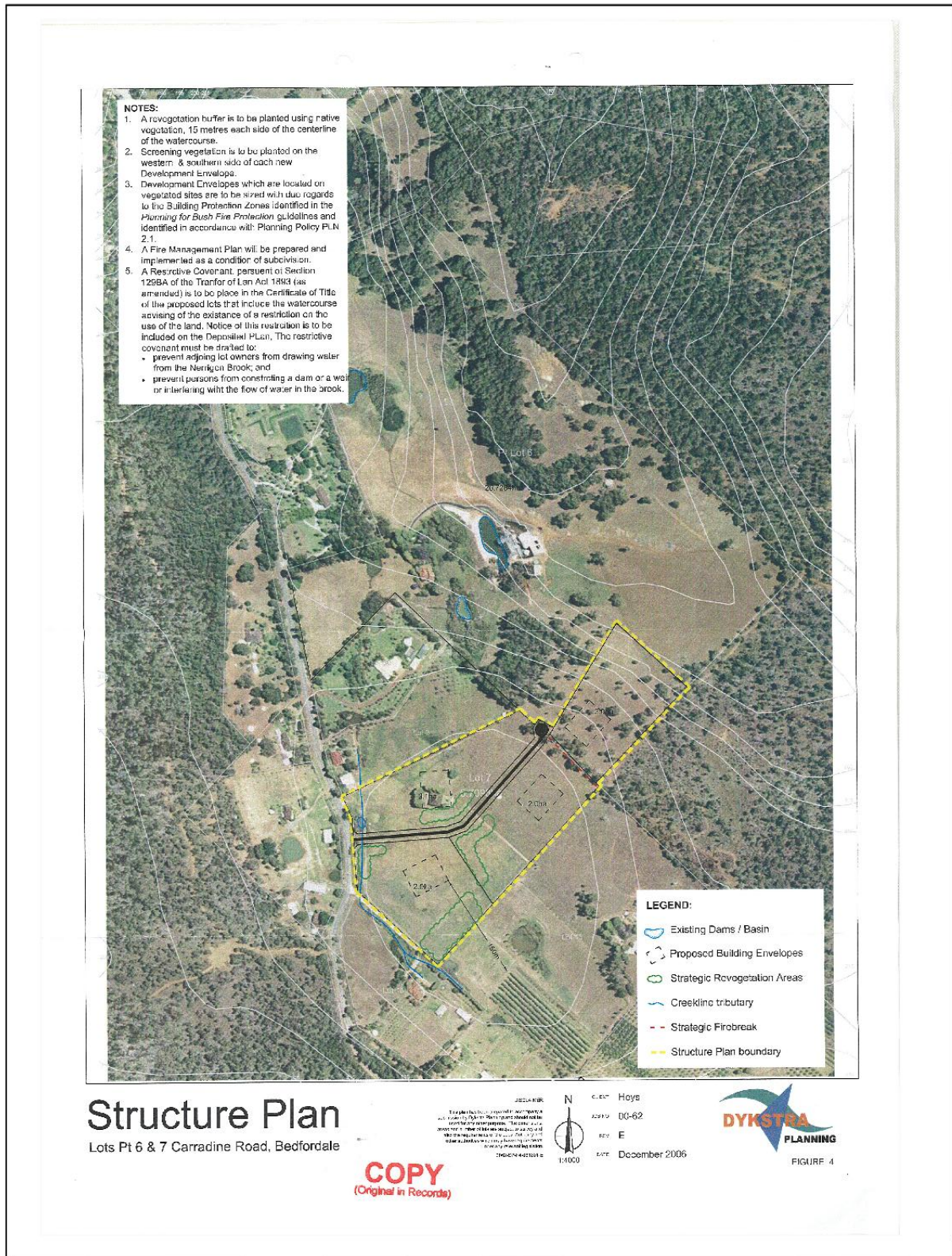
- ◆ Development Control Unit.
- ◆ The Environmental Protection Authority (EPA) advised that the amendment did not warrant an environmental assessment.
- ◆ The WAPC granted its consent to advertise the amendment on 13 March 2007.
- ◆ Advertised for public comment for 42 days.

BACKGROUND

At its April 2006 meeting, Council considered an application to rezone Lot 7 and portion of Lot 6 Carradine Road, Bedforddale and an associated Structure Plan and resolved that the proposed Structure Plan required modification to restrict multiple owner access to the water course (Neerigen Brook) that traversed the subject lots prior to being advised and initiated Amendment No.14.

Council at its November 2006 meeting considered the applicant’s suggested alternative to modifying the Structure Plan design to achieve Council’s Policy objective of minimising water usage of Neerigen Brook. After receiving legal advice on this issue, which confirmed that placement of a restrictive covenant on newly created block titles will achieve the City’s Policy objective of minimising water usage of Neerigen Brook, Council accepted the applicant’s proposal and resolved as follows:

1. *The Structure Plan being modified to include text to require placement of a Restrictive Covenant, pursuant to Section 129BA of the Transfer of Land Act 1893 (as amended) on the Certificate of Title of the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the Deposited Plan. The restrictive covenant must be drafted to:*
 - ◆ *prevent adjoining lot owners from drawing water from the Neerigen Brook; and*
 - ◆ *prevent persons from constructing a dam or a weir or interfering with the flow of the water in the Brook.*
2. *That upon the matters specified in Part (1) above and Part (5) of Council’s 18 April 2006 resolution on the proposed Structure Plan, being included in the Structure Plan documentation, that Council authorises the proposed Structure Plan to be advertised under the provision of Clause 6A.3.5 of Town Planning Scheme No.4 for a period of 42 days, concurrently with Amendment No.14.*



STRUCTURE PLAN - AS AMENDED
 LOT 7 AND PART LOT 6 CARRADINE ROAD, BEDFORDDALE

DETAILS OF PROPOSAL

The applicant lodged an application to rezone Lot 7 and a portion of Lot 6 Carradine Road Bedfordale from ‘Rural Living 4’ (RL4) and ‘Rural Living 10’ (RL10) to ‘Rural Living 2 (RL2)’ and a proposed Structure Plan to allow the subdivision of the land into four lots of 2.0 hectares each. The request was accompanied by a report that included discussion of the planning and site context, land capability information and the rationale for the proposal. The report also included a Structure Plan showing the subdivision pattern and development envelopes for sites where new dwellings could be constructed. The subdivision design on the Structure Plan follows the physical landform, whilst taking into account the existing dwelling located on Lot 7.

The applicant advises that another primary objective of the rezoning and subdivision proposal is to provide Pt Lot 6 with an alternative and more practical road access. This cul-de-sac road could be extended, if the balance of Pt Lot 6 is rezoned and subdivided in the future.

Public Advertising of the Amendment

The proposed amendment and the Structure Plan were advertised for 42 days, closing on 9 May 2007. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, advertisements in the “West Australian” newspaper and local community newspaper and letters to affected and nearby landowners.

Total No. of submissions received	:	7
No. of submissions of conditional support/no objection	:	3
No. of submissions of objection	:	4

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

The issues raised by the submissions have been summarised in Attachment “A1” of the Minutes and responded to as described under Analysis below.

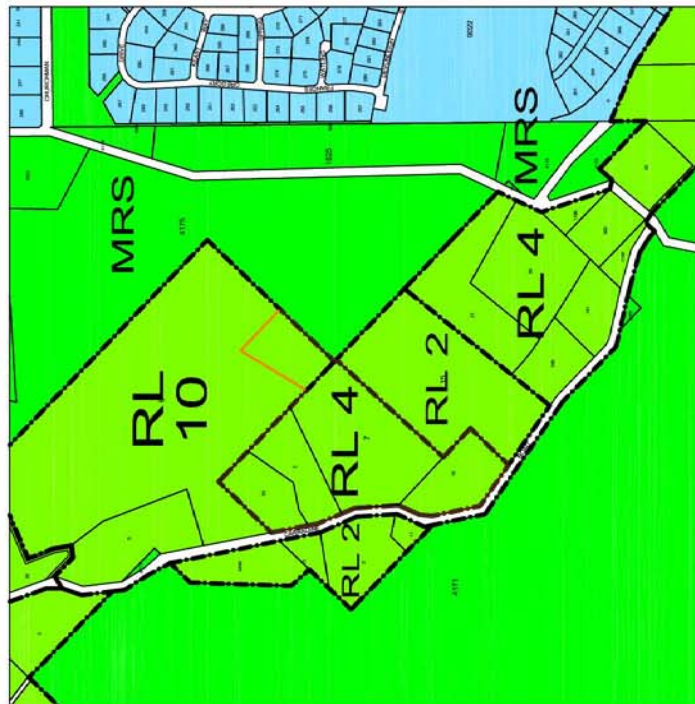
The main issue raised in all four submissions relate to the impact on Neerigen Brook by increased landowner access to the water course as a result of the subdivision as proposed by the Structure Plan.

Issue 1 – Impact on Neerigen Brook

Objection is raised against the proposed development as it will add one more lot with direct access to Neerigen Brook and two more with indirect access and thereby put additional pressure on the creek which is already dry for four months a year.

Some of the abutting landowners abuse Neerigen Brook by running large numbers of impact sprinklers in the middle of the summer and construction of dams across the brook etc. thereby depriving down stream people of water.

**CITY OF ARMADALE
TOWN PLANNING SCHEME No. 4
AMENDMENT No. 14**



SCALE
1 : 10 000



GDA
GEOCENTRIC DATUM OF AUSTRALIA



EXISTING ZONING

PROPOSED ZONING

ZONES		RESERVATIONS		PUBLIC PURPOSE MISCELLANEOUS SUB CATEGORIES	
RESIDENTIAL (Planning Density Codes)	MIXED BUSINESS / RESIDENTIAL	PARKS & RECREATION (Region)	PRIMARY REGIONAL ROADS	CG	Commonwealth Government
URBAN DEVELOPMENT ZONE	DISTRICT CENTRE	PARKS & RECREATION (Local)	OTHER REGIONAL ROADS	TS	Technical School
RURAL LIVING - 1,2,4,10,20,X	LOCAL CENTRE	RAILWAYS	PUBLIC PURPOSE (Region)	PS	High School
GENERAL RURAL	GENERAL INDUSTRY	STATE FOREST	PUBLIC PURPOSE (Local)	H	High School
SPECIAL RESIDENTIAL	INDUSTRIAL BUSINESS	WATERWAYS	PUBLIC PURPOSE (Local)	WSD	Water Authority of WA
	OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING	WATER CATCHMENTS		SU	Special Use
	OUTER EDGE OF SCHEME			SEC	State Energy Commission
				T	Tollbra

RESERVATIONS

NOTE: The reservations are shown diagrammatically and do not purport to show the actual location of the reservations. The State Energy Commission and State Energy Commission should be consulted for more information in respect to road widening requirements for these roads should be obtained from DPI.

Comment

This matter has been investigated by officers of the City to ensure that the proposed subdivision does not result in undue impact on the watercourse. Legal advice was obtained on the enforceability of a Restrictive Covenant “in gross” on the Certificate of Title over land to restrict access to the watercourse in these circumstances.

Such Restrictive Covenants will be drafted to:

- prevent adjoining lot owners from drawing water from the Neerigen Brook: and
- prevent persons from constructing a dam or a weir or interfering with the flow of the water in the Brook.

Recommendation

That the issue is supported in part. The Restrictive Covenants will control the development of new lots to ensure that water draw from properties along the watercourse is minimised.

Issue 2 – New Road Reserve

The new roadside should have adequate screening so it does not become a scar on the landscape and careful attention should be paid to the handling of stormwater runoff.

Comment

The proposed Structure Plan indicates that adequate landscaping/screening will be installed at strategic locations such as along the newly created internal road between the proposed building envelope areas and the existing orchard as a buffer and on the western and southern side of each new development envelope. The applicant has addressed the drainage issue to the satisfaction of the City’s Technical Services.

Recommendation

That the issue be supported in part. It is considered that adequate provisions are in place to address the issues raised by the submission.

COMMENT

Development Control Unit (DCU)

DCU considered the proposal and issues raised in the submissions on 29 May 2007 and as all relevant issues have now been satisfactorily addressed no objections to the proposal was raised.

Bushfire Control

The developer has submitted a Fire Management Plan. The City (Bushfire Officer) accepts the plan as satisfactory. TPS No.4 has existing provisions in Clause 6.7 for “Prime Bushfire Hazard Protection Areas” which are designated on the Special Control Area (SCA) Maps as “Bushfire Protection Areas”. Planning Approval is required for all development of land designated as “Prime Bushfire Hazard Protection Area”, wherein fire protection measures such as design layout and standards/materials of building construction can be assessed and conditioned in any instruments of subdivision or development approval.

Given the comparatively small lot sizes proposed by this rezoning and the measures required in the Fire Management Plan, it is considered appropriate to subject the development to the “Prime Bushfire Hazard Protection Areas” provisions of the Scheme, by designation of the site on SCA Map No.1 as a “Bushfire Protection Area”.

It is also recommended that appropriate provisions be noted in the Structure Plan documentation to ensure that Fire Management Plan requirements are adopted with the Structure Plan.

Planning Department Comments

The subject land is located within a precinct dominated by small rural lots, which are generally between 2.0 to 3.0ha in size and therefore the proposed lot sizes and the land uses under this Amendment are considered consistent with the objectives of the ‘Rural Living’ zone of the City’s TPS No.4.

The Structure Plan has been modified to locate development envelopes to maintain at least a 150 metre separation from the nearest orchard property. The structure plan also incorporates a 40 metre wide vegetation buffer strip as close as practical to the orchard land to capture spray drift from adjacent orchard properties.

Drainage and Nutrient Management techniques proposed to be utilised by the applicant are considered satisfactory by the Technical Services and Health Services of the City.

The applicant has incorporated a number of elements such as additional tree planting and vegetation screening in strategic locations and building envelopes to ensure that the scenic and environmental quality of this area, which is within the “Canning Valley Precinct” is not compromised by the proposed subdivision/development. However, given the open/cleared nature of the properties involved in the Structure Plan, it is suggested that additional provisions relating to the subdividers responsibility of revegetating the site and the prospective owners responsibility of ongoing maintenance of such vegetation should be included in the Structure Plan to ensure protection of the environmental quality of this locality.

The proposed rezoning is consistent with the intent of Council’s Local Planning Strategy and therefore does not compromise Council’s overall vision for the district and more specifically, the vision for the Canns Precinct. The applicant has advised that this proposal has been designed with regard to the statutory and strategic planning expectations whilst ensuring that the development is both functional and compatible with the physical attributes of the site and surrounding areas.

Where the number of lots created via the proposed Structure Plan is small, the City believes that it would be appropriate to identify development envelopes more precisely at this stage, to eliminate work at a later point in time and ensure the building envelopes are reflected on the Structure Plan. As such, dimensions for the development envelopes should be provided, as well as setback distances to boundaries.

Zoning Consistency

The initial application proposed the rezoning of a single lot to “Rural Living 2” in isolation from the similar sized lots surrounding/adjacent to this site which are zoned “Rural Living 4”. As this would result in such lots remaining inconsistent with the Town Planning Scheme No.4 subdivision standards, which is seen as undesirable in terms of zoning consistency, Council decided to include the rest of the similar size allotments in the vicinity (i.e. Lots 50, 3 and 16) in this rezoning.

Provisions need to be applied to the Structure Plan area in Schedule 12 - Development (Structure Planning) Areas of TPS No.4 for fencing, landscaping, dieback management and fire protection/management.

Appropriate Terminology in Structure Plan

It is recommended that the annotations on the Structure Plan, which are described as “Notes” on the current draft, be replaced by the heading “Provisions”. The word “Provisions” more accurately conveys the statutory nature of a Structure Plan and by using appropriate Scheme terminology linking the text to Clause 6A.8.3(e) of TPS No.4. The wording on the Structure Plan also contains several spelling errors, which will need to be corrected.

OPTIONS

1. Council may resolve to adopt the Amendment and Structure Plan with or without modifications and request that the Hon Minister for Planning and Infrastructure grant final approval to the amendment.
2. Council may resolve to not adopt the Amendment and Structure Plan giving reasons and request that the Hon Minister for Planning and Infrastructure refuse to approve the amendment.

CONCLUSION

It is considered that the main issue raised in objecting to the proposal by the submitters will be satisfactorily resolved by the enforcement of the Restrictive Covenant on the Certificate of Titles of the new lots. No other issues have being raised in relation to the Amendment. The subject land is currently used for rural purposes and the lot sizes proposed are consistent with the existing and proposed lot sizes on nearby land. It is recommended that Council resolve to adopt the amendment and the Structure Plan with proposed modifications in accordance with Option 1 above.

Executive Director Development Services advised COMMITTEE of the following additional conditions –

- ◆ *An 8 metre wide pedestrian access way being provided on the Structure Plan map between the proposed cul-de-sac head and the Settlers Common Reserve.*
- ◆ *Modify proposed Provision No.5 on the Structure Plan map to replace the word “adjoining” with the word “any”.*

Accordingly a new Part 5(g) and Part 5(h) were added to the Recommendation.

D62/6/07 RECOMMEND

That Council resolves:

- 1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, with modification, Amendment No.14 to Town Planning Scheme No.4 to:**
 - a) rezone Lots 7, 50, 3 and 16 Carradine Road, Bedforddale from ‘Rural Living 4’ to ‘Rural Living 2’ and a portion of Lot 6 Carradine Road, Bedforddale from ‘Rural Living 10’ to ‘Rural Living 2’;**
 - b) include Lots 7, 50, 3 and 16 Carradine Road, Bedforddale and a portion of Lot 6 Carradine Road, Bedforddale within the ‘Bushfire Protection Area’ on Special Control Area Map No.1;**
 - c) include Lots 7, 50, 3 and 16 Carradine Road, Bedforddale and a portion of Lot 6 Carradine Road, Bedforddale within ‘Development Area (Structure Planning)’ and number in appropriate numerical order on Special Control Area Map No.3;**
 - d) amending the Scheme Maps accordingly;**

- e) insert a new entry into Schedule 12 - Development (Structure Planning) Areas (in appropriate numerical order *) as follows:

No.	Description of Land	Additional Provisions applicable to Subdivision and Development
*	Lots 7, 50, 3 and 16 Carradine Road, Bedforddale and a portion of Lot 6 Carradine Road, Bedforddale Development Area.	<p>*.1 Comprehensive planning for the area shall be undertaken by preparation of a structure plan to guide subdivision and development.</p> <p>*.2 A Fire Management Plan has been adopted as part of this Structure Plan and will need to be implemented by the subdivider before the subdivision of the land. Landowners shall be responsible for ongoing implementation of the Fire Management Plan on their land.</p> <p>*.3 All habitable buildings shall be built in-accordance with Australian Standard 3959 - Construction of Buildings in Bushfire-Prone Areas in-accordance with the adopted Fire Management Plan. Notification on the Titles of all lots will be required at the subdivision stage specifying this requirement.</p> <p>*.4 The subdivider shall landscape and revegetate the areas specified on this Structure Plan prior to the City endorsing a Deposited Plan of subdivision for the creation of new lots. Landowners shall be responsible for ongoing maintenance of the vegetation.</p> <p>*.5 Submission of a Dieback Management Plan that includes controlled access to Settlers Common, fencing, dieback treatment spraying and appropriate signage.</p>

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 and Infrastructure grant final approval to the amendment.
4. Endorse the comments made in this report regarding the submissions received on this scheme Amendment and the Structure Plan for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.
5. Pursuant to Clause 6A.3.7 of Town Planning Scheme No.4, adopt the Structure Plan over Lot 7 and portion of Lot 6 Carradine Road, Bedforddale subject to the following specified modifications being made to the Structure Plan documentation:
 - a) The word “Notes” on the Structure Plan is to be replaced by the word “Provisions”.

