CITY OF ARMADALE

MINUTES

OF **DEVELOPMENT SERVICES COMMITTEE** HELD IN THE **COMMITTEE ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **MONDAY, 15 OCTOBER 2012 AT 7.00 PM.**

PRESENT:	Cr D M Shaw	(Chair)
	Cr M Geary	
	Cr M H Norman	
	Cr L Sargeson	
	Cr C M Wielinga	(7.26pm to 7.33pm)
	Cr J Munn JP CMC	(Deputy for Cr MacDonald)
	Cr R Butterfield	(Deputy for Cr Zelones)
APOLOGIES:	Cr C J MacDonald	(Attendance at Conference)
	Cr H A Zelones JP	(Attendance at Conference)
OBSERVERS:	Cr G A Best	
	Cr G Nixon	
IN ATTENDANCE:	Mr I MacRae	Executive Director Development Services
	Mr P Sanders	Executive Manager Planning Services
	Mr J Erceg	Health Services Manager
	Ms S Hillel	Building Services Manager
	Mrs N Cranfield	Executive Assistant EDDS
PUBLIC:	Nil	

*"For details of Councillor Membership on this Committee, please refer to the City's website – **www.armadale.wa.gov.au/your council/councillors**."*

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read by the Chair as there were no members of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 17 September 2012 be confirmed.

Moved Cr L Sargeson
MOTION CARRIED (6/0)

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 18 / 2012

- **Outstanding Matters & Information Items**
  Report on Outstanding Matters - Development Services Committee
  PIA State Conference Report - 13 & 14 Sept 2012
  Health
  Health Services Manager's Report - Sept 2012
- **Planning**
  Planning Applications Report - Sept 2012
  Reviews before the State Administrative Tribunal (SAT)
  Town Planning Scheme No.4 - Amendment Action Table
  Subdivision Applications - WAPC Approvals/Refusals - Sept 2012
  Subdivision Applications - Report on Lots Registered for 2012/2013
  PAW Closure Report - Significant Actions during Sept 2012
  Compliance Officer's Report - Sept 2012
- **Building**
  Building Services Manager's Report - Sept 2012
  Building Applications Monthly Statistics - Sept 2012

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

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DEVELOPMENT SERVICES COMMITTEE

15 OCTOBER 2012

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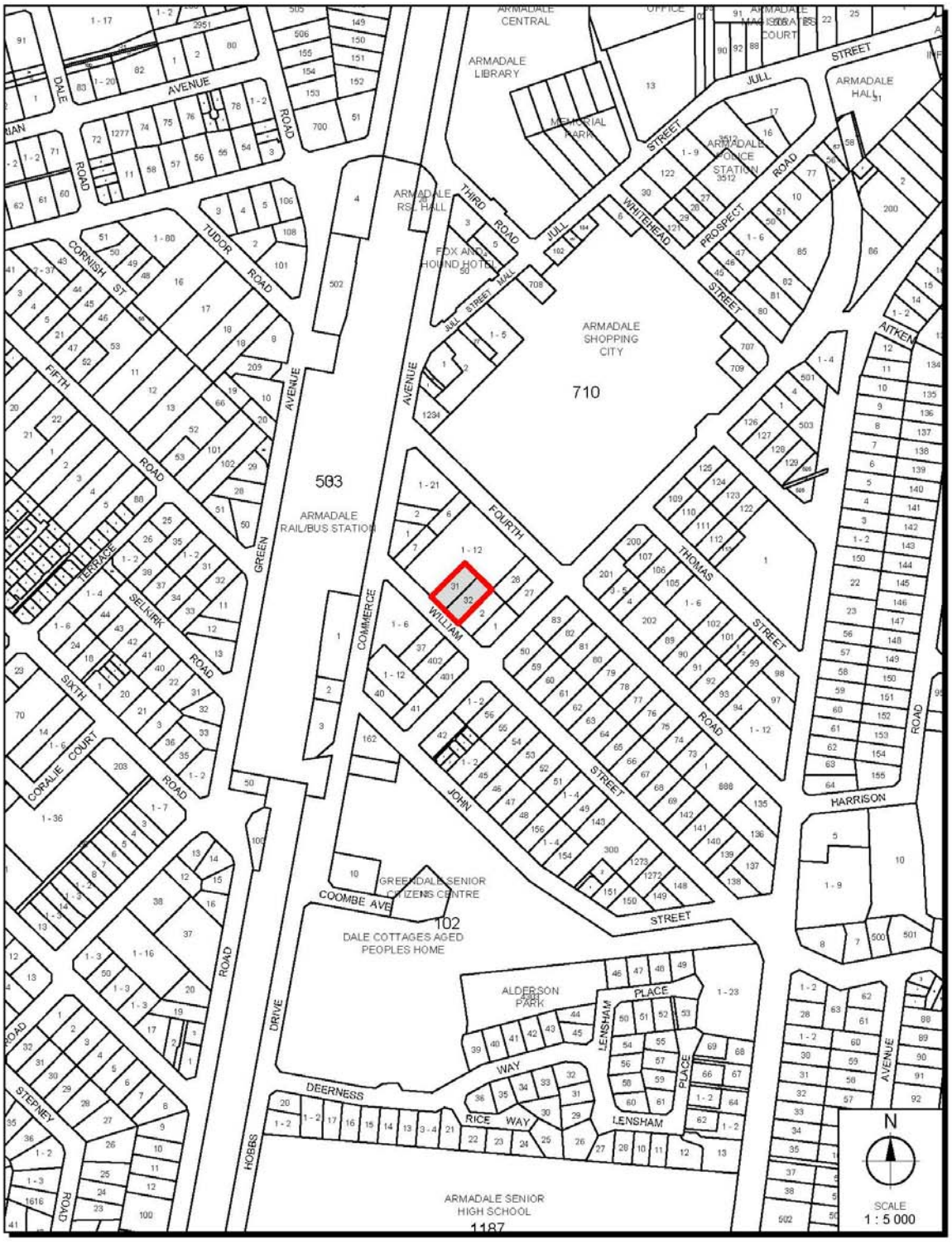

LOCATION PLAN
LOTS 31 & 32 WILLIAM STREET, ARMADALE

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1.1 - PROPOSED OFFICE BUILDING, LOTS 31 AND 32 (43 AND 45) WILLIAM STREET, ARMADALE

WARD	:	MINNAWARRA
FILE No.	:	M/684/12 PR20572 & PR20632
APPLN NO.	:	10.2012.19.1
DATE	:	3 October 2012
REF	:	MK
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	Goldstyle Homes
LANDOWNER	:	C and K Gold
SUBJECT LAND	:	Property size 2024m²
ZONING MRS / TPS No.4	: : :	 Central City Area Strategic Regional Centre

In Brief:

- This Planning Application is the subject of an Application for Review to the State Administrative Tribunal (SAT) based on Deemed Refusal of the application.
- The Council previously considered the proposal at the meeting held on 28 May 2012. Council refused the application.
- Amended plans were lodged with CoA prior to the last Mediation at SAT held on 5 July 2012. Following further negotiations, SAT ordered further amended plans be lodged by 5 September and reconsidered by Council at 24 September meeting. The applicant did not lodge further amended plans and requests Council make a determination of the application based on the plans lodged with CoA prior to the last SAT mediation process.
- It is recommended that the Council approve the application subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

2.3 Diverse and attractive development that is integrated with the distinctive character of the City.
2.3.1 Provide supportive planning and development guidance and liaison on major land developments

2.4 Attractive and user-friendly streetscapes and open spaces
2.4.1 Implement townscape, streetscape and parkland improvements to enhance the distinctive character of the City.

AERIAL PHOTOGRAPH
LOTS 31 & 32 WILLIAM STREET, ARMADALE

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Legislation Implications

Planning and Development Act 2005
Town Planning Scheme (TPS) No.4
Local Planning Strategy 2003
Metropolitan Region Scheme
State Administrative Tribunal Act 2004

State Policy Implications

SPP 4.2 Activity Centres for Perth and Peel

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Planning Application fee paid. Additional costs have been incurred by the City in relation to defending the application for review.

Consultation

- Development Control Unit
- The application was not required to be advertised.

BACKGROUND

A development application for the construction of a 1326m^2 Office Building was lodged with the City on 13 January 2012 (refer attached plans). A letter accompanying the application explained that the Office building (once built) would be leased to a Commonwealth Government organisation with 45 staff members and up to 250 customers per day in the building. The land is owned by private individuals and the applicant and builder are a private building company.

The Nett Lettable Area (NLA) of the office was determined to be 990m² based on the fitout and layout of the building for Centrelink purposes. Assessment revealed that the proposed on-site parking provision (7 bays) was considerably short of the 27 bays required under TPS 4 for an Office of that size. The TPS can allow on-street bays directly abutting the property to be credited towards parking provision. Accordingly a credit of 6 bays could be applied however, even if this credit was allowed by Council it would still leave a 14 bay shortfall. In addition, it was determined that such a credit may not be appropriate given the number of customers that attend a Centrelink office each day.

The City requested the applicant submit amended plans demonstrating compliance with the parking requirement of 27 bays. The applicant chose not to submit the revised plans. Instead, on 26 March, the applicant lodged an application for review with the State Administrative Tribunal. The application was lodged on the basis of deemed refusal as the 60 day statutory timeframe had elapsed without a determination being issued. It should be noted that the City had been waiting for the requested amended plans for 30 of the 60 days.

EXISTING BUILDING NEXT TO DEVELOPMENT SITE
PROPOSED OFFICE DEVELOPMENT
LOTS 31 & 32 WILLIAM STREET, ARMADALE

EXISTING CENTRELINK BUILDING ON OPPOSITE SIDE OF ROAD
PROPOSED OFFICE DEVELOPMENT
LOTS 31 & 32 WILLIAM STREET, ARMADALE

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A Mediation session was ordered by SAT and following negotiations SAT ordered that the applicant submit amended plans including possible options for addressing the parking shortfall. At the second Mediation session it was deemed that the amended plans lodged did not contain enough detail to assess them. The SAT Member agreed with the City's advice. SAT then ordered the applicant to submit a modified proposal and/or additional information by 8 May 2012. As the Respondent, the Council was invited to reconsider its decision at its meeting to be held on 28 May 2012 in accordance with Section 31 of the State Administrative Tribunal Act 2004 which reads as follows:

31. Tribunal may invite decision-maker to reconsider decision

(1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.

(2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may —
(a) affirm the decision; or
(b) vary the decision; or
(c) set aside the decision and substitute its new decision.

(3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.

On 28 May 2012 Council resolved to refuse the application for the following reasons:

a) Non-compliance with Clause 5C.6.1 of Town Planning Scheme No.2 whereas on-site parking is deficient by 20 bays. Clause 5C.6.1 is as follows:

5C.6.1 Car parking is to be provided in accordance with the standards for respective uses detailed in Schedule 11A, unless otherwise approved by the City in accordance with the provisions of clause 5.5. Unless otherwise approved or required by the City, required car parking is to be provided on the site of the proposed development.

b) Approval of the development without sufficient car parking to support the proposed land use would not be in the interests of orderly and proper planning and preservation of the amenity of the area. If a development is approved which prejudices the ability of the customers of other adjacent businesses to obtain proximal car parking then this could impose a detrimental economic impact on adjacent businesses. In addition, the inability of the local area to provide for the demand for car parking may lead to an increase in ad hoc car parking on verges and other no parking areas which may impact on the safety of pedestrians and drivers.

c) It is not appropriate to approve a reduction in the amount of car parking required under the Town Planning Scheme No.4 due to the large staff numbers of the proposed occupiers (45 staff) and the significant daily customer numbers of approximately 250 people. All of the required parking should be provided on site.

FRONT OF DEVELOPMENT SITE
PROPOSED OFFICE DEVELOPMENT
LOTS 31 & 32 WILLIAM STREET, ARMADALE

VIEW DOWN WILLIAM STREET
PROPOSED OFFICE DEVELOPMENT
LOTS 31 & 32 WILLIAM STREET, ARMADALE

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d) The development as proposed constitutes overdevelopment of the site as the size of the building leaves insufficient land for the required number of car bays to be provided on site and no provision for landscaping of the car parking areas. The over-development therefore will affect both parking supply in the local area and the streetscape (D28/5/12).

Council's decision was forwarded to SAT and a further Directions Hearing was held at SAT on 1 June 2012. The outcome of the Directions Hearing was that the matter was adjourned for further mediation on 5 July 2012 and the applicant was ordered to lodge revised plans with the City for the purposes of mediation. Amended plans lodged by the applicant were assessed and at the mediation session the City identified a number of further modifications that CoA would require before the application could be presented back to Council for determination. SAT then issued an order requiring the applicant to lodge further amended plans to the City by 3 September for consideration by the Council at its meeting to be held on 24 September 2012.

The applicant failed to lodge the amended plans required by the SAT order. When contacted by the City, the applicant requested that the Council be requested to determine the application based on the amended plans received prior to the 5 July mediation session, with appropriate conditions being applied with regard to any further modifications required by the Council.

The next SAT Directions Hearing with regard to this matter is scheduled for 2 November 2012. Accordingly, it is important to note that Council needs to either refuse or approve the application. Deferral of determination of the application is not an option, in view of the need to meet the deadline set by SAT for the next Directions Hearing on 2 November 2012.

DETAILS OF PROPOSAL

At the mediation session held on 5 July 2012 the applicant advised SAT and the CoA's representatives that the building was no longer going to be occupied by Centrelink as the Commonwealth Government had managed to secure a new 5 year lease with the owners of the building currently occupied by the agency. Accordingly, the proposal is to build an office space for lease by any organisation or business.

The amended plans submitted to the City prior to the 5 July mediation session now include a 31 bay undercroft parking area accessed by a ramped driveway on the William Street frontage of the lot. An additional 6 parking spaces are shown at ground level, including a two-car garage, bringing the total on-site parking provision to 37 bays.

The office floor level of the building shows some minor changes to the footprint of the floor and the layout/fitout of the office space is no longer identified as there is not a known tenant at this stage. The Net Lettable Area (NLA) of the office is now 1312m^2 as a result.

CITY'S CAR PARK LOT
LOT 2 WILLIAM STREET, ARMADALE

ON STREET PARKING
PROPOSED OFFICE DEVELOPMENT
LOTS 31 & 32 WILLIAM STREET, ARMADALE

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COMMENT

Development Control Unit (DCU)

The amended plans were reviewed by DCU and the following comments were provided:

- A stormwater design is required for the development and the use of alternate storage methods (such as underground tanks plumbed into toilet facilities) is encouraged rather than stormwater all being directed to the street drainage system.
- Visual truncations are required at the point where the driveway to the ground floor parking area and the ramp from undercroft car park meet the front of the site.
- Front of building should be redesigned to reduce the impact of the 2 metre to 2.6 metre high blank walls to the front of the verandah, ramp and stairs.

Public Advertising

The application was not required to be advertised.

ANALYSIS

Assessment against Town Planning Scheme 4 requirements

Development Element	Scheme Requirement	How addressed by Proposal	Comment
Plot Ratio	There are no limits on plot ratio for the Strategic Regional Centre zone in TPS 4	0.75	N/A
Car Parking	Office – 3 spaces per 100m^2 Net Lettable Area	NLA = 1312m^2 Required = 39 bays Provided = 41 bays comprising 37 bays on site and 4 on-street bays at front of site that may be credited to the bay numbers for the site in accordance with clause 5C.6.2 of TPS 4.	Complies
Landscaping	2m wide strip between street and car parking; tree planting within car parking areas	No landscaping provided between car park and street boundary.	Location of ramp will screen ground floor open air car parking area and in any case only 4-5m x 2m patch of landscaping could be provided. A better solution is to require the building to be set back a minimum of 1 m from the street boundary and planting boxes be constructed at street level to provide visual interest and break up the impact of the 2m-2.6m high verandah/stair/ ramp front wall.

Development Element	Scheme Requirement	How addressed by Proposal	Comment
Design and Pedestrian Access	Continuity of development along shopping streets; Provision of pedestrian shelter; access for people with disabilities; consistency with the design and architectural character of adjoining buildings.	The building will be built to the street boundary; Does not provide for continuity of shelter for pedestrians along the street as there is not a verandah projecting over public footpath and entrance to building is approximately 1.5 metres above street level; Both ramped and stepped access to the entrance is provided: Building is modern contemporary design but presents an extremely plain façade with limited architectural character. This is magnified by the fact that the entrance to the building is considerably higher than the street and public footpath level.	The development does not comply with this TPS 4 requirement. However, there are a variety of street facades and setbacks along this side of William Street. Due to the slope of the street many entrances to buildings are above street level and the public footpath does not have verandah cover as a result. In one instance the medical centre on the corner of William and Church Streets is set back 9 metres from the street and access is only available at the rear of the building. The topography impedes compliance with this TPS requirement

OPTIONS

Council may:

1. Approve the application subject to conditions, including conditions requiring modification of the design of the development; or
2. Refuse to the application and state the reasons for doing so.

CONCLUSION

Office space is in short supply within the Armadale Strategic Metropolitan Centre and developments providing additional office floor space should be encouraged, especially private sector investment in these kinds of development.

The main issue which lead to the refusal of the previous proposal (deficiencies in car parking) have been resolved through the addition of the undercroft car park included on the revised plans.

A number of design issues have been identified with regard to the lack of visual interest on the front façade of the building, location of bin storage, the proposed two-car ground level garage and visibility for vehicles exiting the site via the ground level driveway or the undercroft car park ramp.

It has been identified that minor changes to the front of the building could address these issues including:

- Setting the front of the building back 1 m from the street boundary and adding ground level planter boxes to break up the impact of the blank front wall at ground level and to provide some activity at street level by including recessed bench seating in the planter boxes.

- Replacing the solid brick balustrade to the first couple of metres of the stairs and ramp to metal railings so vehicles exiting the driveway and ramp can see approaching pedestrians and vehicles. Setting back the building 1 metre will also assist in improving visibility at these points.

- Relocating the bin storage area to the undercroft car park.

- Reducing the footprint of the building by deleting the ground level double garage and replacing it with open air car bays.

It is considered that the above requirements can be addressed through conditions of planning approval with a requirement that amended plans incorporating the required modifications be lodged with the City for assessment and be to the satisfaction of the City prior to the developer lodging an application for a Building Permit.

ATTACHMENTS

1. Site Survey & Development Overview - Lots 31 & 32 William St, Armadale
2. Undercroft Car Park - Lots 31 & 32 William St, Armadale
3. Site Plan & Office Space - Lots 31 & 32 William St, Armadale
4. Roof Plan - Lots 31 & 32 William St, Armadale
5. Elevation Drawings - Lots 31 & 32 William St, Armadale
6. Signage Layouts - Lots 31 & 32 William St, Armadale
7. Finishes - Lots 31 & 32 William St, Armadale
8. Proposed Modifications - Lots 31 & 32 William St, Armadale

Committee discussed the appropriateness of condition 4, in respect of the requirement to treat walls with anti-graffiti finish. While Committee agreed that the condition was appropriate, the Executive Director Development Services was requested to advise at the next meeting following consultation with Technical Services on the general suitability of the condition.

Building Services Manager advised of amendment to Advice Note (d) and that "2008" be deleted and replaced with "2012". Accordingly, the Recommendation was amended.

D71/10/12 **RECOMMEND**

That Council:

A. Approve the Application for Planning Approval, including amended plans lodged with the City on 28 June 2012, for the construction of an Office building on Lots 31 and 32 (43 and 45) William Street Armadale subject to the following conditions:

1. Prior to the submission of an application for a Building Permit, revised plans shall be submitted to and approved by the City's Executive Director Development Services, in accordance with Clause 10.8 of the City's Town Planning Scheme No.4, that modify the proposal by:

a) Relocation of the bin storage area to undercroft car park;
b) Removal of two-car garage and replacement with open air parking bays;
c) Relocation of the stairs adjoining two-car garage to office building wall;
d) The front of the building/verandah and stairs being set back 1 metre from the street boundary and a planter box installed at ground level, including 2 recessed bench seats, as depicted on the notated plan entitled "Proposed modifications to be requested through conditions";
e) Improving the blank wall(s) as identified on the approved site plan/elevations.
f) Visually permeable railings to be installed on either side of the first section of the disabled/pedestrian access ramp to enable vehicles parked in the ground level car park adjacent to the ramp to view cars entering the driveway; and
g) The width of the first Disabled bay, and any other bay that will abut an obstruction, being increased by 300mm on each side abutting an obstruction in accordance with AS 2890.1 Off-Street Car Parking.

All construction shall be in accordance with the approved revised plans.

2. **A schedule of external colours and materials shall be submitted to and approved by the Executive Director Development Services with particular emphasis on breaking up the scale of the blank wall(s) identified on the approved site plan/elevations via methods such as colour difference and/or panel segmentation. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.**

3. **The provision of six (6) staff Class 2 and two (2) visitor Class 3 'end of trip bicycle facilities' on the subject land in locations agreed to by the City and continuously maintained in accordance with Clause 5.12.1 and Schedule 11.B of *Town Planning Scheme No.4* to the satisfaction of the Executive Director Development Services.**

4. **Any walls or fencing fronting the public realm (i.e. external walls of the building) are to be treated with an anti-graffiti finish to the satisfaction of the Executive Director Development Services.**

5. **The external surfaces of all parapet walls that are on or adjoining a property boundary shall be painted and finished in accordance with the schedule of colours required by Condition No.2, prior to the installation of any parapet walls along a property boundary, to the satisfaction of the Executive Director Development Services.**

6. **A Disability Access Inclusion Plan is to be prepared and implemented for the building to the satisfaction of the Executive Director Community Services.**

7. **Submission and implementation of a stormwater management plan in accordance with water sensitive design principles to the satisfaction of the Executive Director Technical Services.**

8. **Payment of a drainage levy of $2.94 per m^2 of the total area of the lot (no GST) to the satisfaction of the Executive Director Technical Services.**

9. **Air conditioning units, compressors and other equipment related to utilities to be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the Executive Director Development Services.**

10. Submission of a Landscape Plan, addressing the soft and hard landscaping requirements contained in Condition 1, to the satisfaction of the Executive Director Development Services. The development shall be completed and maintained in accordance with the approved Landscape Plan to the satisfaction of the Executive Director Development Services.

11. Existing street trees adjacent to Lots 31 and 32 are to be retained and shall be protected from damage prior to and during construction to the satisfaction of the Executive Director Technical Services.

12. Crossovers, driveway, car parking and vehicle manoeuvring spaces shall be constructed, services/infrastructure relocated, drained, sealed, kerbed, marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.

13. Existing crossovers to be removed and all kerbing / footpaths to be reinstated to the specifications and satisfaction of the Executive Director Technical Services.

14. Evidence being provided from the Land Titles Office that amalgamation of Lots 31 and 32 has been completed and new Certificate of Title issued prior to occupation of the building.

15. A Waste Management Plan to be submitted to and approved by the Executive Director Technical Services and development to occur in accordance with those plans.

16. All rubbish bin storage areas and servicing areas associated with the development shall be appropriately screened from public vantage points to the satisfaction of the Executive Director Development Services.

17. All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.

Advice Notes

a) With respect to Condition 1, the revised plans must be submitted to and approved by the City's Planning Services, prior to making application for a Building Permit.

b) The modifications detailed in Condition 1 d) are required to provide an acceptable level of aesthetic amenity at street level by screening the 2 metre to 2.6 metre blank front wall to the verandah and stairs. Setting back the building by 1m will also provide a visual truncation for vehicles exiting the undercroft parking area which will address pedestrian safety on the public footpath.

c) With respect to Conditions 1 e) and 2, aside from paints, stains and pigmented concrete, options that can be considered to improve the appearance of blank walls include cast-in features like brick and stone, and erosion finishes like sandblasting and acid-etching. Panel tops can be pedimented or curved, and facades that are curved, segmented or that include openings, feature windows, significant areas of glazing or other materials are encouraged.

d) Compliance with the Building Code of Australia 2012 is required. In this regard, a Building / Demolition Permit application shall be submitted to the City's Building Department and approved prior to the erection / demolition of any structures on the subject site.

e) With regard to Condition 6 above, guidelines on preparing a Disability Access Inclusion Plan and designing buildings and their surrounds to achieve maximum accessibility can be found on the Disability Services Commission website www.disability.wa.gov.au.

f) With regard to Condition 10, please refer to the City's Landscaping Guidelines – Industrial and Commercial and the Landscaping Guidelines – Plants to Avoid, to assist you to formulate a satisfactory landscaping proposal. Copies of this document are available on the City's website at: www.armadale.wa.gov.au/publications/

g) A planning application will need to be submitted to Council indicating the comprehensive advertising sign format for the site. Subsequent applications for sign licences shall conform to the planning consent as issued by Council.

h) The developer is reminded of the requirement under the provisions of the Environmental Protection Act that all construction work (which includes earthworks and similar) be managed with due regard for noise control. Works generating noise, and rock breaking in particular, are not permitted:-

- **Outside the hours of 7.00am to 7.00pm; or**
- **On a Sunday or Public Holiday.**

i) The applicant and landowner are advised that it is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the Planning Development Act 2005. The City can issue a Planning Infringement Notice of $500 (without notice) and/or commence legal action with higher penalties up to $200,000 for each offence and a daily penalty of $25,000 per day for the continuation of that offence. It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.

B. That the State Administrative Tribunal be advised of the Council's decision in this regard.

Moved Cr M H Norman
MOTION CARRIED (6/0)

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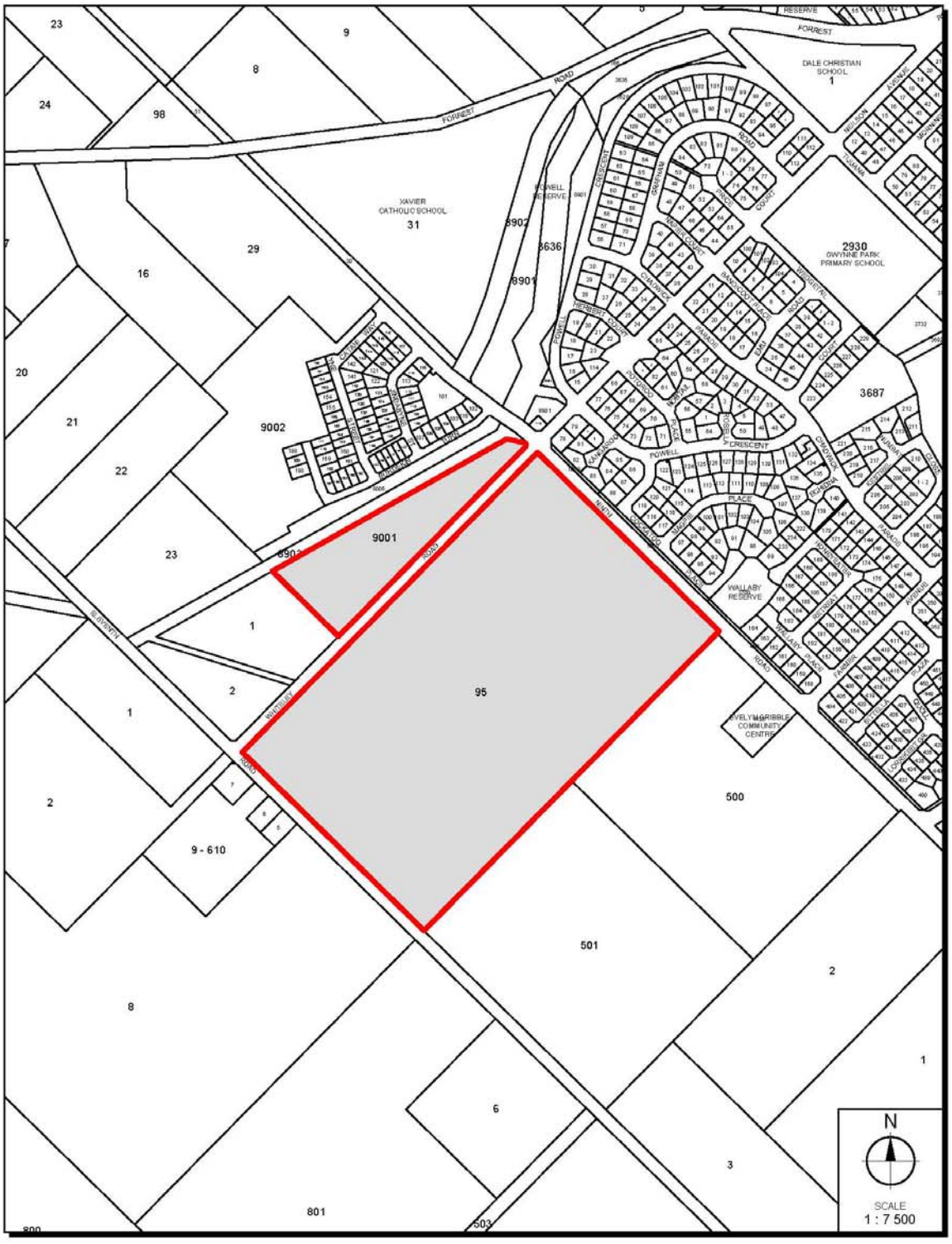

LOCATION PLAN
LOT 9001 WHITELEY ROAD & LOT 95 ELEVENTH ROAD, HILBERT

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2.1 - ROAD NAMING - LOT 9001 WHITELEY ROAD AND LOT 95 ELEVENTH ROAD, HILBERT

WARD	:	LAKE
FILE No.	:	M/703/12
DATE	:	24 September 2012
REF	:	HC
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	McMullen Nolan Group Pty Ltd
LANDOWNER	:	Department of Housing
SUBJECT LAND	:	Property size 30.34 ha approx.
ZONING	:	MRA Scheme Area

In Brief:

- Council has received a proposal to name new road reserves for a subdivision on Lot 9001 Whiteley Road and Lot 95 Eleventh Road, Hilbert.
- The proposed road names follow a theme of Australian lakes and rivers and comply with the Geographic Names Committee (GNC) criteria.
- Recommend that Council approach the Geographic Names Committee seeking approval for the new road names as listed in the recommendation.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

2.5.1 Provide a safe and efficient movement network including local and arterial roads and associated infrastructure.

Legislation Implications

Land Administration Act 1997.

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

AERIAL PHOTOGRAPH
LOT 9001 WHITELEY ROAD & LOT 95 ELEVENTH ROAD, HILBERT

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Consultation

- Geographic Names Committee

BACKGROUND

Council, at its meeting on 26 February 2011, resolved to seek Geographic Names Committee (GNC) approval for a number of road names, following the theme of Australian rivers and lakes, on the adjoining subdivision on the north western side of the Neerigen Brook (D12/2/11 refers). The names sought have subsequently been approved by the GNC.