- b) **Replace Note 4 on the Structure Plan with a new Provision 4 as follows: “A Fire Management Plan has been adopted as part of this Structure Plan and shall be implemented by the subdivider before the subdivision of the land. Landowners shall be responsible for ongoing implementation of the Fire Management Plan on their land.”**
 - c) **An additional Provision No.6 is to be added to the Structure Plan as follows: “All habitable buildings shall be built in accordance with Australian Standard 3959 - Construction of Buildings in Bushfire-Prone Areas in accordance with the adopted Fire Management Plan. Notification on the Titles of all lots will be required at the subdivision stage specifying this requirement.”**
 - d) **Dimensions and setbacks for the development envelopes being included on the Structure Plan map.**
 - e) **The wording of Provision Nos.1 and 2 shall also include the following: “The subdivider shall landscape and revegetate the areas specified on this Structure Plan prior to the City issuing a clearance to a Deposited Plan of subdivision for the creation of new lots. Landowners shall be responsible for ongoing maintenance of the vegetation and implementation of this Provision.”**
 - f) **An additional Provision No.7 is to be added to the Structure Plan as follows: “The subdivider shall construct uniform rural fencing along the common boundary of the subject land to Armadale Settlers Common to the satisfaction of the City”.**
 - g) **An 8 metre wide pedestrian access way being provided on the Structure Plan map between the proposed cul-de-sac head and the Settlers Common Reserve.**
 - h) **Modify proposed Provision No.5 on the Structure Plan map to replace the word “adjoining” with the word “any”.**
6. **Upon the above modifications being made by the applicant, pursuant to Clause 6A.3.9 of Town Planning Scheme No.4, forward the proposed Structure Plan to the Western Australian Planning Commission for approval under Clause 6A.3.10.**
7. **Advise the submitters and the applicant of its decision.**

MOVED Cr Tizard
MOTION CARRIED (6/0)

Cr Everts returned to the meeting 8.00pm.

CHAIRMAN declared an interest in Proposal No.11 of this Recommendation on the basis that he owns and resides on property in close proximity to the subject site.

Cr Zelones vacated the Chair and left the meeting at 8.01pm.

Deputy Chairman, Cr Hart assumed the Chair.

**PROPOSED AMENDMENT No.35 TO TOWN PLANNING SCHEME NO.4 –
OMNIBUS No.2**

WARD : VARIOUS
DATE : 1 June 2007
REF : JQ/GW/PS
RESPONSIBLE MANAGER : PSM
APPLICANT : N/A
LANDOWNER : Various
SUBJECT LAND : Details in report & attachments
ZONING MRS : Details in report & attachments
TPS No.4

In Brief:

- Amendments are required to TPS No.4 to correct minor errors in the text and maps, to reflect previous Council resolutions and to otherwise improve the Scheme's operational effectiveness.
- Omnibus amendment No.2 consists of 11 proposals in total, including 3 proposals to amend the scheme text and 8 proposals to amend the scheme maps.
- Recommend that Council resolve to initiate an amendment to TPS No.4 to implement various (omnibus) amendments.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit.
- ◆ If initiated, the scheme amendment will undergo a process of advertising for public submissions in accordance with the requirements of the Town Planning Regulations 1967.

BACKGROUND

The City's Town Planning Scheme No.4 (TPS No.4) was gazetted on 4th November 2005. Review of the TPS No.4 prior and subsequent to gazettal has revealed a number of areas where refinements are required to improve the Scheme's operational effectiveness and to otherwise correct minor errors or omissions in the text. The process for implementation of recommended changes is through the Scheme amendment process. A total of eleven (11) proposals have been identified for inclusion in this omnibus amendment to TPS No.4.

The inclusion of minor proposals in omnibus amendments provides an efficient and effective process to amend the Scheme, in terms of the number of proposals, public consultation, the City's resources and reporting to Council.

DETAILS

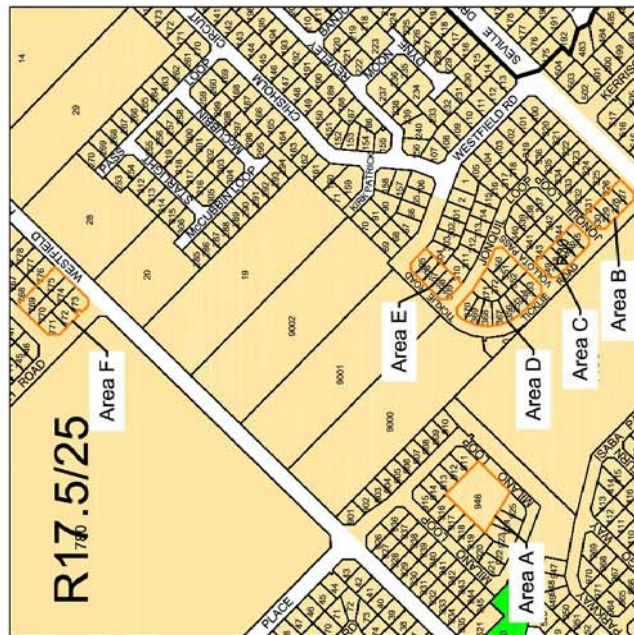
This omnibus amendment consists of eleven (11) proposals to amend the Scheme Maps to correct drafting errors, rezone and re-code land to reflect previous Council resolutions. The proposals are numbered sequentially with specific details of each proposal outlined and considered in the Analysis section of this report.

COMMENT

Development Control Unit (DCU)

At its meeting on 24 May 2007, DCU discussed the proposal and raised no objections to the proposals.

**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35**
(PROPOSAL No. 4 Area A - F)



SCALE
1 : 5 000



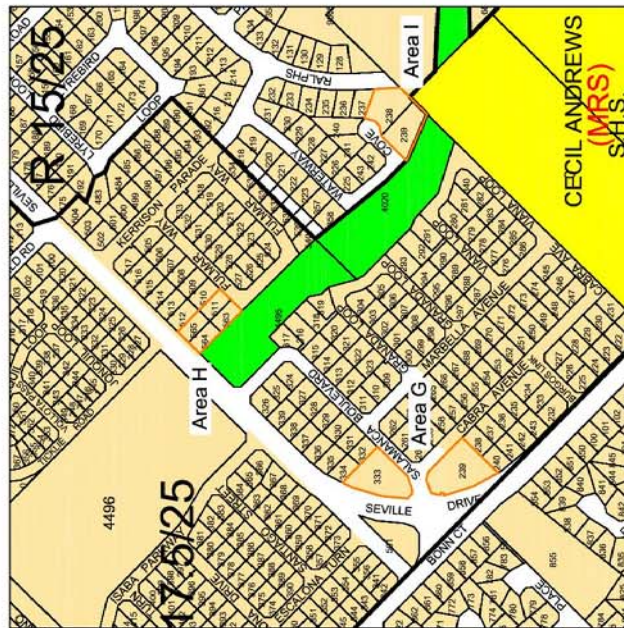
PROPOSED CODING

EXISTING CODING

ZONES		RESERVATIONS	
RESIDENTIAL (including Residential Planning Density Codes)	SPECIAL USE	PRIMARY REGIONAL ROADS	MISCELLANEOUS SUB CATEGORIES
URBAN DEVELOPMENT ZONE	ADDITIONAL USE	OTHER REGIONAL ROADS	Technical School
RURAL LIVING - 1,2,4,10,20-X	RESTRICTED USE	PUBLIC PURPOSE (Region)	High School
GENERAL RURAL	OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING	PUBLIC PURPOSE (Local)	Hospital
SPECIAL RESIDENTIAL	RESIDENTIAL AND RURAL LIVING	STATE FOREST	Health Service District
MIXED BUSINESS / RESIDENTIAL	OUTER EDGE OF SCHEME	WATERWAYS	State Energy Commission
DISTRICT CENTRE		WATER CATCHMENTS	Telstra
LOCAL CENTRE			
GENERAL INDUSTRY			
INDUSTRIAL BUSINESS			

NOTE: The reservations are shown diagrammatically and do not purport to represent the exact reservations shown in the Metropolitan Region State Energy Commission State Energy Commission Telstra

**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35**
(PROPOSAL No. 4 - Area G, H & I)



SCALE
1 : 5 000



EXISTING CODING

PROPOSED CODING

ZONES

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

RESERVATIONS

MRSP	PAKES & RECREATION (Region)	PRIMARY REGIONAL ROADS	CC	PUBLIC PURPOSE
MRSP	PAKES & RECREATION (Local)	OTHER REGIONAL ROADS	HS	MISCELLANEOUS SUB CATEGORIES
MRSP	RAILWAYS	PUBLIC PURPOSE (Region)	PS	Commonwealth Government
MRSP	STATE FOREST	PUBLIC PURPOSE (Local)	H	High School
MRSP	WATERWAYS	NOTE: The reservations are shown diagrammatically and do not purport to represent the reservations shown in the Metropolitan Region Scheme and information in respect to non-wedding requirements for these roads should be obtained from GDA.	W	Primary School
MRSP	WATER CATCHMENTS		SEC	Hospital
			T	Writer Authority of WA
				State Energy Commission
				Telstra

**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35**
(PROPOSAL No. 4 Area J & K)



SCALE
1 : 5 000



EXISTING CODING

ZONES

	RESIDENTIAL including Residential Planning Density Codes
	MIXED BUSINESS / RESIDENTIAL
	URBAN DEVELOPMENT ZONE
	RURAL LIVING - 1,2,4,10,20, X
	GENERAL RURAL
	SPECIAL RESIDENTIAL
	DISTRICT CENTRE
	LOCAL CENTRE
	GENERAL INDUSTRY
	INDUSTRIAL BUSINESS

	SPECIAL USE No.1
	ADDITIONAL USE No.7
	RESTRICTED USE RU No.2
	OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING
	OUTER EDGE OF SCHEME

RESERVATIONS

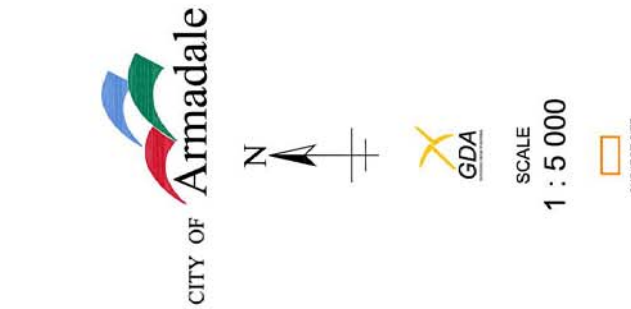
	PARKS & RECREATION (Region)
	PARKS & RECREATION (Local)
	RAILWAYS
	STATE FOREST
	WATERWAYS
	WATER CATCHMENTS

PUBLIC PURPOSE RESERVATIONS SUB CATEGORIES

CG	Community Government
TS	Technical School
HS	High School
PS	Primary School
H	Hospital
RD	Road
SU	State University of WA
SEC	State Energy Commission
T	Telstra

NOTE: The reservations are shown diagrammatically and do not purport to represent the exact reservations shown in the Metropolitan Region Planning Scheme. For more information regarding requirements for these roads should be obtained from UPA.

PROPOSED CODING



PROPOSED CODING

**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35**
(PROPOSAL No. 4 - Area L)



EXISTING CODING



PROPOSED CODING



SCALE
1 : 5 000



ZONES

	RESIDENTIAL Including Residential Planning Density Codes		SPECIAL USE
	MIXED BUSINESS / RESIDENTIAL		ADDITIONAL USE
	DISTRICT CENTRE		RESTRICTED USE
	LOCAL CENTRE		OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING
	GENERAL RURAL		OUTER EDGE OF SCHEME
	SPECIAL RESIDENTIAL		

RESERVATIONS

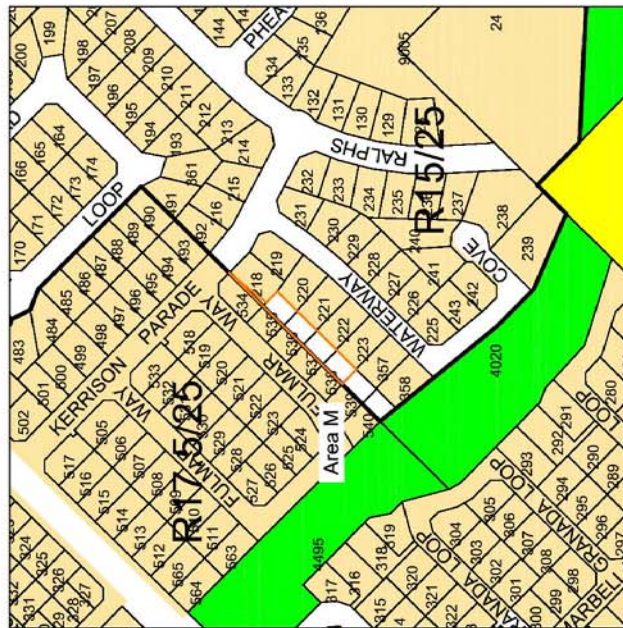
	PARKS & RECREATION (Region)		PRIMARY REGIONAL ROADS
	PARKS & RECREATION (Local)		OTHER REGIONAL ROADS
	RAILWAYS		PUBLIC PURPOSE (Region)
	STATE FOREST		PUBLIC PURPOSE (Local)
	WATERWAYS		
	WATER CATCHMENTS		

MISCELLANEOUS SUB CATEGORIES

	Public Purpose		Community Government
	Public Purpose		High School
	Public Purpose		Primary School
	Public Purpose		Hospital
	Public Purpose		Water Authority of WA
	Public Purpose		State Energy Commission
	Public Purpose		Teletsa

NOTE: The reservations are shown diagrammatically and do not purport to represent the reservations shown in the Metropolitan Region Planning Scheme. Reservations are subject to the requirements of the Metropolitan Region Planning Scheme and the requirements of the State Energy Commission. Reservations should be obtained from GDA.

**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35**
(PROPOSAL No. 4 - Area M)



EXISTING ZONING / CODING



PROPOSED ZONING / CODING



SCALE
1 : 3 000

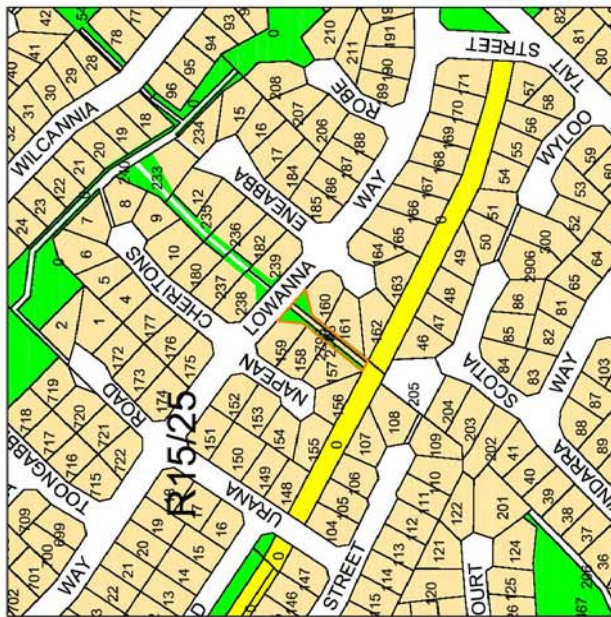


ZONES	
	RESIDENTIAL Codes
	MIXED BUSINESS / RESIDENTIAL
	DISTRICT CENTRE
	LOCAL CENTRE
	GENERAL RURAL
	SPECIAL RESIDENTIAL
	RURAL LIVING - 1,2,4,10,20,X
	GENERAL INDUSTRY
	INDUSTRIAL BUSINESS
	SPECIAL USE No.1
	ADDITIONAL USE No.7
	RU No.2
	RESTRICTED USE
	OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL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

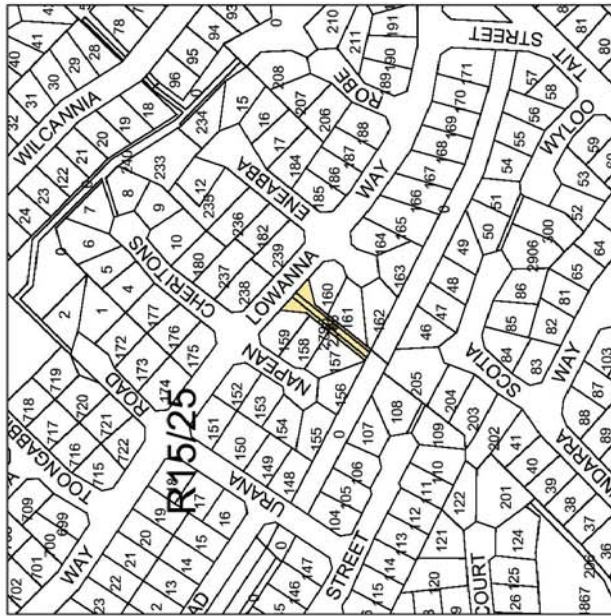
RESERVATIONS	
	MRS
	PARKS & RECREATION (Region)
	PARKS & RECREATION (Local)
	RAILWAYS
	STATE FOREST
	WATERWAYS
	WATER CATCHMENTS
	PRIMARY REGIONAL ROADS
	OTHER REGIONAL ROADS
	PUBLIC PURPOSE (Region)
	PUBLIC PURPOSE (Local)
	MISCELLANEOUS SUB-CATEGORIES
	Community School
	High School
	Primary School
	Hospital
	Water Authority of WA
	Road Symbol
	State Energy Commission
	Telstra

NOTE: The reservations are shown diagrammatically and do not purport to represent the reservations shown in the Metropolitan Region. The reservations shown in the Metropolitan Region are subject to the requirements of the Metropolitan Region Act 1995. These reservations should be obtained from GDA.

**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35**
(PROPOSAL No. 5)



EXISTING ZONING



PROPOSED ZONING



SCALE
1 : 3 000



ZONES

	RESIDENTIAL Including Residential Planning Density Codes		MIXED BUSINESS / RESIDENTIAL		SPECIAL USE
	URBAN DEVELOPMENT ZONE		DISTRICT CENTRE		ADDITIONAL USE
	RURAL LIVING - 1,2,4,10,20,X		LOCAL CENTRE		RESTRICTED USE
	GENERAL RURAL		GENERAL INDUSTRY		OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING
	SPECIAL RESIDENTIAL		INDUSTRIAL BUSINESS		OUTER EDGE OF SCHEME

RESERVATIONS

	PRIMARY REGIONAL ROADS		MISCELLANEOUS SUB CATEGORIES
	OTHER REGIONAL ROADS		Commonwealth Government
	RAILWAYS		Technical School
	STATE FOREST		High School
	WATERWAYS		Primary School
	WATER CATCHMENTS		Hospital

ZONES

	CG		WSD
	TS		SU
	HS		SEC
	H		F

PUBLIC PURPOSE

	PUBLIC PURPOSE (Region)
	PUBLIC PURPOSE (Local)

NOTE: The reservations are shown diagrammatically and do not purport to show the actual location of any reservation. Scheme and information in respect of road widening requirements for these roads should be obtained from DMR.

**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35**
(PROPOSAL No. 6)



SCALE
1 : 3 000



EXISTING CODING



PROPOSED CODING

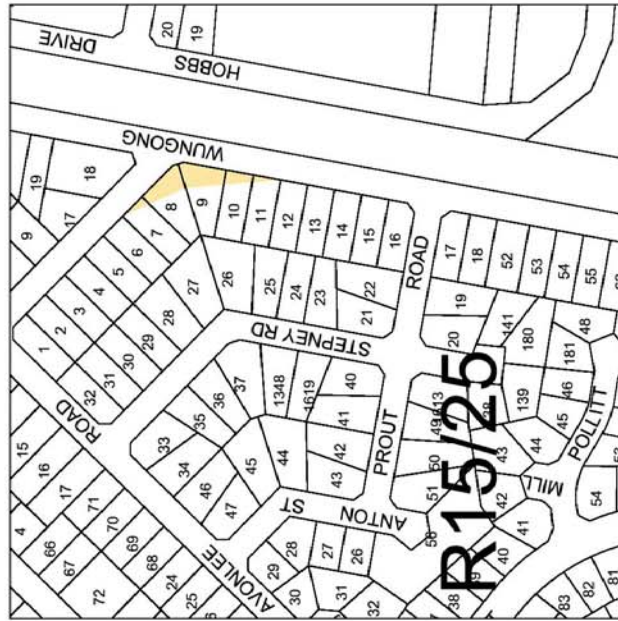


NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Planning Scheme and associated in respect of the road reservations for the subject site shown in the Metropolitan Region Planning Scheme.

**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35
(PROPOSAL No. 7)**



EXISTING ZONING



PROPOSED ZONING



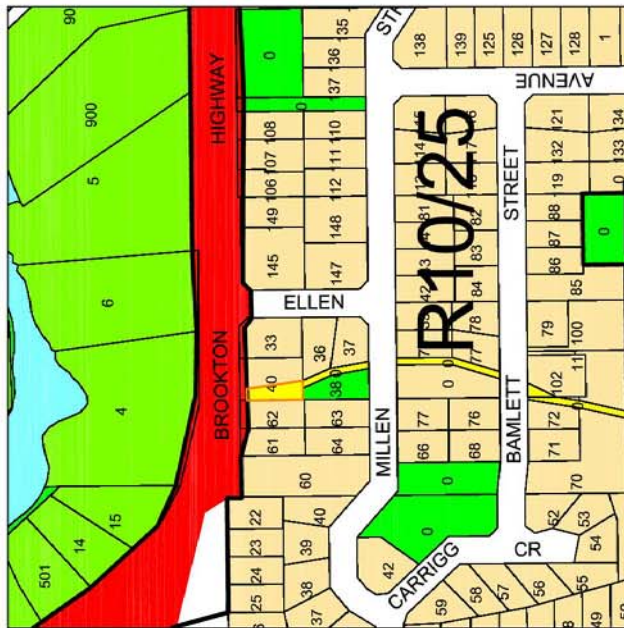
SCALE
1 : 3 000



ZONES	RESERVATIONS	PUBLIC PURPOSE MISCELLANEOUS SUB CATEGORIES
<ul style="list-style-type: none"> RESIDENTIAL MIXED BUSINESS / RESIDENTIAL URBAN DEVELOPMENT ZONE DISTRICT CENTRE LOCAL CENTRE GENERAL RURAL SPECIAL RESIDENTIAL RURAL LIVING - 1,2,4,10,20,X RESTRICTED USE OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING OUTER EDGE OF SCHEME SPECIAL USE ADDITIONAL USE RU No.2 	<ul style="list-style-type: none"> PIPS PARKS & RECREATION (Region) PARKS & RECREATION (Local) RAILWAYS STATE FOREST WATERWAYS WATER CATCHMENTS PRIMARY REGIONAL ROADS OTHER REGIONAL ROADS PUBLIC PURPOSE (Region) PUBLIC PURPOSE (Local) 	<ul style="list-style-type: none"> CG TS HS PS H WSD SP SEFC T

NOTE: The reservations are shown approximately and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from EPA.

CITY OF ARMADALE TOWN PLANNING SCHEME No. 4 AMENDMENT No. 35 (PROPOSAL No. 8)



SCALE
1 : 3 000



EXISTING ZONING

PROPOSED ZONING

RESIDENTIAL		SPECIAL USE	
RESIDENTIAL Codes	RESIDENTIAL AND RURAL LIVING	No.1	SPECIAL USE
MIXED BUSINESS / RESIDENTIAL	OUTER EDGE OF SCHEME	No.7	ADDITIONAL USE
URBAN DEVELOPMENT ZONE		RU No.2	RESTRICTED USE
RURAL LIVING - 1,2,4,10,20,X			OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING
GENERAL RURAL			
SPECIAL RESIDENTIAL			

RESERVATIONS	
MRSP	PRIMARY REGIONAL ROADS
MRSP	OTHER REGIONAL ROADS
MRSP	RAILWAYS
MRSP	STATE FOREST
MRSP	WATERWAYS
MRSP	WATER CATCHMENTS
MRSP	PARKS & RECREATION (Region)
MRSP	PARKS & RECREATION (Local)
MRSP	PUBLIC PURPOSE (Region)
MRSP	PUBLIC PURPOSE (Local)
MRSP	NOTE: The reservations are shown diagrammatically and do not purport to represent the actual reservations shown in the Metropolitan Region Scheme and information in respect to current reservation requirements for these roads should be obtained from EPA.

PUBLIC PURPOSE MISCELLANEOUS SUB CATEGORIES	
CS	Commonwealth Government
HS	High School
PS	Primary School
H	Hospital
WD	Water Authority of WA
WSD	Water Supply Department
SEC	State Electricity Commission
T	Telestra

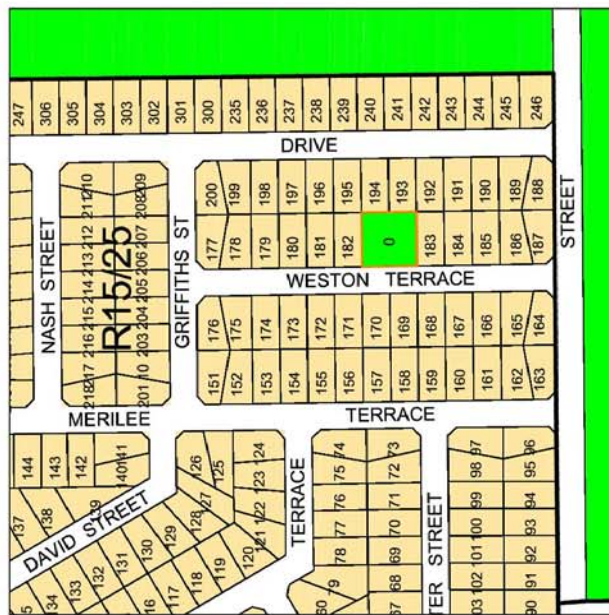
**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35**
(PROPOSAL No. 9)



SCALE
1 : 3 000



PROPOSED ZONING



EXISTING ZONING

ZONES		RESERVATIONS		PUBLIC PURPOSE MISCELLANEOUS SUB CATEGORIES	
	RESIDENTIAL Including Residential Planning Density Codes		PARKS & RECREATION (Region)		CG Commonwealth Government
	MIXED BUSINESS / RESIDENTIAL		OTHER REGIONAL ROADS		TS Technical School
	DISTRICT CENTRE		PUBLIC PURPOSE (Region)		PS Primary School
	LOCAL CENTRE		PUBLIC PURPOSE (Local)		H Hospital
	URBAN DEVELOPMENT ZONE		WATERWAYS		WSD Water Authority of WA
	RURAL LIVING - 1,2,4,10,20,X		WATER CATCHMENTS		Special Use
	GENERAL RURAL				SDC Special Development Code in Residential and Rural Living
	GENERAL INDUSTRIAL				Y Energy Commission
	SPECIAL RESIDENTIAL				T Telstra
	INDUSTRIAL BUSINESS				
	SPECIAL USE				
	ADDITIONAL USE				
	RESTRICTED USE				
	OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING				
	OUTER EDGE OF SCHEME				

NOTE: The reservations are subject to the conditions of use and support to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for other roads should be obtained from DPA.

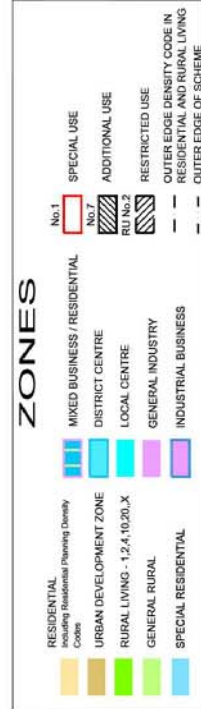
**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35**
(PROPOSAL No. 10)



SCALE
1 : 4 000



EXISTING ZONING



PROPOSED ZONING



RESERVATIONS

NOTE: The road names are shown for information only and do not represent the actual road names in the field. The map is for information only and does not constitute an offer of land. The map is for information only and does not constitute an offer of land. The map is for information only and does not constitute an offer of land.

**CITY OF ARMADALE TOWN PLANNING SCHEME No. 4
AMENDMENT No. 35
(PROPOSAL No. 11)**



SCALE
1 : 3 000



EXISTING ZONING

PROPOSED ZONING

ZONES

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

RESERVATIONS

PARKS & RECREATION (Region)	PRIMARY REGIONAL ROADS	PUBLIC PURPOSE MISCELLANEOUS SUB CATEGORIES
PARKS & RECREATION (Local)	OTHER REGIONAL ROADS	Commonwealth Government
RAILWAYS	PUBLIC PURPOSE (Region)	CG Public School
STATE FOREST	PUBLIC PURPOSE (Local)	HS High School
WATERWAYS	NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and are subject to the most up-to-date planning requirements for such roads shown on the Metropolitan Region Scheme.	H Hospital
WATER CATCHMENTS		WSD Water Authority of WA
		SEC State Energy Commission
		T Telstra

ANALYSIS

Amendments to the Scheme Text

Proposal 1 – Modifications to Schedule 6 - “Form of Application for Planning Approval”

The Western Australian Planning Commission’s Model Scheme Text includes a Schedule 6 – Form of application for planning approval, which local governments are required to include in their Town Planning Scheme and use as their application form. Schedule 6 of the City’s Town Planning Scheme (TPS) No.4 is largely consistent with Schedule 6 in the Model Scheme Text and is the City’s prescribed application form applicants are required to complete to apply for planning approval.

The Model Scheme Text includes an incorrect section title that confuses applicants and the City often receives application forms that are incomplete, which delays the processing of applications and requires additional resources to resolve. This proposal includes three (3) text changes to Schedule 6 to ensure the City receives appropriate and sufficient information required for assessment of development and use applications. These modifications are as follows:

1. Deleting the word “EXISTING” from the heading “EXISTING BUILDING/LAND USE” as this section refers to both existing and current activities;
2. Insert additional text under the title of “Application for Planning Approval” as follows: “Applicants are required to complete and submit all relevant checklists and pay the required fees as set out in the City’s Schedule of Fees and Charges. Incomplete applications will be returned to the applicant.”; and
3. Insert a sentence at the bottom of the form as follows: “The applicant acknowledges and accepts when lodging this application form, that the City may advertise, copy and/or reproduce any supporting plans and documentation submitted as part of this application.”

It is important for the City to receive completed application forms and fees to ensure that the City has sufficient information to process applications and that the City’s processing of applications is not delayed or require additional resources.

Proposal 2 – Schedule 12 – Development (Structure Planning) Areas - Development Area No.11

Council at its meeting of 15 January 2007 (D3/01/07) resolved the following:

Include in the next omnibus amendment to TPS No.4 a new provision for Schedule 12, Development Area No.11 establishing that:

- a) “11.3 No lot with a common boundary on the dedicated road reserve to Churchman Brook Road shall be permitted where it would have an area of less than 5000m².”
- b) “11.4 All Structure Plans shall include land capability and servicing assessments for the proposed lots undertaken at the landowner’s cost and to the standard determined by the City”.

This proposal limits lots adjoining Churchman Brook Road to have an area of 5000m². The structure planning in the Special Residential area has undergone a number of revisions over the last ten years of development. Subdivision of smaller lots and street frontages onto the distributor road may be acceptable, however they must be cognisant of traffic and safety issues. The proposal sets an appropriate minimum lot size given the changes that have occurred on surrounding land.

Proposal 3 – Modification to Schedule 3 - Restricted Uses

A number of properties that are included in the Restricted Use No.1 area on the Scheme Map have been omitted from Schedule 3 of the Scheme Text. This proposal involves listing the following affected properties under the “Description of Land” column of Schedule 3 for Restricted Use No.1 to reflect the Scheme Map:

1. Lot 59 (No.2913) Albany Highway, Kelmscott;
2. Lot 12 (No.2917) Albany Highway, Kelmscott;
3. Lot 116 (No.2921) Albany Highway, Kelmscott;
4. Lot 115 (No.2925) Albany Highway, Kelmscott; and
5. Lot 82 (No.1) Ottaway Street, Kelmscott.

Amendments to the Scheme Map

Proposals 4 – Recode Various Lots Identified in Structure Plan Area No.3 – A14 Structure Plan

This proposal involves recoding properties identified in Development Area No.3 – A14 Structure Plan on the City’s Town Planning Scheme Map No.4. Under Clause 5.2.4(e) of TPS No.4, the coding referenced on an adopted structure plan prevails over the Scheme Map to the extent of any inconsistency. The purpose of this amendment is to recode the subject lots from either “R15/25” or “R17.5/25” to either “R30” or “R40” under TPS No.4 to reflect the prevailing density coding identified on the A14 Structure Plan. It is also proposed to correct some land that is “unzoned” in TPS No.4. These changes will assist in ensuring that members of the public are aware of what the land is coded and avoid misunderstandings.

The recoding of lots within the A14 Structure Plan, include the following properties:

- Area A - Lot 946 Milano Loop, Seville Grove from “R15/25” to “R40”;
- Area B - Lots 327 to 330 Ticklie Road, Seville Grove from “R15/25” to “R30”;
- Area C - Lots 345 to 349 Ticklie Road, Seville Grove from “R15/25” to “R30”;
- Area D - Lots 353 to 356, 367 to 370 Ticklie Road, Lots 350 to 352 Vallota Pass, Seville Grove and Lots 371 and 372 Jonquil Loop, Seville Grove from “R15/25” to “R30”;
- Area E - Lots 305 to 309 Ticklie Road, Seville Grove from “R15/25” to “R30”;
- Area F - Lots 772 and 773 Edinburgh Road, Seville Grove, Lots 744 and 745 Westfield Road and Lots 769 to 771 Glasgow Way, Seville Grove from “R15/25” to “R30”;
- Area G - Lot 239 Cabra Avenue and Lot 333 Salamanca Boulevard, Seville Grove from “R17.5/25” to “R40”;

- Area H - Lots 564 and 565 Seville Drive and Lots 511 and Lot 563 Fulmar Way, Seville Grove from “R17.5/25” to “R30”;
- Area I - Lots 238 and 239 Waterway Cove, Seville Grove from “R15/25” to “R30”;
- Area J - Lot 10 Braemore Street, Seville Grove from “R15/25” to “R30”;
- Area K - Lot 31 Braemore Street, Seville Grove from “R15/25” to “R40”;
- Area L - Lots 539 and 540 Fulmar Way have split zones and density codes that include “Residential R17.5/25” and “Unzoned R15/25”. Lots 357 and 358 Waterway Cove, Seville Grove are currently zoned “Residential R15/25”.
This proposal involves rezoning and recoding Lots 539 and 540 Fulmar Way from “Residential R17.5/25” and “Unzoned R15/25” to “Residential R30” and recoding Lots 357 and 358 Waterway Cove, Seville Grove from “R15/25” to “R30”;
- Area M - Lots 535 to 538 Fulmar Way and Lot 534 Kerrison Parade, Seville Grove have split zones and density codes that include “Residential R17.5/25” and “Unzoned R15/25”.
This proposal involves rezoning and recoding Lots 535 to 538 Fulmar Way and Lot 534 Kerrison Parade, Seville Grove from “Residential R17.5/25” and “Unzoned R15/25” to “Residential R17.5/25”.

Proposal 5 – Former Pedestrian Accessways (PAW) and Public Open Space (POS) Network between Lowanna Way, Armadale and Reserve 32576

This proposal pertains to Council’s ongoing land rationalisation of Pedestrian Accessways (PAW) and adjoining Public Open Space (POS). In April 2001 (D91/01), Council resolved to close and dispose of portions of PAW’s and associated sections of public open space (POS) between Morgan Park and Wilcannia Way, Armadale.

Council at its meeting of 10 October 2006 resolved to rezone portions of the PAW and POS between Lowanna Way and Reserve 34049 from “Unzoned” and “Parks and Recreation (Local)” to “Residential”. The rezoning was consistent with that of the adjoining lots, which at the time were amalgamated with adjoining land.

This proposal involves rezoning the “Unzoned” portions of the PAW and associated sections of POS Reserve 34049 that are reserved for “Parks and Recreation (Local)” between Lowanna Way and Reserve 32576 to “Residential”. The land is already coded R15/25 in Town Planning Scheme No.4. This proposed rezoning will allow the PAW and the POS reserve to be closed and disposed of as already approved by Council.

Proposal 6 – Recode Lots 29 and 62 Ashworth Way, Brookdale – A16 Structure Plan

The City resolved to revoke part of A16 Structure Plan in accordance with Clause 6A.4.4(a) of the Scheme as the land has been subdivided and developed. However, Lots 29 (No.24) and Lot 62 (No.2) Ashworth Way, Brookdale are currently coded “R30/R40” under the A16 Structure Plan, however the City’s Scheme Map codes these lots as “R20”.

Under Clause 5.2.4(e) of TPS No.4, the coding referenced on an adopted structure plan prevails over the Scheme Map to the extent of any inconsistency. The purpose of this proposal is to rezone Lot 29 (No.24) and Lot 62 (No.2) Ashworth Way, Brookdale to “R40” under TPS No.4 to reflect the density coding identified within A16 Structure Plan that applies to the land. This proposal will assist in ensuring that members of the public are aware of the coding and avoid misunderstandings.

Proposal 7 – Portion of Unzoned Land along Wungong Road & Seventh Road, Armadale

This proposal aims to correct a drafting error in TPS No.4, by rezoning portions of the lots listed below that are currently “Unzoned”. The balance of the lots are zoned “Residential R15/25”. The proposal involves rezoning the portion of “Unzoned” land to “Residential”. The lots are already coded R15/25.

- Lot 11, No.35 Wungong Road, Armadale;
- Lot 10, No.33 Wungong Road, Armadale;
- Lot 9, No.31 Wungong Road, Armadale;
- Lot 8, No.4 Seventh Road, Armadale; and
- Lot 7, No.6 Seventh Road, Armadale.

The portions of land on each of the above lots that are unzoned in TPS No.4 are used for residential purposes and should therefore be included within the Residential zone.

Proposal 8 – Rezone a Portion of Lot 40 (No.73) Brookton Highway, Mt Nasura

The proposal is to rezone a portion of Lot 40 (No.73) Brookton Highway, Mt Nasura from “Public Purpose” to “Residential”. The land is already coded R10/25 in TPS No.4. The subject lot is a 1384m² privately owned and occupied residential property that has been developed with a single residential dwelling. The portion of the subject lot that is currently zoned “Public Purpose” is located adjacent to the dividing boundary of Lot 62 (No.71) Brookton Highway, Mt Nasura. The proposed rezoning is consistent with the residential zoning of adjacent lots and the existing development on the subject lot.

Proposal 9 – Rezone Reserve 30173 Weston Terrace, Kelmscott to Residential zone

Council at its meeting of 1 November 1999 resolved to initiate a Public Open Space (POS) Strategy as a part of the City’s public open space land rationalisation. The purpose of the Strategy was to provide a holistic approach to the provision of Public Open Space throughout the City. The City was divided into precincts and progressed in a staged manner.

Reserve 30173 Weston Terrace, Kelmscott is a Recreation Reserve vested in the City of Armadale and is approximately 1645m². The Reserve was identified for disposal as part of Stage 5 of the City’s POS Strategy. The proposal was advertised for public comment between 16 May 2003 to 27 June 2003.

Council at its meeting dated 12 January 2004, resolved by absolute majority to cancel and sell Reserve 30173. However, the land was not rezoned to Residential as part of the gazettal of TPS No.4.

This proposal is consistent with Council's resolution of the 12 January 2004. This proposal involves rezoning Reserve 30173 from "Parks and Recreation (Local)" to "Residential". The proposed zone is consistent with the surrounding properties. The land is already coded R15/25.

Proposal 10 – Rezoning of a Portion of Lot 100 (No.19) Wygonda Road, Roleystone

This proposal involves rezoning a portion of Lot 100 (No.19) Wygonda Road, Roleystone that is currently zoned "Parks and Recreation (Local)". The subject lot has a total area of 8.1 hectares and is bound by Andreas Road to the north, Jarrah Road to the east and Wygonda Road to the south of the lot.

Lot 100 (No.19) Wygonda Road, Roleystone was previously zoned "Residential R5" under Town Planning Scheme No.2. The north-western portion of the lot is leased by the City and developed with residential dwellings that are occupied by an aged care service. The subject land was inadvertently rezoned to "Parks and Recreation (local)" at gazettal of Town Planning Scheme No.4.

The subject area occupies 1 hectare of the total area of Lot 100 (No.19) Wygonda Road, Roleystone, which contains the portion of the lot developed with residential dwellings. It is proposed this 1 hectare area be rezoned from "Parks and Recreation (Local)" to "Residential", which is consistent with the residential use of the land.

Proposal 11 – Rezone Reserve 29003 along Foster Road, Kelmscott

This proposal involves rezoning the portion of Reserve 29003 currently zoned "Residential" to "Parks and Recreation (Local)". The City's Public Open Space Strategy, initiated by Council in 1999, presented a land rationalisation of open space located within the City of Armadale.

Reserve 29003 is located within the Canning River and Foothills Precinct Area (No.2). The recommendations of the Strategy propose to retain Reserve 29003. The Reserve is identified within the Strategy as having good surveillance and access, uneconomic maintenance size, however being well located to service the community needs.

Reserve 29003 has an area of 3145m² and is situated at the intersection of Foster Road and Schruth Street North. The Reserve is vested in the City of Armadale and currently reserved for "Parks and Recreation (Local)" and a portion zoned "Residential" under the City's TPS No.4.