DETAILS OF PROPOSAL

Council has received a proposal for the naming of road reserves for new streets which are being created by a subdivision proposed for Lot 9001 Whiteley Road and Lot 95 Eleventh Road, Hilbert (SUB/139940). The developers are following the theme of Australian lakes and rivers.

The applicant proposes the following names to be allocated to the new road reserves in the positions indicated on the attached subdivision plan:

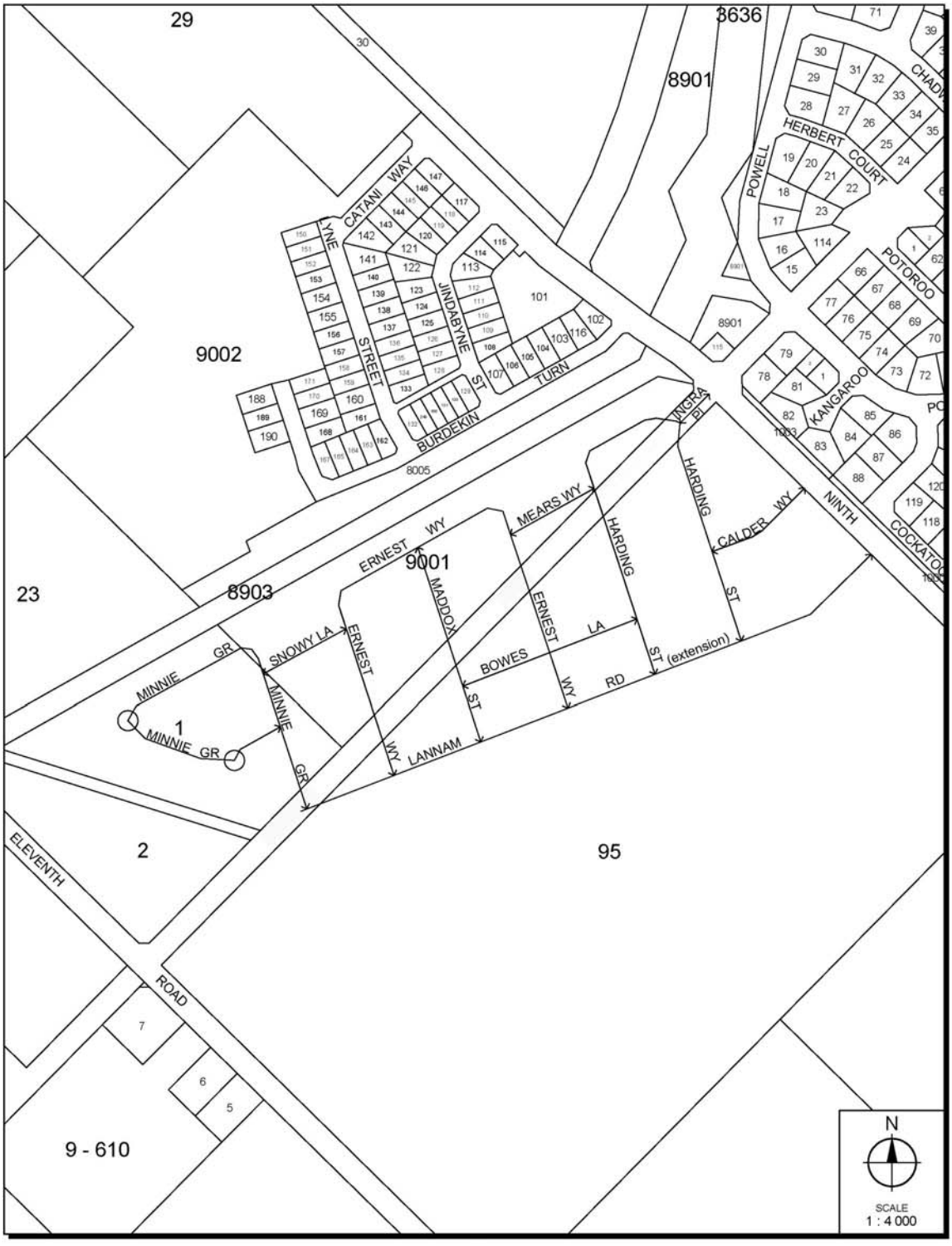
- **Bowes Lane** - the Bowes River begins about 16km north east of Northampton in the Shire of Northampton, and flows generally south west and west for about 50km before reaching the Indian Ocean near Horrocks townsite. The river was named by the explorer George Grey in 1839 while on his second exploration expedition. It was named for Mary Bowes, Dowager Countess of Strathmore, wife of Sir William Hutt, who was heavily involved in the colonisation of New Zealand and South Australia and whose brother was John Hutt, the second Governor of Western Australia.

- **Calder Way** – The Calder River, discovered by surveyor Frederick Slade Drake-Brockman, is in the Kimberley region of Western Australia. It arises in the Elizabeth and Catherine Range and flows in a southerly then westerly direction and discharging into the Indian Ocean via Walcott Inlet. It was named after John Calder, the leader of a prospecting party who were in the area at the same time as Mr Drake-Brockman.

- **Ernest Way** – The Ernest River is a 69km long tributary of the Forrest River in the east Kimberley that flows into the Timor Sea in Joseph Bonaparte Gulf. It was named by C. A. Burrows, surveyor to the Murray River Squatting Company in 1886, but it is not known after whom it is named.

- **Harding Street** – The Harding River is in the Pilbara region of Western Australia, rising in the Chichester Range and flowing generally northerly for about 80km to the Indian Ocean near Cossack. It was named by surveyor and explorer F. T. Gregory in 1861 after J. Harding, a volunteer member of the expedition.

- **Ingra Place** – Lake Ingra, in the Shire of Dandaragan and some 5km east of Dandaragan, is some 220km north-north west of Perth. It is proposed to rename the remaining portion of Whiteley Road on the south western side of Ninth Road to **Ingra Place** to correspond with the Australian rivers and lakes theme of the subdivision roads.



STREET NAMING PLAN
LOT 9001 WHITELEY ROAD & LOT 95 ELEVENTH ROAD, HILBERT

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- **Maddox Street** – Lake Maddox in the Shire of Halls Creek and about half way between Lake Gregory and the WA/NT border, covers around an area of some 68ha when full.

- **Mears Way** – Lake Mears, in the Shire of Quairading and some 25km south of Quairading, is one of the tourist attractions of the shire. It is a natural salt lake, part of an expansive lake system and, when full of water, is used for water skiing.

- **Minnie Grove** – The Minnie River is a 32km long anabranch of the Fitzroy (an arm of the river that separates from and later rejoins the main stream) located close to the mouth of the river, south of Derby. The name was first recorded by Hamlet Cornish and George Paterson of the Murray River Squatting Company in 1881, but it is not known after whom it is named.

- **Snowy Lane** – The Snowy River is a major river that originates on the slopes of Mt Kosciuszko and flows through New South Wales and Victoria, emptying into the Bass Strait. It is celebrated in literature as the area that produced the "Man From Snowy River" in the poem by A. B (Banjo) Paterson.

It is proposed that **Minnie Grove** be named over its full extent, including that portion outside the subdivision area.

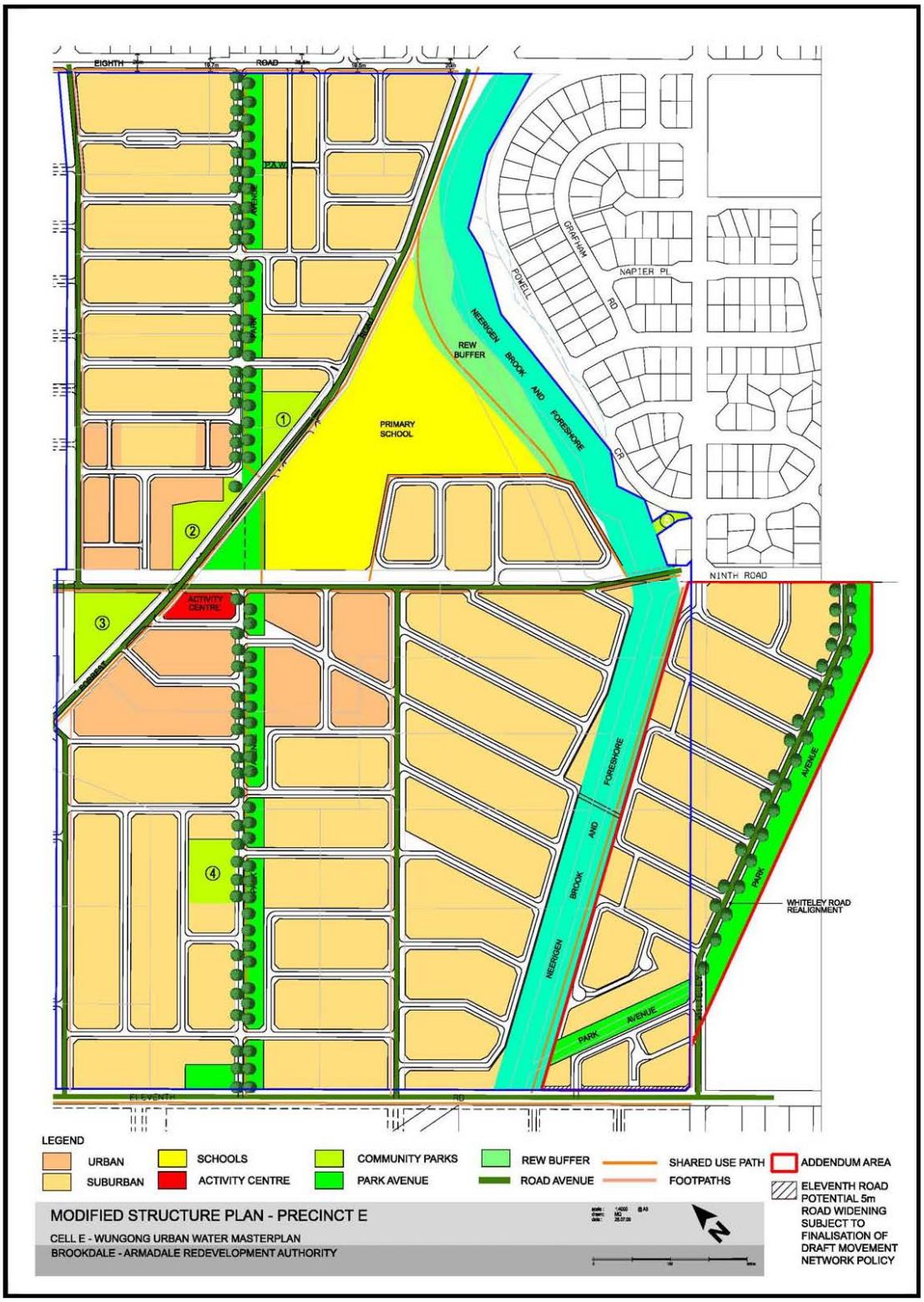
It could be noted that the **Lannam Road** name through to its intersection with Ninth Road, construction of which will be part of the subdivision process, was approved by the GNC in May 2010. When Lannam Road was approved by the GNC, a portion of Whiteley Road was renamed as Lannam and a portion intersecting with Ninth Road remained as Whiteley Road. It is proposed that this portion of Whiteley Road on the south western side of Ninth Road is renamed **Ingra Place** to correspond with the Australian rivers and lakes theme of the rest of the subdivision.

COMMENT

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

OPTIONS

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


EIGHTH ROAD
NINTH ROAD
ELEVENTH ROAD
PRIMARY SCHOOL
ACTIVITY CENTRE
REW BUFFER
NEERIGEN BROOK AND FORESHORE
GRAHAM
POWELL
NAPIER PL
RD
CR
AVENUE
PARK
WHITELEY ROAD REALIGNMENT
LEGEND
URBAN
SUBURBAN
SCHOOLS
ACTIVITY CENTRE
COMMUNITY PARKS
PARK AVENUE
REW BUFFER
ROAD AVENUE
SHARED USE PATH
FOOTPATHS
ADDENDUM AREA
ELEVENTH ROAD POTENTIAL 5m ROAD WIDENING SUBJECT TO FINALISATION OF DRAFT MOVEMENT NETWORK POLICY
MODIFIED STRUCTURE PLAN - PRECINCT E
CELL E - WUNGONG URBAN WATER MASTERPLAN
BROOKDALE - ARMADALE REDEVELOPMENT AUTHORITY

CONCLUSION

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

ATTACHMENTS

There are no attachments for this report.

D72/10/12 **RECOMMEND**

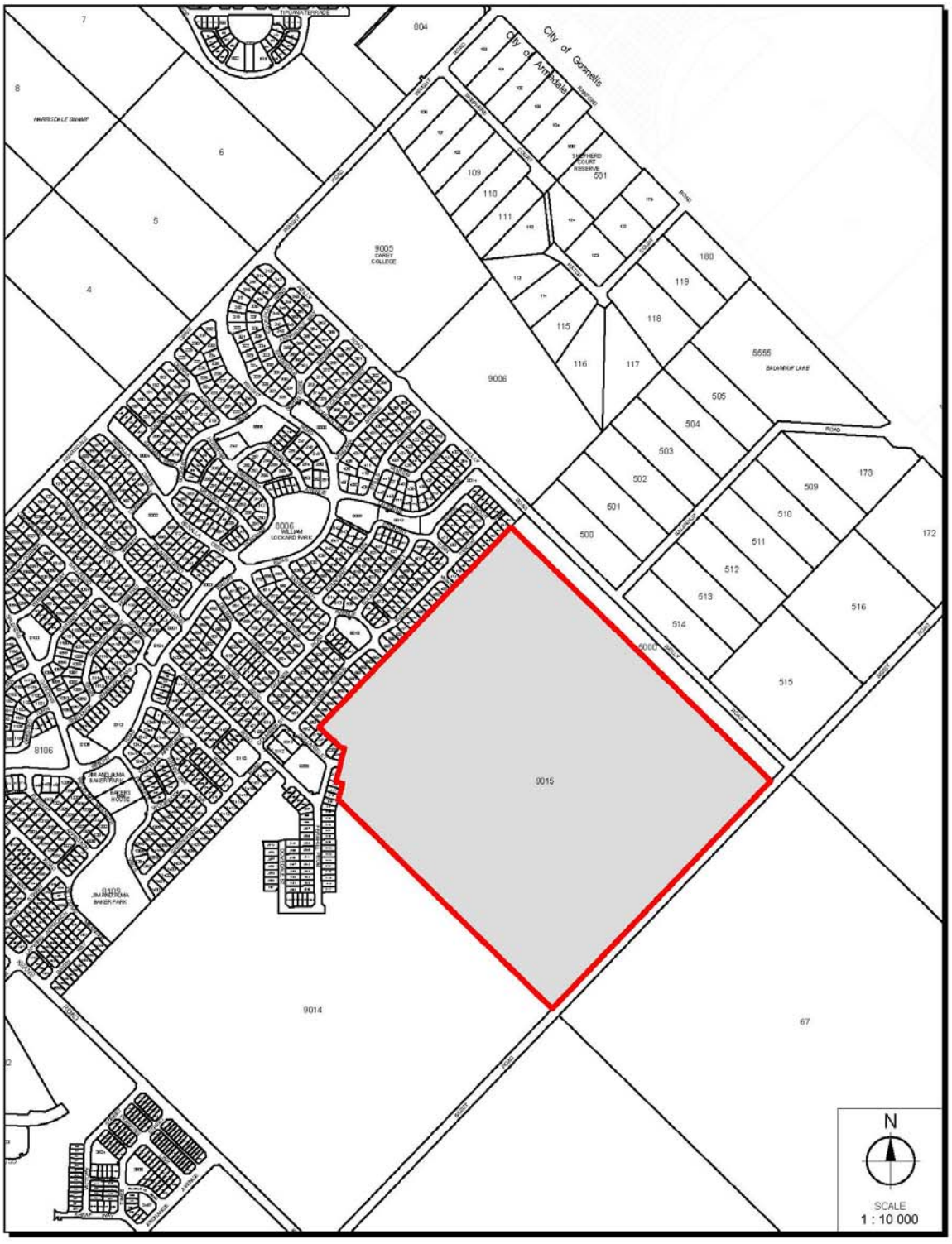
Amendment Council 23/10/2012

~~**That Council Approach the Geographic Names Committee (GNC) seeking approval for the following new road names (or suitable road types acceptable to the GNC) in subdivision on Lot 9001 Whiteley Road and Lot 95 Eleventh Road, Hilbert, as shown on the attached plan:**~~

~~**Bowes Lane; Calder Way; Ernest Way; Harding Street; Ingra Place (to rename a portion of Whiteley Road); Maddox Street; Mears Way; Minnie Grove (over its full extent including the portion outside the current proposed subdivision); and Snowy Lane.**~~

That Recommendation D72/10/12 be not adopted and be recommitted to the Development Services Committee.

Moved Cr J H Munn
MOTION CARRIED (6/0)



LOCATION PLAN
LOT 9015 SKEET ROAD, HARRISDALE

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2.2 - ROAD NAMING - LOT 9015 SKEET ROAD, HARRISDALE

WARD	:	LAKE
FILE No.	:	M/699/12 R/A/2
DATE	:	21 September 2012
REF	:	HC
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	McMullen Nolan Group
LANDOWNER	:	Harrisdale Developments Pty Ltd
SUBJECT LAND	:	Property size 50.04 ha approx.
ZONING		
MRS /	:	Urban
TPS No.4	:	Urban Development

In Brief:

- Council has received a proposal to name new road reserves within the Heron Park subdivision on Lot 9015 Skeet Road, Harrisdale.
- The proposed road names have an Australian Homesteads theme and comply with the Geographic Names Committee (GNC) criteria.
- Recommend that Council approach the Geographic Names Committee seeking approval for the new road names as listed in the recommendation.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

2.5.1 Provide a safe and efficient movement network including local and arterial roads and associated infrastructure.

Legislation Implications

Land Administration Act 1997.

Council Policy/Local Law Implications

Nil.

AERIAL PHOTOGRAPH
LOT 9015 SKEET ROAD, HARRISDALE

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Budget/Financial Implications

Nil.

Consultation

- Geographic Names Committee.

BACKGROUND

Council, at its meetings on 26 March and 23 July 2012 (D19/3/12 and D41/7/12 refer), has approved some sixteen road names in this vicinity utilising an Australian Homesteads Theme.

DETAILS OF PROPOSAL

Council has received a proposal for the naming of road reserves for new streets which are being created by a subdivision proposed for Lot 9015 Skeet Road, Harrisdale. The development is an extension of the Heron Park subdivision and the developers are following an Australian Homesteads theme.

The applicant proposes the following names to be allocated to the new road reserves in the positions indicated on the attached subdivision plan:

- **Ogilvie Way** – Ogilvie, just off Ogilvie Road West in Western Australia, is a homestead about 440km north-northwest of Perth in the Shire of Northampton.

- **Glenora Way** - The homestead of Glenora in Western Australia is about 290km south-southeast of Perth in the Shire of Cranbrook.

- **Wyoming Loop** - Wyoming is a homestead on the Cuneenying Brook in southwest Western Australia, situated about 180km east-southeast of Perth in the Shire of Wickepin.

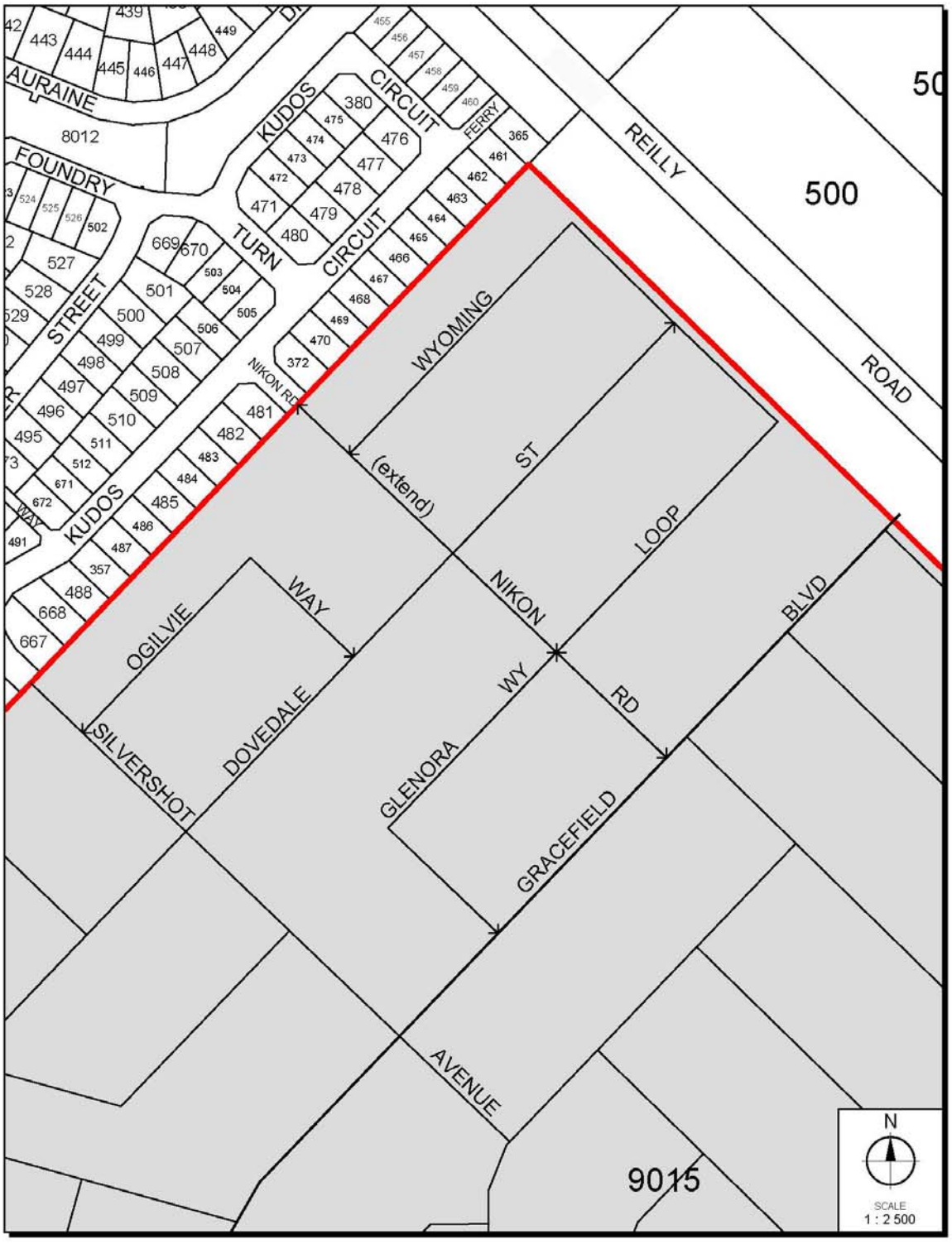
The applicant also proposes the extension of **Nikon Road** from the neighbouring subdivision.

The applicant has also provided a name for consideration to hold in reserve in case GNC decides later that a name is not suitable. The suggested name to hold in reserve is:

- **Hyview** - Hyview is located just off the Corrigin Kondinin Road in Western Australia, about 13km from Kondinin and about 220km east-southeast of Perth in the Shire of Kondinin.

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.



ROAD NAMING PLAN
LOT 9015 SKEET ROAD, HARRISDALE

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OPTIONS

1. Approve the road names as submitted.

2. Not approve the road names and request the developer to provide alternative road names complying with GNC criteria.

3. Not approve the road names and that Council recommend new road names to GNC and the developer.

CONCLUSION

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

ATTACHMENTS
There are no attachments for this report.

D73/10/12 **RECOMMEND**

That Council:

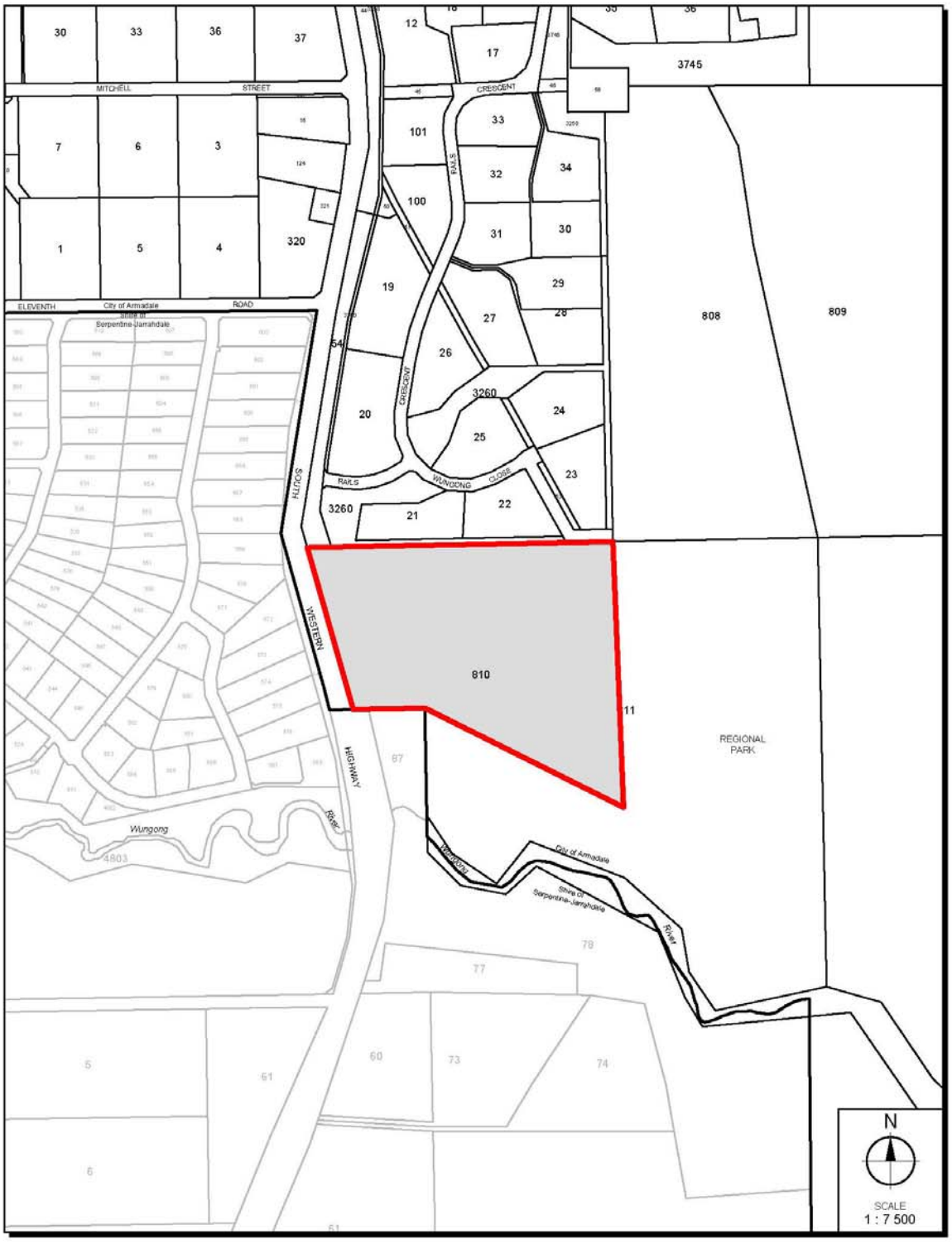
1. **Approach the Geographic Names Committee (GNC) seeking approval for the following new road names (or suitable road types acceptable to the GNC) in the Heron Park subdivision on Lot 9015 Skeet Road, Harrisdale, as shown on the Location Plan (included in this report), being:**

   - **Ogilvie Way; Glenora Way and Wyoming Loop.**

2. **Extend the existing name Nikon Road.**

3. **Hold in reserve for the present the name "Hyview" until the Geographic Names Committee has approved the names above, or use it as necessary where any of the names may not meet GNC approval or for other roads in the area.**

Moved Cr J H Munn
MOTION CARRIED (6/0)



LOCATION PLAN
LOT 810 SOUTH WESTERN HIGHWAY, WUNGONG

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3.1 - FINAL CONSIDERATION - AMENDMENT NO. 48 - TOWN PLANNING SCHEME NO.4 - REZONING OF LOT 810 SOUTH WESTERN HIGHWAY WUNGONG FROM RURAL LIVING 4 ZONE TO SPECIAL RESIDENTIAL ZONE

WARD	:	NEERIGEN
FILE No.	:	M/431/12 TPS/4/48
DATE	:	25 September 2012
REF	:	CM
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	Landvision
LANDOWNER	:	Stephen Kargotich
SUBJECT LAND	:	Lot 810 South Western Highway Wungong
MRS ZONING	:	Rural
TPS No.4 ZONING	:	Rural Living 4

In Brief:

- At its February 2010 meeting, Council initiated an amendment to rezone Lot 810 from RL4 Zone to Special Residential Zone. Council also supported an associated Structure Plan being advertised subject to a variety of matters being addressed by the applicant.
- The proposed amendment and modified structure plan were advertised for a minimum of 42 days with the submission period ending on 1 December 2010. 12 submissions were received.
- Council is required to consider the submissions and objections received during the advertising period and the amendment for final adoption.
- The main issue to consider is whether development to the proposed higher density (15 lots) is acceptable in light of the submissions received, in particular the submission from Main Roads WA (MRWA) which objected to the proposed primary access onto South Western Highway and the new fire safety issues that creates.
- Given MRWA's objection and that access to South Western Highway was the feature of the proposal that overcame serious concerns in respect to fire emergency escape and access, the proposal now should not be supported.
- Recommend that Council resolve:
  1. Not to proceed with Amendment No.48.
  2. Pursuant to Clause 6.A.3.7 (b) of Town Planning Scheme No.4, refuse to adopt the proposed structure plan.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme (TPS) No.4
Environmental Protection Act 1986

AERIAL PHOTOGRAPH
LOT 810 SOUTH WESTERN HIGHWAY, WUNGONG

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Council Policy/Local Law Implications

Local Planning Strategy 2005
Development Control Policy 3.4 - Subdivision of Rural Land
Development Control Policy 3.7 - Fire Planning for Bush Fire Protection Guidelines
Council Policy PLN 2.1 - Establishment or Amendment of Development Envelope Locations
Council Policy PLN 2.5 - Erosion Prevention and Sediment Control
Council Policy PLN 2.6 - Water Sensitive Design
Council Policy PLN 2.8 - Subdivision and Structure Planning For Lots with Watercourses in Rural Living and General Rural Zones

Budget/Financial Implications

- The proposed bushland POS has implied management costs, however additional lots will increase total rating receipts.

Consultation

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

BACKGROUND

Council at its February 2010 meeting initiated a scheme amendment to rezone Lot 810 from RL4 Zone to Special Residential Zone. The Structure Plan accompanying the Scheme Amendment proposed the creation of 15 "Special Residential" lots ranging in size from 4002m² to 1.45ha, a 2.02ha public open space area (total) and a centrally located direct road access to South Western Highway. The structure plan was also supported by a Local Water Management Strategy and Fire Management Plan.

Council's initiation of the Scheme Amendment and advertising of the Structure Plan was subject to a variety of matters being addressed by the applicant. The scheme amendment and structure plan was only advertised after the outstanding matters pertaining to the structure plan were addressed. These included:

- A Flora and Fauna survey was to be completed;
- Additional drainage and natural feature details were to be shown on the structure plan;
- The Structure Plan was to be amended as required and with consideration to the findings of the flora and fauna survey, local water management strategy and fire management plan;
- Development envelopes were to be shown as indicative only and be subject to finalisation as part of future subdivision;
- The Structure Plan provisions were to be updated as required by the City; and
- Other minor changes to the Structure Plan were required.

Once the applicant had addressed the above matters the proposed Structure Plan and Scheme Amendment were advertised for the purpose of public and agency comments on the proposal.

DETAILS OF PROPOSAL

This report considers the submissions on the scheme amendment to rezone Lot 810 from "RL4" to "Special Residential". The report also considers submissions on the associated structure plan, as amended. The site had been previously rezoned with the gazettal of TPS No.4, rezoning it from "Rural X" (no further subdivision) to "RL4" (4 ha minimum lot size)

The applicant's original justification for the "Special Residential" proposal is summarised as follows:

(i) *the site has easy access to the City Centre* (from South Western Highway*) and is the last remaining pocket of undeveloped land in this part of the City;*
(ii) *scheme water is available and smaller lot sizes can adequately accommodate on-site effluent disposal;*
(iii) *power and telecommunications services are available;*
(iv) *vegetation can be protected under the lot sizes proposed;*
(v) *the site is one kilometre east of the urban development proposed by the Armadale Redevelopment Authority (Wungong Urban Water); and*
(vi) *the site is four kilometres south of the Armadale City Centre and three kilometres north of Byford.*

The draft amendment also proposed the following provisions in Schedule 12 of the Scheme:

1. *Overall maximum number of lots shall be 15 lots and shall be in accordance with the adopted structure plan.*
2. *The Structure Plan for the site shall include a Fire Management Plan prepared to the satisfaction of the City in consultation with the Department of Environment and Conservation and other state agencies relevant to fire protection and management of the abutting regional bushland.*
3. *An environmental assessment for the land shall be completed as part of the structure plan. The Structure Plan shall identify subdivision and development of the land taking into consideration the findings of the environmental assessment. In addition to other applicable matters as determined by the City, the environmental assessment shall address: land capability, land suitability, effluent disposal, slope stability, erosion and sediment control, existing vegetation and flora, fauna and habitats, land form, topography, revegetation, soils, surface hydrology, groundwater hydrology, landscape and amenity values and drainage.*
4. *The purchasers of all lots shall be advised by the subdivider of the provisions of the Scheme applying to the site.*
5. *The removal of water from watercourses or water bodies shall not be permitted and the City shall recommend a condition of subdivision to that effect.*
6. *No effluent disposal system or effluent disposal area shall be within 50m of any watercourse, drainage line, well, damp land area, wet land or open water body.*
7. *Submission and implementation of a Dieback Management Plan that includes controlled access to the adjoining regional park, fencing, dieback treatment spraying, construction, notification to purchasers and signage.*
8. *A geotechnical report shall be prepared for the site prior to subdivision and adequately demonstrate the suitability and capability of the land for residential development.*

9. *A Local Water Management Strategy shall be prepared for the land prior to subdivision to the satisfaction of the City. All development shall be designed and maintained in accordance with this plan.*
10. *Stormwater and drainage management techniques shall meet the requirements of the City's Water Sensitive Design Policy to the satisfaction of the City.*
11. *Notifications shall be placed on the titles of each affected lot advising landowners of their responsibilities in relation to the continual maintenance of drainage features/infrastructure indentified on their land.*
12. *Notifications are to be placed on each lot title advising purchasers that the lot is bushfire prone and that the use and development of the lot is to be in accordance with the Fire Management Plan and the City shall recommend a condition of subdivision to that effect.*
13. *The lots shall be prepared with the general fuel loadings and criteria specified in the Fire Management Plan prior to the clearance of conditions for the creation of new lot titles. Landowners shall be responsible for ongoing implementation of the Fire Management Plan on their land.*
14. *Strategic firebreaks identified on the Structure Plan shall be provided prior to the clearance of conditions for the creation of new lot titles. Landowners shall be responsible for ongoing maintenance of the firebreaks on their land.*
15. *All habitable buildings shall be constructed in accordance with Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas or any similar reference standards which may supersede it.*
16. *Fencing along the common property boundary with the Darling Range Regional Park shall be constructed by the subdivider prior to the creation of any lots in accordance with the specifications and to the satisfaction of the City.*
17. *A Landscaping/Revegetation Plan shall be prepared for the land to the satisfaction of the City. The Landscaping/Revegetation plan shall be implemented by the subdivider before subdivision of the land. Landowners shall be responsible for the ongoing implementation of the Landscaping/Revegetation Plan on their land.*
18. *Easements for strategic fire breaks, drainage and storm water management infrastructure shall be proved on the title of any affected lots. The City shall recommend a condition of subdivision approval to that effect.*

A copy of the structure plan that was advertised for public and agency comments is included in the Attachments of the Minutes.

Public Advertising of the Amendment

The proposed amendment was advertised for a minimum of 42 days with the submission period ending on 1 December 2010. Advertising was carried out by way of an on-site sign, advertisements in the local newspapers and the City's website and letters sent to relevant government agencies and nearby landowners.

Total No. of submissions received	:	12
No. of submissions of conditional support, no objection or other applicable information	:	11
No. of submissions of objection	:	1

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

The issues raised by the submissions have been summarised and the recommendation made on each submission is included in the Attachments of the Minutes. The main issues are also discussed in further detail in the key issues section of the report.

Key Issues Raised in the Submissions

Issue 1 *– Main Roads WA - South Western Highway Access*

Comment

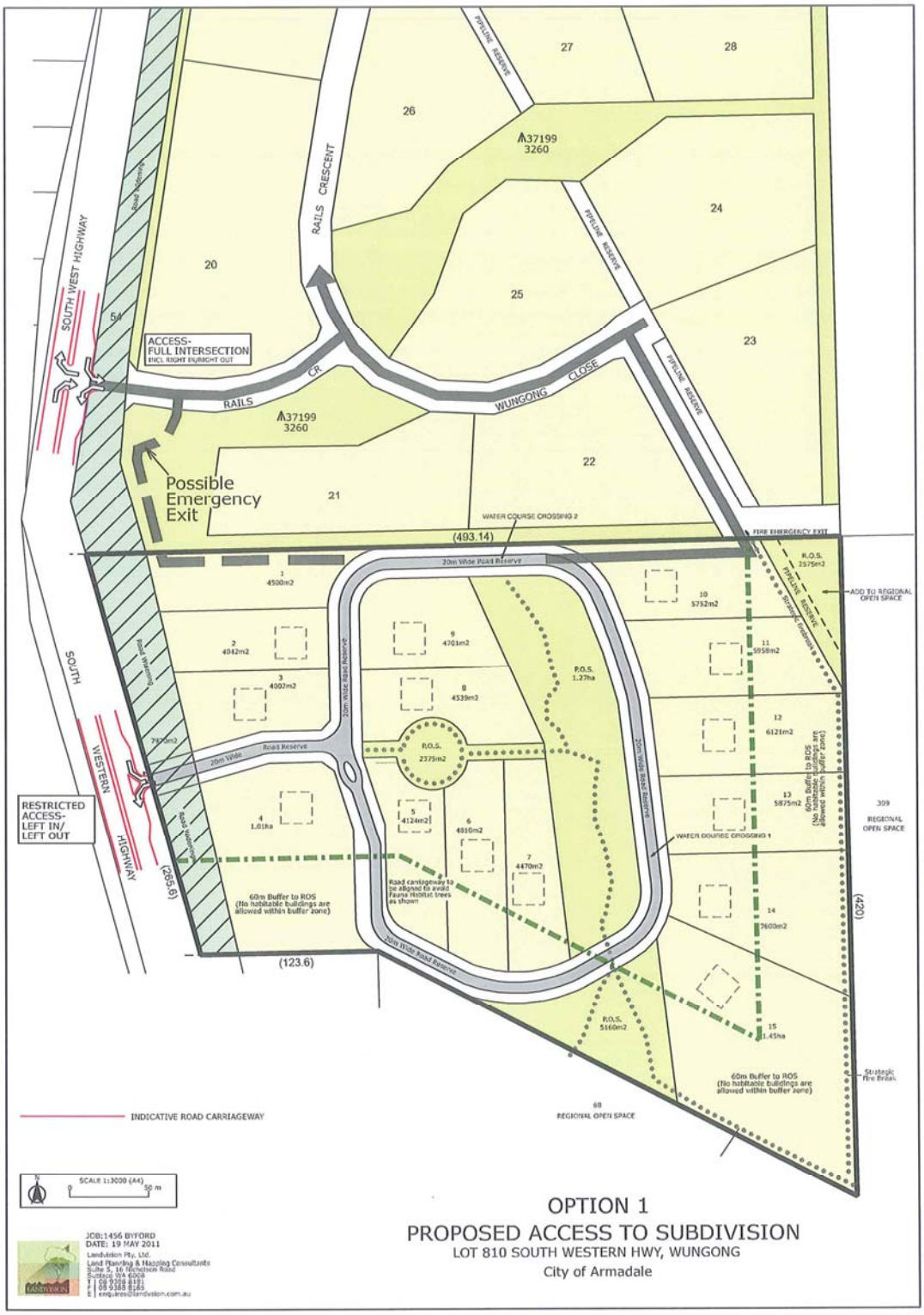
In their submission Main Roads WA (MRWA) did not support the proposal as it proposes the creation of a new road access onto the South Western Highway. In addition, MRWA requested that a Traffic Impact Assessment (TIA) be undertaken for the proposal and that a Vehicle Access Strategy for South Western Highway is required to be developed from Thomas Road to the Armadale townsite, in order to guide the planning of future developments along this corridor.

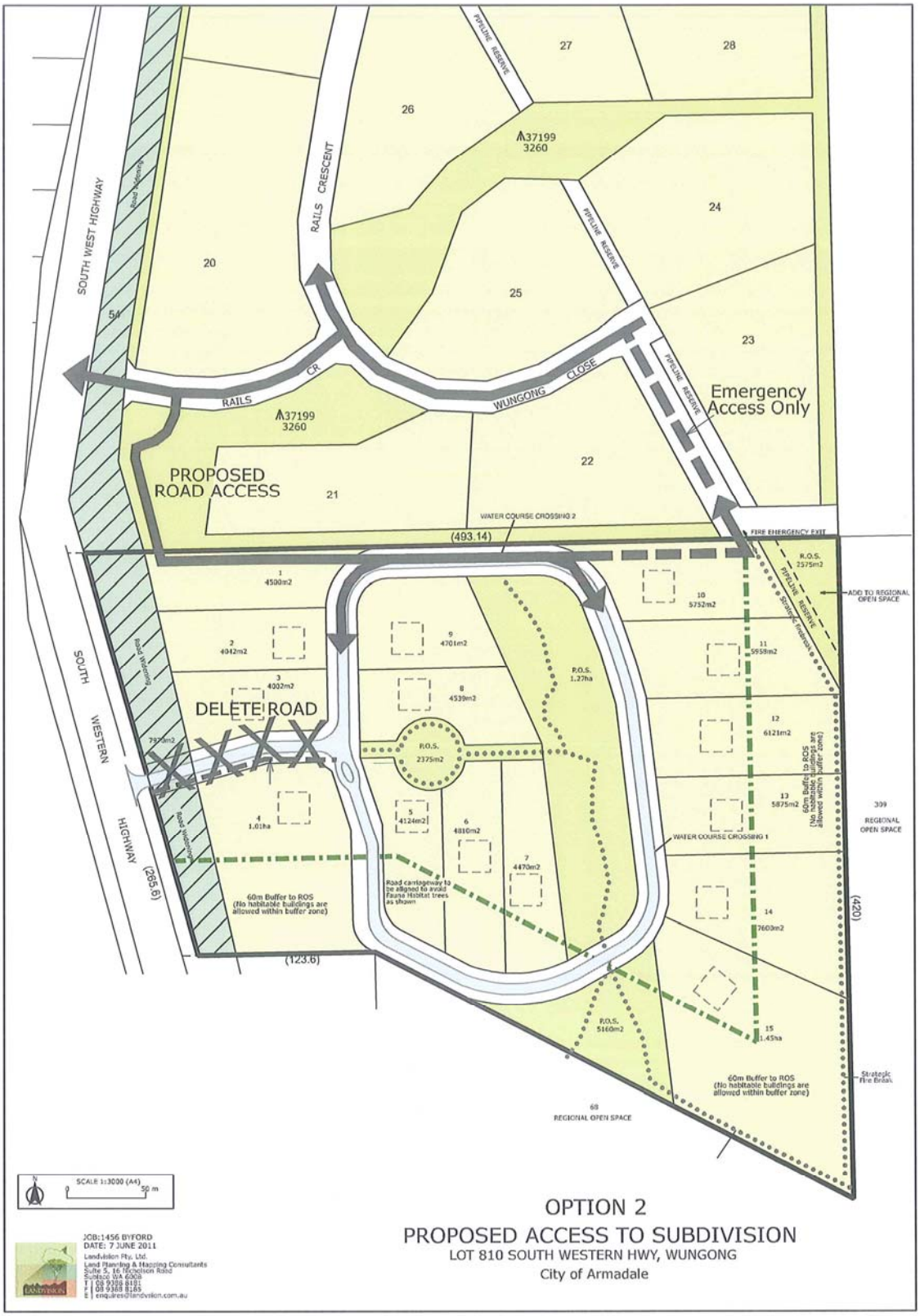
Given the main access proposed by the applicant was from South Western Highway and in light of the objection received from MRWA, the development proceeding as proposed may not be possible. The applicant has accordingly been negotiating with MRWA on possible alternative access solutions, in consultation with the City. The applicant has also prepared the TIA for the proposal requested by MRWA. The City also advised the applicant that the City would provide input to any further studies or access strategies prepared by a suitably qualified consultant appointed by them. The applicant has not prepared a Vehicle Access Strategy. The City funding such a strategy is not a current priority and is therefore not proposed by the City.

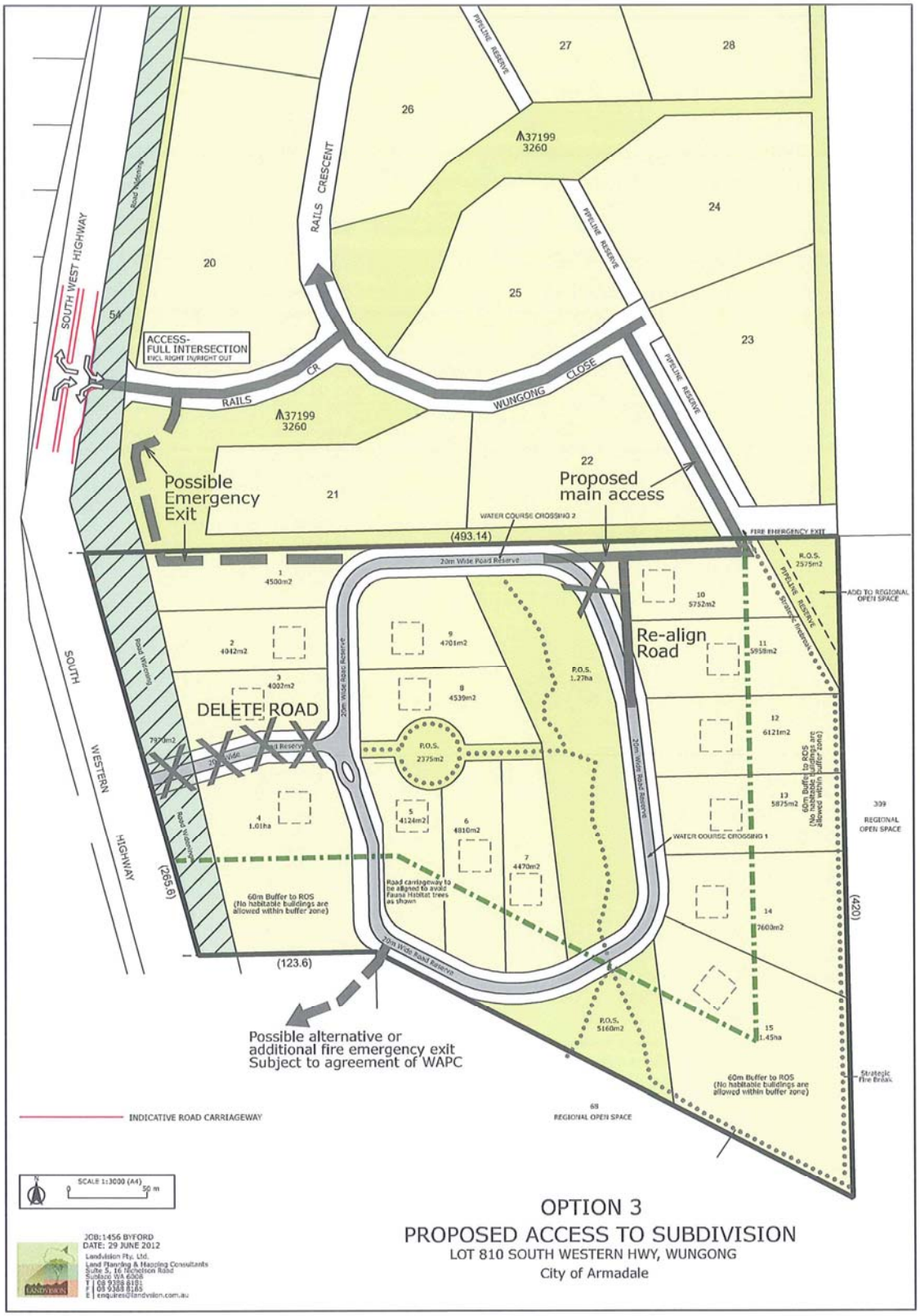
It is noted that Porter Consulting Engineers (the applicant's engineers) consulted with MRWA in 2007 regarding the proposal and access to South Western Highway. In their advice MRWA advised the applicant that it *"will only consider direct access* (onto South Western Highway) *should no other alternative be available"*. The applicant was also advised to lodge an application to MRWA to have their request formally assessed. The applicant continued to seek the City's approval for a Structure Plan which relied on direct access to South Western Highway and MRWA responded with its objection.

The City received the 2007 correspondence between the applicant and MRWA in relation to South Western Highway in March 2012. There is an alternative means of access to the lot in the unconstructed road reserve between Lot 810 and Wungong Close, however, the fire emergency factors associated with this means it can not be supported as the single access point for the number of lots proposed.

To date, the applicant has not been able to negotiate MRWA support for a full access intersection at South Western Highway, as proposed by the applicant and presented to Council in February 2010. The applicant has therefore been investigating three other access options which do not include a full access intersection at South Western Highway. These three options are shown in the following diagrams -




SOUTH WEST HIGHWAY
RAILS CRESCENT
RAILS CR
WUNGONG CLOSE
PIPELINE RESERVE
Emergency Access Only
PROPOSED ROAD ACCESS
DELETE ROAD
SOUTH WESTERN HIGHWAY (285.6)
WATER COURSE CROSSING 2
WATER COURSE CROSSING 1
FIRE EMERGENCY EXIT
(493.14)
(123.6)
(420)
R.O.S. 1.27ha
R.O.S. 2375m2
R.O.S. 5160m2
R.O.S. 2575m2
60m Buffer to ROS (No habitable buildings are allowed within buffer zone)
ADD TO REGIONAL OPEN SPACE
REGIONAL OPEN SPACE
Strategic fire break
SCALE 1:3000 (A4)
OPTION 2
PROPOSED ACCESS TO SUBDIVISION
LOT 810 SOUTH WESTERN HWY, WUNGONG
City of Armadale
JOB:1456 BYFORD
DATE: 7 JUNE 2011
Landvision Pty. Ltd.
Land Planning & Mapping Consultants
Suite 5, 16 Nicholson Road
Subiaco, WA 6008
T | 08 9388 8181
F | 08 9388 8186
E | enquires@landvision.com.au


SOUTH WEST HIGHWAY
RAILS CRESCENT
RAILS CR
WUNGONG CLOSE
PIPELINE RESERVE
ACCESS-
FULL INTERSECTION
INCL RIGHT IN/RIGHT OUT
Possible
Emergency
Exit
Proposed
main access
Re-align
Road
DELETE ROAD
SOUTH WESTERN HIGHWAY
20m Wide Road Reserve
WATER COURSE CROSSING 1
WATER COURSE CROSSING 2
FIRE EMERGENCY EXIT
ADD TO REGIONAL OPEN SPACE
REGIONAL OPEN SPACE
60m Buffer to ROS
(No habitable buildings are allowed within buffer zone)
Road carriageway to be aligned to avoid Fauna Habitat trees as shown
Possible alternative or additional fire emergency exit Subject to agreement of WAPC
INDICATIVE ROAD CARRIAGEWAY
Strategic Fire Break
(493.14)
(265.8)
(123.6)
(420)
SCALE 1:3000 (A4)
OPTION 3
PROPOSED ACCESS TO SUBDIVISION
LOT 810 SOUTH WESTERN HWY, WUNGONG
City of Armadale
JOB:1456 BYFORD
DATE: 29 JUNE 2012
Landvision Pty. Ltd.
Land Planning & Mapping Consultants
Suite 5, 16 Nicholson Road
Subiaco WA 6008
T | 08 9388 8181
F | 08 9388 8185
E | enquiries@landvision.com.au

In correspondence between the applicant and MRWA dated 5 April 2011, MRWA stated:

> *Main Roads supports the proposed subdivision and recognises that vehicle access from the South Western Highway is a key issue for this development. However in the interests of public safety, it is Main Roads' preference that vehicular access to the highway is provided from the northern subdivision….*
>
> *The ultimate design for this section of the South Western Highway is a four lane dual carriageway, with no indication of a reduced speed throughout this area. Main Roads may support a left in - left out only access for the development, if the above cannot be achieved. However, a full movement intersection will never be permitted at this location. This has consistently been the policy at Main Roads, as all recent developments in the area have not required direct access onto South Western Highway. Any costs associated with the construction of a conforming intersection such as a solid median island, road widening of South Western Highway and the relocation of services within the road reserve, shall be costs borne by the proponent.*

The applicant forwarded the above advice to the City and also requested final approval of the scheme amendment and structure plan. Given MRWA did not confirm support for access onto South Western Highway, the City went on to advise the applicant on 29 April 2011 that until the access issues were resolved it was not able to progress the scheme amendment or structure plan. The applicant was asked to amend the structure plan accordingly to address the access issue.

The applicant was also advised that the City does not support only one access into the area via the existing undeveloped road reserve onto Wungong Close. If access via the existing undeveloped road reserve was proposed, the applicant was advised to confirm that a left in left out onto South Western Hwy was possible, at a minimum. Alternatively, it needed to be demonstrated by the applicant that access arrangements onto South Western Highway as proposed in their original application could be supported. The applicant was also previously provided with this same advice by the City on 15 March 2011.

The applicant continued to liaise with MRWA and on 11 August 2011 presented MRWA with two access options for their consideration and a TIA that considered both the options. The two options were Option 1 shown above (however without the “possible emergency access way” shown) and Option 2. Unsurprisingly and with consideration to MRWA’s previous advice, MRWA supported Option 2. They stated:

> *MRWA can only support Option 2 as presented with all vehicle movements via the full movement access provided at South Western Highway/Rails Crescent Crossover.*

The main argument presented by MRWA to not support any access onto South Western Highway is to prevent new accesses negatively affecting the integrity, efficiency and safety of the highway. Upon reviewing the proposed access onto South Western Highway with consideration to MRWA’s submission, the rationale behind the position of MRWA is understandable, as existing access points onto the highway in the area are close together and most do not include safety features such as acceleration and de-acceleration lanes, medians or road widening around intersections. Therefore, it is not unreasonable to restrict new accesses without clear technical evidence from the applicant that demonstrates a new access will not affect the integrity, efficiency and safety of the highway. Adding another untested and less than ideal intersection at the Highway would not be good outcome.

MRWA seems to have adopted an approach of risk minimisation that seems appropriate given the inadequate condition of most existing accesses onto the Highway in the area, and the higher potential for fatal accidents with vehicles travelling at high speed along the Highway (the speed limit is 90km at Lot 810). In addition, traffic volumes along the Highway will increase as land south of the City is urbanised and the Highway is also a freight route. All these factors add to potential safety issues associated with the Highway.

The City has consistently advised that it does not support only one access for the lot and the applicant offering potential access onto South Western Highway (that meets high safety standards) was a significant reason on which the City initiated the Scheme Amendment. The applicant has been advised that the City considers an access onto the South Western Highway as necessary to support land use change of the scale and nature proposed by the applicant for Lot 810, in addition to access onto Wungong Close. The City has to put a high weighting on fire escape routes in this area of high bush fire risk. While this matter is not a core consideration for MRWA, the WAPC should give it careful consideration in deciding on the rezoning and Structure Plan.

It is noted that having an intersection at South Western Highway would be at a significant cost to the applicant, as they would need to upgrade the highway significantly at the intersection. Unfortunately however one road access would only resolve the issue raised by MRWA and not address the important issue of providing sufficient and appropriate emergency escape routes during a bush fire emergency, nor provide sufficient access to the site generally.

In their most recent correspondence to the City dated 7 May 2012, the applicant has stated the following:

> *On reflection and to assist in resolving the issue, Mr. Kargotich* (the landowner) *is prepared to accept the proposed access through to Wungong Close rather than their preferred access direct to South Western Highway.*
>
> *In terms of a strategic exit we believe a gated gravel track (not a formalised road reserve) through the POS buffer to SW Highway should be acceptable as it can be used as part of a wider walk trail system.*
>
> *If considered necessary an additional emergency exit through the ROS to the south with access to South Western Highway could be constructed but this would require agreement with the WAPC and may not be acceptable to MRWA.*

This most recent advice from the applicant is contrary to advice the City has been providing on the form of access which it considers acceptable (i.e. access onto South Western highway needs to be provided). The applicant's claim that they are assisting to resolve the matter is not considered accurate by the City, as access to Wungong Close alone is not considered adequate. It could form one of two access roads, but both the gated gravel track to POS to the north or an exit to the south through property not owned by the developer (or which the land manager has not supported) are not considered practical or adequate and raise other issues.

Department of Planning Advice on Access

Given the submission from MRWA, the City subsequently asked the Department of Planning (DoP) what their stance is on the proposed access onto South Western Highway and MRWA's position on the matter.

DoP have supported the position of MRWA and added support to the argument with the mention of various state Development Control Policies that promote the protection of "significant" roads. DoP also reviewed the TIA submitted by the applicant and "*found that it focuses heavily on the traffic volumes likely to be generated by the proposed subdivision, and does not adequately address the impact of a new intersection in the context of the Highway's status as a 'Primary Regional Road' and a 'Primary Freight Route'. As such, the TIA only partially satisfies the requirements of Development Control Policy No.5.1 - Regional Roads (Vehicular Access). A more holistic view of the broader impact of a new access point needs to be taken."*

DoP summarised their response by saying "*the potential creation of a 'left-in, left-out' intersection onto South Western Highway from the subject site will be reviewed again once a Vehicle Access Strategy has been prepared, however, in the absence of this the Department of Planning cannot support the proposal."*

It should be noted that a Vehicle Access Strategy, as requested by MRWA and DoP, may not necessarily support a new access onto South Western Highway. Considering discussions to date, it seems unlikely that a new access onto to South Western Highway would be supported under a Vehicle Access Strategy. In any case the applicant has declined to take up the option of preparing such a strategy.

A copy of DoP's advice is included in the Attachments of the Minutes.

Emergency Ingress and Egress/Access

In addition to considering the impact a direct access to the Highway may have on the amenity and traffic of the area, a primary consideration at Lot 810 is to ensure that the design of vehicle accesses offers adequate emergency ingress and egress opportunities in the event of a bush fire emergency.

Fire is a natural element of the hills bushland areas and is a threat that cannot be completely eliminated. The City has previously undertaken a Type 1 strategic bushfire hazard assessment for the hills areas of the City (in accordance with the Commission's Policy DC 3.7 *Planning for Bush Fire Protection)*, which indicates the subject site is a bushfire risk area and in its current undeveloped state is considered to have an "Extreme" bushfire hazard level. The site is exposed to adjacent regional bushland on the east and south, with the down slopes on the southern boundary to the Wungong River presenting a particularly high fire risk environment. If developed in accordance with the Bush Fire Management Plan and with two functional access roads to the site, this level of risk would be reduced.

Under *Element 2 – Vehicle Access* of the WAPC/FESA *Planning for Bush Fire Protection Guidelines May 2010* (PFBFPG), an "acceptable solution" for vehicle access should include two different vehicle access routes, both of which connect to the public road network and are available to all residents/the public at all times. The City considers that as a minimum this "acceptable solution" should be achieved for the development of Lot 810 (e.g. one access to the west onto South Western Highway and another onto the existing Road Reserve at the north eastern corner of the site and onto Wungong Close).

At the density of the lot development proposed, the two necessary accesses for Lot 810 should be constructed as a public road built in accordance with Part A2.2 of the PFBFPG and as required by the City. One being constructed as an Emergency Access Way (EAW) built in accordance with Part A2.6 of the PFBFPG and suitable for conventional two wheel drive vehicles at all times is not considered adequate. An EAW is a road that is not normally open but available to the public using two wheel drive vehicles. An EAW will need to be sealed, drained, include gates at either end that are unlocked at all times and also include erosion control and signage.