The portion of Reserve 29003 that is zoned "Parks and Recreation (Local)" is positioned at the north-eastern corner of the site. This proposal involves rezoning the remainder of the lot that is currently zoned "Residential" to "Parks and Recreation (Local)", which is consistent with the retention of the land for recreational purposes and the City's *Public Open Space Strategy*.

OPTIONS

1. Council may resolve to initiate the Scheme (Omnibus) Amendment as proposed.
2. Council may resolve to initiate the Scheme (Omnibus) Amendment with modifications and/or add additional proposals.
3. Council may decline the initiation of the Scheme Amendment for any reason.

CONCLUSION

Various proposals within this omnibus amendment will correct minor errors in the Scheme Text and Maps to ensure that the Scheme remains accurate. Other proposals are necessary to improve the operational efficiency and functionality of the Scheme or to otherwise reflect previous Council resolutions. It is therefore recommended that the Council resolve to initiate the proposed amendment in accordance with Option 1.

D63/6/07 **RECOMMEND**
D63A/6/07

That Council:

Pursuant to Part 5 of the *Planning and Development Act 2005*, resolves to initiate Amendment No.35 to Town Planning Scheme No.4 to implement various (omnibus) amendments as follows:

Proposal 11

Rezone a portion of Reserve 29003 Foster Road, Kelmscott from “Residential” zone to “Parks and Residential (Local)” reserve and the Scheme Maps be amended accordingly.

MOVED Cr Tizard that Proposal 11 be adopted.
MOTION CARRIED (6/0)

Cr Hart vacated the Chair.

Cr Zelones returned to the meeting at 8.04pm and resumed the Chair.

D63B/6/07 **Proposal 1**

- i) Delete the word “EXISTING” from the section heading “EXISTING BUILDING/LAND USE” of Schedule 6 – Form of Application for Planning Approval so it reads “BUILDING/LAND USE”;**
- ii) Insert additional text on Schedule 6 under the title “Application for Planning Approval” as follows: “Applicants are required to complete and submit all relevant checklists and pay the required fees as set out in the City’s Schedule of Fees and Charges. Incomplete applications will be returned to the applicant.”; and**

- iii) **Insert a sentence at the bottom of Schedule 6 as follows: “The applicant acknowledges and accepts when lodging this application form, that the City may advertise, copy and/or reproduce any supporting plans and documentation submitted as part of this application.”**

Proposal 2

Include new provisions for Development Area No.11 in Schedule 12 – Development (Structure Planning) Areas as follows:

- i) **“11.3 No lot with a common boundary on the dedicated road reserve to Churchman Brook Road shall be permitted where it would have an area of less than 5000m².”**
- ii) **“11.4 All Structure Plans shall include land capability and servicing assessments for proposed lots undertaken at the landowner’s cost and to the standard determined by the City.”**

Proposal 3

Insert the following property details under the “Description of Land” column of Schedule 3 (Restricted Uses) for Restricted Use No.1 as follows:

**“Lot 59 (No.2913) Albany Highway, Kelmscott;
Lot 12 (No.2917) Albany Highway, Kelmscott;
Lot 116 (No.2921) Albany Highway, Kelmscott;
Lot 115 (No.2925) Albany Highway, Kelmscott; and
Lot 82 (No.1) Ottaway Street, Kelmscott.”**

Proposal 4

Amend the Scheme Maps as follows:

- i) **Recode Lot 946 Milano Loop, Seville Grove from “R15/25” to “R40”;**
- ii) **Recode Lots 327 to 330 Ticklie Road, Seville Grove from “R15/25” to “R30”;**
- iii) **Recode Lots 345 to 349 Ticklie Road, Seville Grove from “R15/25” to “R30”;**
- iv) **Recode Lots 353 to 356 and Lots 367 to 370 Ticklie Road, Lots 350 to 352 Vallota Pass, Seville Grove and Lots 371 and 372 Jonquil Loop, Seville Grove from “R15/25” to “R30”;**
- v) **Recode Lots 305 to 309 Ticklie Road, Seville Grove from “R15/25” to “R30”;**

- vi) **Recode Lots 772 and 773 Edinburgh Road, Seville Grove, Lots 744 and 745 Westfield Road and Lots 769 and 771 Glasgow Way, Seville Grove from “R15/25” to “R30”;**
- vii) **Recode Lot 239 Cabra Avenue and Lot 333 Salamanca Boulevard, Seville Grove from “R17.5/25” to “R40”;**
- viii) **Recode Lots 564 and 565 Seville Drive and Lots 511 and Lot 563 Fulmar Way, Seville Grove from “R17.5/25” to “R30”;**
- ix) **Recode Lots 238 and 239 Waterway Cove, Seville Grove from “R15/25” to “R30”;**
- x) **Recode Lot 10 Braemore Street, Seville Grove from “R15/25” to “R30”;**
- xi) **Recode Lot 31 Braemore Street, Seville Grove from “R15/25” to “R40”;**
- xii) **Rezoning and recoding Lots 539 and 540 Fulmar Way from “Residential R17.5/25” and “Unzoned R15/25” to “Residential R30” and recoding Lots 357 and 358 Waterway Cove, Seville Grove from “R15/25” to “R30”; and**
- xiii) **Rezoning and recoding Lots 535 to 538 Fulmar Way and Lot 534 Kerrison Parade, Seville Grove from “Residential R17.5/25” and “Unzoned R15/25” to “Residential R17.5/25”.**

Proposal 5

Rezone the Pedestrian Access Way from “Unzoned” and adjoining sections of Public Open Space Reserve 34049 from “Parks and Recreation (Local)” reserve located between Lowanna Way and Reserve 32576 to “Residential” zone and the Scheme Maps be amended accordingly.

Proposal 6

Amend the Scheme Maps as follows:

- i) **Recode Lot 29 (No.24) Ashworth Way, Brookdale from “R20” to “R40”; and**
- ii) **Recode Lot 62 (No.2) Ashworth Way, Brookdale from “R20” to “R40”.**

Proposal 7

Amend the Scheme Maps as follows:

- i) Rezone the unzoned portion of Lot 11 (No.35) Wungong Road, Armadale to “Residential” zone;**
- ii) Rezone the unzoned portion of Lot 10 (No.33) Wungong Road, Armadale to “Residential” zone;**
- iii) Rezone the unzoned portion of Lot 9 (No.31) Wungong Road, Armadale to “Residential” zone;**
- iv) Rezone the unzoned portion of Lot 8 (No.4) Seventh Road, Armadale to “Residential” zone; and**
- v) Rezone the unzoned portion of Lot 7 (No.6) Seventh Road, Armadale to “Residential” zone.**

Proposal 8

Rezone a portion of Lot 40 (No.73) Brookton Highway, Mt Nasura from “Public Purpose” reserve to “Residential” zone and the Scheme Maps be amended accordingly.

Proposal 9

Rezone Reserve 30173 Weston Terrace, Kelmscott from “Parks and Recreation (Local)” reserve to “Residential” zone and the Scheme Maps be amended accordingly.

Proposal 10

Rezone a portion of Lot 100 (No.19) Wygonda Road, Roleystone that has been developed with ten aged person dwellings from “Parks and Recreation (Local)” reserve to “Residential” zone and the Scheme Maps be amended accordingly.

MOVED Cr Munn that Proposals 1 to 10 be adopted.
MOTION CARRIED (7/0)



LOCATION PLAN
LOT 81 CHURCHMAN BROOK ROAD, BEDFORDALE

***ADVERTISING OF AN AMENDMENT TO A STRUCTURE PLAN –
LOT 81 (296) CHURCHMAN BROOK ROAD, BEDFORDALE***

WARD : NEERIGEN
APPLN NO. : 35.2007.5.1
DATE : 5 June 2007
REF : PRR
RESPONSIBLE MANAGER : PSM
APPLICANT : Dykstra Planning
LANDOWNER : M H Parsons & S M Randall
SUBJECT LAND : Property size 1.8515ha
Map 25-03
ZONING
MRS : Rural
TPS No.4 : Special Residential

In Brief:

- Council received application for an amendment to the Structure Plan over Lot 81 Churchman Brook Road, Bedfordale on 2 April 2007.
- This report is to determine whether or not the application should proceed to advertising.
- The main issues the proposal presents are visual amenity and vehicular access.
- Recommend that the proposed amendment to the Structure Plan is not to be advertised until modifications have been undertaken.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

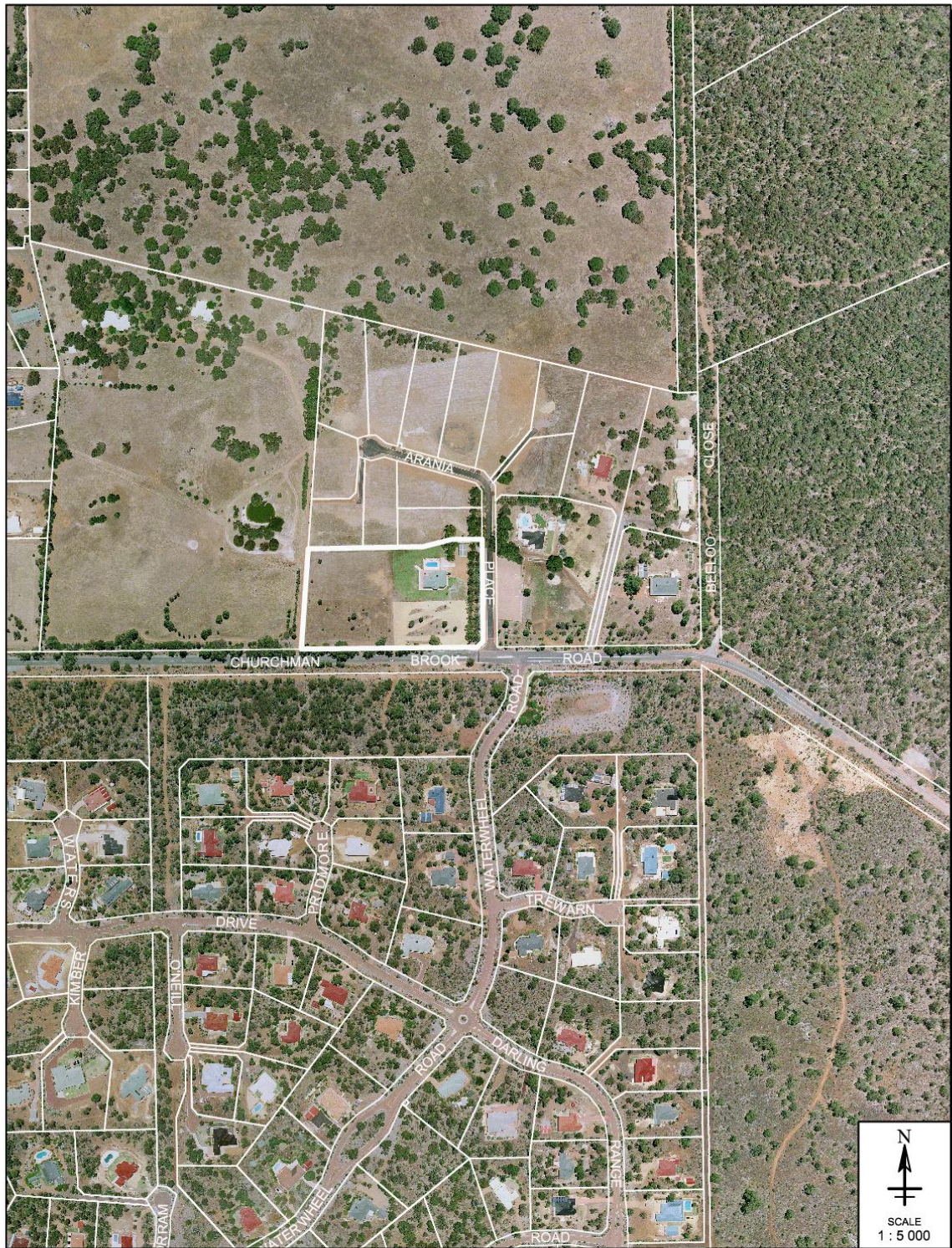
Development – “To balance the needs of development with sustainable economic, social and environmental objectives”.

Legislation Implications

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

Council Policy / Local Law Implications

PLN 2.1 – Establishment or Variation of Development Envelope Locations
PLN 2.4 – Tree Preservation
PLN 2.5 – Erosion Prevention and Sediment Control
PLN 2.6 – Water Sensitive Design



AERIAL PHOTOGRAPH
LOT 81 CHURCHMAN BROOK ROAD, BEDFORDALE

Draft Rural Strategy 1999
Local Planning Strategy 2005
State Planning Policy 2.5 – Agricultural and Rural land Use Planning (WAPC Policy)
DC 2.5 – Special Residential Zones (WAPC Policy)
DC 3.4 – Subdivision of Rural Land (WAPC Policy)
DC 3.7 – Fire Planning (WAPC Policy)

Budget / Financial Implications

Nil.

Consultation

- ◆ Internal comments only to date.

BACKGROUND

Since gazettal of Special Use Zone No.82 in 1997 under Town Planning Scheme No.2, Council has considered and approved six (6) different Subdivision Guide Plans (now referred to as Structure Plans under Town Planning Scheme No.4) over the parent lot, Lot 53 Churchman Brook Road, Bedforddale. The number of lots within these proposals has varied from 8 to 17. Most recently (and separate to the above), at its meeting of January 2007, Council resolved to adopt a seventh amendment to the Structure Plan specific to Lot 805 Churchman Brook Road, immediately east of the subject site. This increased the total number of lots by 3 to 19 over the former Lot 53.

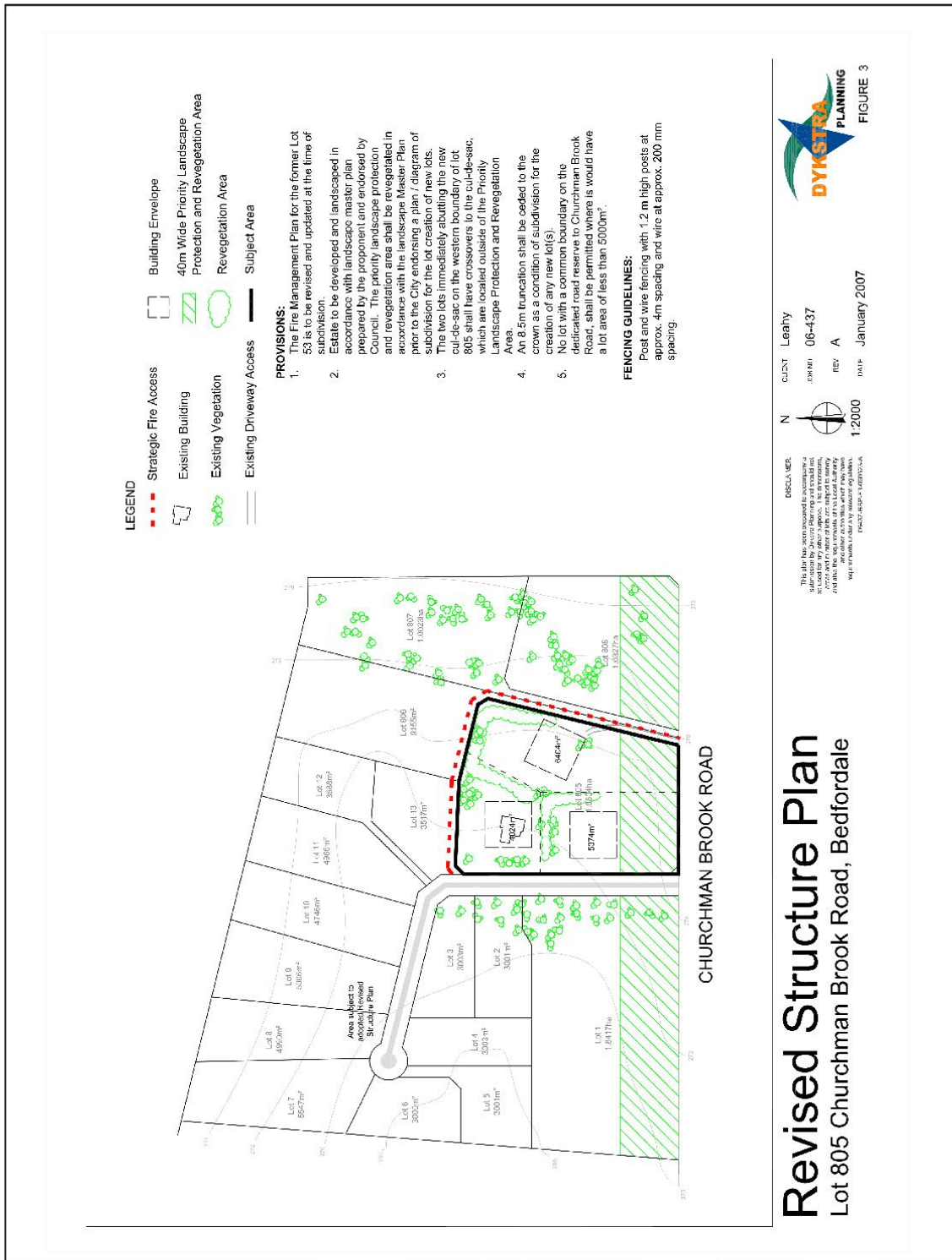
Also of relevance is a decision made by Council in December 2005 relative to a proposed modification to the Structure Plan over land on the corner of Canns Road and Churchman Brook Road, the ramifications of which are discussed later in the report.

DETAILS OF PROPOSAL

The applicant proposes an amendment to the current Structure Plan over the site, which would allow consideration of subdivision of Lot 81 Churchman Brook Road, Bedforddale from one (1) lot into three (3), for a total of 21 lots within the boundaries of the former Lot 53 Churchman Brook Road, Bedforddale. The lot sizes proposed are 5100m², 5200m² and 8215m². All three (3) lots propose vehicular access from Churchman Brook Road via two (2) crossovers. Other than the access points, a 40m landscape / revegetation buffer is proposed along Churchman Brook Road.

COMMENT

No referral for comment has been undertaken at this stage. This report to Council will determine whether or not the application can proceed to public advertising in its current or modified form.



STRUCTURE PLAN AS ADOPTED BY COUNCIL 15TH JANUARY 2007
 LOT 805 CHURCHMAN BROOK ROAD, BEDFORDALE

ANALYSIS

Council's Strategic Objectives

The applicant argues that the proposal meets Council's strategic objectives. In Special Residential zones approved Structure Plans apply to a specific site and establish the lot sizes for that site, according to Council's strategic objectives and a detailed appraisal of the site's opportunities and constraints. The provisions of TPS No.4 provide that Council may consider approval of revisions/variations to an adopted Structure Plan where it is consistent with strategic objectives.

The TPS No.4 objectives for the Special Residential zone are:

- (a) *To provide for low density residential development in a rural setting, in which natural environmental values are conserved as far as possible for the enjoyment of residents as well as the maintenance of ecological and landscape values.*
- (b) *To ensure development is sited and designed to achieve an integrated and harmonious character within each of the estates.*

The site is located in the "Canns Rural Planning Area" defined by the TPS No.4 Local Planning Strategy, which has the key planning objective: "*to preserve the scenic and environmental quality of the area*" and the key issues of: "*control of development in relation to visual impact*" and "*control of vegetation clearing*".

Part 6A.1.1 of TPS No.4 requires that "*development of land is to be generally in accordance with the Structure Plan*", which was prepared previously and adopted prior to subdivision or development of the land. Subsequent instruments of planning approval, including subdivision, development applications and conditions should conform with the details described in the Structure Plan (if necessary, additional details are made "conditions" of approval).

Visual Amenity

With each decrease in the size of the lots, the argument presented is that the small drop in lot size will not detrimentally affect the amenity of the area. Initially, there was a 2.6ha lot and three (3) 2ha lots within the Structure Plan area. Now there are three (3) lots of about 1ha and several lots approximately 3000 – 5000m² in area. Cumulatively, lot sizes have decreased considerably from 1997 to the present.

The WAPC's Policy DC 2.5 – Special Residential Zones establishes a range of lot sizes from 2000m² to one (1) hectare within Special Residential areas. Council has considered and determined in past applications that visual amenity impacts associated with views from main areas of public activity, such as the road network, should require larger lot sizes. To clarify its stance on the matter, in January 2007 Council resolved to impose a provision on the Structure Plan currently in place for this area that stated "*No lot with a common boundary on the dedicated road reserve to Churchman Brook Road shall be permitted where it would have a lot area of less than 5000m²*".