From a safety and general access perspective, it is considered necessary for both accesses to be public roads, particularly given the construction standards for an EAW are essentially the same as a public road. Furthermore, if both the accesses were public roads it would prevent an EAW being unlawfully used by off roads vehicles or by drivers seeking a "short cut". Both these issues would create safety, trespassing and amenity problems that the City would need to manage. As highlighted in a submission on the proposal, the unlawful use of public and private land by off road vehicles is already a problem in the area and this may be exacerbated by the installation of an EAW connected to Wungong Close or South Western Highway over private and public land.

In consideration of the submissions and the original proposal having the potential to achieve an "acceptable solution" for vehicle access in the event of a fire emergency (i.e. a public road onto South Western Highway and an EAW onto Wungong Close), it is recommended that the current proposal only be supported if it includes two different fully constructed public roads connected to the wider road network. This outcome aims to adequately address potential on-going management problems associated with an EAW in the area. In addition and more importantly, this outcome aims to achieve a better solution for vehicle access during a bush fire emergency, considering Lot 810 in its context and the access opportunities which are currently seen as most practical.

It is also noted that in addition to public roads, the development will need to provide fire breaks and fire access routes around individual lot boundaries as required by the City with consideration to the PFBFPG. The purpose of these features is not to provide emergency access to all residents/the public at all times (like a public road or EAW), they are instead required for fire fighting access and to help control the spread of fire from lots or public lands.

Accesses and the Surrounding Area

The City's preferred option would be for a left-in/left-out onto South Western Highway and a road onto Wungong Close (at a minimum), if these could be achieved to MRWA's and DoP's satisfaction. The traffic volumes generated would then be split relatively evenly between Wungong Close and the left-in/left-out intersection at South Western Highway.

From a traffic volume perspective, the TIA prepared by the applicant argues that having full access onto Wungong Close and a left-in/left-out intersection at South Western Highway would not have significant impacts on existing roads or the surrounding area, particularly considering the low-density/semi rural nature of the proposed development.

The City's engineers have also reviewed the TIA. The engineers supported Option 1 but noted that more accurate data is required in relation to the potential requirement of a channelized left hand turn lane on South Western Highway and further technical details are required to ensure an adequate level of safety is achieved. They noted that in relation to sight lines it may be more appropriate to locate the proposed intersection at a different position along the lot frontage, but this is a matter that the applicant would need to consider as part of additional studies. The City's engineers also recommended that three additional slow point treatments are required to be installed in the subdivision.

It is noted a direct access to South Western Highway may be more expensive for the developer, however the potential cost to the developer is not a particularly relevant planning matter, unlike bush fire emergency access and traffic management.

An additional matter that should be discussed is the potential amenity impacts on the surrounding area if all access was restricted to Wungong Close. The applicant proposing access onto South Western Highway was a strong reason for the City supporting initiation of the proposal, as such an access would have minimised impacts on the existing Rural Living area to the north. If all access was now restricted to Wungong Close, the amenity impacts on the Rural Living Area to the north would increase.

If the 15 lot proposal went ahead with only one access to Wungong Close at the lot's north east corner, traffic along Wungong Close and Rails Crescent would increase more than if two accesses were created. This would therefore affect the amenity of the existing surrounding properties and is another reason why access to South Western Highway (in addition to one onto Wungong Close at the lot's north east corner) is considered necessary, as traffic could be spread between two accesses.

If the lot was only developed up to its current allowable density (3 lots) and access was via Wungong Close, the additional traffic would be markedly less than under the current proposal of 15 lots and the associated impacts would be less.

Access over Parks and Recreation Reserves

The three alternative options proposed by the applicant either propose or mention the possibility of access over the adjoining Parks and Recreation Reserve to the north (Reserve 37199). The applicant has proposed this as a solution to provide the minimum of two accesses for the development. The City however does not support such solutions (i.e. options 2 and 3), as these have other problems and are not consistent with the purpose and intent of the public open space.

Reserve 37199 is located at Lot 3260 Rails Crescent Wungong and has an approximate area of 1.2630ha. This land parcel forms a part of a continuous network of 'Public Recreation' Reserves for the 'Rails Crescent Bridal Trail'. The entire Reserve 37199 network has a collective land area of 11.7232ha.

The City would not support construction of a road over POS/Lot 3260 Rails Crescent (the 1.2630ha portion of Reserve 37199) for the following reasons:

1. The proposed access is considered too close to the intersection of Rails Crescent and South Western Highway, particularly given the highway's ultimate width. This could accordingly result in additional safety and amenity concerns being created;
2. From a fire safety perspective it is better to have two different access options which provide markedly different yet convenient escape options. Having two escape routes which essentially lead to the same point is not ideal;
3. The reserve is characterised by mature native vegetation and some understory shrubbery, which is considered to be in a "fair" to "good" condition;
4. Lot 3260, portion of Reserve 37199 is dissected on an east-west alignment by an active watercourse which would contribute to the reserves ecology and it also serves a drainage function for the area;
5. The reserve offers visual landscape value along an important access route into the City (South Western Highway). The reserve also has visual landscape value for local residents and provides a buffer between residential properties and South Western Highway;
6. The topography of the reserve is undulating and steep in parts. It is therefore likely that significant earthworks would be required to construct an appropriate access, if one could be feasibly created at all;
7. Lot 3260, is one portion of Reserve 37199, which forms part of an existing network of linear open space and trails (walking and/or bridal) and the route may have social significance to local residents (whilst the road is at the end of the linear open space or bridal trail, it would still impede connectivity to the South Western Hwy and the small/narrow section of Reserve 37199 north of Rails Crescent);
8. The City will not support ceding the reserve land free of cost to facilitate access to the development/amendment area when other more practical access options already exist, such as direct aces to the Highway and access to Wungong Close via the existing undeveloped road reserve; and
9. Given the lot has a frontage to South Western Highway, in addition to being connected to Wungong Close via an unconstructed road reserve, access over the reserve is not the most practical or efficient access.

With regard to access over the Parks and Recreation Reserve to the south of Lot 810, the applicant would need to liaise with the WAPC and DEC and obtain their support. This has not been provided and the option is purely speculative. Certainty is required to support the substantial 15 lot subdivision proposed. The City's position supports two road accesses connecting Lot 810 to the wider road network. An EAW over any adjoining reserves is not supported by the City as one of the two required accesses in the absence of direct access to South Western Highway.

Recommendation on MRWA Submission

If the objection from MRWA is upheld, the minimum requirements of the City can not be met. The City's position is that at a minimum the lot should have one left-in/left-out road access onto South Western Highway, which includes any necessary upgrades to the Highway to ensure a high level of safety is achieved. In addition, an additional road access should be provided which does not involve access over existing Parks and Recreation Reserves. To achieve the latter, the most practical option is development of the road reserve which already connects Lot 810 to Wungong Close, high up in the north eastern corner of the lot.

Due to the steeply sloping site, further modification of the Structure Plan will be required to facilitate the road geometry and engineering solutions required to access Wungong Close at the north eastern corner of the site. The City's engineers advised that an adequate design solution should be possible. They also advised that a road would unlikely be approved by the City that traversed Lot 810 directly up the hill parallel to the lot's northern boundary and include a 90 degree bend. Therefore, the structure plan would need to be amended around its north east corner.

It is reiterated that a significant reason for the City initiating the Scheme Amendment and advertising the Structure Plan was that the proposal presented by the applicant achieved two accesses, with the main and most important access being onto South Western Highway. The outcome proposed by the applicant however can not currently be achieved, due to the MRWA objection and advice received from DoP.

If the City's minimum access requirements can not be achieved (i.e. left-in/left-out road access onto South Western Highway and access to Wungong Close via the existing undeveloped Road reserve at the north east corner of the lot), it is recommended that the proposal not be supported, as it would create unacceptable bush fire risks with consideration to the scale and density of the development proposed by the applicant (15 lots). In addition, the 15 lot proposal would result in unnecessary additional impacts on the Rural Living properties to the north if an access to South Western Highway was not provided as part of the proposal. It is also noted that the DoP have advised that the development is also contrary to the objective under *Development Control Policy No.5.1 - Regional Roads (Vehicular Access)*.

***Issue 2** – Department of Environment and Conservation (DEC) – Protection of Fauna Habit*

Comment

The DEC were concerned that adequate measures have not been taken to ensure the protection of Black Cockatoo feeding, breeding and roosting trees identified in the Fauna Habitat Assessment prepared by GHD for the site. As part of Council's February 2010 resolution, the applicant was required to complete a flora and fauna survey and subsequently amend the structure plan to consider any relevant findings of the surveys.

The survey identified various feeding and breeding trees and a granite outcrop at the south eastern corner of the site which have potential habitat value. Consequently, at the request of the City the applicant amended the structure plan to identify and address the feeding and breeding trees/sites. Amendments to the Structure Plan included changes to the road design so significant trees could be contained within the verge or median and the relocation of development envelopes.

Under Clause 5.7.5 of the City's Town Planning Scheme, *where a development envelope has been identified on an approved development plan, no clearing of natural vegetation or the destruction or damage of trees is to take place on the lot, other than within the designated envelope, except:*

(a) as necessary for the establishment of an approved vehicular access from the adjacent street to the designated development envelope;
(b) as required to satisfy necessary bush fire protection measures as determined by the City or other relevant authority; or
(c) as otherwise approved by the City in accordance with the provisions of clause 5.5.

The location of development envelopes will be confirmed at subdivision in accordance with Local Planning Policy PLN 2.1 *Establishment or Amendment of Development Envelope Locations.* Among the matters to be considered under PLN 2.1, the extent of clearing is assessed. This matter will therefore be considered at subdivision stage when development envelopes are being established. Notwithstanding, given the lot contains fauna habitats and fire management plan requirements will be imposed, it is recommended that the following provision should be added to the structure plan if it's approved to better ensure development envelopes are located appropriately:

Provision:

Development Envelopes are to be sized and located so they are adequately setback from feeding and breeding trees and the granite outcrop/fauna habitat identified on the structure plan and also have regard to the clearing requirements of the approved Fire Management Plan so significant trees and vegetation considered worthy of conservation by the City can be retained.

It is recommended that the following provisions should also be added to the structure plan if it is approved to assist in addressing the concerns of the DEC and to ensure an outcome is achieved that considers the site's fauna values:

Provision:

Black Cockatoo feeding, breeding and roosting trees identified on the Structure Plan shall be retained and protected as part of development and/or subdivision of the land as required by the City.

Provision:

The granite outcrop/fauna habitat identified on the structure plan shall be retained and protected as part of development and/or subdivision of the land as required by the City.

***Issue 3** – DEC – Protection of Native Vegetation*

DEC advised that vegetation should be retained where possible, particularly "good condition" vegetation. As discussed, vegetation outside development envelopes is protected under Clause 5.7.5 of Town Planning Scheme No.4. In addition, the proposal includes 2.02ha of public open space where vegetation can be retained. It is evitable however that some clearing will be required to ensure fuel loads are compliant with the Fire Management Plan. The most extensive amount of clearing will be within building protection zones where the following requirements will apply:

- *Bush Fire fuels to be maintained at or below 2 tonnes per hectare and dry Grass must be maintained below a height of 50mm;*
- *The first 5m around all building is to be cleared of all flammable material. Reticulated gardens may be located in this zone;*
- *The spacing of trees should be 15-20 metres apart to provide for a separation of 10 metres between crowns;*
- *Trees area to be low pruned at least to a height of 2 metres;*
- *No tall shrub or tree is to be planted within 2 metres of a building including windows;*
- *There are no tree crowns over hanging the building;*
- *Shrubs within the building protection zone have no dead material within the plant;*
- *Trees in the Building protection zone have no dead material within the plant's crown or on the bole (tree trunk)*
- *Fences and sheds within the Building protection zone are to be constructed using non combustible materials (e.g. colourbond iron, brick, limestone);*
- *Branches, must be removed at least 2 metres back from the eaves of all buildings;*
- *All leaves, twigs, logs, branches must be removed from within the Building Protection zone. Annual falls of leaf litter must be raked up and removed or burnt.*
- *The Building Protection Zone is to be installed by the landowner prior to the commencement of new dwelling construction and maintained by the landowner in perpetuity.*

Outside of Building Protection Zones the Hazard Separation Zones on proposed lots will need to be maintained with fuel loadings up to a maximum of 4-6 tonnes/ha. Dry grass in cleared areas will also need to be slashed to a maximum height of 50mm. Despite the fuel loads required outside of Building Protection Zones, trees can remain on lots to achieve the necessary fuel load requirements. In addition, development envelopes can be located to ensure the minimum amount of clearing is required to achieve the necessary fuel loads and Building Protection Zone requirements. Habitable buildings will also need to be constructed to Australian Standard AS3959 - *Construction of Buildings in Bushfire- Prone Areas.*

As discussed, development envelopes will need to be sized and located having regard to the clearing requirements of the approved Fire Management Plan so significant trees and vegetation considered worthy of conservation can be retained, in addition to meeting the requirements of Local Planning Policy PLN 2.1 *Establishment or Amendment of Development Envelope Locations.* On balance, it is considered that a sufficient amount of vegetation at the site will be maintained under a design solution that remains responsive to the site's natural values.

Issue 4 *– DEC – Drainage Management*

The DEC is concerned that the proposed three contour banks at the south eastern corner of the lot will adversely impact "good" condition vegetation and fauna habitats. The applicant has advised that *Drainage Management in the south east corner of the lot will be modified to address DEC concerns. The removal of the proposed contour banks can be achieved and will be addressed in detail within the Urban Water Management Plan (UWMP).*

The applicant's response is supported as an alternative to the contour banks or other changes to the drainage design can be investigated as part of the UWMP which will need to be prepared as a condition of subdivision. DEC's concerns can therefore be addressed at that point.

Recommendation (on all 3 DEC issues)

The above three issues raised by the DEC are considered to have been addressed in the structure plan or can be addressed as part of future subdivision. It is therefore recommended that amendments to the structure plan (if approved) should be made as discussed above. No further action is however recommended at this time if the proposal does not go ahead.

It was noted in the applicant's April 2010 vegetation and flora survey that "a further visit to the area to record plant species will be undertaken in Spring 2010". The applicant's environmental consultants have since advised that it was determined after the first survey that there would be nothing to be gained from a Spring survey as there was virtually no native understorey on the site. DEC may need to be consulted on this matter dependent on the outcome of the proposal.

ANALYSIS

The City recognises that there is the potential for the lot to be subdivided given its close proximity to urban areas, size and since it is not viable to use in conjunction with commercial agriculture pursuits. The City however would not support the lot being subdivided at the expense of necessary fire safety outcomes being achieved, such as two fire escape routes via a left-in/left-out intersection at South Western Highway and access onto Wungong Close via the existing undeveloped road reserve.

Having access to South Western Highway and Wungong Close via the existing undeveloped road reserve would also provide for better access generally and limit the impacts of a 15 lot subdivision on the existing Rural Living area to the north. MRWA and DoP however have not supported access to South Western Highway under the current application.

MRWA may be more partial to some form of emergency fire escape access at South Western Highway if the lot was developed to its existing development potential (i.e. RL4/3 lots), as opposed to the 15 special lots proposed under the current plan. If the lot was subdivided into three, all access may be possible from the undeveloped road reserve already connecting the lot to Wungong Close; and each of the three individual lots could maintain a second private access/exit point onto South Western Highway for use in emergencies. MRWA may be more accepting of this outcome but it is far removed from the outcome the applicant is aiming to achieve (i.e. 15 lots).

As part of Council's February 2010 resolution, the applicant was also requested to consider and submit information in regard to any potential impacts from the adjoining Regional Park including stability of rocks, trees etc that may be affected during storm events and their potential impact on the proposed development. The applicant has responded to Council's request with the following:

I believe this was partially addressed in the Local Water Management plan where the perimeter fire break was also to include a cut off drain which will divert any storm water run off discharging from the ROS into the planned detention basins.

In relation to the potential impacts of storms, the separation distance of a minimum of 60 metres of development from the boundary of the ROS should be sufficient to ameliorate any foreseeable impacts from the instability of trees or rocks which might arise during such an event. However as it is not possible to predict the extent of storm damage I am not sure what further information we can provide.

The applicant's response is considered acceptable and is generally supported by the City. The City notes that in addition to an LWMS addressing drainage requirement, subdivision conditions will require an Urban Water Management Plan to be prepared that will address stormwater management.

As mentioned, Lot 810 has the potential to be subdivided into three lots with a minimum size of 4 hectares without the need for a scheme amendment. Notwithstanding, given the lot is designated as a Development (Structure Planning) Area under TPS No.4, a structure plan would still need to be prepared and adopted prior to subdivision or development of land in accordance with Part 6A of TPS No.4. As part of a structure plan bush fire protection issues would need to be addressed and therefore the City would still require that all lots had access to two separate vehicle accesses/emergency escapes as part of a structure plan/subdivision proposal. The City would also require necessary studies to be completed by the applicant. Examples of the necessary studies include:

- Vegetation, flora and fauna survey
- A geotechnical report
- Local Water Management Strategy
- Urban Water Management Plan

As part of the current proposal, the applicant has already completed the bulk of the studies that are considered necessary for a structure plan under an RL4 zoning to be considered. To proceed with development of the lot under the current zoning, the applicant would need to make amendments to the structure plan design and possibly make amendments to the studies. Ultimately a subdivision application would also need to be prepared by the applicant.

OPTIONS

1. Council may resolve not to proceed with the amendment stating reason for its decisions, which should reflect the problems and objections that have been raised. As a result of this Council would also be refusing to adopt the structure plan as it would be inconsistent with the purpose for which the land is zoned.

2. Council may resolve to adopt with the amendment and structure plan with or without modifications, if it chooses to dismiss the issues and objections that have been raised.

CONCLUSION

The main issue to consider is if development to the higher special residential zone density is acceptable in light of the submissions received and the need for a minimum of two different vehicle accesses, one of which should have direct access onto South Western Highway. Notwithstanding that MRWA may prefer to have no access to South Western Highway, the City considers this as essential for fire safety and egress from the site. Having access to South Western Highway would also achieve a better level of access generally and limit potential impacts on existing rural living properties to the north. Indeed the applicant's proposal including a new intersection with South Western Highway was fundamental to the City's support for the rezoning.

Despite the applicant's attempts to find a solution which addresses the concerns of MRWA for over 12 months, no other outcome acceptable to the City has been found. It is noted that the applicant was aware of potential issues with access onto South Western Highway as far back as 2007 when MRWA advised that they *"will only consider direct access* (onto South Western Highway) *should no other alternative be available"*.

The City understands MRWA concerns for the proposed new access to South Western Highway, but there is also a need to protect residents from bush fire risks, ensure the amenity of the area is impacted in the least possible manner and it is noted that a new access onto South Western Highway would need to be built to a high safety standard. In the absence of the better traffic study that MRWA requested, MRWA and DoP supporting access onto South Western Highway may not eventuate given their current position on the matter, which is considered unlikely to change.

It is important to note that a significant reason for the City initiating the Scheme Amendment and advertising the Structure Plan was that the proposal presented by the applicant achieved two accesses, with the main and most important access being directly onto South Western Highway via the new local road. It has now been demonstrated through the advertising process that the proposed and necessary accesses cannot be achieved.

In light of the above, it is recommended that Council resolve not to proceed with the amendment as the applicant has not demonstrated that an "acceptable solution" for vehicle access under the PFBFPG can be achieved to MRWA and the City's satisfaction. In addition, having only one access onto Wungong Close via the existing undeveloped road reserve is considered to unnecessarily exacerbate impacts on the Rural Living area to the north and would adversely restrict access to the site generally.

It is also recommended that Council does not adopt the structure plan given it is not consistent with the lot's current zoning of Rural Living 4 (i.e. the minimum lot size permitted is 4ha) and it would create public safety concerns.

Finally, it is recommended that the applicant is advised that the City would be prepared to consider a structure plan for the site providing the proposed lots had a minimum size of 4 hectares and the lots could achieve an "acceptable solution" for vehicle access under the PFBFPG, in addition to other matters being addressed to the City's satisfaction.

ATTACHMENTS

1. Advertised Structure Plan - Amendment No.48 - 810 Southwest Hwy
2. Bush Fire Hazard Plan - Amendment No.48 - 810 Western Hwy
3. Schedule of Submissions - Amendment No.48 - 810 South Western Hwy
4. Dept of Planning advice - Amendment No.48 - 810 Southwest Hwy
5. Confidential Submittee Plan - Amendment No.48 - 810 Southwest Hwy - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

D74/10/12 **RECOMMEND**

That Council:

1. **Resolve not to proceed with Amendment No.48 on the following grounds:**
   a. **The proposal can not achieve a minimum of two access points and Main Roads WA has objected to the proposed main and most important access to South Western Highway; and**
   b. **The proposal represents an unacceptable bush fire risk as it has not been demonstrated by the applicant that an acceptable solution for vehicle access in accordance with the Planning for Bush Fire Protection Guidelines and the City's requirements can be achieved.**
2. **Pursuant to Clause 6.A.3.7 (b) of City of Armadale Town Planning Scheme No.4, refuses to adopt the proposed structure plan for the following reasons:**
   a. **It does not achieve the minimum lot size permitted of 4 hectares under the lot's current zoning of Rural Living 4;**
   b. **It can not achieve a minimum of two access points and Main Roads WA has objected to the proposed main and most important access to South Western Highway; and**
   c. **The proposal represents an unacceptable bush fire risk as it has not been demonstrated by the applicant that an acceptable solution for vehicle access in accordance with the Planning for Bush Fire Protection Guidelines and the City's requirements can be achieved.**
3. **Forward the amendment and Structure Plan documentation, including Council's resolution, to the Western Australian Planning Commission for its consideration.**
4. **Endorse the comments made in *Attachment "3.1.3" of the Minutes* regarding the submissions received on this scheme amendment and Structure Plan for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.**
5. **Advise the submitters and the applicant of its decision.**
6. **Advise the applicant that the City would be prepared to consider a structure plan for the site in accordance with its current Rural Living 4 zoning providing the proposed lots have a minimum size of 4 hectares and the lots achieve an "acceptable solution" for vehicle access under the Planning for Bush Fire Protection Guidelines, in addition to other matters being addressed to the City's satisfaction.**

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3.2 - FINAL ADOPTION - AMENDMENT NO.67 - TOWN PLANNING SCHEME NO.4 MODIFICATIONS TO NORTH FORRESTDALE DEVELOPMENT CONTRIBUTION PLAN NO.3

WARD	:	LAKE
FILE No.	:	TPS/4/67 M/717/12
DATE	:	3 October 2012
REF	:	SW
RESPONSIBLE MANAGER	:	EMPS
LANDOWNER	:	Various
SUBJECT LAND	:	Development Contribution Area No.3
ZONING		
MRS /	:	Urban
TPS No.4	:	Urban Development

In Brief:

- At its July 2012 meeting, Council initiated an amendment to modify the wording under Part 6B and Schedule 13B of Town Planning Scheme No.4.
- The amendment was advertised for public comment for 42 days and attracted 3 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 will improve the City's management of existing and future Development Contribution Schemes.
- Recommend that Council adopt the amendment without modification and request that the Hon Minister for Planning grant final approval to the amendment.

Tabled Items

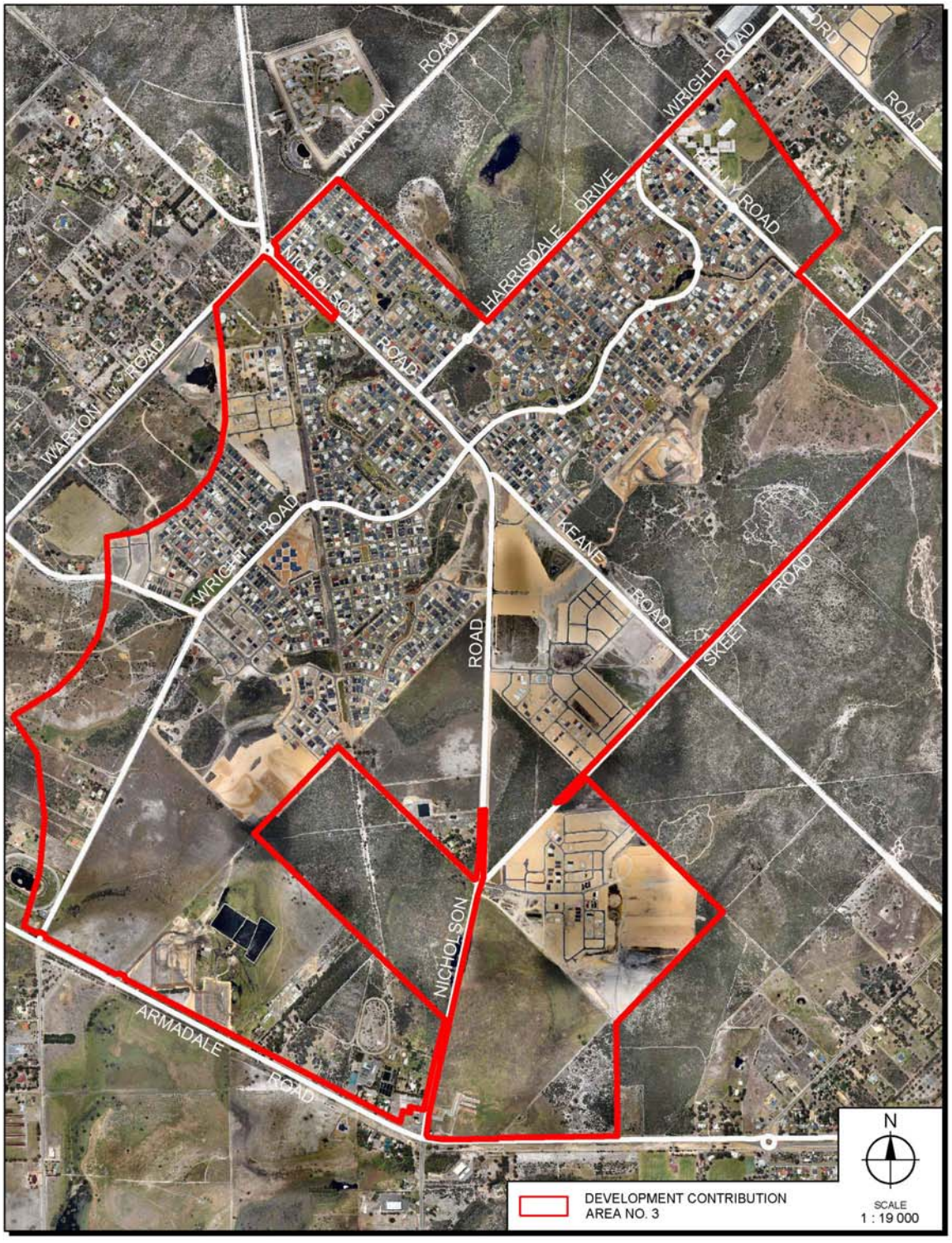
Nil.

Officer Interest Declaration

The City's Project Coordinator, who prepared this report, declares an interest to the extent that Development Contribution Plan No.3 provides for the funding of the Project Coordinator position.

Strategic Implications

1.5 Sport, recreation and leisure opportunities that contribute to community health and wellbeing.
2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.
2.1.1 Review, update and implement the City's Town Planning Scheme, taking into account the Local Biodiversity Strategy and other environmental considerations.



AERIAL PHOTOGRAPH
DEVELOPMENT CONTRIBUTION AREA NO. 3

Legislation Implications

Planning and Development Act 2005
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme (TPS) No.4
Town Planning Regulations 1967

Council Policy/Local Law Implications

Local Planning Strategy 2005
ENG 13 – Asset Management Vision

Budget/Financial Implications

Nil - but see "Comment and Analysis - Overview - Financial Risk Management" below.

Consultation

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

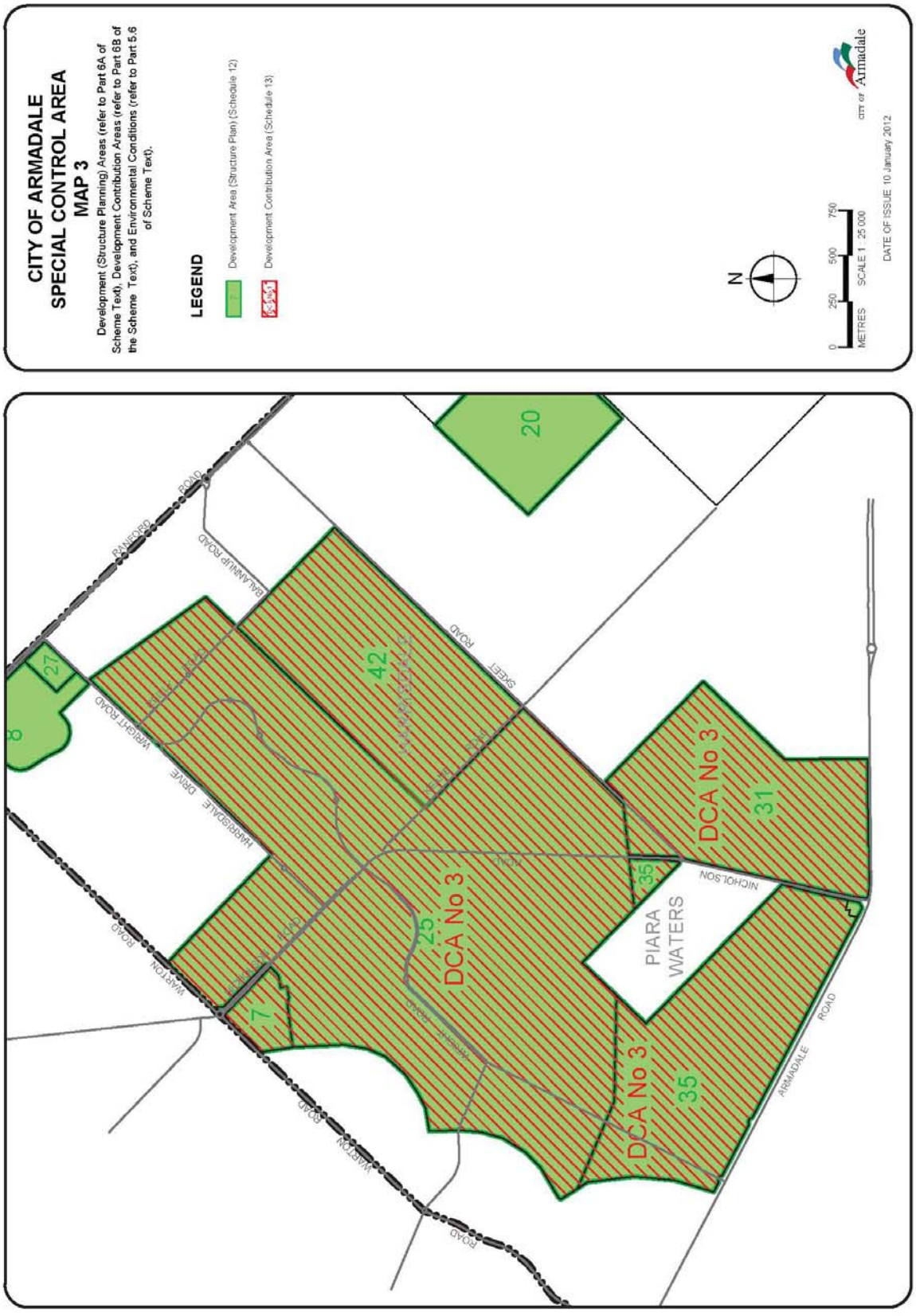
BACKGROUND

At its July 2012 meeting, Council resolved to initiate Amendment No.67, which proposes to amend the scheme wording under Part 6B and Schedule 13B of Town Planning Scheme No.4, for advertising.