The proposed Structure Plan contains this provision and meets this requirement with lots sized 5100m², 5200m² and 8215m². In this respect it is noted that the Structure Plan could not be amended again to allow any of the three (3) lots to be subdivided at a later stage.



PROPOSED STRUCTURE PLAN AMENDMENT
 LOT 81 CHURCHMAN BROOK ROAD, BEDFORDALE

A landscape buffer / revegetation area has been a prominent part of all Structure Plans along Churchman Brook Road. The purpose of this 40m wide strip of land along the southern boundary of properties abutting Churchman Brook Road is to maintain the bushland / rural character of the road. The proposed amendment to the Structure Plan includes a provision in relation to landscaping which is an improvement on previous versions. In addition, where the provision refers to a “a plan / diagram of subdivision”, the provision should simply read “Deposited Plan”. The provision should be amended accordingly as follows:

“Lot 81 is to be developed and landscaped in accordance with a landscape master plan prepared by the proponents and endorsed by the City. The priority landscape protection and revegetation area shall be revegetated in accordance with the landscape master plan prior to the City endorsing a Deposited Plan of subdivision for the creation of new lots. Landowners shall be responsible for ongoing maintenance of the vegetation and implementation of this Provision.”

Previous Structure Plan modifications proposed by the applicant have argued that smaller lot sizes will not impact on the amenity of the area as additional residences will be located behind vegetation and access to the additional lots will be from internal roads. Whilst the landscape / revegetation buffer is proposed in this instance and the applicant again argues this will screen development, however access for all three (3) lots is proposed to be from Churchman Brook Road. Therefore, some impact on the amenity may result from the proposal. Vehicular access is examined in detail later in the report.

Fire Management

Recently, Council has expressed concern over leaving the preparation of Fire Management Plans until the subdivision stage, instead believing that, given the fire risks associated with the hills region, such plans should form part of a comprehensive approach to planning for areas that are to be developed right from the start where possible on new proposals. As such, officers have been requesting the preparation of Fire Management Plans as part of the Structure Planning process.

With respect to the proposed Structure Plan amendment, a Provision of the plan notes that the Fire Management Plan for the former Lot 53 is to be revised and updated at the time of subdivision. To be consistent it is recommended that the wording of the provision be altered to indicate that the “The Fire Management Plan for the former Lot 53 is to be revised and updated prior to consideration of the amendment to the Structure Plan for adoption. The Fire Management Plan shall be implemented by the subdivider before the subdivision of the land. Landowners shall be responsible for ongoing implementation of the Fire Management Plan on their land”.

It is noted that the application cannot address the separation distance requirements of DC Policy 3.7 – Fire Planning and the associated document Planning for Bush Fire Protection, given the proximity of the landscape / revegetation buffer to development envelopes. As such it is recommended that the Structure Plan specify: “All habitable buildings shall be built in-accordance with Australian Standard 3959 - Construction of Buildings in Bushfire-Prone Areas in-accordance with the adopted Fire Management Plan. Notification on the Titles of all lots will be required at the subdivision stage specifying this requirement”, as recently applied to other Structure Plans in this area.

Access to Churchman Brook Road

The applicant argues that retention of the existing crossover to Lot 81 and the addition of another shared crossover for the two (2) new lots would not impact on traffic flows by providing access away from existing intersections and good sight lines. However Churchman Brook Road is classified as a ‘District Distributor B’ within the City’s road hierarchy and the Structure Plan process provides the opportunity to ensure that no lots have direct access to Churchman Brook Road. This is a principle the City has applied wherever possible.

Council should be aware that if it were to determine access should be via the new cul-de-sac Arania Place, the most logical point for the battle axe legs of the new lots would be along the northern property boundary, as a battleaxe leg along Churchman Brook Road would remove too much vegetation in the landscape strip. This would require the removal or relocation of an existing shed in the north-eastern corner of the property.

The applicant argues that the existing tree lined driveway to Churchman Brook Road is an important feature of the property, which would also be negated if access were to be via Arania Place.

Without a doubt, the safer option would be for access to be via the cul-de-sac, given the cul-de-sac’s lower order in the road hierarchy and reduced number of vehicles per day. Council must weigh this consideration against the imposition on the land owner in terms of the existing shed and driveway and that a crossover already exists. Under the circumstances, a reasonable compromise may be to only permit one crossover to Churchman Brook Road (i.e. the new shared crossover to the proposed new lots). The existing house (proposed Lot 3) would then be required to remove the existing crossover and access via Arania Place.

Development Envelopes

Council’s Policy PLN 2.4 Tree Preservation applies in respect of the lots themselves. It allows officers to assess whether there are significant trees present on the subject land and then determine an appropriate mechanism for their retention.

Policy PLN 2.1 – Establishment or Variation of Development Envelope Locations provides one such mechanism by which trees outside of a specific area known as a Development Envelope must be retained. In the past the City has been prepared to endorse Structure Plans without specifics for development envelopes. This is because such specifics can be established at a later point in time, such as via a condition of subdivision approval.

However where the number of lots created via the proposed Structure Plan is small, the City believes that it would be appropriate to identify development envelopes more precisely at this stage, to eliminate work at a later point in time and ensure the building envelopes are reflected on the Structure Plan. As such, dimensions for the development envelopes identified should be provided, as well as setback distances to boundaries. Also, a development envelope should be identified on the proposed 8215m² lot around the existing development.

Previous Council Decision - Fencing and Other Matters

At its meeting on 16 April 2007, the Council considered various matters relating to Lots 81 and 805 (adjoining lot), including fencing, landscaping, structures and keeping of horses. The Council resolved to:

1. *Advise the owner of Lot 81 that in the event of application being made for subdivision of the lot the City will request the imposition of a condition to require that the north facing boundary fencing be replaced with post and wire fencing as required by the structure plan.*
2. *Advise the owners of Lots 81 and 805 that the use of the properties for equestrian activity is not authorised and that it will be necessary to remove the horses prior to the future subdivision of the land.*
3. *Advise the owners of Lots 81 and 805 that full revegetation of the 40m abutting Churchman Brook Road should be facilitated by the restricting equestrian access into the area by 31 May 2007.*

Previous Structure Plans have had a provision stating “Fencing Guidelines: Post and wire fencing with 1.2m high posts at approx. 4m spacing and wire at approx. 200mm spacing” imposed on them with regard to fencing and the proposed Structure Plan will be consistent in this respect.

Water

Council Policies PLN 2.5 – Erosion Prevention and Sediment Control and PLN 2.6 – Water Sensitive Design apply in respect of Structure Planning. There are no water courses within the bounds of the subject site and the lots are of sufficient size that stormwater runoff can be retained on site. In this respect, conditions at the subdivision stage relative to dust management, reticulated water and stormwater will be sufficient to address the policy provision in this instance.

Appropriate Terminology in the Amendment to Structure Plan

It is noted that the title block should be altered to indicate “Amendment to Structure Plan” as opposed to “Revised Structure Plan”, to be consistent with the structure planning terminology in TPS No.4.

It is recommended that the annotations on the Amendment to Structure Plan map, which are described as “Notes” on the current draft, be replaced by the heading “Provisions”. The word “Provisions” more accurately conveys the statutory nature of a Structure Plan and by using appropriate Scheme terminology linking the text to Clause 6A.8.3(e) of TPS No.4.

OPTIONS

1. Council could “determine that the propose Structure Plan is satisfactory for advertising” in accordance with Clause 6A3.2(a) of TPS No.4.
2. Council could “determine that the proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken”, in accordance with Clause 6A3.2(b) of TPS No.4.
3. Council could “determine that the proposed Structure Plan is not satisfactory for advertising and give reasons for this to the proponent” in accordance with Clause 6A3.2(c) of TPS No.4.

CONCLUSION

Council may be concerned over the number of revisions the Structure Plan over this area of land has been through, which has gradually intensified the number of lots. Despite this trend, as indicated in the report above, the proposal meets Council’s strategic objectives and has maintained the minimum 5000m² lot size along Churchman Brook Road.

With appropriate changes, it is believed that the proposed Structure Plan amendment would be suitable to proceed to advertising. It is therefore recommended that Council determine that the proposed Structure Plan is not to be advertised until further details have been provided and modifications undertaken in accordance with Option 2.

Following the closure of the advertising period, the proposed amendment to the Structure Plan and any submissions received during the advertising period will be forwarded to Council for its consideration for final adoption.

D64/6/07 RECOMMEND

That Council resolves:

1. **Pursuant to Clauses 6A.3.2 and 6A.4.3 of Town Planning Scheme No.4 determines that the proposed Amendment to the Structure Plan should not be advertised until the following specified matters have been included in the Amendment to the Structure Plan documentation or have otherwise been attended to by the proponent:**
 - a) **The alteration of the Provisions on the Amendment to the Structure Plan map to state the following:**
 - i) **Lot 81 is to be developed and landscaped in accordance with a landscape master plan prepared by the proponents and endorsed by the City. The priority landscape protection and revegetation area shall be revegetated in accordance with the landscape master plan prior to the City issuing a clearance a Deposited Plan of subdivision for the creation of new lots. Landowners shall be responsible for ongoing maintenance of the vegetation and implementation of this Provision;**

- ii) **The Fire Management Plan for the former Lot 53 is to be revised and updated prior to consideration of the amendment to the Structure Plan for adoption. The Fire Management Plan shall be implemented by the subdivider before the subdivision of the land. Landowners shall be responsible for ongoing implementation of the Fire Management Plan on their land;**
 - iii) **All habitable buildings shall be built in-accordance with Australian Standard 3959 - Construction of Buildings in Bushfire-Prone Areas in-accordance with the adopted Fire Management Plan. Notification on the Titles of all lots will be required at the subdivision stage specifying this requirement;**
 - iv) **Fencing Guidelines: Post and wire fencing with 1.2m high posts at approx. 4m spacing and wire at approx. 200mm spacing; and**
 - v) **No lot with a common boundary on the dedicated road reserve to Churchman Brook Road shall be permitted where it would have a lot area of less than 5000m².**
 - b) **The Amendment Structure Plan map is to be modified as follows:**
 - i) **Proposed Lot 3 is to be provided with vehicular access from Arania Place and the existing crossover to Churchman Brook Road is to be deleted from the Amendment to the Structure Plan map;**
 - ii) **Dimensions and setbacks for the development envelopes be included on the Amendment to the Structure Plan map;**
 - iii) **A development envelope (with dimensions and setbacks) on the proposed Lot 3 around the existing development be included on the Amendment to the Structure Plan map;**
 - iv) **The word “Notes” on the Amendment to the Structure Plan map is to be replaced by the word “Provisions”; and**
 - v) **Alteration of the title block to specify “Amendment to Structure Plan”.**
2. **That upon the matters specified in Part 1 above being included in the Amendment to the Structure Plan documentation or otherwise being attended to by the proponent, Council authorises that the proposed Amendment to the Structure Plan to be advertised under the provision of Clauses 6A.3.5 and 6A.4.3 of Town Planning Scheme No.4 for a period of 21 days.**

PROPOSED AMENDMENT TO LOCAL PLANNING POLICIES PLN 2.4 “TREE PRESERVATION” AND PLN 2.1 “ESTABLISHMENT OR VARIATION OF DEVELOPMENT ENVELOPE LOCATIONS”

WARD : ALL
FILE : PLU/A/2
DATE : 29 May 2007
REF : RVD
RESPONSIBLE : PSM
MANAGER

In Brief:

- In response to a Councillor item, the matter of tree preservation has been reviewed, and Local Planning Policies PLN 2.1 and PLN 2.4 amended to provide an integrated package that addresses when notices requiring tree preservation should be issued under Clause 11.8 of Town Planning Scheme No.4 and protection of significant trees through the subdivision and development process.
- Recommend that Council advertise the amended Local Planning Policies in accordance with the requirements of Town Planning Scheme No.4.

Tabled Items

National Trust of Australia (Victoria) Classification Report for nominations to the Significant Tree Register (available at www.nattrust.com.au/trust_register - see bottom of web page)

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005
Town Planning Scheme No.4

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

For each tree nominated as significant by a member of the public, a cost of approximately \$200 will be incurred for an arboriculturalists report, as well as costs in staff time. It is difficult to predict the cost of staff resources because the amount of work for each nomination varies according to the extent of public interest and whether or not a report needs to be prepared to Council or the matter can be dealt with under delegation. Staff costs can therefore vary from \$200 to \$2,000 per nomination. A delegation will be recommended if the amended policies are adopted following submissions. Other services identified in paragraph 3.4 of amended Policy PLN 2.4 are provided at cost, excluding staff time.

Consultation

- ◆ Manager Parks

BACKGROUND

At its meeting of 19 February 2007 Council resolved that the matter of a tree preservation policy be referred to the appropriate Directorate for action and/ or report back to Committee.

Officers have reviewed the adequacy of the City's Local Planning Policies in respect to tree preservation, with particular regard to the administration of Clause 11.8 of Town Planning Scheme No.4, subdivision and development.

ANALYSIS OF EXISTING POLICY FRAMEWORK

Administration of Clause 11.8 of Town Planning Scheme No.4

Clause 11.8 of Town Planning Scheme No.4 reads as follows:

“The City may by notice served upon individual landholders or upon a subdivider of land require the preservation of a tree or group of trees. Thereafter no landholder shall cut, remove or otherwise destroy any tree unless the City grants approval or rescinds the notice or order”.

With respect to the administration of Clause 11.8 of Town Planning Scheme No.4, it was decided that Local Planning Policy PLN 2.4 “Tree Preservation” could be improved by:

- ◆ providing guidance on criteria that should be used to determine whether or not a notice should be issued for a tree;
- ◆ developing an administrative processes to enable members of the public to draw attention to tree that should be protected;
- ◆ identifying administrative mechanisms that would enhance protection of trees subject to a notice; and
- ◆ providing for regular review of trees subject to a notice.

Overlap of Policy PLN 2.1 “Establishment or variation of development envelope locations” with Policy PLN 2.4 “Tree Preservation”

A copy of the existing Local Planning Policies PLN 2.1 and PLN 2.4 are provided at ***Attachment “A2” of the Minutes.***

Analysis of the policies found that Clause 3.1.1 of Policy PLN 2.1 effectively duplicated the provisions of Clause 4.1 of PLN 2.4 with respect to the need to identify and protect trees of significance for new subdivisions. It was decided to recommend that Policy PLN 2.1 be amended to ensure it adequately addresses tree preservation in subdivisions and remove reference to subdivisions in Policy PLN 2.4.

Removal of Clause 4.1 from Policy PLN 2.4 leaves only a one-sentence policy statement to the effect that the City can require submission of a landscape plan indicating the location of significant trees in the course of processing a development application, which is recommended to be retained in a slightly amended form.

DETAILS OF PROPOSAL

It is recommended that the amended Local Planning Policies PLN 2.1 and PLN 2.4 be advertised in accordance with the requirements of Town Planning Scheme No.4.

A copy of the proposed amended Local Planning Policies as amended appears at Attachment “A3” of the Minutes..

It is proposed to amend Local Planning Policy PLN 2.4 by deleting the current policy and replacing it with a policy that:

- ◆ provides guidance on criteria that should be used by officers or Council to determine whether or not a notice should be issued for a tree. The criteria include heritage significance, species significance and location/ landmark significance. If a tree appears likely to be significant, an assessment of its health, life expectancy and safety aspects of the tree are carried out;
- ◆ details an administrative process to enable members of the public to draw attention to a tree that should be protected. A form is provided for people wishing to nominate trees as significant;
- ◆ identifies administrative mechanisms to enhance protection of trees subject to a notice, including the keeping of a tree preservation register, inclusion of the tree on the City’s geographic information system and erection of signage if appropriate; and
- ◆ provides for review of trees subject to a notice on a five-yearly cycle.

It is proposed to amend Clause 3.1 of Policy PLN 2.1 so that:

- ◆ it cross references to the amended Policy PLN 2.4 Tree Preservation to ensure that existing trees subject to a notice under Clause 11.8 or trees likely to meet the significance criteria for issuing a notice are identified on a plan;
- ◆ access routes to development envelopes can be required to be identified where appropriate, such as for steep sites; and
- ◆ the request for topographic information now provides the option of providing slope maps or contour maps.

It is proposed to advertise the proposed Local Planning Policy by:

- ◆ Placing notices in the Armadale Examiner and Comment News Newspapers for two consecutive weeks detailing where the policy may be inspected and when submissions close;
- ◆ Publishing the draft Local Planning Policy on the City’s internet site;
- ◆ Issuing a press release to local media outlets; and
- ◆ Allowing a public comment period of 28 days from the publication of the first notice.

COMMENT AND ANALYSIS

Procedure for making or amending a Local Planning Policy under Town Planning Scheme No.4

The making or amending of Local Planning Policies is covered by Part 2 of Town Planning Scheme No.4. Briefly, the procedure involves:

- ◆ Once the City resolves to make or amend a planning policy, it must publish a notice of the proposed policy in a newspaper circulating in the Scheme area once a week for two consecutive weeks, with a public submission period being not less than 21 days from the day the notice is published. The City may carry out such other consultation as considered appropriate;
- ◆ Review or adopt (with or without modifications) the policy in the light of submissions; and
- ◆ If the City resolves to adopt the policy, publishing of a notice in a newspaper circulating in the district and if the policy affects the interests of the Western Australian Planning Commission, forwarding a copy of the Policy to the Commission.

Amended Policy PLN 2.4

A key aspect of the amended policy is that the appropriate mechanism is used for tree protection. Listing of a tree on the City's Municipal Heritage Inventory means that when an application for planning approval is received the City must consider the heritage value of the tree. Pruning a tree in some zones in the City does not require planning approval. Therefore a notice under Clause 11.8 is a more appropriate mechanism because it creates a need for permission to cut, remove or destroy any tree. In contrast, legislation protecting rare flora is considered to provide adequate protection because it is an offence to under the Wildlife Conservation Act to 'take' any part of a rare plant.

A brief review was carried out of tree preservation policies used by other Councils. Most Councils have a form that has to be filled in by persons nominating trees. Several eastern states Councils required that a form developed by the National Trust of Australia (Victoria) be used by persons nominating trees. Amended Policy PLN 2.4 includes a simpler form than that developed by the National Trust of Australia (Victoria) and requires persons nominating trees to have regard to significance criteria in Policy PLN 2.4.

With regard to criteria for significance of trees a variety of scoring systems and criteria are used to determine significance (e.g. City of South Perth uses a scoring system). Many eastern states Councils have adopted the categories and subcategories for significance established by the National Trust of Australia (Victoria). With the exception of aesthetic value which is a highly subjective un-defined category, the text under the broad criteria headings in Policy PLN 2.4 is inclusive of all of the National Trust's categories.

Whilst the National Trust of Australia identifies significance categories, it does not provide criteria to determine significance. Policy PLN 2.4 includes for each category how significance should be assessed, which often relies on expertise held outside of or within the City's administration and committee system.

Administrative implications

There are administrative implications that could arise from facilitating nominations of areas for tree preservation. An efficient means of processing such applications must be available such as appropriate delegations, and/or application fees could be considered to ensure that nominations are not used to circumvent or hinder the development approval process.

Existing Policy PLN 2.4 - reference to sensitive topographical features

The existing Policy PLN 2.4 Tree Preservation included reference to “sensitive topographical features”. This term was not defined in the Policy, and no significant topographical features have been explicitly identified in the known history of the application of the policy. Policy PLN 2.1 requires that topographical information be provided which is used to determine if a proposed development envelope is well located. However, the reference to ‘sensitive topographical features’ has not been reproduced in either the amended Policy PLN 2.1 or amended Policy PLN 2.4.

Policy PLN 2.1

The changes to Clause 3.1 of Policy PLN 2.1 have re-arranged the requirements into a more logical framework and has integrated the policy with the amended Policy PLN 2.4 to ensure significant trees are identified.

The requirement that where appropriate access routes to development envelopes be detailed has been included primarily to address access on very steep sites and to allow the possibility of locating more than one development envelope on well vegetated lot with defined access routes between them. This information may be necessary to identify potential problems with access routes to development envelopes (e.g. whether Policy PLN 2.5 “Erosion prevention and sediment control” should be applied) and to prevent access to and between development envelopes being used as a justification for excessive additional clearing.

The preference for slope maps rather than or as well as contour information has been indicated because slope maps make it easier to determine where development envelopes and access routes should be located, and whether Policy PLN 2.5 “Erosion prevention and sediment control” should be applied. Slope maps are now easily produced with computer technology.

OPTIONS

1. Council could resolve to advertise the amended Planning Policies in accordance with the requirements of Town Planning Scheme No.4;
2. Council could change the amended policies and then advertise them. For example, Council could choose to require people nominating trees to use the National Trust of Australia (Victoria) nomination form as well as the form provided in Policy PLN 2.4.
3. Council could resolve not to amend the policies.

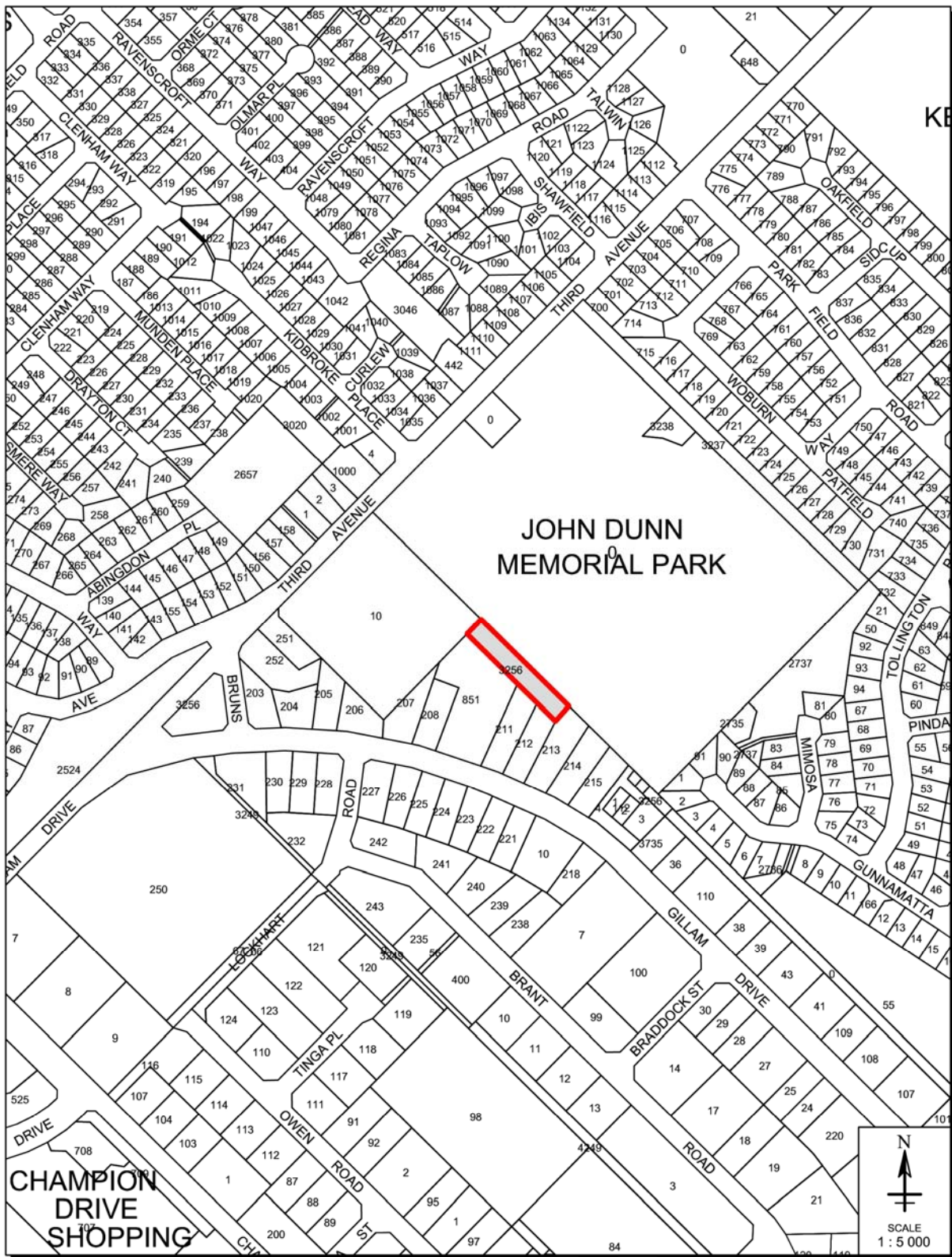
CONCLUSION

The amended policies provide a clear set of criteria and appropriate administrative processes to address implementation of Clause 11.8 of Town Planning Scheme No.4, and provide an integrated and updated package to ensure that significant vegetation is protected through the subdivision and planning application process. Therefore Option 1 is recommended.

D65/6/07 RECOMMEND

That Council resolve to amend Local Planning Policies PLN 2.1 “Establishment or variation of development envelope locations” and PLN 2.4 “Tree Preservation” as shown at Attachment “A3” of the Minutes, and to advertise the amended Local Planning Policies for a period of 28 days in-accordance with Clause 2.4 of Town Planning Scheme No.4.

MOVED Cr Hart
MOTION CARRIED (7/0)



LOCATION PLAN
RESERVE 37213 (LOT 3256) GILLAM DRIVE, KELMSCOTT

UNAUTHORISED USE OF CROWN RESERVE 37213 ABUTTING JOHN DUNN RESERVE, KELMSCOTT

WARD : HERON

FILE REF : P29667

DATE : 29 May 2007

REF : SA

RESPONSIBLE MANAGER : PSM

LAND OWNER : Crown - vested in the City of Armadale

SUBJECT LAND : Portion of Reserve 37213 - Lot 3256
Property size 2536 m²
Map 22.05

ZONING

MRS : Industrial

TPS No.4 : Parks & Recreation (Local)

In Brief:-

- Crown Reserve vested in Council being used by abutting businesses for their own purposes.
- Land is not being used by the City for any purpose and is no longer required.
- Recommend that the City approach the landowners with a view to gauge their response to the proposal of purchasing the land. If agreement is reached with the landowners, then a scheme amendment be initiated.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Building our community - Improve the quality of life in our residential neighbourhoods by optimising the use of community buildings, facilities and reserves.

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

Legislation Implications

Planning and Development Act 2005
Local Government Act 1995
Town Planning Scheme (TPS) No.4
Land Administration Act 1997

Council Policy / Local Law Implications

Local Planning Strategy 2005
Public Open Space Strategy



AERIAL PHOTOGRAPH
RESERVE 37213 (LOT 3256) GILLAM DRIVE, KELMSCOTT

Budget / Financial Implications

The rezoning and cancellation of a portion of the reserve will enable the City to seek the purchase of the land from the Department of Planning & Infrastructure (DPI) at 5% of the unimproved market value (as advised by the Valuer General). The disposal of the reserve by the City will be at market value, which will generate significant funds for the improvement and development of POS areas in the locality.

Consultation

- ◆ Technical Services Directorate.

BACKGROUND

The subject land was created as part of the open space requirement of the Kelmscott Industrial Estate subdivision and vested in the then Town of Armadale in 1981. The Reserve is currently a public recreation reserve and was vested under Section 20A of the *Town Planning and Development Act 1928*.

The northern boundary of the reserve along John Dunn Reserve is fenced. Aerial photography of the subject land has shown that the reserve has been used in some form by the abutting land owners (i.e. Lots 212, 211 and 815) since the early 1990's. In 1997 the owner of Lot 212 applied for, and received, Council approval (D381/97) to conduct open air display of patios, garages, garden sheds, etc. on Lot 212, however the land that they looked to develop was part of the reserve. It would appear that over time as there was not any clearly defined boundary, the occupants of Lot 212 started using the reserve as if it were part of their land and it currently houses a variety of structures. The remainder of the reserve abutting Lots 211 and 815 is currently being used to store vehicles, materials and equipment as if the land was part of the abutting land.

DETAILS OF PROPOSAL

Consultation with Council's Technical Services Directorate has established that the reserve in question is not being used for any purpose (e.g. drainage) and the City's Parks and Gardens Department do not have any objection to the land being disposed of. Therefore there does not seem to be any reason for the City to retain this land.

It is suggested that the City engage the abutting landowners in consultation with the view to gauging their response to purchasing the land. Should the City's proposal be well received, the City could then commence the procedures to rezone the land from "Parks and Recreation (Local)" to "Industrial Business" in TPS No.4 via a new scheme amendment. The closure of the reserve could be advertised concurrently with a scheme amendment. Once approved, the City could then approach the Department of Planning and Infrastructure with the view of the City purchasing the land in-accordance with State Government guidelines. Once purchased, the land could be offered for sale to the owners of Lots 812, 211 and 212 at market value in-accordance with the *Local Government Act*.

COMMENT

The City has been progressing the seven (7) stages of the POS strategy for several years. As part of its assessment of POS areas, the City employed consultants to assess each reserve against specified criteria, calculate the overall POS provision in each Precinct and make recommendations on whether to retain or disposal of reserves.

Reserve 37213 is located within Stage 1 - Coastal Plain North 1 (Precinct A). The Consultant's report (2001) identified that there was over 14% POS in this Precinct and recommended that Reserve 37213 be retained and amalgamated with the adjoining Reserve 24748 (John Dunn Reserve). In February 2002, the Council considered the submissions on Stage 1 and resolved to dispose of eight (8) reserves within Stage 1.

Following the recent identification of the unauthorised use of Reserve 37213 by the adjoining landowners, officers of the City have further examined the reasons for the Consultant's recommendation for Reserve 37213 to be retained (i.e. part of a linear POS area, adjoins John Dunn Reserve, usability, etc..) and concluded that these reasons are no longer valid. The land can not be used as part of any usable linear POS area, the land is not required for any active recreational purposes that occur on John Dunn reserve or any drainage purpose by the City. Therefore, the land is not required by the City and the City should support the disposal of the reserve.

In 2002, the City established a Public Open Space Trust Fund for the proceeds from the sale of Section 20A land. The acquisition of Reserve 37213 could be funded through the POS Trust Fund for the POS Strategy. The City understands that the Department for Planning and Infrastructure require that funds be utilised for the purchase of replacement lands or capital improvement to existing recreational areas within the locality.

The proposed process will require a number of State Government approvals that could take 2 or 3 years to complete and will employ considerable staff resources. However, should the property be sold at market value, it could generate a considerable return for the City for land that the City no longer requires. These funds could be used for improvements and/or new facilities on nearby recreational reserves.

The alternative is to approach the owners of the property requesting they vacate the reserve however this could be problematical and difficult. As the reserve is in the ownership of the Crown, adverse possession does not apply.

If the landowners agree to the principle of purchasing the land, then the scheme amendment to rezone the land and the reserve closure could be advertised for public comment. Following the closure of the advertising period, the proposed amendment, reserve closure and any submissions received during the advertising period will be forwarded to Council for its consideration for final adoption. A separate report will also need to be prepared and considered by the Council for the disposal of the land by the City, should it be approved.



PHOTOGRAPH 1
VIEW OF RESERVE 37213 FROM JOHN DUNN RESERVE



PHOTOGRAPH 2
VIEW OF RESERVE 37213 FROM JOHN DUNN RESERVE



PHOTOGRAPH 3
VIEW OF RESERVE 37213 FROM JOHN DUNN RESERVE



PHOTOGRAPH 4
VIEW OF RESERVE 37213 FROM JOHN DUNN RESERVE



PHOTOGRAPH 5
VIEW OF RESERVE 37213 FROM JOHN DUNN RESERVE



PHOTOGRAPH 6
VIEW OF RESERVE 37213 FROM JOHN DUNN RESERVE



PHOTOGRAPH 7
VIEW OF RESERVE 37213 FROM JOHN DUNN RESERVE

OPTIONS

1. Council could approach the landowners to gauge their views on the proposal and if positive, then Council could rezone the land, close the reserve and purchase it from the Crown.
2. Council could resolve to retain the reserve and require the adjoining landowners to remove their vehicles, materials and equipment and seek legal advice.
3. Council could resolve to do nothing at this time.

CONCLUSION

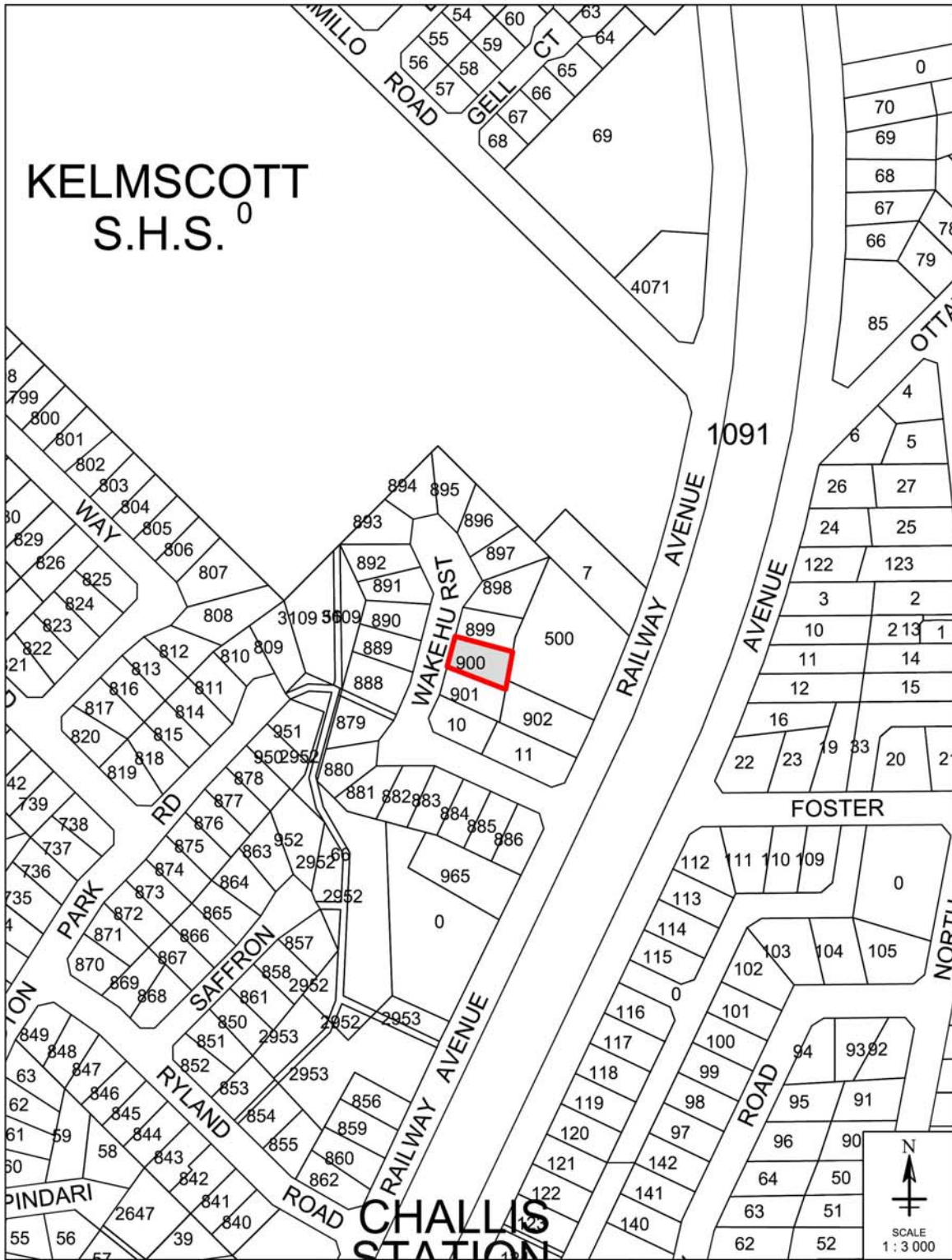
As the land has been used by the abutting occupiers for many years without question from the City, the land is not required by the City for drainage or any other purpose and there is adequate POS in the locality, it would appear that the land is no longer required. On this basis, Option 1 is recommended.

D66/6/07 RECOMMEND

That Council resolves:

1. **To authorise the Executive Director Development Services to commence discussions with the owners of Lots 211, 212 and 851 Gillam Drive Kelmscott to gauge their interest in purchasing a portion of Reserve 37213 abutting the northern boundary of their particular lot.**
2. **That following the completion of part (1) above and satisfactory in principle agreement being reached with any of the abutting landowners for the purchase of portions of the reserve, that Council:**
 - a) **Pursuant to Part 5 of the *Planning and Development Act 2005*, resolves to initiate Amendment No.37 to Town Planning Scheme No.4 to rezone a portion of Reserve 37213 from “Parks and Recreation (Local)” to “Industrial Business” and amend the Scheme Maps accordingly.**
 - b) **Refers the above amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days.**
 - c) **Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.**
 - d) **Forward a copy of the amendment to the Western Australian Planning Commission for information.**
 - e) **Advertises the proposed cancellation of the portion of Reserve 37213, simultaneously with the above amendment, for a period of 42 days.**

MOVED Cr Reynolds
MOTION CARRIED (7/0)



LOCATION PLAN
LOT 900 (No. 11) WAKEHURST PLACE, KELMSCOTT

UNSIGHTLY PROPERTY - LOT 900 (11) WAKEHURST PLACE, KELMSCOTT

WARD : Heron
FILE REF : P11459
DATE : 21 May 2007
REF : PW
RESPONSIBLE : PSM
MANAGER
LAND OWNERS : P W & Y L Doulton
SUBJECT LAND : Lot 900 (11) Wakehurst
Place, Kelmscott.
Property size 761m²
ZONING
MRS : Urban
TPS No.4 : Residential R15/25

In Brief;

- Substantial quantity of furniture and other second-hand items being stored in the carport on a Residential zoned property.
- Personal approaches and correspondence to remove the items have not resulted in compliance with the provisions of the Town Planning Scheme.
- Recommend that Council institute legal proceedings for unauthorised use of the property.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To sustain and maintain the distinctive character of the City of Armadale.

Legislation Implications

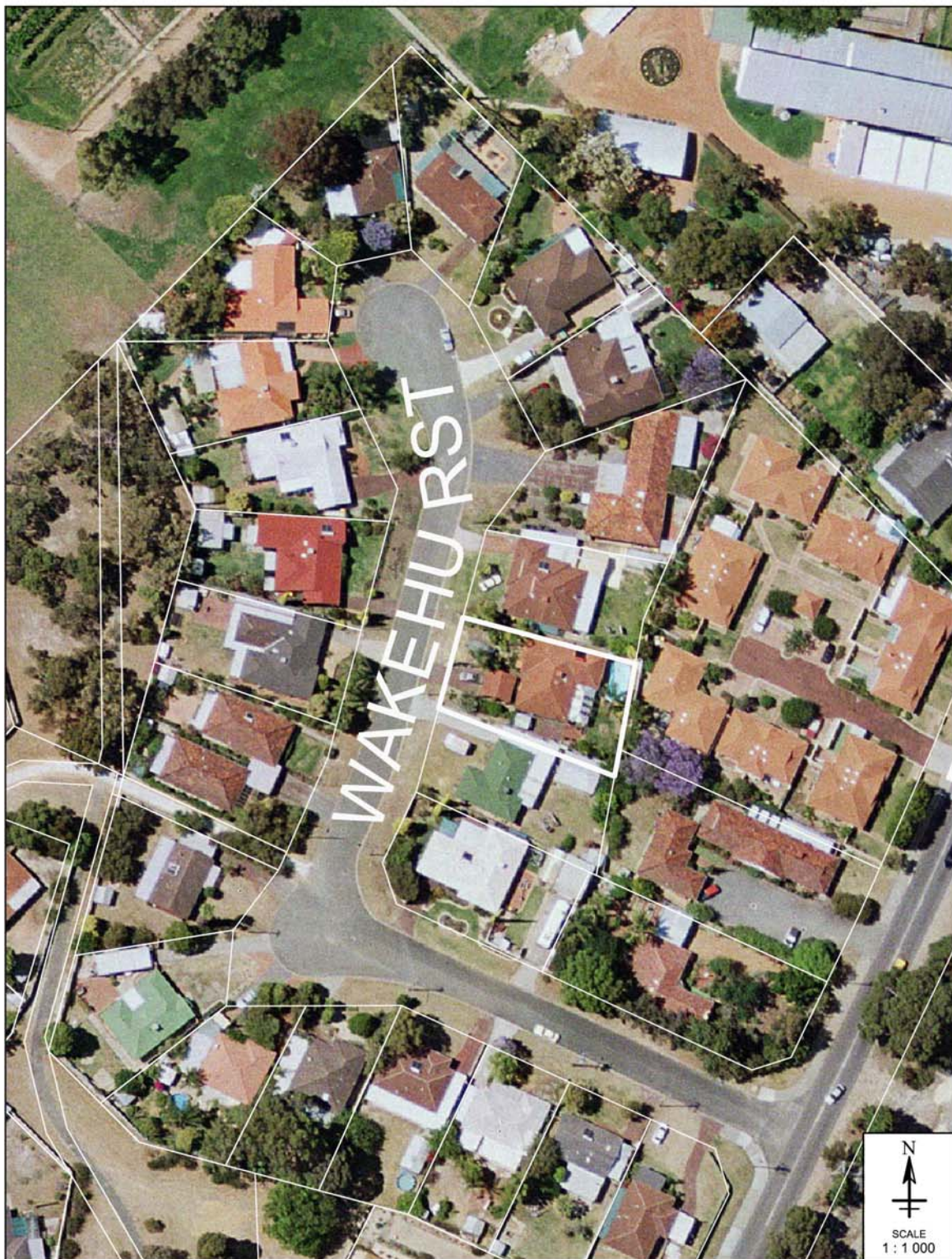
Town Planning Scheme No.4
Planning and Development Act 2005

Council Policy / Local Law Implications

Nil

Budget / Financial Implications

Costs to budget allocation for legal expenses in seeking a legal remedy via prosecution proceedings. The maximum penalties under the Planning and Development Act 2005 are \$50,000 and a \$5,000 daily penalty. Generally the cost of legal action is not reflected in fines and costs imposed.