Developer Contributions

The City's North Forrestdale Development Contribution Plan (DCP) No.3, included under Schedule 13B of the City's Town Planning Scheme No.4, is the principle mechanism adopted by the City to address infrastructure provision and equitable cost sharing for the North Forrestdale (Harrisdale and Piara Waters) urban development area. DCP No.3 was instigated at the behest of landowners in 2004 as they were unable to arrange for the facilitation of commonly required infrastructure by agreement.

DCP No.3 was prepared by the City in conjunction with the benefitting landowners and became operational following gazettal in January 2007. Liaison with the landowners in planning for the area has been assisted through landowner representatives on the "North Forrestdale Planning Steering Group" set up by the City in 2000. The Steering Group assists in the City's technical assessment of applications/proposals and coordination of plans among a multiplicity of stakeholders including direct liaison with representatives of state government agencies.


CITY OF ARMADALE
SPECIAL CONTROL AREA
MAP 3
Development (Structure Planning) Areas (refer to Part 6A of Scheme Text), Development Contribution Areas (refer to Part 6B of the Scheme Text), and Environmental Conditions (refer to Part 5.6 of Scheme Text).
LEGEND
Development Area (Structure Plan) (Schedule 12)
Development Contribution Area (Schedule 13)
N
0 250 500 750
METRES SCALE 1 : 25 000
DATE OF ISSUE 10 January 2012
city of Armadale
DCA No 3
PIARA WATERS
RANFORD ROAD
BALANNUP ROAD
WRIGHT ROAD
MARRISDALE DRIVE
WARTON ROAD
NICHOLSON ROAD
ARMADALE ROAD
SHEET ROAD
20
27
8
42
25
7
31
35

Development in North Forrestdale was and is confronted by a number of environmental, infrastructure servicing and community establishment constraints which are compounded by fragmented landownership in the area. Through centrally coordinating the provision of infrastructure in North Forrestdale, DCP No.3 has facilitated the urban development of the area to a high design and environmental standard in a timely and effective manner that would not have been achieved otherwise. The beneficial nature, through the efficient provision of infrastructure, and the City's effective management of DCP No.3 is evident in the level of cooperation from landowners and awards won by several of the estates.

The North Forrestdale DCP No.3 model is a comprehensive approach for the equitable management and provision of a wide range of infrastructure which includes standard infrastructure provisions such as roads and drainage but also broader infrastructure items such as multi-use community/sporting facilities and urban water management initiatives which were necessary in facilitating development.

Overview – Financial Risk Management

The City is required to administrator DCP No.3 which has enabled development and which will deliver a significant number of benefits to the City and its future residents. The development Cost Contribution per Lot is determined through the Infrastructure Cost Schedule (ICS) and is required to cover all associated costs incurred by the City in managing DCP No.3. The City aims to complete all of the Common Infrastructure Works in a timely manner and aims to ensure that there are no funding shortfalls. Annual review of the ICS aims to ensure equity of payment by developers over time.

Clause 6B.8.1 of Town Planning Scheme No.4 provides that any shortfall in infrastructure costs after collection of all contributions may be made good by raising loans, entering into agreements with owners to fund the shortfall, or by the City funding the shortfall from its municipal fund. In-accordance with Clause 6B.8.2, if there is an excess when works are completed, the City is to use the excess funds for the provision of additional facilities in the Development Contribution Area.

The accuracy of predicted costs has been maximised to the greatest extent practicable at this stage but for a project likely to be implemented over a 10-15 year span this is a difficult task and some estimates have had to be made. However, the ICS must be reviewed at least annually and costs reviewed at this time. As projects identified in the ICS are completed, they become fixed costs.

The City’s careful management of Development Contribution Plan No.3 through annual review of the ICS should prevent any significant shortfall occurring or additional costs being imposed on the City. It is important to note that the DCP No.3 enables the urban development of Piara Waters and Harrisdale and that without the operation of this DCP, the development would not have occurred.

DETAILS OF PROPOSAL

This report proposes the final adoption of a scheme amendment to modify the wording under Part 6B and Schedule 13B of Town Planning Scheme No.4. The proposals will improve the City's management of current and future Development Contribution Plans, and will provide developers with a greater level of confidence in the City's resolve to equitably seek contributions and manage Development Cost Contribution funds. The proposals are explained in further detail below.

Development Density

As part of the annual review of the ICS, the City reports on the "actual" density of urban development being achieved by developers in Harrisdale and Piara Waters. The density of development is monitored on a per hectare lot basis and is calculated from the number of lots produced within the gross land area including public open space and subdivisional roads. This factor is regularly monitored to ensure that Development Cost Contributions are being applied in an equitable and fair manner.

The lot per hectare density is a fundamental component in the determination of the Development Cost Contribution per Lot adopted within the ICS. Clause 3.4.1 of Schedule 13B stipulates that the current standard development rate for DCA No.3 is 10 lots per hectare. This per hectare density is the determining factor that derives the predicted lot yield of the remaining unsubdivided balance. The estimated unsubdivided balance then becomes the denominator against the Common Infrastructure Cost, being the Gross Common Infrastructure Works Cost minus Development Cost Contributions paid to date, in order to determine the Development Cost Contribution per Lot. In order to be equitable to landowners and the City, the adopted development rate needs to be relative to the "actual" development density.

Following the adoption of the Infrastructure Cost Schedule 2011 No.2 at Council's June 2012 meeting, the density is currently 11.2 lots per hectare within DCA No.3, which is higher than previously predicted.

The following table details the "actual" development density of lots per hectare since DCP No.3 came into operation. The density fluctuates both up and down over time, but the overall trend is that the density is increasing. It should be noted that the developer contributions are calculated using a different methodology, than the normal calculation of densities in growth areas.

Table 1 - Development Density Lots per Hectare

Infrastructure Cost Schedule	**Density Lots per Ha (as per DCP)**
ICS 2008	10.09
ICS 2009	10.92
ICS 2010	10.77
ICS 2011	10.63
ICS 2011 No.2	11.22
Average 5yr operating life	**10.72**

It should be noted that the density has also varied at the commencement of each ICS review period, and the above figures only reflect the density at the time an ICS was finally adopted by Council.

Whilst there is a trend towards higher density single residential subdivision, it is important that the City as administrators of the DCP, monitor trends in subdivision and needs to take a conservative but fair approach to the predicted lot yield calculation. This is to ensure that the subdividers in the later or last stages of the DCP area are not left with a higher proportional burden of the Common Infrastructure Works costs to pay than those who subdivided and made payments in earlier stages.

There are a number of factors that are likely to result in a balancing of density trends over time, some of which include the following:

- the current market trend is towards small freehold lots and associated higher R-code approvals. This has not only had an impact on the "actual" density to date, but will continue to have more of an influence with the implementation of current subdivisional approvals;

- there is the possibility of an oversupply in the market of the small freehold lot product in Harrisdale and Piara Waters (similar to past market trends in this area where developers down-coded the density of areas, especially grouped dwelling sites) and more larger lots may be created in the future;

- there are few grouped dwelling areas being developed. Developers are creating greentitle lots and contributing at the per lot rate for every lot created rather than at proposed densities that grouped dwelling are subject to;

- the easier and less constrained land is being developed in the early stages of the growth area. Landholdings yet to seek or gain subdivision approval will be at lower densities than those currently being approved, as issues associated with land fragmentation, infrastructure servicing and environmental constraints are compounded;

- generally most of the larger super lots are being developed, with a lot of smaller lots remaining for subdivision approval which usually achieve lower densities;

- the timing of public open space being ceded, in particular super lot estates, results in fluctuations to the development yield. At present, the area referred to as the Piara Waters (North) Community and Sporting Facility has not been ceded to the Crown as a Reserve for Public Recreation and Community Purposes. As this land is a sizeable proportion of the required public open space contribution for the surrounding estate, the development to date has been produced at a higher density that in actuality. Once the public open space site is ceded, the density of the overall area will decrease proportionally;

- there is considerable land pressure in Harrisdale and Piara Waters to meet new urban water management practices. As the development area has matured, the constraints on available and useable active open space areas from the encroachment of drainage and its seasonal variation has been identified. Stricter landscaping and public open space crediting is being addressed in the area which could cause minor encumbrances to the developable area of estates; and,

- certain forms of median swale treatments for road drainage have been constructed in reduced road reserves and roads are being retained by constructed walls rather than batters which has facilitated higher development densities within the larger estates. In certain circumstances these forms of development are not desirable and wider road reserves would have enable battering within the road reserve and a higher standard of median drainage treatment. There are ongoing asset management and best practise issues that the City is considering which could result in these reduced road reserve networks being widened in future stages.

The City must strike a fine balance between the current development density and the future projected density, given the influences identified above that could potentially deliver positive and negative movement on the development density calculated for the DCP.

Given the above assessment, a 0.6 lot per hectare increase to the base lot per hectare factor is appropriate. As advertised, any modification to the lot per hectare rate is only effective following the gazettal of Amendment No.67. The provisions of Clause 3.4.2 (a) (i) and Clause 3.4.2 (a) (ii) of Schedule 13B need to be amended to reflect any modifications made under Clause 3.4.1. Provisions under Clause 3.4.2 determine the calculation for the contribution payable by each landowner within DCA No.3.

Future amendments to the density factor may be necessary, and the City will continue to monitor this closely. In addition, the City will look to further develop mechanisms to monitor any influencing and/or determining parameters.

New Building Act

A Building Licence approval is one of the triggers under Clause 6B.5 for contributions owing on land with a Development Contribution Plan to be paid.

An amendment is required to change the title of approvals granted by the City under the Building Act 2011 and the Building Regulations 2012 from a “Building Licence” to a “Building Permit or Building Approval Certificate”. This is due to the introduction of the Building Act 2011 which became operational on 2nd April 2012 as the new Building Approval system directed by the Building Commission.

This modification does not alter the manner in which this provision operates, it is purely to update the terminology.

Establishment of Trust Accounts

Council initiated Amendment No.64 to Town Planning Scheme No.4, which proposed the inclusion of additional Common Infrastructure Works within the City's North Forrestdale Development Contribution Plan No.3 at its meeting in September 2011.

The City consulted with the Department of Planning during the advertising process and a number of modifications were made prior to Council resolving to refer Amendment No.64 to the Hon. Minister for Planning for final approval. A modification requested by DoP was the inclusion of the following text identified in italics to proposed Clause 3.6.3 (11):

> "Keane Road between Skeet Road and Anstey Road
>
> (a) A 33% contribution to the total cost of constructing this section of Keane Road, including any roundabouts and/or traffic management devices.
>
> *If environmental approval is not granted for the construction of Keane Road, then the City is required to refund the contributions of Keane Road (together with any interest earned), with the exception of the roundabout at Skeet Road and Keane Road."*

Under Clause 6B.7.1 of TPS No.4, the City has the ability to create a reserve account for the administration of DCP No.3 funds. However, a Reserve account is a pool of funds and there is not the ability to track separate contribution amounts and the specific interest earned on that from the time of payment very easily.

The City's Corporate Services advised that the best way forward would be to utilise Trust Accounts which can be created for each payee and their interest is directly apportioned to their specific Trust Account. As per the Local Government Act 1995, the City is required to hold funds in Trust until such a time that they can be reimbursed to the owner or expended on the intended item.

The City sought legal advice on the appropriateness of this mechanism to administer funds collected through DCP No.3 as the Department of Planning advised that this would be expected as supporting information for the City's proposed amendment. The legal advice clarified that utilising trust accounts to administer funds collected through a Development Contribution Plan, under the current provisions, does not depart from the Scheme's intent.

Although an amendment is not necessary to operate multiple trust accounts for the Keane Road contributions, the legal advice did state that it is worthwhile to incorporate further provisions within DCP No.3 under Clause 6B.7 to put the legality of the situation beyond doubt and to also provide guidance on the procedures for the administration of the accounts, as the City was initiating Amendment No.67 anyway.

Public Advertising of the Amendment

The proposed amendment was advertised for 42 days, closing on 26 September 2012. This advertising was carried out by way of notification to relevant Government agencies, advertisements in the "West Australian" newspaper, City's website and local community newspaper and letters to affected and nearby landowners.

Total No. of submissions received	:	3
No. of submissions of conditional support/no objection	:	2
No. of submissions of objection	:	1

There were no issues raised in the submissions as the single objection just simply objected without giving any comments or justification for their objection. The two submissions of conditional support/no objection were received from Government agencies.

Refer to Confidential Attachment of the Agenda for location plan of submittors.

The issues raised by the submissions have been summarised and recommendation made on each submission which are included in the Confidential Attachments of the Agenda.

COMMENT

There are no modifications proposed to the amendment following initiation and advertising.

A review of the Infrastructure Cost Schedule, associated with the North Forrestdale Development Contribution Plan No.3, will be instigated following the gazettal of the scheme amendment to implement the relevant proposals detailed above. A report will be considered by Council for the approval to advertise a Draft Infrastructure Cost Schedule at this time.

OPTIONS

1. Council may adopt the amendment as proposed (or with modifications) and request that the Hon Minister for Planning grant final approval to the amendment.

2. Council may refuse the final adoption of the Scheme Amendment if it considers the proposed modifications and inclusions to be contrary to the equitable and fair administration of Development Contributions Plans or to the integrity of the planning framework.

CONCLUSION

No changes are proposed to the scheme amendment following advertising.

It is recommended that Council resolve to adopt the amendment without modification in accordance with Option 1 above.

ATTACHMENTS

1. Confidential Schedule of Submissions - Amendment No.67 - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
2. Confidential - Amendment No.67 - Submittee Plan - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

D75/10/12 **RECOMMEND**

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005* adopt, without modification, Amendment No.67 to Town Planning Scheme No.4 to modify Part 6B and Schedule 13B – Development Contribution Plans – Development Contribution Plan No.3 as follows:

a) Modify Clause 3.4.1 of Schedule 13B by deleting the number "10" and inserting the number "10.6".

b) Modify Clause 3.4.2 (a) (i) of Schedule 13B for the calculation of payments to date (B) after the words "Area equivalent of the land holding of an owner" by inserting the following "prior to the gazettal of Amendment No.67 and the lots produced at the rate of 10.6 lots per hectare for the Area equivalent of the land holding of an owner after the gazettal of Amendment No.67".

c) Modify Clause 3.4.2 (a) (i) of Schedule 13B for the calculation of Common Infrastructure Works cost (C) by deleting the numbers "10" and inserting the numbers "10.6".

d) Modify Clause 3.4.2 (a) (ii) of Schedule 13B for the calculation of the Estimate Lot Yield (D) by deleting the number "10" and inserting the number "10.6".

e) Modify Clause 6B.5 (f) by deleting the reference to a "Building Licence" and replacing it with "Building Permit or Building Approval Certificate";

f) Insert a new Clause under 6B.7.3 as follows:

"6B.7.3 (a) Within any Development Contribution Area the City may satisfy the provisions of Clause 6B.7.1 by establishing separate reserve accounts for Cost Contributions by individual owners or groups of owners.

(b) Such separate reserve accounts can be kept for accounting or administration purposes including, but without limiting the generality of the foregoing, for the purpose of accounting to each owner for interest accrued on the owner's Cost Contributions relevant to a particular Development Contribution Area.

(c) Notwithstanding 6B.7.3 (b), any reserve account for an individual owner is to contain only funds relevant to Cost Contributions for a particular Development Cost Contribution Area, and all individual accounts for a particular Development Contribution Area are to be identified as belonging to that Development Contribution Area."

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 grant final approval to the amendment.

4. Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.

5. Advise the submittors of its decision.

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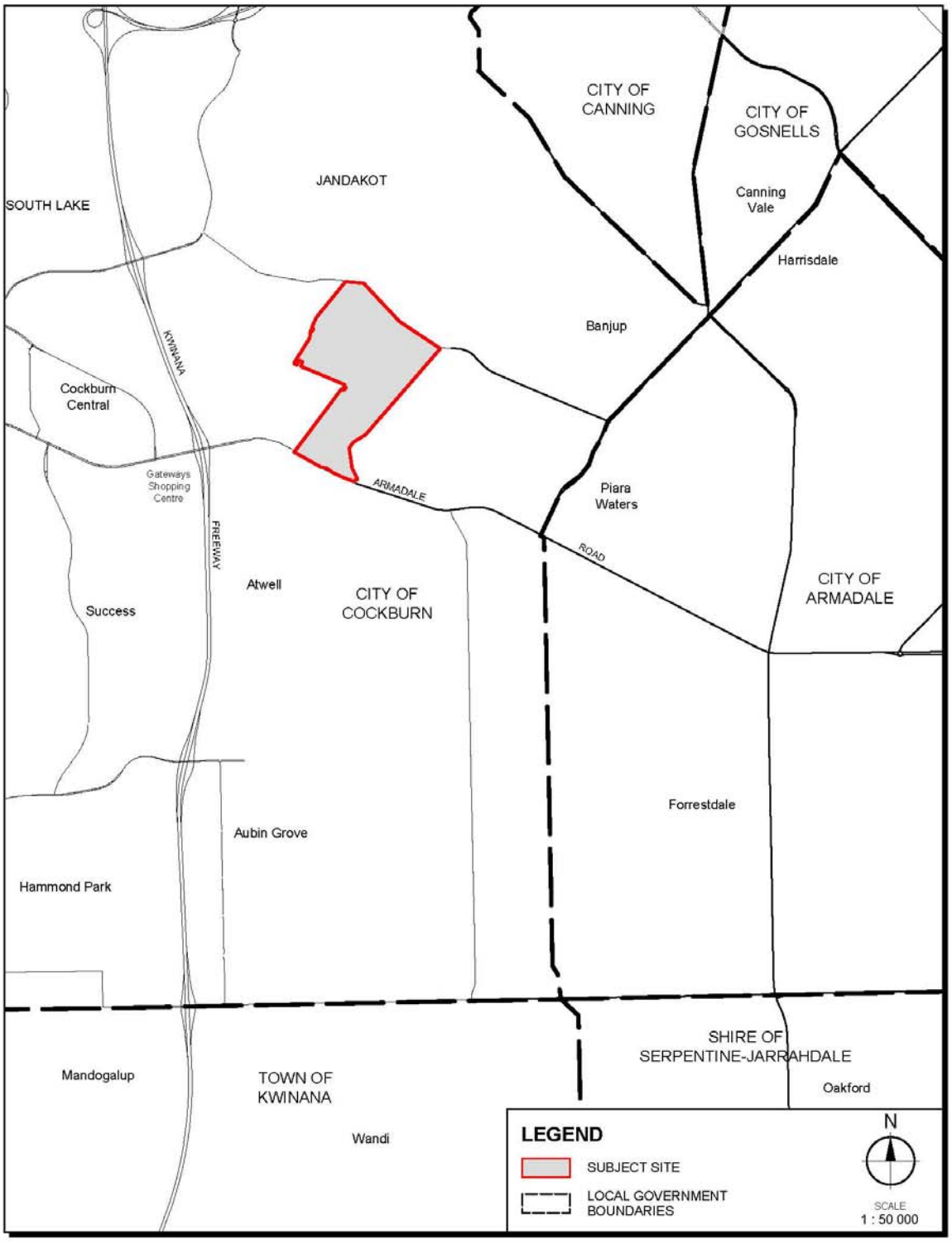

LOCATION PLAN
BANJUP URBAN PRECINCT

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4.1 - IMPLICATIONS OF THE BANJUP METROPOLITAN REGION SCHEME AMENDMENT

WARD : ALL

FILE No. : M/698/12

DATE : 20 September 2012

REF : IM

RESPONSIBLE MANAGER : EDDS

In Brief:

- Land at Banjup on Armadale Road located within the City of Cockburn on the Jandakot groundwater mound is being included in the Urban zone.
- The location of residential development on the Jandakot mound is a significant strategic decision which will have implications for the City of Armadale – not least because land within the City has been similarly constrained by the proximity to the Jandakot water mound.
- Recommend that the Banjup Amendment to the MRS and its implications for land immediately east of Warton Road within the City be noted.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005
Metropolitan Region Scheme 1963

Council Policy/Local Law Implications

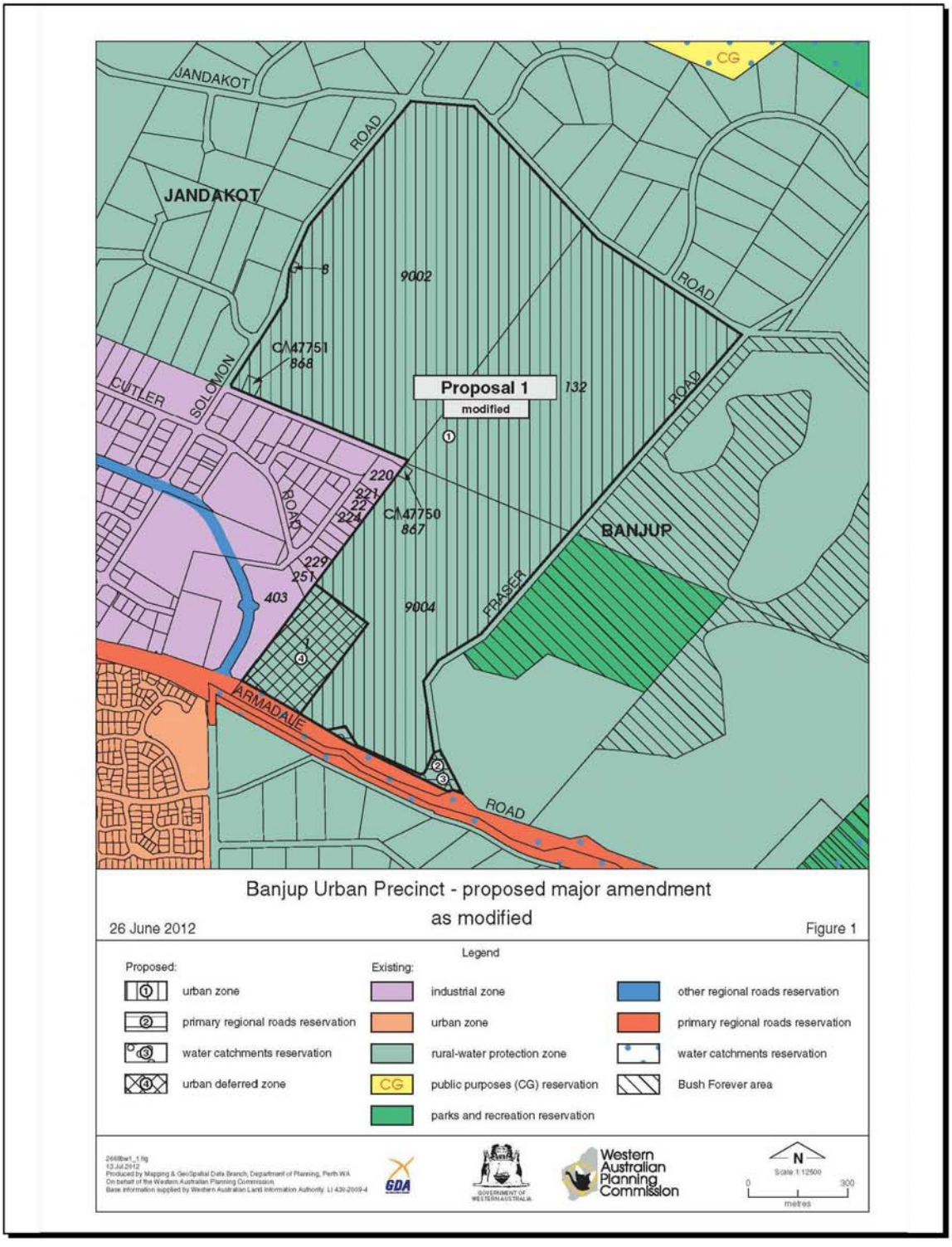
Nil.

Budget/Financial Implications

Nil.

Consultation

- The WAPC has completed a consultation process, including public hearings, associated with the Banjup MRS amendment.



BANJUP URBAN PRECINCT
PLAN 2 - MODIFIED BANJUP AMENDMENT PLAN

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BACKGROUND

Metropolitan Region Scheme (MRS) Amendment 1221/41 Banjup Urban Project has been published following the receipt and analysis of submissions. Copies of the amendment and the accompanying report on submissions are available for public inspection from Wednesday 19 September 2012. The amendment has been tabled in Parliament for 12 sitting days prior to its final adoption.

The Banjup Amendment will result in the transfer of 151 hectares off Armadale Road in the City of Cockburn from the Rural-water protection zone to the Urban zone of the MRS.

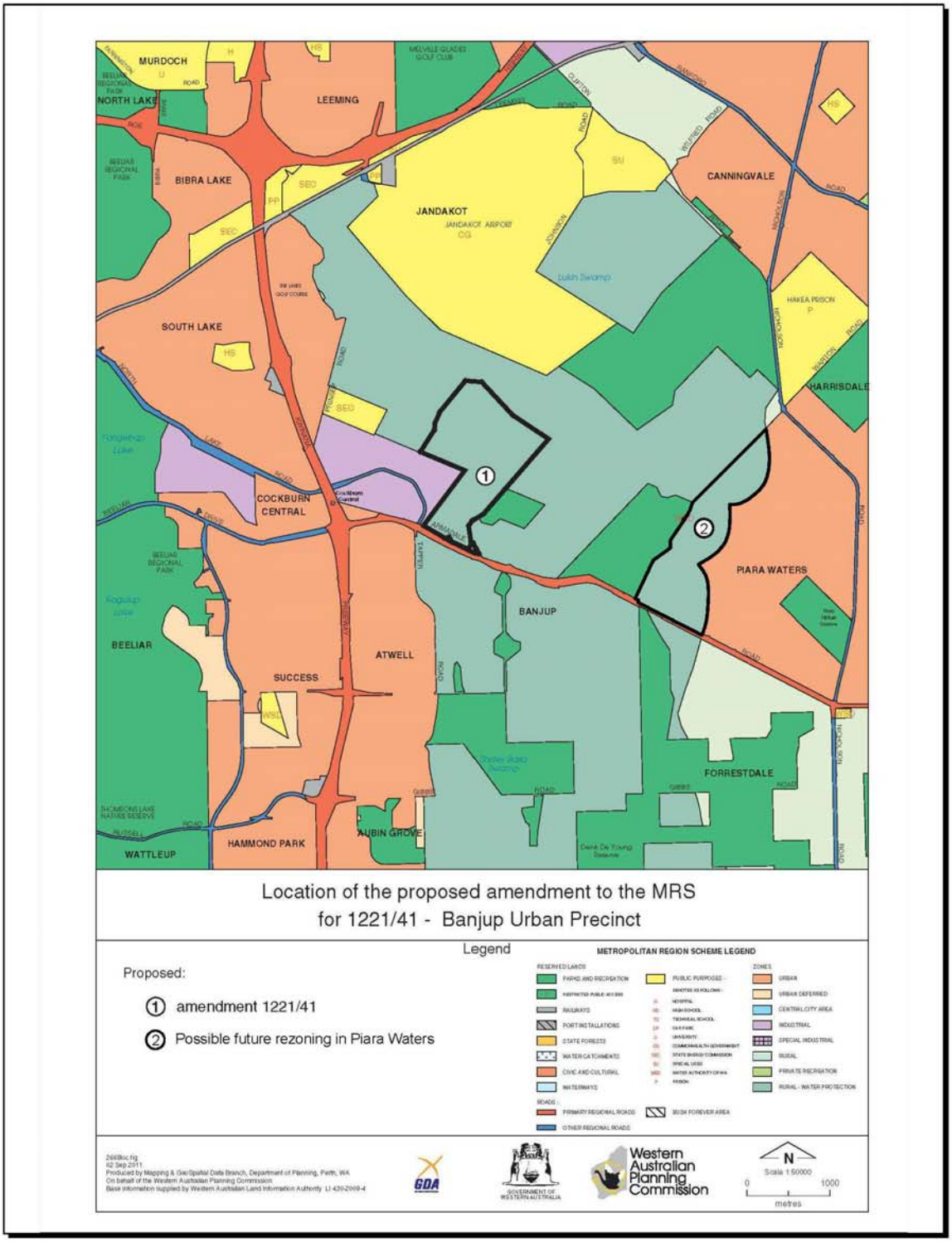
DETAILS OF PROPOSAL

The subject land at Banjup was used as a sand quarry and is substantially cleared. It occupies land between Armadale Road and Jandakot airport (**see location plan 1**). The main constraint to future development lies in the fact that the area is located within the Jandakot groundwater mound and has been thereby protected by various state government policies and is zoned Rural – Water Protection under the MRS.

However, the Department of Water (DoW) has raised no objections to the land being rezoned and has approved a District Water Management Strategy for the site. While the land is protected under SPP No. 2.3 (Jandakot Groundwater Protection policy) as a Priority 2 area, it has been concluded that the area could be reclassified as a Priority 3 area and the groundwater resource protected without creating a precedent for other areas over the Jandakot groundwater mound. Such a rationale has been supported by the DoW, Water Corporation and EPA.

The site is also (according to the State Planning Policy 5.3 – Land Use Planning in the Vicinity of Jandakot Airport) within the 'frame area' (not the 'core area') of Jandakot Airport wherein land can be rezoned for residential development if the proposal complies with a certain criteria, such as: demonstrated strategic need for more intensive development. The land is outside the 20 ANEF contour which establishes the areas likely to be detrimentally affected by aircraft noise in the future.