AERIAL PHOTOGRAPH
LOT 900 (No. 11) WAKEHURST PLACE, KELMSCOTT

CONSULTATION

Nil.

BACKGROUND

A written complaint was received by Council complaining about the possibility of a second hand furniture business being conducted at 11 Wakehurst Place, Kelmscott.

COMMENT

Compliance officers attended the property and confirmed that although a second hand furniture business was not being conducted, officers observed a large quantity of furniture and domestic items which completely filled the carport and were in full view of the street.

Despite discussing the issue of unsightliness with the owners and two letters from the City requesting compliance, several ‘drive-by’ inspections have revealed that no attempt has been made by the owner to relocate the items.

ANALYSIS

Town Planning Scheme No.4 (the Scheme) provides in Clause 5A.2.1 :-

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

- i) for domestic use;
- ii) for building purposes associated with an authorised development of the site; or
- iii) for use in conjunction with an authorised home occupation or home business.

Clause 5A.2.2 provides:-

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

- i) building materials for use in conjunction with an approved development, provided such materials do not remain on site for more than 12 months;
- ii) landscaping supplies, provided such materials do not remain on site for more than 12 months; or
- iii) firewood, provided the supplies are stored behind the front of the building.

Approvals have not been granted to undertake any of the activities currently taking place on the property, therefore breaches of the Scheme have taken place.



PHOTOGRAPH 1
LOT 900 (No. 11) WAKEHURST PLACE, KELMSCOTT



PHOTOGRAPH 2
LOT 900 (No. 11) WAKEHURST PLACE, KELMSCOTT

OPTIONS

1. As the owners of the property have failed to comply with the relevant legislation, Council could resolve to institute legal proceedings for breaching the provisions of the Town Planning Scheme.
2. Council could resolve to provide the owners with further time (ie. fourteen (14) days) in which to comply with the legislation and advise the owners that should the site not be satisfactorily cleared, then legal proceedings will be implemented without further notice.
3. Council could resolve not to pursue the matter at this stage.

CONCLUSION

As the owners of the premises have had several approaches (verbal and letters) from the City requesting co-operation in removing the offending items and have failed to comply, it is recommended legal proceedings be instituted in accordance with Option 1.

D67/6/07

RECOMMEND

1. **That Council resolve to authorise officers to institute legal proceedings, subject to legal advice, against Mr P W Doulton and Mrs Y L Doulton, owners of Lot 900 (11) Wakehurst Place, Kelmscott for contravening the provisions of the City of Armadale Town Planning Scheme No.4 for conducting a storage use on the property without the consent of Council.**
2. **That Council authorise the Liaison and Compliance Officer to swear the appropriate prosecution notices on behalf of Council.**

MOVED Cr Reynolds
MOTION CARRIED (7/0)

**WA LOCAL GOVERNMENT ASSOCIATION –
INVITATION TO JOIN THE LOAN SUBSIDY SCHEME**

WARD : ALL
DATE : 31 May 2007
REF : HC/JR
RESPONSIBLE : PSM
MANAGER

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aim of Developing Our City to Sustain and Maintain the Distinctive Character of the City.

Legislation Implications

Heritage of Western Australia Act 1990
Town Planning and Development Act 2005

Council Policy / Local Law Implications

Municipal Heritage Inventory
Town Planning Scheme No.4

Budget / Financial Implications

A one-off payment of \$25,000 is required to join the Heritage Loan Subsidy Scheme. The current 2006-07 Consultancy Planning Studies (PLN 1134) budget has sufficient uncommitted funds available to fund the one-off membership payment of \$25,000 to be made from the current Planning Budget.

In Brief:

- The City has been invited to join the successful Heritage Loan Subsidy Scheme administered by the WA Local Government Association in conjunction with Heritage Council of WA.
- Upon joining the scheme the owners of properties listed in the City's Municipal Heritage Inventory would be able to apply for a low interest loan to complete heritage conservation works, thereby offering significant savings on the cost of heritage works.
- The "Consultancy Planning Studies" budget has sufficient uncommitted funds available to fund the one-off membership payment of \$25,000 from the Planning Department's current 2006-07 budget expenditures.
- Recommend that Council resolve to join the Heritage Loan Subsidy Scheme and provide owners of MHI properties in the City with the opportunity to obtain discounted funds for renovation works thereby providing them with a new incentive support to preserve the City's heritage.

Consultation

- ◆ The current lack of incentive assistance has been one of the critical issues identified by owners in the recent public consultation for the City's Municipal Heritage Inventory Review.
- ◆ Palassis Architects.
- ◆ Community Heritage Advisory Committee.
- ◆ The Western Australian Local Government Association (WALGA).

BACKGROUND

At its meeting of 23 April 2001 Council indicated support for the initial heritage loan scheme and identified that \$25,000 be considered in the preparation of the City's 2001/2002 budget (D96/01 refers). Ultimately no funding provision was successful in that budget process and the City did not join the initial launch of the scheme.

In late 2006 a revised Heritage Loan Subsidy Scheme, a joint initiative between WALGA and the Heritage Council of WA (HCWA), was launched by the Minister for Housing & Works; Consumer Protection; Heritage; and Land Information. The scheme has been revised to include the ability of successful applicants to approach the financial institution of their choice to organise their loan, and the Heritage Loan Subsidy Scheme will provide reimbursement of 4% of the interest rate for a maximum of five years. Owners of heritage buildings faced with increasing renovation cost could be eligible for subsidies on loans of up to \$50,000 under the revamped scheme. *A copy of the scheme brochure is at Attachment "A4" of the Agenda.*

The City has again been invited to join the Scheme by contributing a once only payment of 0.5% of rate revenue or \$25,000, whichever is the lesser amount.

DETAILS OF PROPOSAL

The WALGA heritage loan scheme provides a pool of funds for community groups and private owners with properties on the State or Local Municipal Heritage Inventories to seek low cost loans to assist in the preservation of local heritage properties.

The Scheme encourages owners of heritage places to undertake conservation works by offering significant savings on the cost of a loan. WALGA considers the scheme would widen the opportunity for involvement from members of the community and would be another way in which Councils can encourage their residents to actively participate in preserving the heritage of their local area.

Projects which address the urgent or basic conservation needs of a place, the restoration of significant "period" features (such as tuckpointing, fencing, verandahs or roof elements) and involving external restoration work are regarded as high priority under the selection criteria. Projects involving routine maintenance work receive a lower priority.

All applications for loans are assessed by the Heritage Loan Subsidy Scheme Governing Board on the basis of the selection criteria. The Board will normally consider applications four times a year. Applications may be considered on an ad-hoc basis if specifically requested.

COMMENT

The need for incentives or assistance to preserve MHI listed properties has been one of the key issues identified by owners in the recent public consultation for the City's Municipal Heritage Inventory Review. Many owners consider an MHI listing as entirely negative and a threat to what is often their only major financial asset, their family home. The propagation of this negative perception by the media needs to be counterbalanced by a more objective assessment of the significance of MHI listing, in terms of not only its benefits to the wider community but also the opportunities which owners can avail themselves of.

It is anticipated that full public submissions of the draft MHI Review will be considered by Council at the next round of Council meetings including a separate planning policy on Council discretionary matters that can provide additional incentives for the preservation of the City's heritage values.

The scheme is available only to heritage properties within participating local government areas. In order for the owners of MHI listed properties to be eligible for the subsidised loans, the City must join the scheme. Properties in Armadale which are listed in the State's Register of Heritage Places, the Commonwealth's Register of National Estate or National Heritage List or the National Trust of Australia (WA) List of Classified Places would also be eligible for the loan subsidy.

Local governments currently participating include Bassendean, Broomehill, Claremont, Coolgardie, Cottesloe, Cue, Donnybrook-Balingup, East Fremantle, Fremantle, Gingin, Greenough, Katanning, Murchison, Nedlands, Sandstone, Stirling, Subiaco, Swan, Toodyay, Vincent and Woodanilling.

ANALYSIS

The scheme appeals as a useful tool to enhance heritage conservation generally and to assist those people who take pride and care in preserving heritage buildings. Sympathetic preservation can be expensive for ratepayers and assistance in this area is considered worthwhile.

The one-off payment therefore has potential to produce a long term benefit to the heritage of Armadale in heritage preservation by private owners. It would provide an incentive to the community and demonstrate a positive commitment to the City's heritage.

OPTIONS

1. Resolve to become a participating local government in the Heritage Loan Subsidy Scheme by contributing a single once-only payment of \$25,000 to join the fund. This would provide a tangible benefit to owners of properties listed in the MHI and remove one of the major disincentives to carrying out necessary heritage works which is simply the availability and cost of capital.
2. Decline to participate in the scheme. Option 2 would deny potential community benefits from timely preservation works on the community's heritage assets and deny to those eligible ratepayers the opportunity to apply for a low cost loan to improve their heritage properties.

CONCLUSION

It is recommended Council adopt Option 1 to become a participating member of the scheme. By supporting the scheme Council has an opportunity to partake in a worthwhile and innovative program that could be an extra avenue of assistance to those people and community groups with heritage properties (including the City) to conserve and promote the heritage of the City of Armadale.

The one-off payment of \$25,000 to become a participating member of the scheme can be accommodated within the 2006-07 Consultancy Planning Studies (PLN 1134) budget, which has sufficient uncommitted funds available.

D68/6/07 RECOMMEND

That Council resolve to become a participating local government in the WA Local Government Association's Heritage Loan Subsidy Scheme and authorise a one-off payment of \$25,000 to the Scheme's administrators to that end.

MOVED Cr Zelones
MOTION CARRIED (7/0)

LATE ITEMS

Nil.

COUNCILLORS' ITEMS

Cr Everts

1. Car Wrecks – Gribble Avenue

Cr Everts reported on car wrecks being observed on a property at Gribble Avenue, Armadale.

2. Armadale New & Second Hand Tyres

Cr Everts queried the planning approval for the storage of tyres at Armadale New & Second Hand Tyres in Armadale.

D69/6/07 RECOMMEND

That the following Councillor items regarding –

- a) **Car Wrecks – Gribble Avenue; and**
- b) **Armadale New & Used Tyres, Armadale;**

be referred to the Senior Liaison and Compliance Officer, Planning Department for action and/or report back to Committee.

Cr Munn

1. Public Transport Services -

Cr Munn queried whether the higher density development occurring within the City could be used to justify additional public transport services.

Executive Director Development Services advised that the areas within the City coded for higher density under TPS No.4 were chosen on the basis of them being within reasonable proximity of public transport routes.

Cr Hart

1. Council Policy / Regulations re new and or additional developments overshadowing or overlooking other properties -

Cr Hart queried Council's Policy / Regulations in regards to developments overlooking other properties.

Executive Director Development Services advised Committee on the City's development requirements (as per the Residential Design Codes) for new or additional developments which outline overlooking on adjoining properties and which ensure a reasonable level of visual privacy is met (eg. a 7.5 metre setback is required for outdoor balconies).

Cr Zelones

1. Demolition and removal of asbestos

Committee discussed the most appropriate means by which the City could ensure that demolition works are undertaken in such a way as to minimise any risks posed by the disturbance of materials containing Asbestos Fibres.

D70/6/07 RECOMMEND

That officers write to the Department of Consumer and Employment Protections strongly recommending that the licensing and accreditation arrangements for people undertaking demolition works involving material containing Asbestos be made more rigorous as a matter of urgency.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS

Executive Director Development Services reported –

- ♦ **Application for 48 Multiple Dwellings - Lots 15-22 Albany Highway, Kelmscott (former Colour Drop Nursery site).**

The City has received an application for 48 dwellings on the above land. Town Planning Scheme No.4 allows for multiple dwellings at the discretion of Council ('D' use) within the 'Local Centre' zone. The applicant has proposed six blocks, consisting of 48 multiple dwellings (dwellings that have any part vertically above part of another dwelling) on the subject lot. The multiple dwellings are all in two storey blocks and a common area including a lap pool is also proposed.

The City has only just received a complete application and commenced its initial assessment of the application. It is likely that further information will be requested of the applicant and that the surrounding landowners will be notified, prior to the application being referred to Council for determination.

- ♦ **Application for 41 Multiple Dwellings - Lot 7 (3258) Albany Highway, Armadale (known as Wirra Willa Gardens).**

The City has received an application for 41 multiple units on the above land. Town Planning Scheme No.4 allows for "limited residential development up to a maximum density of R40" for the site, on the basis that the heritage listed gardens are retained as common area. The applicant has proposed five blocks, consisting of 41 multiple dwellings on the higher (northern) side of the subject lot. The multiple dwellings are mostly in two storey blocks, however one of the five blocks is three storeys in height.

The City has requested further information from the applicant in respect of the application. The application has been referred for comment to Main Roads Western Australia, the Heritage Council of Western Australia (as the property is proposed to be listed on the State's Heritage Register) and the Heritage Council of Australia (as the property is listed on the National Heritage Register). Once the additional information is received, the application will also be referred to the Community Heritage Advisory Committee and the surrounding landowners for comment, prior to being referred to Council for determination.

◆ **Application for Commercial Mixed Use Development – Cnr Davis Road and Streich Avenue, Kelmscott.**

The City has received an application for 'Mixed Use Commercial and Residential' development located on the south-eastern corner of Davis Street and Streich Avenue, Kelmscott. The land area is comprised of six lots, including Lots 4 and 6 Davis Road and Lots 1, 2, 5 and 105 Streich Avenue, Kelmscott. The amalgamated lots occupy an area of 10889m².

The proposal involves the following:

- Construction of seven commercial units situated on the ground floor of the proposed three storey multiple dwelling development, which is situated adjacent to Davis Road;
- Two storeys of separate multiple dwellings are proposed to be located directly above the commercial units;
- Three storey separate multiple dwellings are located adjacent to Streich Avenue; and
- Thirty-two (32) grouped dwellings.

The City has completed a preliminary assessment of the application and requested a number of revisions be made to the proposed development. Upon receipt of revised plans and further information requested from the applicant, the proposed development will be advertised for public comment.

Plans of the above three (3) proposals are available for inspection by Councillors in the Planning Department. Should Councillors wish to view the plans, then please contact Mr Paul Sanders or Mrs Noelene Cranfield to arrange a suitable time.

◆ ***Amendment to the Structure Plan for Lot 604 Waterwheel Road, Bedfordale***

Council at its meeting in November 2006 considered and adopted an amendment to the Structure Plan for Lot 604 Waterwheel Road, Bedfordale. However, the amended plan submitted by the applicant (Dykstra & Associates) and included in the agenda incorrectly identified the area of public open space (POS) as 5.19 hectares. The applicant's supporting documentation specified that 10% POS was being provided, as originally proposed in their original application and original proposed Structure Plan.

The applicant subsequently prepared a subdivision application, which more accurately reflected the POS area proposed as 4.28 hectares. The City's officers were aware of the reduction in the size of the POS area, as the boundaries of the POS were negotiated with the applicant during several site inspections to ensure the protection of significant stands of trees, however the size (i.e. amount in hectares) of POS specified on the Structure Plan considered by Council was not amended by the applicant's cartographical officer.

The applicant has acknowledged the error and requested the City support the reduced POS area on the following grounds:

1. *"The effective area of the Public Open Space Polygon shown on the Revised Structure Plan that was adopted by Council is 4.2851 ha, irrespective of the incorrect numbers shown on the Plan;*
2. *The Public Open Space area is not based upon a specific environmental boundary (i.e. vegetation or water course) and still adequately contains the valley system, subdivisional drainage requirements, and area of higher water table; and*
3. *The revised Structure Plan shows 8.5% Public Open Space, which is still over and above the 5% Public Open Space that has been required in other Special Residential subdivisions in this locality."*

The amount of POS provided is above the normal 5% POS provision for Special Residential areas and there is ample POS available in the area. The City already maintains significant areas of POS within this locality and the local community is well served by POS.

No objection is raised to the applicant's request.

A copy of the revised Structure Plan considered by Council is at Attachment "A5" and a copy of the Plan of Subdivision is at Attachment "A6" of the Agenda.

Westfield PAW Workshop

- ◆ Consultants for the Westfield PAW "Enquiry by Design" project have been selected and are now being notified. It is proposed that a Workshop will be held in late July and will probably be held at the Harold King Community Centre.

WALGA Vacancies

- ◆ WA Land Information System Council is seeking nominations for the position of Member. The closing date for the vacancy is COB Friday, 13 July 2007.

Executive Director Development Services advised that if any Councillor wishes to nominate a report will be submitted via the next CEO's report.

Development Application – Proposed Rowing Club & Boat Shed, Champion Lakes

- ♦ The City has received a development application from the ARA for a proposed Rowing Club and Boat Shed. There was concern that if the City as owner signed the application the Council's consent would be implied and the opportunity to comment constrained.

In discussion it was considered preferable for the matter to be brought to the attention of Council by the CEO at the Council meeting.

MEETING DECLARED CLOSED AT 8.55 PM

SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.14				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
1	P Martin	297 Carradine Road, Bedforddale	<p>1. I am against the proposed development as it will add one more lot with direct access to Neerigen Brook and two more with indirect access.</p> <p>2. Some of the abutting landowners abuse Neerigen Brook by running large numbers of impact Sprinklers in the middle of the summer and construction of dams across the brook etc. thereby depriving down stream people of water</p> <p>3. If the subdivision is approved I would like to see:</p> <ul style="list-style-type: none"> • rather than a "revegetation buffer", a reserve extending from Carradine Road and then 20m beyond Neerigen Brook on the other side of the reserve contribution..... • the new roadside should have adequate screening so it does not become a scar on the landscape and careful attention should be paid to the handling of stormwater runoff. 	<p>1 & 2 Noted.</p> <p>Legal advice received by the City has confirmed that a Restrictive Covenant "in gross" on the Certificate of Title over the subject land will restrict access to the watercourse. This will be noted in the approved Structure Plan and a Restrictive Covenants will be created on the Certificate of Titles of the new properties.</p> <p>3. Noted.</p> <ul style="list-style-type: none"> • City's Technical Services had advised that, as no complaints have been received in the past regarding the maintenance of this seasonal creek line. Establishment of a reserve that would require maintenance by the City is not justified in this instance. • The proposed Structure Plan indicates that adequate landscaping/screening will be installed at strategic locations such as along the newly created internal road, between the existing orchard property and nearest building envelope (within the 150m buffer area) and on the western and southern side of each new development envelope. Stormwater management issue has been addressed to the satisfaction of the City's Technical Services.
2	R Becker	210 Carradine Road, Bedforddale	<p>Only objection is in relation to the impact on water. Already the creek has been dry for four months this year. There is no scheme water for properties along Carradine Road and this proposed subdivision will place additional pressure on resource.</p>	<p>Refer to No.1 & 2 above.</p>
3	M Porter	188 Carradine Road, Bedforddale	<p>Object to the amendment due to the adverse impact of additional development on the Neerigen Brook.</p> <p>Current over use of the creek has resulted in the drying up of the creek down stream.</p> <p>Title restrictions as with recommended water usage does not hinder people drawing unreasonably on water resources.</p>	<p>Refer to No.1& 2 above.</p>

SCHEDULE OF SUBMISSIONS - TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.14				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
4	G M & D T Dann	334 Carradine Road, Bedforddale	Neerigen Brook and Carradine Brook are in stressful situation, brought about by the decline in rainfall and over use. We would like to know how the Council plans to address this problem particularly if there is to be an increase in users and a decrease in supply of both brook and ground water.	Refer to No.1 & 2 above.
5	Alinta PO Box 8491 Perth BC 6849		No Alinta Gas Network Assets in the area specified.	Noted.
6	Water Corporation		<p>Objects to this proposal. Please note the following comments:</p> <ul style="list-style-type: none"> • According to WAPC Policy 2.5 lots ranging from 1.0 ha to 4.0ha should have reticulated potable water supply. A portion of the subject area falls outside a Water Scheme and therefore a reticulated potable water supply is not immediately available.... • The subject area falls outside a planned sewerage catchment. • The subject area falls outside the Neerigen Brook Drainage Catchment. Therefore development of the subject area will require a contribution towards drainage headworks. 	<p>Noted.</p> <p>The submission is only in respect to advising the applicant on infrastructure services consideration at the detail design stage, which should be addressed at subdivision development stage.</p>
7	Western Power		<p>No objection.</p> <ol style="list-style-type: none"> 1. Perth One Call Service (Ph 1100 or 9424 4118) must be contacted and location details (of Western Power's underground cable) obtained prior to any excavation commencing. 2. Work safe requirements must be observed when excavation work is undertaken in the vicinity of Western Power's assets. 	<p>Noted.</p> <p>The submission is only in respect to advising the applicant on infrastructure service consideration at the detail design stage, which should be addressed at subdivision development stage.</p>

PLN 2.1	ESTABLISHMENT OR VARIATION OF DEVELOPMENT ENVELOPE LOCATIONS
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1. INTRODUCTION

Clause 5.7 of the Scheme limits clearing to within designated development envelopes. The purpose of this policy is to establish criteria to assist in the determination of suitable development envelope locations and provide guidance for their variation

This policy supersedes Policy P254/94 adopted by Council on 20 June 1994 which is hereby revoked.