The only significant departmental objection has come from Main Roads (supported by the Department of Transport) which is concerned that the amendment should not be supported until the alignment of the Armadale Road/North Lake Road intersection is finalised. In recognition of Main Roads views, the Commission has concluded that a portion of the land (Lot 1 Armadale Road) be zoned Urban Deferred until road planning studies have been completed and in recognition of the City of Cockburn's views on concurrent local and regional amendments the Commission has agreed that a Development Zone amendment be initiated subsequently. The Amendment as modified and tabled in Parliament is shown on **Modified Amendment Plan (2)**.



BANJUP URBAN PRECINCT
PLAN 3 - CURRENT AND POSSIBLE FUTURE AMENDMENT

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COMMENT

The Banjup Amendment has resulted in the Commission agreeing to a rezoning that is outside the current policy prescriptions on the grounds that development over the Jandakot Mound is justified by the strategic document *Directions 2031 and Beyond* and that impacts of this development on water quality and quantity are to be monitored and will assist in future policy review.

It is difficult to identify specific clauses within *Directions 2031 and Beyond* that do justify the rezoning contrary to policy other than the rather general strategy of "Ensure urban expansion occurs in a timely manner in the most suitable locations" (p. 47). According to the WAPC Amendment Report, the site was identified in the draft *Sub-regional Strategy for Outer Metropolitan Perth and Peel* as an 'Urban Investigation Area 2011-2015' (these are rural land areas intended to be investigated for potential rezoning in the short to medium term subject to statutory rezoning processes, p. 27). However, the site is actually shown on page 93 of the Sub-regional Strategy as being 'urban expansion 2011-2015' and on page 95 it is noted that a decision of whether Banjup can be developed can only be made once the likely impact of development on the Jandakot groundwater resource has been determined.

ANALYSIS

While the Amendment report denies the possibility of the decision being seen as a precedent, it is difficult for a strategic decision of this nature not to be considered as such. At least it means that proposals to develop land over the groundwater mound are less likely to be dismissed out of hand but would be considered on their merits. It would be surprising if the same arguments could not be mounted for the rural zoned land to the east of Warton Road in Piara Waters, indeed the landowners have commenced a process which may lead to an MRS amendment to rezone 125 hectares from Rural to Urban zoning (the residual land in Piara Waters is identified on **Plan 3**).

Traditionally land between the urban corridors was retained in the Rural zone as "rural wedges" which were a key element of the Corridor Plan for Perth. This was subsequently given greater force when it became apparent that the rural wedges contained significant groundwater resources which needed protection as public water supplies. This policy was in part supported because other accessible sources of housing land were available. The growing pressure to procure well located land for housing is leading to a closer examination of land parcels and the extent to which the constraints inhibiting their development have been real or philosophically based.

The 1994 Select Committee on Metropolitan Development and Groundwater Supplies similarly concluded that as alternative land supply was available there was no need to risk potential pollution of water supply areas and therefore development should not occur over the groundwater mounds. The Select Committee recommended that the MRS be amended to facilitate the identification and zoning/reservation of land for groundwater protection purposes.

In response the WAPC prepared and implemented the Jandakot land use and water management strategy (1995) and gazetted the Jandakot Groundwater Catchment Protection Amendment 981/33. The Amendment introduced a new zone, the Rural – Water Protection zone into the MRS and included 4,800 hectares of land within the Jandakot groundwater mound into this zone (including Banjup and land immediately east of Warton Road). The boundaries of the new zone were based on the scientific evidence provided by the consultants Dames and Moore study and groundwater modelling which assessed the requirements to protect the current and future public water supply wellfield at Jandakot. The Amendment was followed by the Statement of Planning Policy No. 6 Jandakot Groundwater Protection Policy (1998) which required local governments to amend their schemes in conformity with the policy which specified acceptable land uses declaring that no residential, special residential, industrial or commercial zoning should be considered within the Policy Area.

While there has been little attention given to the Banjup amendment, it does represent one of strategic importance. The decision reflects the changed views regarding metropolitan growth since the mid 1990s whereby issues of housing affordability and the stresses arising from long journeys to work are now to the fore. It may also be a response to potential residential land being increasingly diminished by drainage and environmental requirements such as BushForever. It is appropriate that planning decisions are based on balancing between economic, social and environmental considerations. In view of the main agencies being of the view that residential development over groundwater mounds can be managed, it is sensible to conclude that the land be put to a more efficient use.

Submissions were made to the 1994 Select Committee hearings suggesting that if the government was to accept development over the groundwater mounds and actively plan for development and responsible management, significant public benefits would result which could be passed on for instance by the creation of opportunities for affordable housing. Unfortunately, it now appears likely that the windfall benefits of rezoning will fall to private rather than public investors, in a relatively ad hoc fashion. Notwithstanding this, there are considerable planning benefits accruing from these decisions.

OPTIONS

Council could:

1. Note the report on the Banjup MRS amendment;
2. Further consider the implications of the Banjup MRS amendment.

CONCLUSION

The Banjup MRS amendment will provide 150 hectares of additional urban land relatively close to the CBD and facilities. However the land is located on the Jandakot groundwater mound and the decision is likely to have implications for other land in similar circumstances within the Jandakot Water Catchment zone, and even possibly on the Gnangara groundwater mound. The decision has particular implications for the 125 hectares of land bounded by Warton and Armadale Roads within the City.

ATTACHMENTS

There are no attachments for this report.

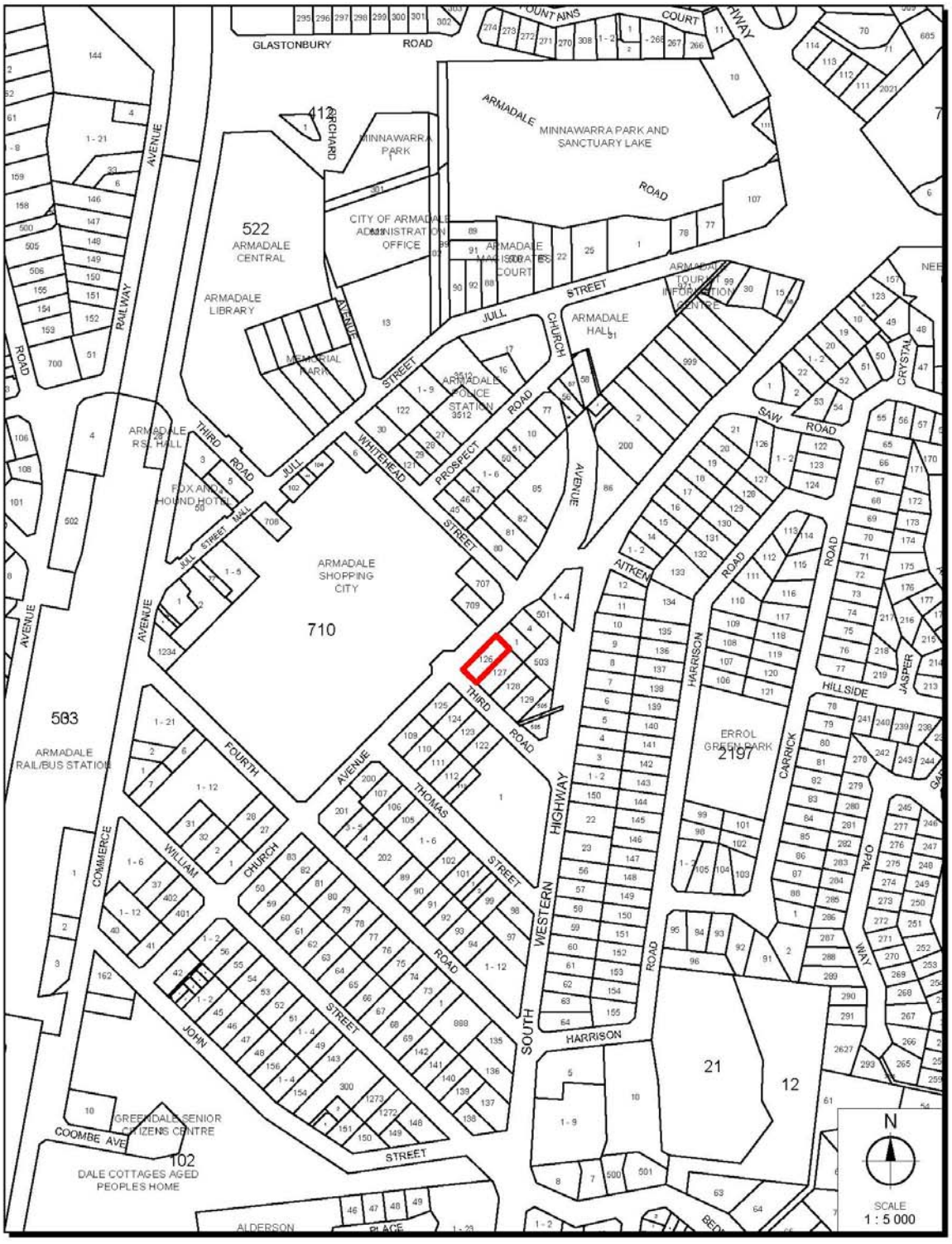
D76/10/12 **RECOMMEND**

That Council:

1. **Note the progress of the Banjup Amendment to the MRS and its implications for land immediately east of Warton Road within the City.**

Moved Cr D M Shaw
MOTION CARRIED (6/0)

Cr Wielinga attended the meeting at 7.26pm.



LOCATION PLAN
Lot 126 (34) Church Ave, Armadale

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4.2 - CONSIDERATION OF THE "DEVEREUX RESIDENCE" FOR INCLUSION IN THE MUNICIPAL HERITAGE INVENTORY

WARD	:	MINNAWARRA
FILE No.	:	M/662/12
DATE	:	4 October 2012
REF	:	HC
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- The Community Heritage Advisory Group recommends that the "Devereux Residence" at Lot 126 (No 34) Church Avenue, Armadale, be considered for inclusion in the Municipal Heritage Inventory (MHI).
- There are aesthetic, historic, cultural and social values of significance that suggest the building is worthy of entry in the MHI.
- Recommend that Council consider including the "Devereux Residence" in the City's MHI at a "C" Management Category following advertising.

Tabled Items

Nil.

Officer Interest Declaration

The author is one of the City's officers assisting the Community Heritage Advisory Group.

Strategic Implications

Aim 2.3.2 – Ensure preservation and maintenance of heritage buildings, heritage items and places of interest.

Legislation Implications

Town Planning Scheme No 4;
Heritage of Western Australia Act 1990;
Municipal Heritage Inventory 2008;
Local Government Act 1995.

Council Policy/Local Law Implications

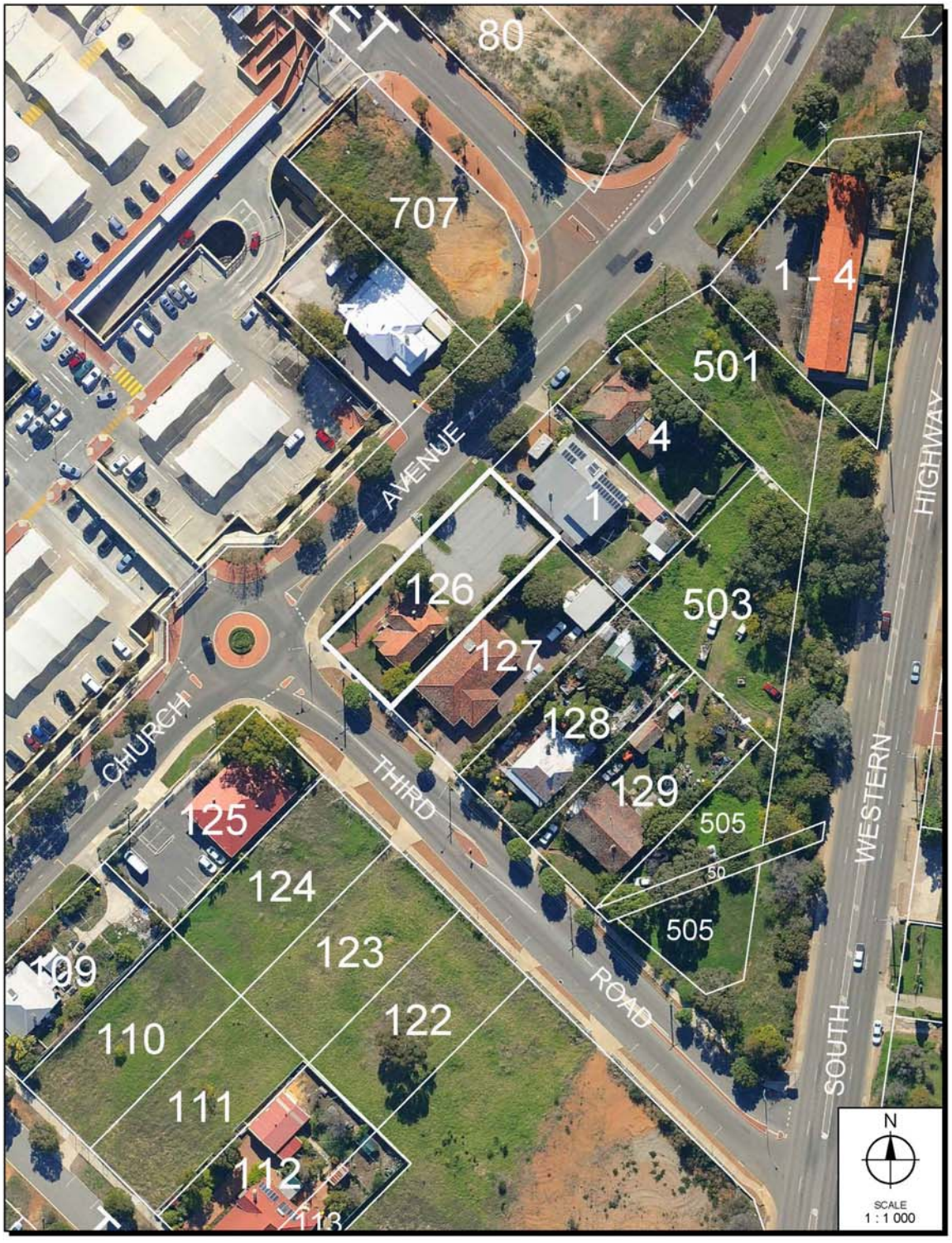
Policy PLN 3.8 Heritage Management Incentives Policy.

Budget/Financial Implications

Nil.

Consultation

Community Heritage Advisory Group.



AERIAL PHOTOGRAPH
Lot 126 (34) Church Ave, Armadale

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BACKGROUND

The Community Heritage Advisory Group (CHAG) was set up to make recommendations to Council regarding heritage issues within the City of Armadale. Part of its role is the examining and assessing of properties on the supplementary lists and other suitable properties for possible inclusion in the Municipal Heritage Inventory.

DETAILS OF PROPOSAL

CHAG has considered the importance of the Devereux family in the social fabric of Armadale and the quality of the residence and is recommending to the City that the "Devereux Residence" at Lot 126 (No.34) Church Avenue, Armadale, be considered for inclusion in the Municipal Heritage Inventory (MHI) at a "B" Management Category.

COMMENT

The building is a red brick house with Dutch gabled roof and roughcast walls up to half height. The Third Road elevation features a twin set of double hung sash windows under an awning. The house had the first tiled roof in the Armadale township. The building appears in good condition but is currently used as a commercial premises rather than a residence.

The house was occupied by Gordon Devereux and his family from 1926 to around 1980. Mr Devereux migrated to WA from England in 1911. He joined the Australian Army at the outbreak of WWI and served on the Western Front where he earned a Military Medal for bravery under fire. He was shipped to England to recuperate after being gassed by mustard gas. He married Ellie in London in 1918.

Mr Devereux became the picture show man in Armadale and Gosnells and showed silent films at the back of the old Armadale Co-op and later in Billings Trucking Garage. He was a player and president of the Armadale Soccer Club, a member of the Armadale Co-op Committee from 1925 to the 1960s, an active member of the Armadale RSL (including Secretary and Treasurer at different times), involved in welfare associations and in the move for a new district hall (built in 1936). In 1930 he became the chairman of an unemployment committee in Armadale to assist men who were out of work. Towards the end of the WWII he was Secretary of the Armadale Branch of the Communist Party and wrote to the Road Board advocating the establishment of a Regional Development Council in the district to assist post-war reconstruction. He and his family were very involved in the social, cultural and community life of the district.

Able Seaman Eric "Ricky" Devereux, Gordon and Ellie's son, perished on active service when *HMAS Sydney* was sunk in battle on 19 November 1941.

The building has an aesthetic appeal as a good example of a residence dating from the 1920s, historic significance as an example of a substantial house dating from the 1920s and the first in Armadale with a tiled roof, and social significance to the Armadale community as the home to people very involved in the social, cultural and community life of Armadale. It is now, however, utilised as a commercial premises rather than a residence.

DEVEREUX RESIDENCE
THIRD ROAD ASPECT

DEVEREUX RESIDENCE
CHURCH AVENUE (FRONT) ASPECT

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When considering a property for inclusion in the MHI under the provisions of TPS No 4 (clause 7.1.3), the City is to:

a) Notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
b) Invite submissions on the proposal from the owner and the occupier of the place within 21 days of the day the notice is served;
c) Carry out any other consultations it thinks fit; and
d) Consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

A copy of the proposed MHI entry is included in the Attachments of the Minutes.

ANALYSIS

A consideration of the appropriate management category is relevant. CHAG recommends that the "Devereux Residence" be considered for inclusion at a "B" Management Category which is defined as:

> *"Worthy of a high level of protection. Maximum encouragement to the owner should be provided under the City of Armadale's Town Planning Scheme to conserve the significance of the place. A Heritage Assessment and Impact Statement should be undertaken before approval is given for any major redevelopment. Incentives to promote heritage conservation should also be considered".*

It should be noted that an application to convert the building from a residence to consulting rooms was approved in 1992. Very recently an application for a change of use to a medical centre has been received for consideration. Whilst the features of the place as a residence can still be readily identified, particularly on the aspect facing Third Road, necessary additions to convert the building to commercial use, e.g. the side aspect from the parking area and the ramp at the front, sit somewhat uneasily with the style of the original building and compromise the heritage significance of the residence.

Whilst recognising that the Devereux family itself played an important part in the social, cultural and community life of Armadale over many years and there could be a high level of protection deserved for the associations with the place, it is considered that the retention of features of the building, now a commercial premises, and its recording could be more appropriately considered at a "C" Management Category, which is defined as:

> *"Retain and conserve if possible. Endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme.*
>
> *"A Heritage Assessment and Impact Statement may be required before approval is given for any major redevelopment or demolition. If necessary, record the place photographically prior to demolition".*

The "Devereux Residence" appears to be a worthy building for entry into the City's MHI.

DEVEREUX RESIDENCE
ASPECT FROM PARKING LOT (FACING WEST)

OPTIONS

Council could resolve:

1. That the "Devereux Residence" is worthy of entry in the MHI at a "C" Management Category and undertake the procedures outlined in the TPS to progress that entry.
2. That the "Devereux Residence" is worthy of entry in the MHI at a higher Management Category and undertake the procedures outlined in the TPS to progress that entry.
3. That the "Devereux Residence" is worthy of entry in the MHI at a lower Management Category and undertake the procedures outlined in the TPS to progress that entry.
4. To decline to include the "Devereux Residence" in the MHI.

CONCLUSION

The "Devereux Residence" is a good example of a house from the 1920s and is notable for having the first tiled roof in the Armadale township. The Devereux family were very involved in the social, cultural and community life of Armadale over many years. The aesthetic, social and historical value of the property merits entry in the City's MHI with a "C" Management Category. Option 1 is therefore recommended.

ATTACHMENTS
1. Copy of MHI Entry - Devereux Residence 2012

Committee discussed the proposal and agreed with the advice received from the Community Heritage Advisory Group, the importance of the Devereux family in the social fabric of Armadale and the aesthetic and historical value of the property.

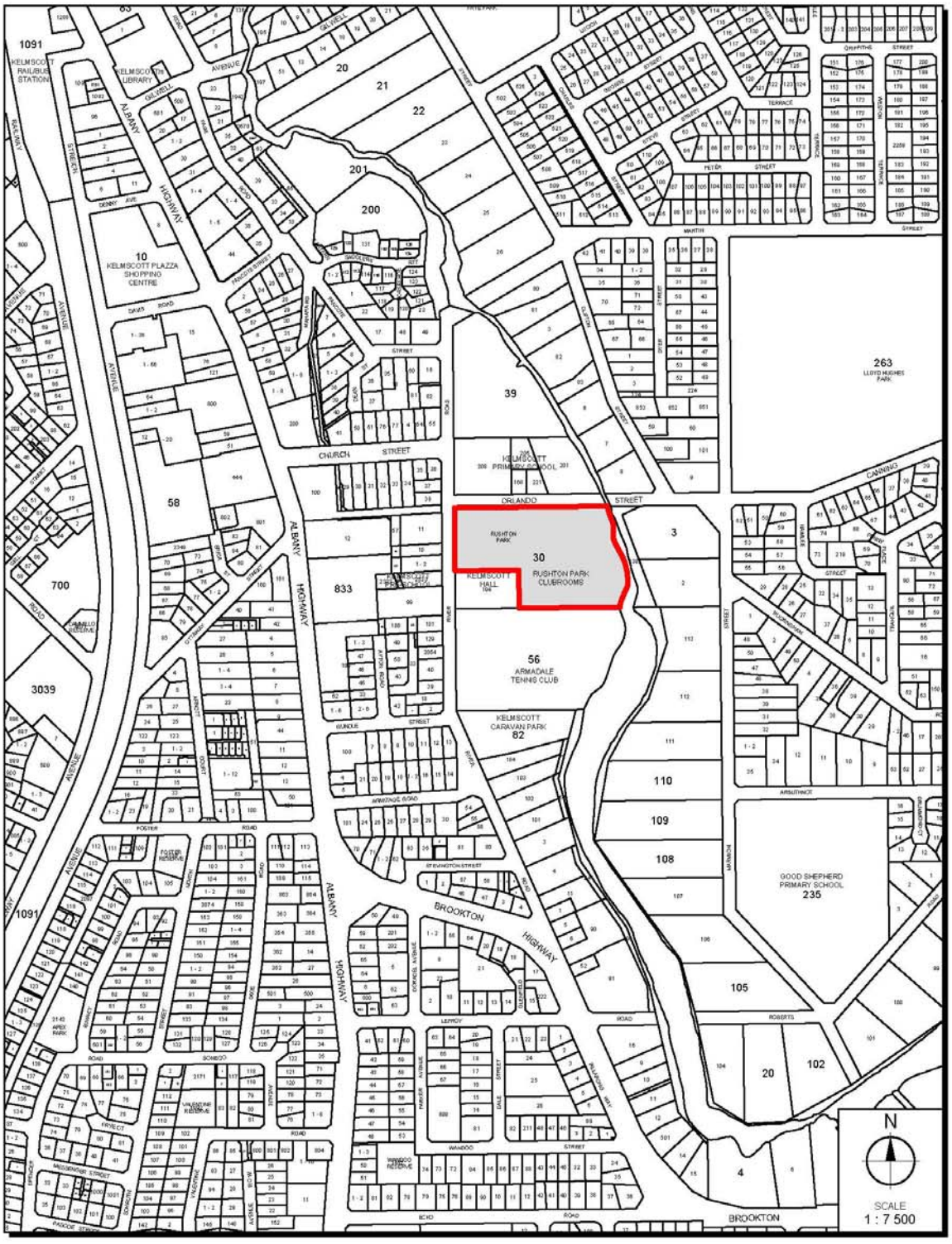
Committee requested that the "Devereux Residence" be considered for inclusion in the Municipal Heritage Inventory (MHI) at a "B" Management Category. Accordingly, the Recommendation was amended.

D77/10/12 **RECOMMEND**

That Council:

1. **Advertise its intent to include the "Devereux Residence" in the City's MHI at a "B" Management Category to the owners and occupants of the place in accordance with the provisions of Clause 7.1.3 (a) and (b) of Town Planning Scheme No.4.**
2. **Resolve that, should no submissions of objection be received, the "Devereux Residence" be included forthwith in the City's MHI at a "B" Management Category.**
3. **Recommit the matter for consideration once the advertising period is concluded, should there be any submissions of objection made.**

Moved Cr M H Norman
MOTION CARRIED (7/0)



LOCATION PLAN
RUSHTON PARK - RESERVE No 21897

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4.3 - PROPOSED NAMING OF SCHOOL PAVILION, RUSHTON PARK, KELMSCOTT

WARD	:	RIVER
FILE No.	:	M/720/12
DATE	:	4 October 2012
REF	:	KC
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	Kelmscott Agricultural Society (Inc.)
SUBJECT LAND	:	Reserve 21897 Lot 30 Plan 255765

In Brief:

- Kelmscott Agricultural Society (Inc.) has requested the City to consider naming the school pavilion in Rushton Park, Kelmscott, The Merv Rose School Pavilion.
- Mr Mervyn Rose has been involved with the Kelmscott Agricultural Society since 1946.
- The naming of the school pavilion would acknowledge the extensive achievements of a long-term resident of Kelmscott.
- Recommend that Council approve the name The Merv Rose School Pavilion for the school pavilion located in Rushton Park, Kelmscott.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

1.1.2 Support and strengthen community groups, organisations and volunteer services.
2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.

Legislation Implications

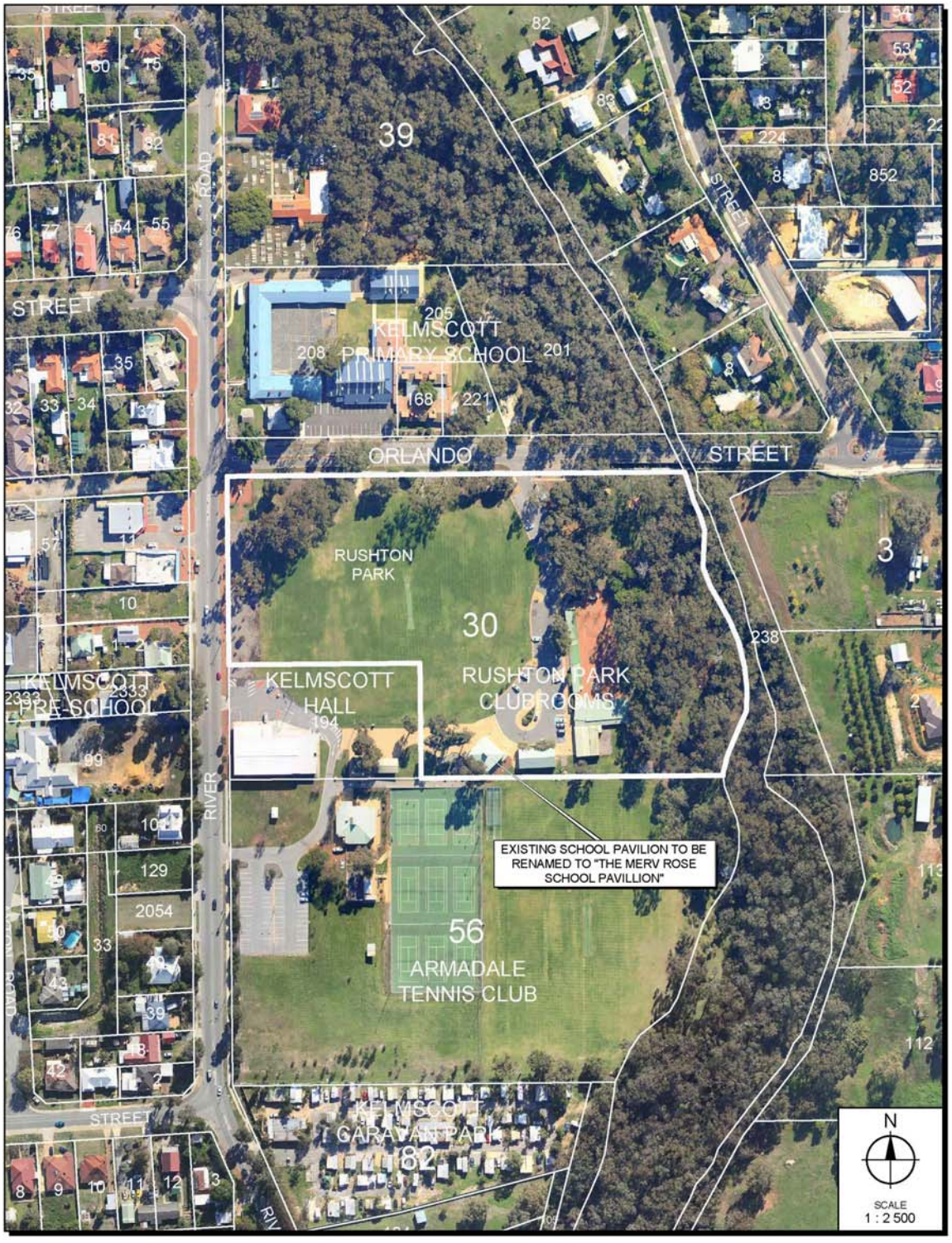
Local Government Act 1995

Council Policy/Local Law Implications

Council Policy DEV 2 – Naming of Parks, Places and Buildings

Budget/Financial Implications

The Kelmscott Agricultural Society (Inc.) has proposed to install the signage on this pavilion. The signage will be similar to two other pavilions at Rushton Park, Kelmscott.



AERIAL PHOTOGRAPH
RUSHTON PARK - RESERVE No 21897

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Consultation

1. Kelmscott Agricultural Society (Inc.)
2. Community Infrastructure Planning, Community Services
3. Property Services

BACKGROUND

Council adopted Policy DEV 2 Naming of Parks, Places and Buildings at its meeting on 28 February 2011 (D14/2/11) and the management practice which provides the criteria for assessment. Council resolution is required in this case as the proposed name has not been chosen from the approved list maintained by the City.

DETAILS OF PROPOSAL

The City has received a request from Kelmscott Agricultural Society (Inc.) (KAS) to consider naming the school pavilion located at Rushton Park, Kelmscott, after Mervyn Rose. The proposed name is 'The Merv Rose School Pavilion'. This name is supported by the Councillors of KAS.