2. POLICY OBJECTIVES

To locate development envelopes having regard to:

- Minimise clearing of local vegetation and protect significant vegetation and trees;
- Minimisation of visual impact of buildings from adjoining roads or public areas;
- Avoidance of steep slopes.

3. POLICY STATEMENT

3.1. Applications for development envelope establishment or variation are to include the following:-

3.1.1 New Subdivisions

Subdivision plans are to identify:

- (a) the proposed location of the development envelope/centroid;
- (b) significant vegetation stands to be retained (to the satisfaction of Council);
- (c) survey plot of significant trees on the site in terms of their size, type or quality (to the satisfaction of The City);
- (d) topography and contour information at 1m intervals to identify site gradients.

3.1.2 Variations to established development envelopes

- (a) Site plans which identify:
 - (i) the existing and proposed development envelopes;
 - (ii) the details required in 3.1.1 (b to d above).
- (b) Letter stating reasons for a development envelope variation.
- (c) Letter of consent from approving covenant body where such a covenant exists on the property.

3.2. Applications to establish or vary an established development envelope will be assessed in accordance with the following:

- Provisions contained within Town Planning Scheme No.4 relating to minimum setback requirements;
- The extent of clearing of local vegetation should be minimised and significant vegetation and trees protected. Applicant to demonstrate that the relocation of the envelope will not detrimentally impact on vegetation;
- Visual impact of buildings should be minimised from adjoining roads or public areas. Applicant to demonstrate that building impact is not aggravated as a result of envelope relocation.
- Steep slopes which may complicate building construction, driveways, effluent disposal or which may affect visual impact are to be avoided. Applicant to demonstrate that location will not detrimentally affect these matters.
- Significant trees identified on the property should be retained. Applicant to demonstrate that envelope location will not result in the removal of significant trees.

PLN 2.4	TREE PRESERVATION
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1. INTRODUCTION

Clause 11.8.1 of the town planning scheme enables the City to require the preservation of a tree or group of trees of an individual landowner or subdivider of land. This policy is required to provide guidance on the applicability of tree preservation in residential areas.

This policy supersedes Policy P490/89 adopted by Council on 16 October 1989 which is hereby revoked.

2. APPLICATION OF POLICY

This policy applies to all new residential subdivision proposing lots in excess of 4000sqm, general residential subdivision characterised by significant trees or sensitive topographical features and development applications.

3. POLICY OBJECTIVES

- To provide guidance for the protection of trees of significance.

4. POLICY STATEMENT

4.1 Residential Subdivision

- (a) All new residential subdivision proposing lots in excess of 4000sqm, or which are characterised by significant trees or sensitive topographical features, which in the opinion of the Executive Director - Development Services/Planning Services Manager warrant special consideration, shall be assessed as to the need for treescape preservation.
- (b) Having regard to advice of the Manager Parks as to the desirability and detail needed for tree preservation within such subdivision, the Executive Director Development Services/Planning Services Manager shall recommend appropriate regulatory mechanism for tree retention.
- (c) The City shall consider such subdivision and make appropriate recommendation as it sees fit.

4.2 Development

In the course of applying conditions for development approvals, The City may require submission of a landscape plan including indication of existing trees of a significant character.

PLN 2.4	TREE PRESERVATION
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This policy supersedes Policy PLN 2.4 Tree Preservation last adopted by Council on 19 September 2005 (D97/7/05).

1. INTRODUCTION

Town Planning Scheme No.4 includes a number of mechanisms that protect or that can be used to achieve preservation of trees or groups of trees including:

- a) the use of development envelopes (Clause 5.7 and Policy PLN 2.1);
- b) a requirement for permission to clear remnant vegetation Rural Living zones (Clause 5B.7);
- c) a requirement for permission to remove or lop, top or chop trees in District Centre, Local Centre and Mixed Business/ Residential zones (Clause 5C.9);
- d) identification of areas as landscape and bushland protection areas on Special Control Area Map 1 which can serve to protect groups of trees (Clause 6.5);
- e) listing on the heritage list where those trees are of cultural heritage significance and worthy of conservation (Part 7); and
- f) serving of a notice requiring landholders to preserve a tree or group of trees (Clause 11.8).

Development envelopes (mechanism a.) are regularly used because they can often protect the immediate surrounds of significant trees or shrubs, particularly when environmental values are sought to be protected. Policy PLN 2.1 addresses tree preservation in subdivisions.

The protection afforded by heritage listing (mechanism e.) from actions detrimental to trees is not as clear as that provided by Clause 11.8.

This policy focuses on the last mechanism noted above, namely Clause 11.8 which reads as follows:

"The City may by notice served upon individual landholders or upon a subdivider of land require the preservation of a tree or group of trees. Thereafter no landholder shall cut, remove or otherwise destroy any tree unless the City grants approval or rescinds the notice or order."

1.1 DEFINITIONS

"Registered tree" is a tree or group of trees subject to a notice under Clause 11.8 of Town Planning Scheme No.4.

"Tree" includes shrubs and other perennial plants, and should be read in the singular or plural to include a group of trees.

2. POLICY OBJECTIVES

To provide guidance on criteria that should be used when considering whether or not a tree is significant enough to warrant issuing of a notice under Clause 11.8.

To provide guidance on administrative process to achieve the outcomes intended by Clause 11.8.

3. POLICY STATEMENT

3.1 Using the appropriate mechanism for tree protection

In general Clause 11.8 should only be used:

- when other mechanisms (i.e. as identified in the introduction to this policy) are deemed inadequate or not suitable; and/ or
- the tree in question is of such significance that additional protection is warranted.

Trees of cultural significance that qualify for heritage listing under Part 7 of Town Planning Scheme No.4 should also be protected by a notice issued under Clause 11.8.

In general, Clause 11.8 is not an appropriate mechanism for protecting trees on reserves vested in the City of Armadale or road reserves¹.

In the course of processing an application for planning approval, the City may require an owner to submit a plan that identifies trees affected by the proposed development likely to be deemed significant under this Policy and details of proposed measures to protect the trees.

3.2 Guidance in determining whether or not a notice should be issued for a tree

Only trees deemed to be significant when assessed in accordance with the guidance information below warrant issuing a notice.

If it appears likely that a tree will be deemed as significant, the Manager Parks should organise an assessment by a qualified horticulturist or arborist of the health, life expectancy, locality the tree is located within, public safety and management needs of the tree. The assessment will be considered in deciding whether or not a notice should be issued.

Significance criteria are described below. Some of the criteria may overlap.

¹ Other administrative mechanisms are in place to protect significant trees on reserves vested in the City. With regard to roads, although the *Land Administration Act 1997* identifies local government as having the care, control and management of road reserves other legislation permits installation of public utility services such as electricity, gas and water with little or no need for approval from the local government.

Heritage significance

Heritage significance can arise from importance to the aboriginal community, European significance, association with a significant heritage site, or commemorative plantings.

Heritage significance should be determined with due regard to the advice of the City's Community Heritage Advisory Committee, or in the case of aboriginal significance with due regard to the advice of the Aboriginal and Torres Strait Islander Advisory Committee.

Species significance

Species significance can arise from a range of factors including outstanding size or age, horticultural significance, rarity, habitat value, or curious growth forms.

Outstanding size or age should be assessed by the Manager Parks based on the size and age of the tree relative to normal mature size and age of trees for that species in the City.

Horticultural significance should be assessed by the Manager Parks using the species significance factors noted above and horticultural advice.

Rarity should be considered from a state-wide and City of Armadale context. Declared Rare Flora and Priority Flora are adequately protected under the *Wildlife Conservation Act 1950* and will not be listed under this policy. The Manager Parks and Environmental Officer should provide advice on rarity.

The habitat value of a tree is only significant if it provides a breeding, feeding or roosting site regularly used by fauna protected under state or federal legislation or international treaties. The Environmental Officer should provide advice on habitat value.

Habitat value may be listed as an important attribute for trees identified as significant for other reasons, even if the tree's habitat value does not meet the abovementioned criteria. This would be the case for example for a Marri tree (*Corymbia calophylla*) listed as significant for other reasons because Marri provide habitat for a much wider range of fauna than many other local trees.

Curious growth forms include abnormal outgrowths, fused branches or unusual root structures, and should be assessed by the Manager Parks.

Location/ landmark significance

Some trees acquire significance due to their context in the landscape and use as landmarks by citizens of the district. Assessment of location/ landmark significance is subjective, yet many people can share the same perception. Location/ landmark significance should therefore only be ascribed where there is agreement by a large number of people from a relatively wide area that a particular tree is of significance, or by Council. Location/ landmark significance can be demonstrated through community action such as petitions and letters.

Location/ landmark significance should be assessed by the Planning Services Manager or Executive Director Development Services, who may consult with the Community Heritage Advisory Committee.

3.3 Process for requesting the City to issue a notice

Any person may request that the City investigate the significance of a tree with a view to issuing a notice under Clause 11.8 of Town Planning Scheme No.4. Such requests should be prepared using the form provided (Attached).

Once received the request will be processed by the City's officers by undertaking an assessment using the framework provided by 3.2 above, and a recommendation made.

3.4 Administrative mechanisms for the protection of registered trees.

The City will maintain a Tree Preservation Register that lists notices issued, their date of issue and a brief summary of the tree's significance.

Trees in the Tree Preservation Register will be identified on the City's geographic information system.

To assist owners with registered trees the City offers:

- a standard plinth and plaque for the base of a significant tree at cost; and
- advice to approved contractors on tree pruning.

Subject to availability of resources, the City will undertake regular inspections when development works are approved in the vicinity of a registered tree.

If a registered tree is on public land (e.g. road reserve) the City will install a plaque or sign except where it is decided that erection of a sign next to the tree will increase threats to the tree (e.g. increased likelihood of theft or damage for significant shrubs such as rosebushes).

3.5 Review of registered trees

The City will re-inspect all registered trees every five years starting in 2010.

**Town Planning Scheme No.4 - Tree Register
Nomination Form**

Address or location of tree (or group of trees) _____

Owner's Name and address (if known) _____

Common name and/ or botanical name _____

Reason for nominating the tree (please tick the box)

- | | |
|--|---|
| <input type="checkbox"/> Heritage significance | <input type="checkbox"/> Species significance |
| <input type="checkbox"/> Location/ landmark significance | <input type="checkbox"/> Other |

Please provide more information of significance of tree, by reference to the criteria provided in City of Armadale Policy PLN 2.4. Please attach other sheets as needed.

Photographs attached? Yes / No

What is the general condition of the tree? Good / Fair / Poor

Nominator's details

Name

Address

Phone No. & e-mail

Signed and dated _____

Nomination forms should be sent to the Chief Executive Officer, City of Armadale, Locked Bag No.2, Armadale WA 6992.

Amendments to Policy PLN 2.1

PLN 2.1	ESTABLISHMENT OR VARIATION OF DEVELOPMENT ENVELOPE LOCATIONS
----------------	---

1. INTRODUCTION

Clause 5.7 of the Scheme limits clearing to within designated development envelopes. The purpose of this policy is to establish criteria to assist in the determination of suitable development envelope locations and provide guidance for their variation

This policy supersedes Policy P254/94 adopted by Council on 20 June 1994 which is hereby revoked.

2. POLICY OBJECTIVES

To locate development envelopes having regard to:

- Minimise clearing of local vegetation and protect significant vegetation and trees;
- Minimisation of visual impact of buildings from adjoining roads or public areas;
- Avoidance of steep slopes.

3. POLICY STATEMENT

3.1. Applications for subdivisions with areas of vegetation or trees, or development envelope establishment or variation are to include the following:-

3.1.1 New Subdivisions

Subdivisions plans that have areas of vegetation or trees within them are to identify on subdivision plans:

- Significant stands of vegetation, including any trees subject to a notice under Clause 11.8 of Town Planning Scheme No.4 and any trees likely to meet the significance criteria for the issuing of a notice under Policy PLN 2.4 Tree Preservation;
- Topography, indicated through maps showing percentage slope across the site or contour plans of 1m or 5m intervals as appropriate;
- The proposed location of development envelopes and where appropriate access routes to those development envelopes. (Note: More than one development envelope on a lot can be considered by the City).

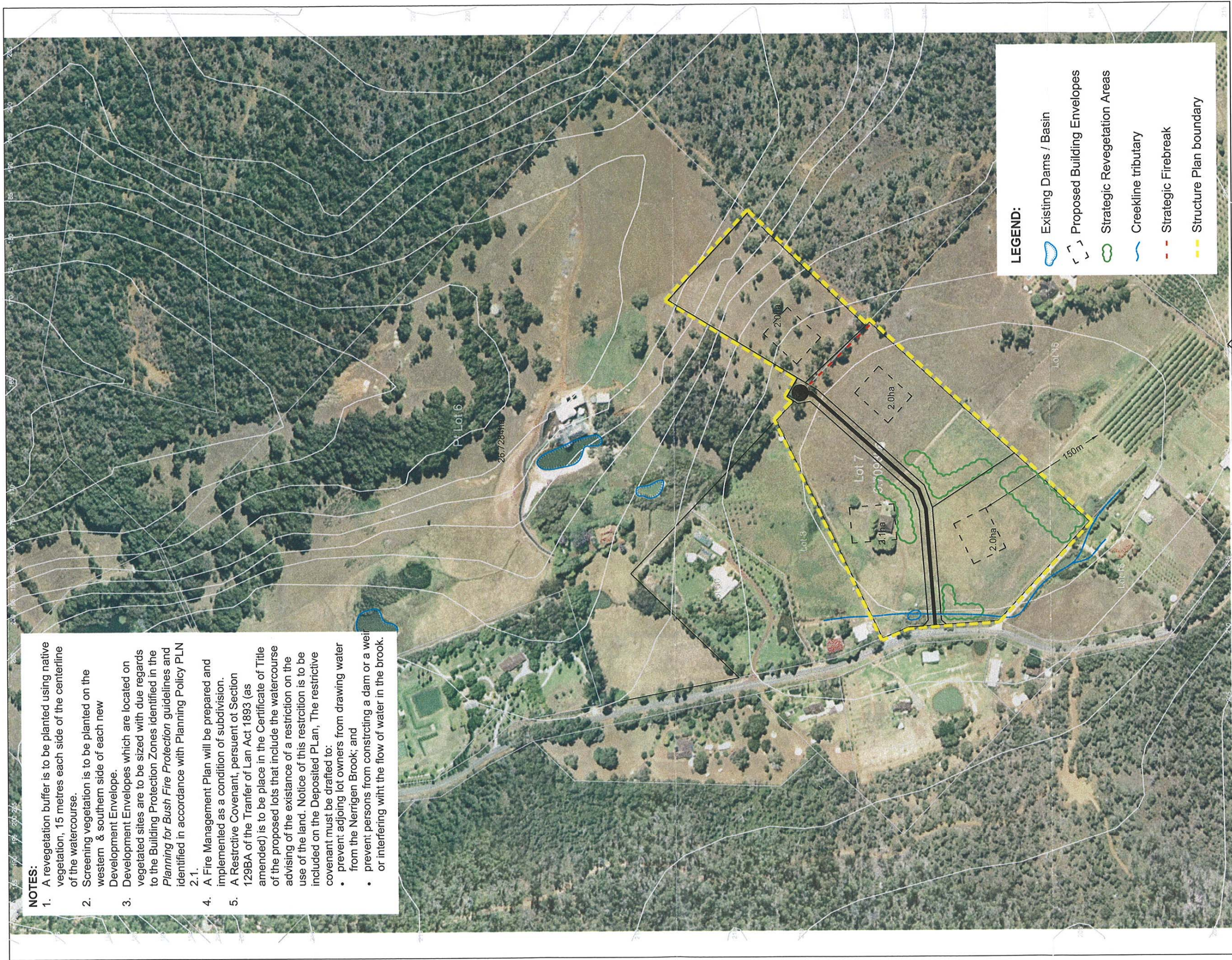
- ~~the proposed location of the development envelope/centroid;~~
- ~~significant vegetation stands to be retained (to the satisfaction of Council);~~
- ~~survey plot of significant trees on the site in terms of their size, type or quality (to the satisfaction of The City);~~
- ~~topography and contour information at 1m intervals to identify site gradients.~~

3.1.2 Variations to established development envelopes

- (a) Site plans which identify:
 - (i) the existing and proposed development envelopes;
 - (ii) the details required in 3.1.1 (b to d above).
- (b) Letter stating reasons for a development envelope variation.
- (c) Letter of consent from approving covenant body where such a covenant exists on the property.

3.2. Applications to establish or vary an established development envelope will be assessed in accordance with the following:

- Provisions contained within Town Planning Scheme No.4 relating to minimum setback requirements;
- The extent of clearing of local vegetation should be minimised and significant vegetation and trees protected. Applicant to demonstrate that the relocation of the envelope will not detrimentally impact on vegetation;
- Visual impact of buildings should be minimised from adjoining roads or public areas. Applicant to demonstrate that building impact is not aggravated as a result of envelope relocation.
- Steep slopes which may complicate building construction, driveways, effluent disposal or which may affect visual impact are to be avoided. Applicant to demonstrate that location will not detrimentally affect these matters.
- Significant trees identified on the property should be retained. Applicant to demonstrate that envelope location will not result in the removal of significant trees.



- NOTES:**
1. A revegetation buffer is to be planted using native vegetation, 15 metres each side of the centerline of the watercourse.
 2. Screening vegetation is to be planted on the western & southern side of each new Development Envelope.
 3. Development Envelopes which are located on vegetated sites are to be sized with due regards to the Building Protection Zones identified in the Planning for Bush Fire Protection guidelines and identified in accordance with Planning Policy PLN 2.1.
 4. A Fire Management Plan will be prepared and implemented as a condition of subdivision.
 5. A Restrictive Covenant, pursuant of Section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed in the Certificate of Title of the proposed lots that include the watercourse advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the Deposited Plan. The restrictive covenant must be drafted to:
 - prevent adjoining lot owners from drawing water from the Nerrigen Brook; and
 - prevent persons from constructing a dam or a weir or interfering with the flow of water in the brook.

LEGEND:

- Existing Dams / Basin
- Proposed Building Envelopes
- Strategic Revegetation Areas
- Creeklime tributary
- Strategic Firebreak
- Structure Plan boundary

Structure Plan

Lots Pt 6 & 7 Carradine Road, Bedfordale



CLIENT Heys
 JOB NO 00-62
 REV E
 DATE December 2006



FIGURE 4

DISCLAIMER:
 This plan has been prepared to accompany a submission by Dykstra Planning and is intended to provide a general overview of the proposed areas and number of lots are subject to survey and also the requirements of the Local Authority and other authorities which may have requirements under any relevant legislation.
 0062-SP-F4-061201-E