COMMENT

Mervyn Rose was born in Bunbury in 1924 and moved with his family to Kelmscott in 1930. He enlisted in the Army for four years during the Second World War and returned to Kelmscott once the war ended. Mervyn joined the KAS in February 1946 after attending their Annual General Meeting, despite not being discharged from the Army until November that year.

Mervyn Rose was Vice President of KAS in 1957-1959 and later in 1962 and 1968. He served as the Society's President for the years 1969-1971. In other periods Mervyn was a steward or steward-in-charge of the Flowers, Poultry and Painting sections of the Kelmscott Annual Show.

In 1977 Mervyn was accorded the title of Life Member and is the Society's longest serving member, contributing to the KAS for 66 years.

Mervyn, now 87 years of age, is still actively involved in the Kelmscott Annual Show, offering assistance to stewards and the public in the Exhibition Hall on show days.

ANALYSIS

Council Policy DEV 2 Naming of Parks, Places and Buildings, outlines various criteria to be met in order for a City asset to be named after a person who is not currently on the list maintained by the City.

Mervyn Rose's nomination meets the following criteria:

1. *Whether the person being honoured has been instrumental in the development of the City Asset or contributed in a significant way to the City Asset or the City.*

   Mervyn Rose has been involved with the KAS since 1946, holding positions including Vice President and President. In recognition of his contribution in 1977, Mervyn Rose accorded the title of Life Member. With his guidance, the Kelmscott Annual Show has grown over the years, expanding beyond the local community.

2. *The views of the community with respect to honouring the person or event after which the City Asset is proposed to be named.*

   Councillors at a recent KAS meeting moved a motion to propose to the City to name the school pavilion on Rushton Park 'The Merv Rose School Pavilion'. The current President of KAS submitted the request to the City, demonstrating the support of the Society in honouring Mervyn Rose.

3. *The length of residency of the person proposed.*

   Mervyn Rose has lived within the Kelmscott district since 1930.

4. *The contribution made by the person to the local community.*

   Mervyn Rose joined KAS in 1946. He was the Vice President 1957-1959 and in 1962 and 1968. Mervyn was the President of KAS from 1969 to 1971. In other periods Mervyn was a steward or steward-in-charge of the Flowers, Poultry and Painting sections of the Kelmscott Annual Show.

   Mervyn Rose has been an integral part of KAS for 66 years.

Geographic Names Committee

The suitability of a chosen name is also to be assessed using the Geographic Names Committee (GNC) *Principles, Guidelines and Procedures.*

The GNC *Principles, Guidelines and Procedures* state the *"components of reserves (e.g. pavilions, ovals, gardens, etc.) may be named in honour of living community members who have contributed towards the establishment of the particular feature or towards the community in general."*

GNC's guidelines also advise that *"the approval of the Minister for Land Information is not required for such names when the park or reserve has already been named as a whole."*

OPTIONS

Council could:

1. Approve the naming of the school pavilion on Rushton Park as 'The Merv Rose School Pavilion'.
2. Consider naming the school pavilion on Rushton Park 'The Merv Rose School Pavilion'; pending further consultation of the community, any affected government agencies or other groups.
3. Seek alternative names for the school pavilion on Rushton Park.
4. Decline to approve any name for the school pavilion at this stage.

CONCLUSION

The naming of the school pavilion at Rushton Park, Kelmscott, would be an appropriate acknowledgement of the lifetime of contribution and achievements of Mervyn Rose within the Kelmscott community in his involvement with KAS and his service to his country in World War 2.

Given the extensive contribution of Mervyn Rose and the support of KAS and their Councillors in naming the school pavilion, it is appropriate that Council approval is sufficient without the City undertaking further consultation in accordance with Option 1.

ATTACHMENTS
There are no attachments for this report.

D78/10/12 **RECOMMEND**

That Council:

1. **Approve the name 'The Merv Rose School Pavilion' to be applied to the school pavilion in Rushton Park, Kelmscott, and advise the Kelmscott Agricultural Society (Inc.) accordingly.**
2. **Advise Kelmscott Agricultural Society (Inc.) to liaise with the City's Property Services regarding the installation of signage at the school pavilion in Rushton Park, Kelmscott.**

Moved Cr R Butterfield
MOTION CARRIED (7/0)

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

WARD : ALL

FILE No. : M/685/12

DATE : 18 September 2012

REF : KC

RESPONSIBLE MANAGER : EDDS

In Brief:

- Council has granted Delegation of Authority to officers of the City to ensure the efficient processing and determination of applications, allowing Council's time to focus on policies and more complex matters.
- Delegations of Authority are required to be reviewed annually. Delegations were last reviewed in October 2011.
- Various modifications have been made in this review to ensure the delegations are appropriate and enable decision-making that is consistent with Council's statutory documents.
- Recommend that Delegations of Authority be adopted.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Health Act 1911
Strata Titles Act 1985
Local Government (Miscellaneous Provisions) Act 1960
Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974
Local Government Act 1995
Residential Design Codes 2002
Planning and Development Act 2005
Town Planning Scheme (TPS) No. 4
Environment, Animals and Nuisance Local Laws 2002
Street Numbering Local Law 2010
Building Act 2011
Building Regulations 2012

Council Policy/Local Law Implications

Various Local Laws and Policies.

Budget/Financial Implications

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

Consultation

1. Corporate Services
2. Development Services

BACKGROUND

It is a requirement of the Local Government Act 1995 that all Delegations of Authority be reviewed annually. Revised Delegations were adopted by Council at its meeting on 10 October 2011 to comply with relevant legislation (D81/10/11).

These Delegations enable the City to efficiently make decisions on behalf of Council to meet statutory timeframes. Delegations provide guidelines for how the City can best use its resources to manage its consistently high workload within each of the Building, Health and Planning Services of Development Services.

The Delegations facilitate greater efficiency through better time management and use of Council resources, which allows for an increased focus on strategic projects, improving internal organisational processes and enable decisions to be made consistently with Council's statutory documents.

The Delegation amendments proposed and adopted in 2011 reduced duplication, corrected ambiguous wording and expanded definitions to give the City's officers greater self-sufficiency.

Significant changes were introduced under the Building Act 2011 which required a new series of Delegations, which Council adopted in March 2012 (D18/3/12) and revised in August 2012 (D60/8/12). Some changes are proposed since the implementation of the *Building Act 2011* to increase efficiency of procedures.

COMMENT

Reviewed Delegations

Modifications

Only minor modifications are proposed to the Delegations for 2012-13 which are listed below. These amendments are highlighted in yellow in ***Attachment "4.4.2" of the Minutes***, with proposed deletions struck out.

1. Amendment of Delegation 260 to delete mention of the repealed Local Law Relating to Fencing 2000 and modification of the delegation to reflect the current Fencing Local Law 2011, including deletion of the wording *'front boundary fencing over 1200 millimetres high'* as the current local law permits permeable front fencing up to 1.8m.
2. Deletion of Delegation 727 relating to reflective material as the provision no longer exists under TPS No.4 following the gazettal of Scheme Amendment No. 63 and the subsequent revocation of Local Planning Policy PLN 2.2.
3. Update Delegation 733 to refer to the newly adopted Local Planning Policy PLN 2.4.
4. Delegations 800 and 801 as adopted in March 2012 (D18/3/12) pertaining to the *Building Act 2011* have been renumbered and reorganised into separate Delegations (proposed Delegations 800-808). These are self-clarifying, more functional and understandable than those adopted previously.
5. Further investigation has shown that neither the *Building Act 2011* nor *Building Regulations 2012* explicitly defines 'officer', 'person' or 'employee'. Thus Delegations 800-808 state titles of positions instead of specified individuals as were adopted in August 2012 (D60/8/12).
6. Section 127 of the *Building Act 2011* has been added to all Delegations pertaining to the *Building Act 2011* (Delegations 800-808). This delegation allows the local government to delegate any of its powers or duties as a permit authority.
7. Section 24 of the *Building Act 2011* was removed from the Delegations. Section 24 requires a record of reasons for refusal of a building or demolition permit. No delegation is required for this section of the Act.
8. Section 59 of the *Building Act 2011* has been added to Delegation 804 to provide for the power to refund occupancy permit or building approval certificate fees if processing time frames are not met.

OPTIONS

1. Approve the suggested amendments to the Delegations of Authority outlined and authorise that those Delegations and those that continue unamended remain in force.
2. Suggest amendments to some of the Delegations of Authority outlined, but leave others are they stand and authorise that those remain in force.

CONCLUSION

The modifications adopted in 2011 enhanced the City's effective decision-making process. During the year the Delegations have proved beneficial in improving the processing and determination of applications.

The Delegations allow Council time to remain primarily focused on high level policy and complex matters. To maintain these processes it is recommended that the Delegations proposed for 2012-13 are approved in accordance with Option 1.

ATTACHMENTS
1. Proposed Changes - Primary Delegations for Development Services 2012-13
2. Proposed Primary Delegations for Development Services 2012-13

Building Services Manager advised of amendment to the delegation, Building Act 2011, No.805 Section 62 & 127 - "The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to impose, add, vary or revoke conditions on the grant of an occupancy permit or building approval certificate under section 62 and 127 of the Building Act 2011". Accordingly, the delegation was amended.

D79/10/12 **RECOMMEND**

That Council:

1. **Pursuant to Section 5.46(2) and 5.42(1) of the *Local Government Act 1995* approves the following current delegations to the Chief Executive Officer as having ongoing applications, relevance and accuracy:**

   Delegations numbered 13, 22, 23, 100, 240 and 260 outlined at *Attachment "4.4.2" of the Minutes.*

2. **Acknowledges the review of Delegations of Authority under Section 5.46 of the *Local Government Act 1995* and grant the authority under delegation in accordance with Clause 11.3.1 of the City's Town Planning Scheme No. 4 as follows:**

   Delegations numbered 21, 702, 712, 714, 719, 721, 731, 732 and 733 outlined at *Attachment "4.4.2" of the Minutes.*

3. **Pursuant to Section 127 of the *Building Act 2011*, delegate as a permit authority the following:**

   Delegations numbered 800, 801, 802, 803, 804, 805, 806, 807 and 808 outlined at *Attachment "4.4.2" of the Minutes.*

4. **Note that Delegation 727 is revoked and deleted from the Delegations Register.**

**** ABSOLUTE MAJORITY RESOLUTION REQUIRED**

Moved Cr D M Shaw
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Nil.

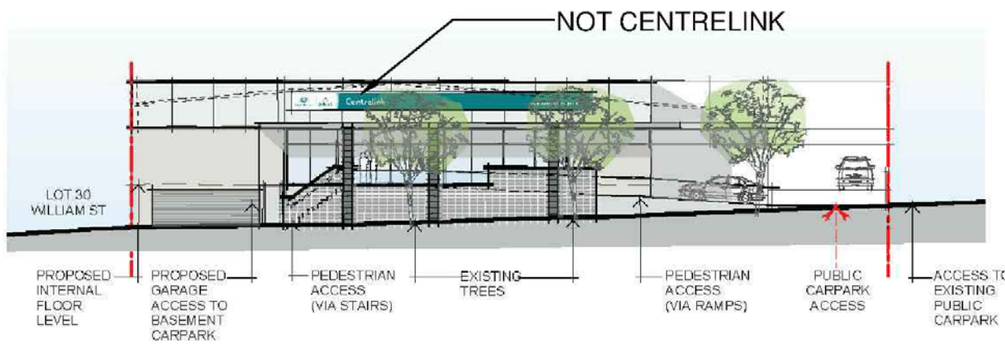
EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

Nil.

MEETING DECLARED CLOSED AT 7:33 PM

SUMMARY OF "A" ATTACHMENTS

ATT NO.	SUBJECT	PAGE
1.1	**PROPOSED OFFICE BUILDING, LOTS 31 AND 32 (43 AND 45) WILLIAM STREET, ARMADALE**	
1.1.1	Site Survey & Development Overview - Lots 31 & 32 William St, Armadale	102
1.1.2	Undercroft Car Park - Lots 31 & 32 William St, Armadale	103
1.1.3	Site Plan & Office Space - Lots 31 & 32 William St, Armadale	104
1.1.4	Roof Plan - Lots 31 & 32 William St, Armadale	105
1.1.5	Elevation Drawings - Lots 31 & 32 William St, Armadale	106
1.1.6	Signage Layouts - Lots 31 & 32 William St, Armadale	107
1.1.7	Finishes - Lots 31 & 32 William St, Armadale	108
1.1.8	Proposed Modifications - Lots 31 & 32 William St, Armadale	109
3.1	**FINAL CONSIDERATION - AMENDMENT NO. 48 - TOWN PLANNING SCHEME NO.4 - REZONING OF LOT 810 SOUTH WESTERN HIGHWAY WUNGONG FROM RURAL LIVING 4 ZONE TO SPECIAL RESIDENTIAL ZONE**	
3.1.1	Advertised Structure Plan - Amendment No.48 - 810 Southwest Hwy	110
3.1.2	Bush Fire Hazard Plan - Amendment No.48 - 810 Western Hwy	111
3.1.3	Schedule of Submissions - Amendment No.48 - 810 South Western Hwy	112
3.1.4	Dept of Planning advice - Amendment No.48 - 810 Southwest Hwy	115
4.2	**CONSIDERATION OF THE "DEVEREUX RESIDENCE" FOR INCLUSION IN THE MUNICIPAL HERITAGE INVENTORY**	
4.2.1	Copy of MHI Entry - Devereux Residence 2012	117
4.4	**REVIEW OF DELEGATIONS OF AUTHORITY TO THE DEVELOPMENT SERVICES DIRECTORATE**	
4.4.1	Proposed Changes - Primary Delegations for Development Services 2012-13	119
4.4.2	Proposed Primary Delegations for Development Services 2012-13	129



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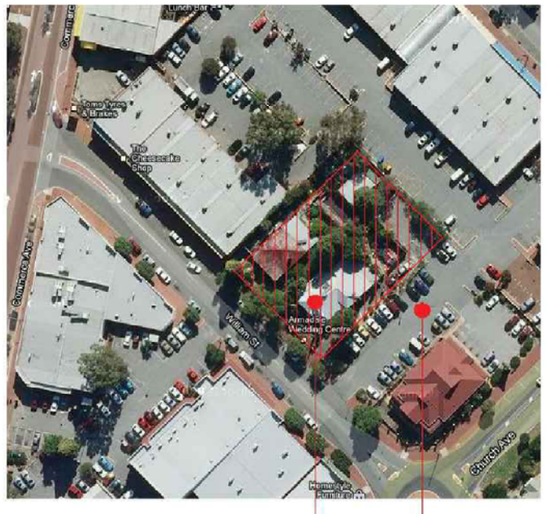

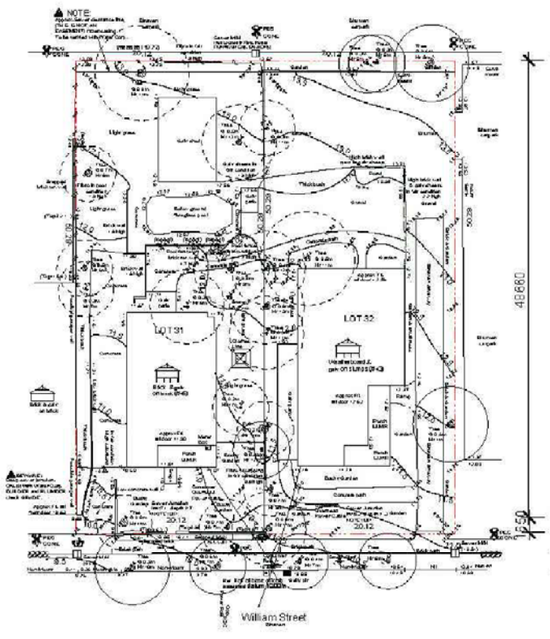

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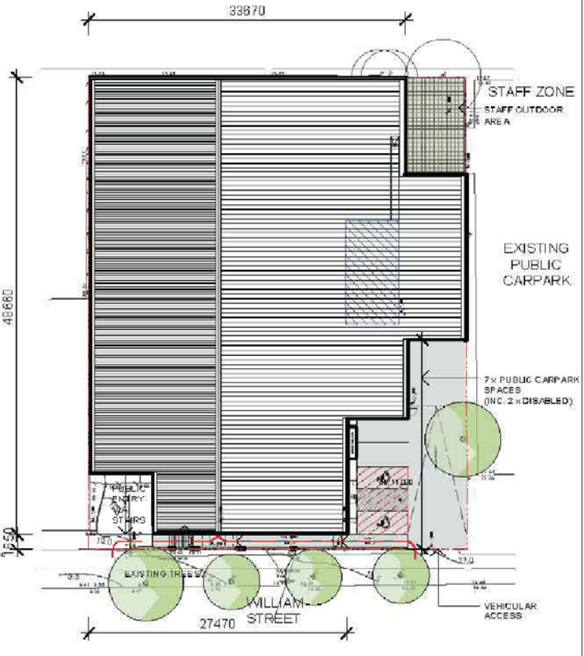

03 SITE PLAN
scale 1:500@A1

N

quattro ARCHITECTURE

CENTRELINK
ARMADALE

SITE PLAN

11-0054 DA-A-050 B

For Development Application Only

SITE SURVEY & DEVELOPMENT OVERVIEW

LOTS 31 AND 32 (No. 43 - 45) WILLIAM STREET, ARMADALE

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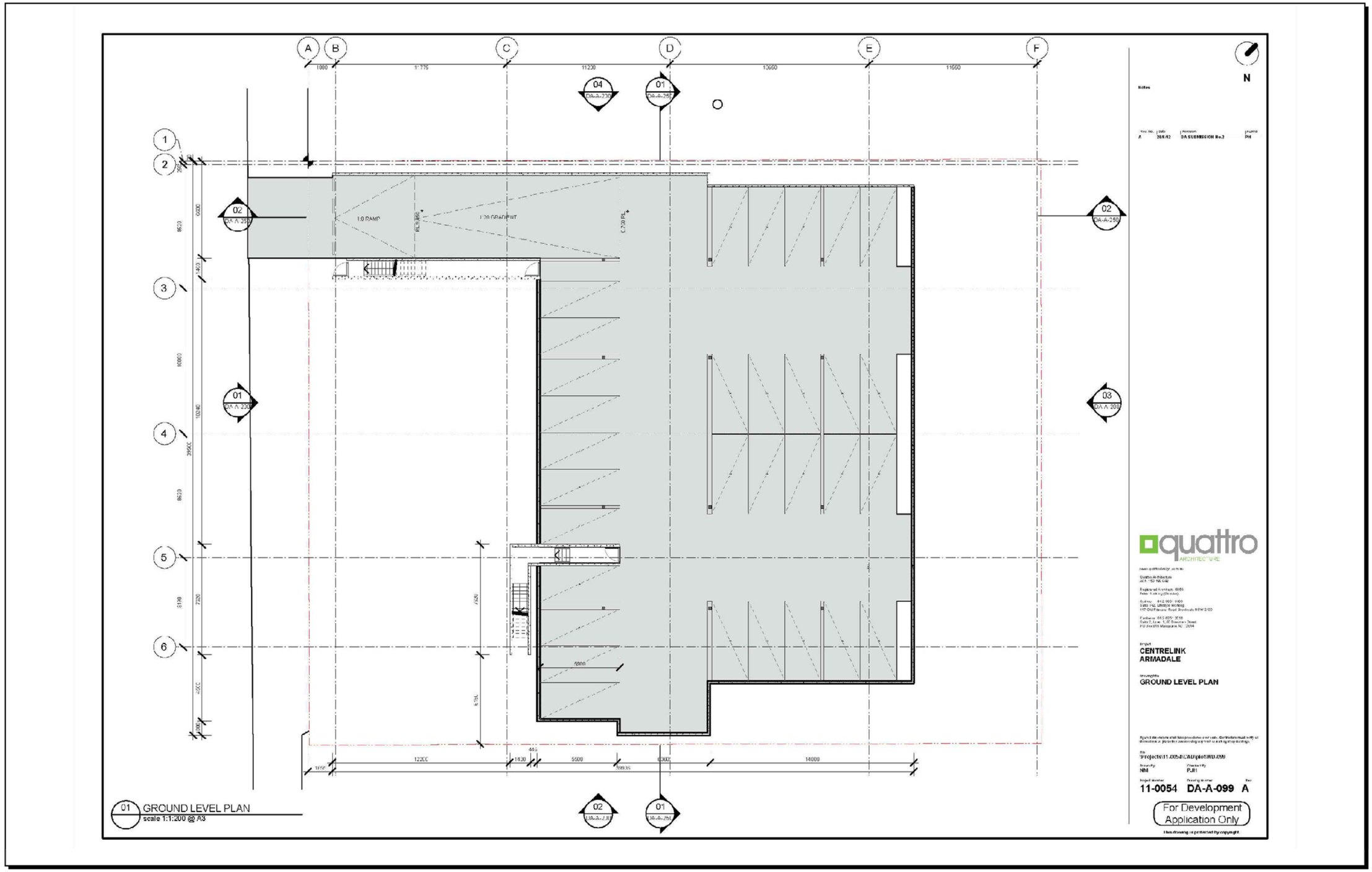

UNDERCROFT CAR PARK
LOTS 31 AND 32 (No. 43 - 45) WILLIAM STREET, ARMADALE

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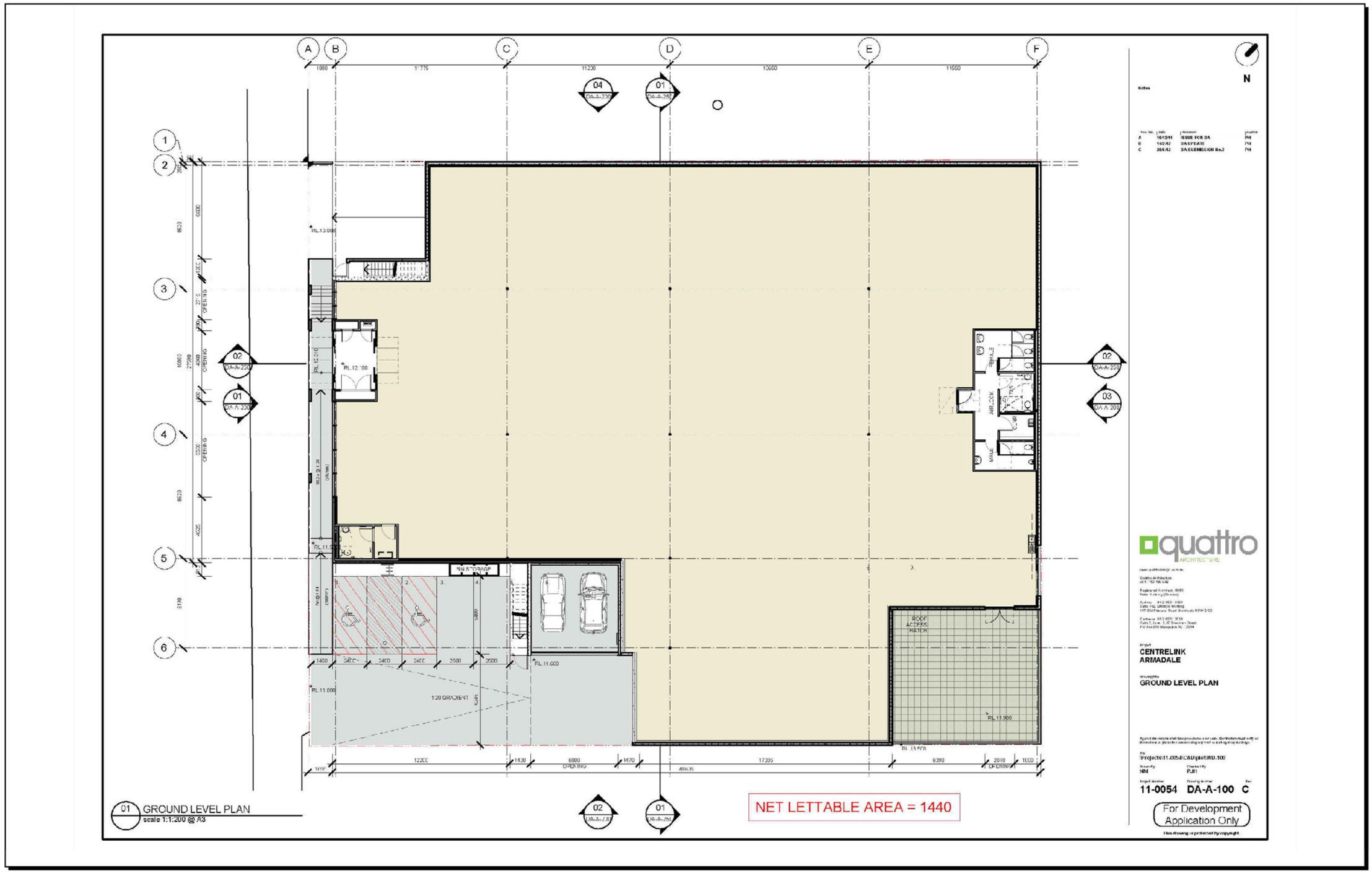

01 GROUND LEVEL PLAN
scale 1:1:200 @ A3

NET LETTABLE AREA = 1440

SITE PLAN & OFFICE SPACE

LOTS 31 AND 32 (No. 43 - 45) WILLIAM STREET, ARMADALE

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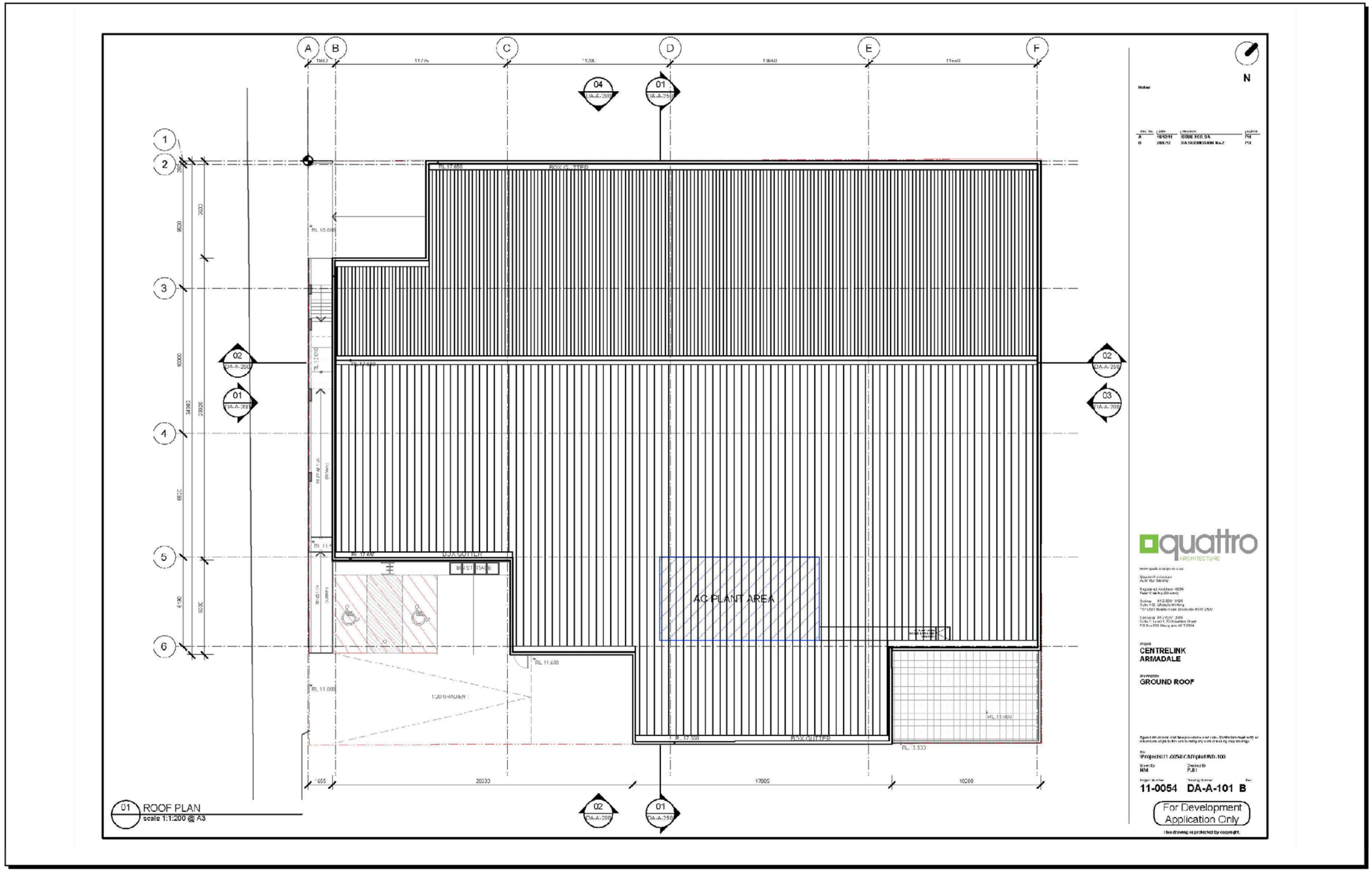

ROOF PLAN

LOTS 31 AND 32 (No. 43 - 45) WILLIAM STREET, ARMADALE

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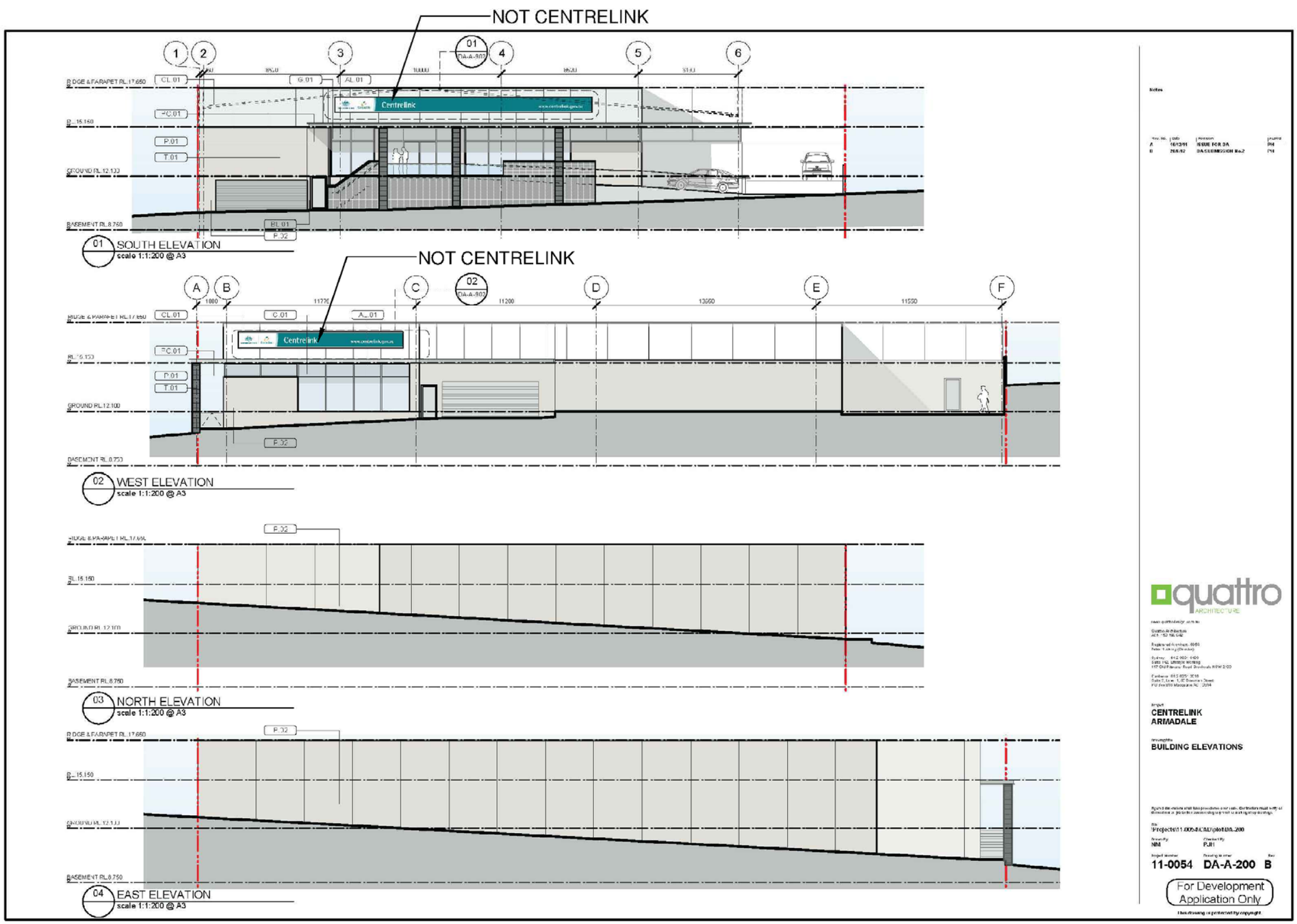

ELEVATION DRAWINGS

LOTS 31 AND 32 (No. 43 - 45) WILLIAM STREET, ARMADALE

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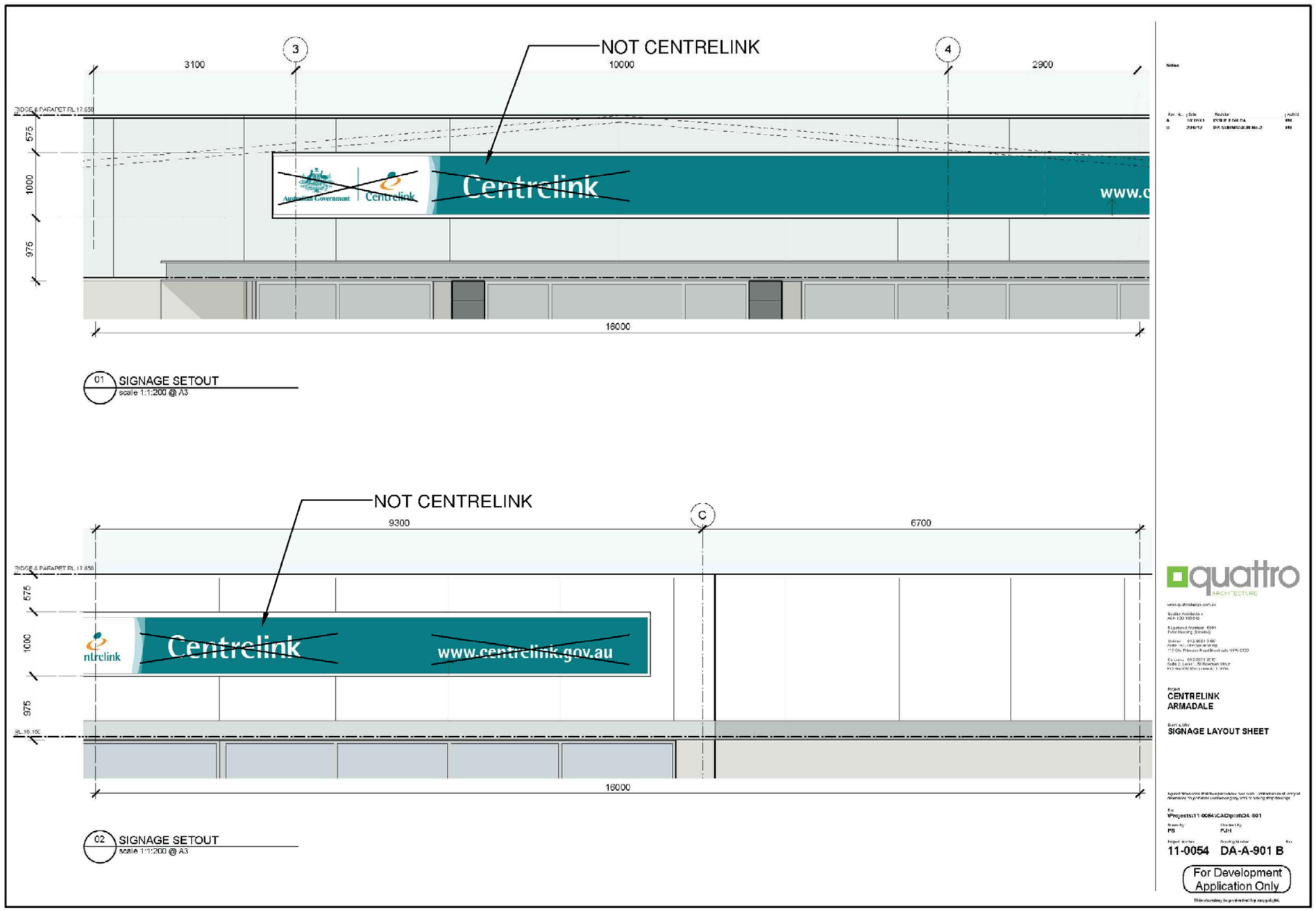

SIGNAGE LAYOUTS
LOTS 31 AND 32 (No. 43 - 45) WILLIAM STREET, ARMADALE

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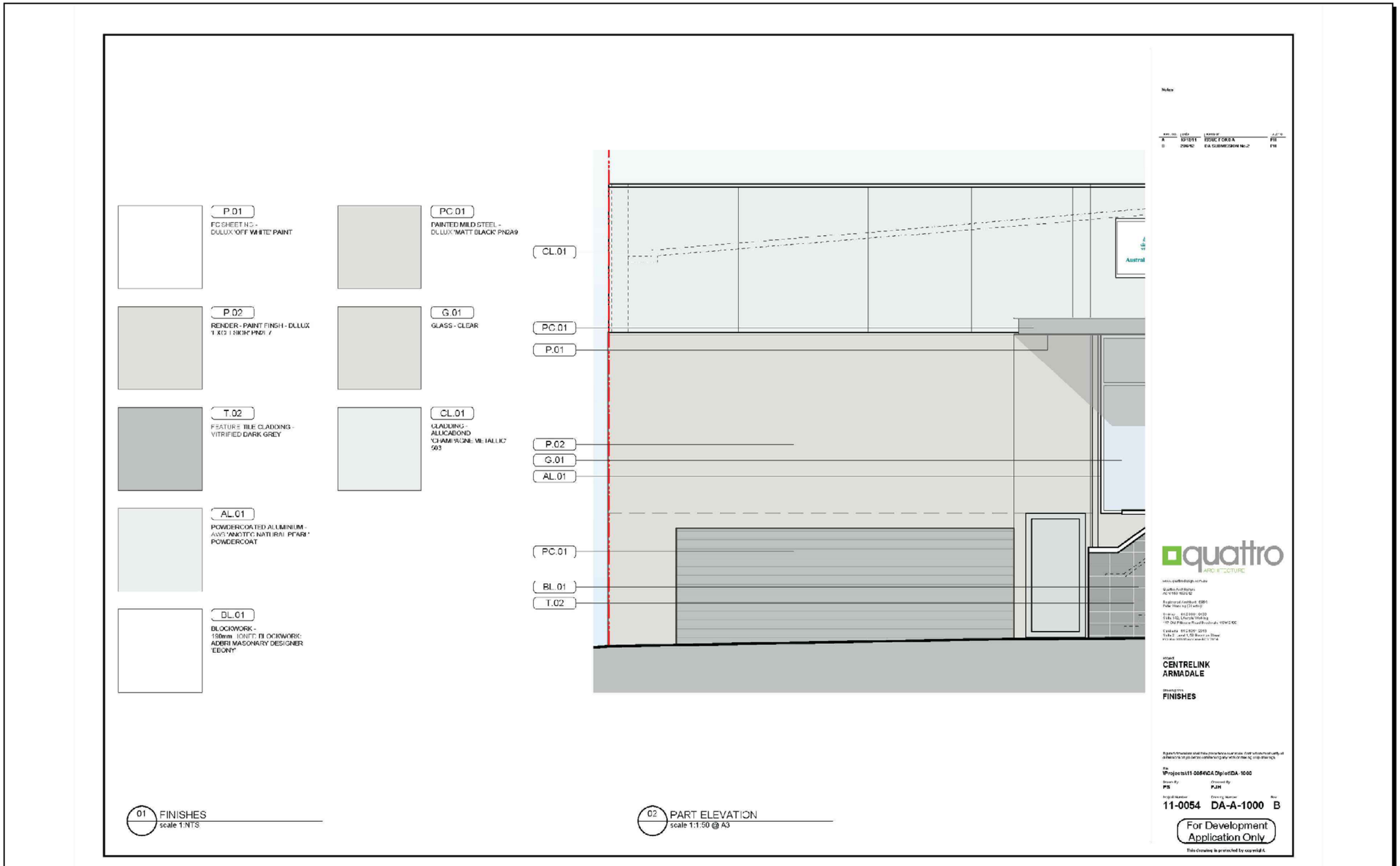

FINISHES

LOTS 31 AND 32 (No. 43 - 45) WILLIAM STREET, ARMADALE

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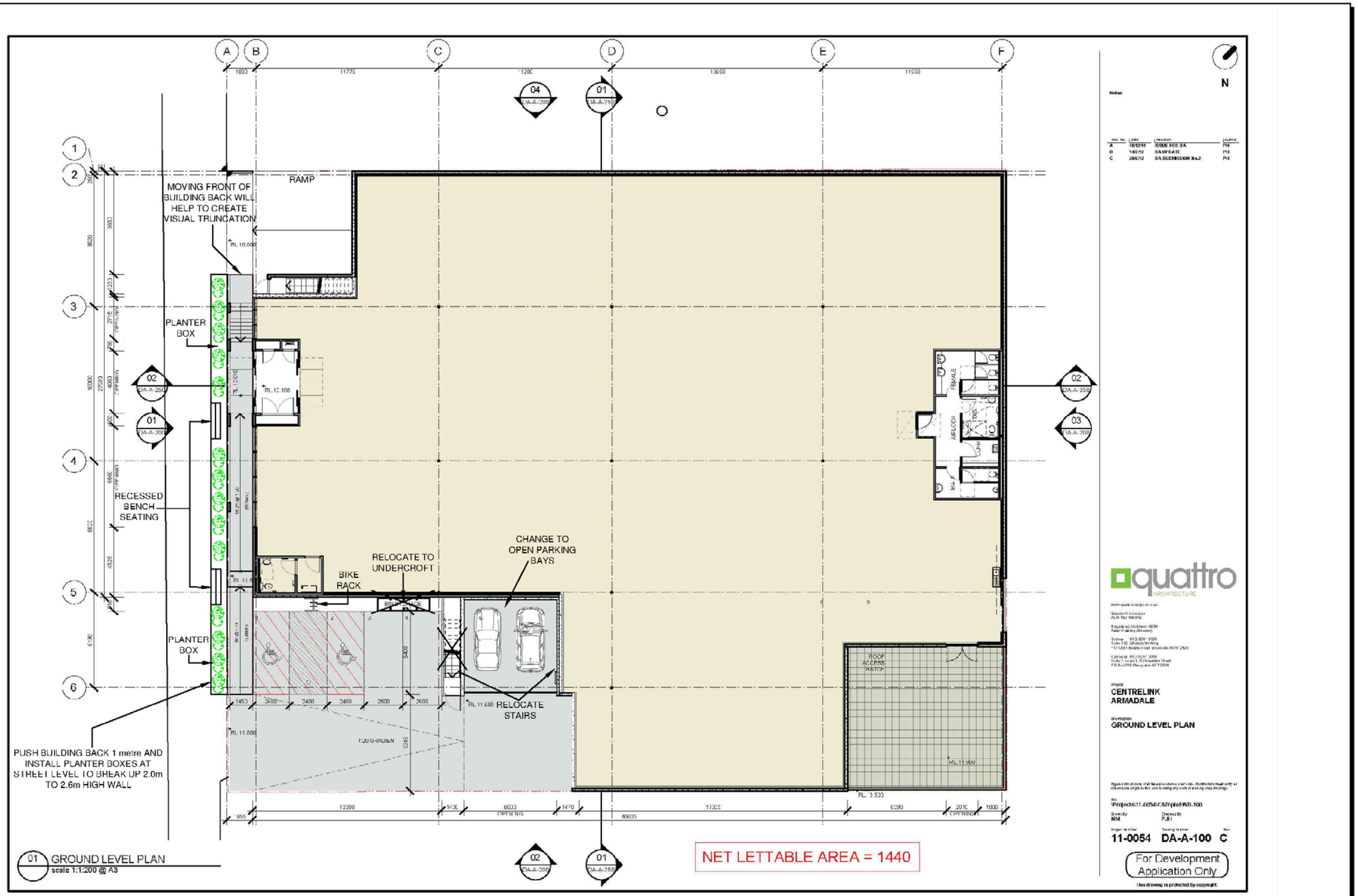

"PROPOSED MODIFICATIONS TO BE REQUESTED THROUGH CONDITIONS"

LOTS 31 AND 32 (No. 43 - 45) WILLIAM STREET, ARMADALE

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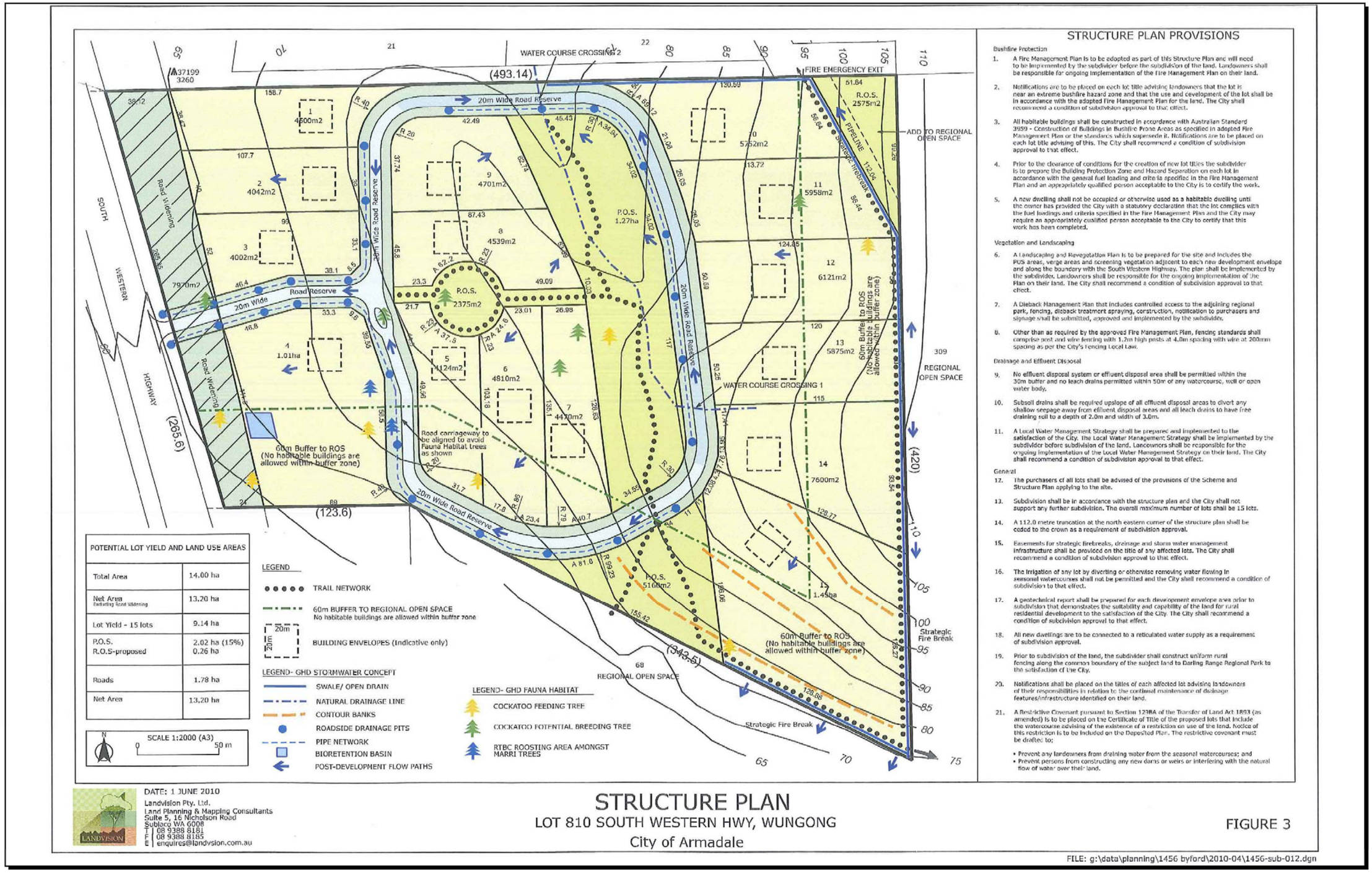

STRUCTURE PLAN PROVISIONS

Bushfire Protection

1. A Fire Management Plan is to be 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.
2. Notifications are to be placed on each lot title advising landowners that the lot is near an extreme bushfire hazard zone and that the use and development of the lot shall be in accordance with the adopted Fire Management Plan for the land. The City shall recommend a condition of subdivision approval to that effect.
3. All habitable buildings shall be constructed in accordance with Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas as specified in adopted Fire Management Plan or the standards which supersede it. Notifications are to be placed on each lot title advising of this. The City shall recommend a condition of subdivision approval to that effect.
4. Prior to the clearance of conditions for the creation of new lot titles the subdivider is to prepare the Building Protection Zone and Hazard Separation on each lot in accordance with the general fuel loading and criteria specified in the Fire Management Plan and an appropriately qualified person acceptable to the City is to certify the work.
5. A new dwelling shall not be occupied or otherwise used as a habitable dwelling until the owner has provided the City with a statutory declaration that the lot complies with the fuel loadings and criteria specified in the Fire Management Plan and the City may require an appropriately qualified person acceptable to the City to certify that this work has been completed.

Vegetation and Landscaping

6. A Landscaping and Revegetation Plan is to be prepared for the site and includes the POS areas, verge areas and screening vegetation adjacent to each new development envelope and along the boundary with the South Western Highway. The plan shall be implemented by the subdivider. Landowners shall be responsible for the ongoing implementation of the Plan on their land. The City shall recommend a condition of subdivision approval to that effect.
7. A Dieback Management Plan that includes controlled access to the adjoining regional park, fencing, dieback treatment spraying, construction, notification to purchasers and signage shall be submitted, approved and implemented by the subdivider.
8. Other than as required by the approved Fire Management Plan, fencing standards shall comprise post and wire fencing with 1.2m high posts at 4.0m spacing with wire at 200mm spacing as per the City's Fencing Local Law.

Drainage and Effluent Disposal

9. No effluent disposal system or effluent disposal area shall be permitted within the 30m buffer and no leach drains permitted within 50m of any watercourse, well or open water body.
10. Subsoil drains shall be required upslope of all effluent disposal areas to divert any shallow seepage away from effluent disposal areas and all leach drains to have free draining soil to a depth of 2.0m and width of 3.0m.
11. A Local Water Management Strategy shall be prepared and implemented to the satisfaction of the City. The Local Water Management Strategy shall be implemented by the subdivider before subdivision of the land. Landowners shall be responsible for the ongoing implementation of the Local Water Management Strategy on their land. The City shall recommend a condition of subdivision approval to that effect.

General

12. The purchasers of all lots shall be advised of the provisions of the Scheme and Structure Plan applying to the site.
13. Subdivision shall be in accordance with the structure plan and the City shall not support any further subdivision. The overall maximum number of lots shall be 15 lots.
14. A 112.0 metre truncation at the north eastern corner of the structure plan shall be ceded to the crown as a requirement of subdivision approval.
15. Easements for strategic firebreaks, drainage and storm water management infrastructure shall be provided on the title of any affected lots. The City shall recommend a condition of subdivision approval to that effect.
16. The irrigation of any lot by diverting or otherwise removing water flowing in seasonal watercourses shall not be permitted and the City shall recommend a condition of subdivision to that effect.
17. A geotechnical report shall be prepared for each development envelope area prior to subdivision that demonstrates the suitability and capability of the land for rural residential development to the satisfaction of the City. The City shall recommend a condition of subdivision approval to that effect.
18. All new dwellings are to be connected to a reticulated water supply as a requirement of subdivision approval.
19. Prior to subdivision of the land, the subdivider shall construct uniform rural fencing along the common boundary of the subject land to Darling Range Regional Park to the satisfaction of the City.
20. Notifications shall be placed on the titles of each affected lot advising landowners of their responsibilities in relation to the continual maintenance of drainage features/infrastructure identified on their land.
21. A Restrictive Covenant pursuant to Section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the proposed lots that include the watercourse advising of the existence of a restriction on use of the land. Notice of this restriction is to be included on the Deposited Plan. The restrictive covenant must be drafted to:
   - Prevent any landowners from draining water from the seasonal watercourses; and
   - Prevent persons from constructing any new dams or weirs or interfering with the natural flow of water over their land.

POTENTIAL LOT YIELD AND LAND USE AREAS	
Total Area	14.00 ha
Net Area (Excluding Road Widening)	13.20 ha
Lot Yield - 15 lots	9.14 ha
P.O.S. R.O.S-proposed	2.02 ha (15%) 0.26 ha
Roads	1.78 ha
Net Area	13.20 ha

LEGEND
- TRAIL NETWORK
- 60m BUFFER TO REGIONAL OPEN SPACE No habitable buildings are allowed within buffer zone
- BUILDING ENVELOPES (Indicative only) 20m x 20m

LEGEND- GHD STORMWATER CONCEPT
- SWALE/ OPEN DRAIN
- NATURAL DRAINAGE LINE
- CONTOUR BANKS
- ROADSIDE DRAINAGE PITS
- PIPE NETWORK
- BIORETENTION BASIN
- POST-DEVELOPMENT FLOW PATHS

LEGEND- GHD FAUNA HABITAT
- COCKATOO FEEDING TREE
- COCKATOO POTENTIAL BREEDING TREE
- RTBC ROOSTING AREA AMONGST MARRI TREES

N
SCALE 1:2000 (A3)
0 50 m

DATE: 1 JUNE 2010
Landvision Pty. Ltd.
Land Planning & Mapping Consultants
Suite 5, 16 Nicholson Road
Subiaco WA 6008
T | 08 9388 8181
F | 08 9388 8185
E | enquires@landvision.com.au

STRUCTURE PLAN
LOT 810 SOUTH WESTERN HWY, WUNGONG
City of Armadale

FIGURE 3

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ADVERTISED STRUCTURE PLAN
LOT 810 SOUTH WESTERN HIGHWAY, WUNGONG

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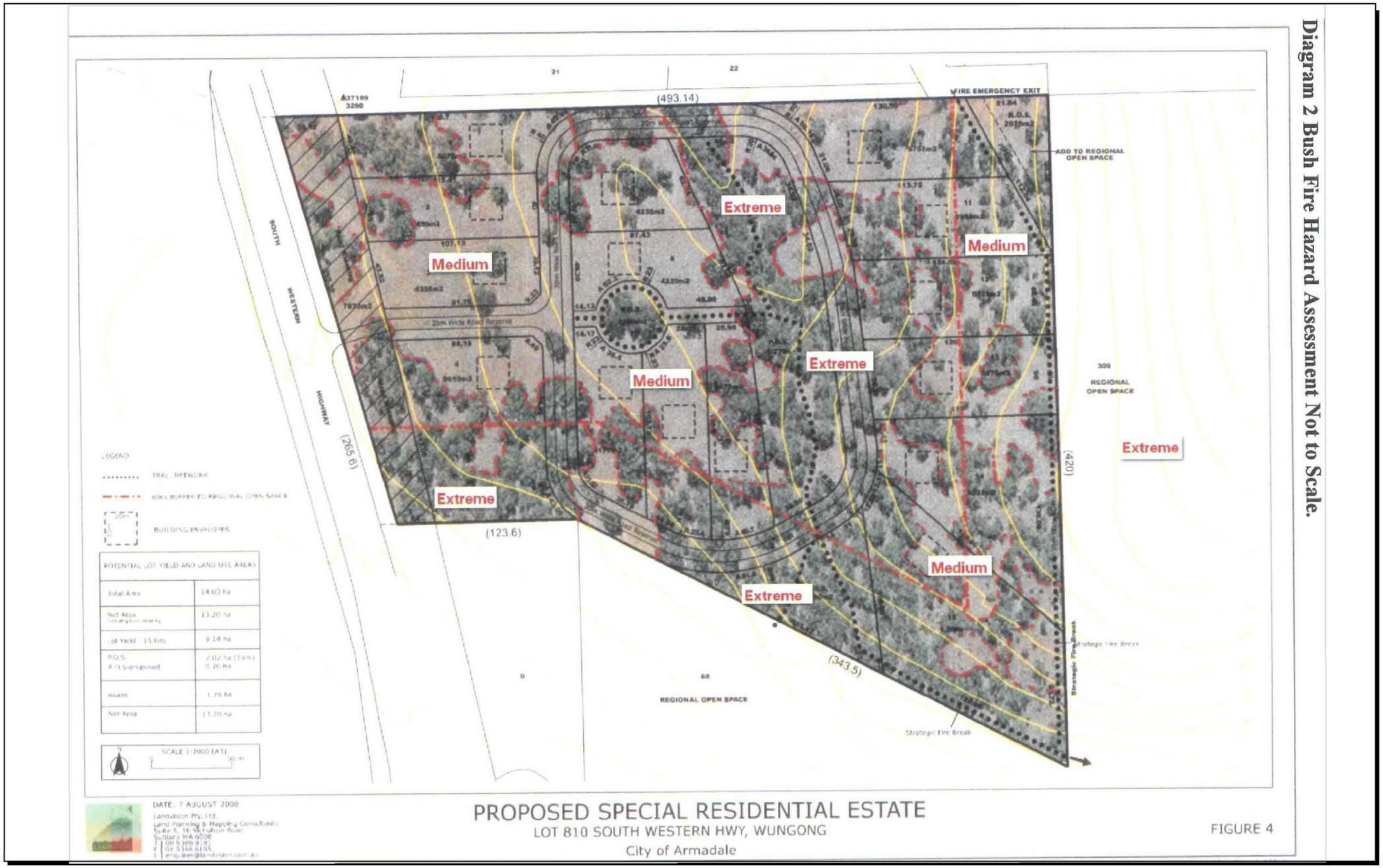

BUSH FIRE HAZARD ASSESSMENT
LOT 810 SOUTH WESTERN HWY, WUNGONG

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SCHEDULE OF SUBMISSIONS
SCHEME AMENDMENT NO. 48 LOT 810 SOUTH WESTERN HIGHWAY WUNGONG

NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	COMMENT
1	*Telstra* Locked Bag 2525 Perth 6001		▪ No Objections	Noted
2	Water Corporation Po Box 100 Leederville WA		▪ **Water** Reticulated supply available via a mains extension to serve the proposed area. ▪ **Waste Water** No sewer located within the vicinity of the area.	The applicant has proposed to connect the site to a reticulated water supply. Onsite effluent disposal is proposed and considered acceptable. There is no need for sewer. The Water Corporation also made note of Urban Water Management Requirements.
3	*Department of Water* 7 Ellam Street Victoria Park 6100		▪ DoW advised that they had already approved a Local Water Management Strategy for the Site and therefore had no further comment to make.	Noted and Confirmed. The applicant was advised by the City on 18 November 2009 that the Local Water Management Strategy had been approved.
4	Department of Indigenous Affairs (DIA)		▪ "No sites on the area of interest" DIA advised that all development should be conducted in accordance with Aboriginal Heritage Act 1972.	Noted These are matters pursuant to development works and do not have a particular bearing on the Scheme Amendment/Structure Plan. Recommend that the applicants take note of DIA issues
5	Main Roads WA PO Box 6202 East Perth 6892		▪ Proposal deemed unsatisfactory to Main Roads WA as the proposal includes a new access onto the South Western Highway. ▪ Main Roads has requested a Traffic Impact Assessment for the proposed development be completed. ▪ Main Roads have highlighted that they believe a Vehicle Access Strategy for South Western Highway should be developed from Thomas Road to the Armadale Townsite in order to guide the planning of future development along the corridor.	Refer to Report.

SCHEDULE OF SUBMISSIONS
SCHEME AMENDMENT NO. 48 LOT 810 SOUTH WESTERN HIGHWAY WUNGONG

NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	COMMENT
6	EPA/Department of Environment and Conservation – Regional Parks Branch PO Box 1535 Fremantle Western Australia 6959		▪ **Protection of Fauna Habitat** DEC has recommended mechanisms for the protection of feeding trees on the site are included in the structure plan. DEC also recommended that the granite scree area at the south eastern corner of the site remains undisturbed as it is identified as a Fauna Habitat. ▪ **Protection of Native Vegetation** DEC recommended that vegetation should be retained where possible within the subject area, particularly the 'good condition' vegetation which is also in the south eastern corner. DEC acknowledged that vegetation within the subject area has been primarily mapped as 'degraded' and 'completely degraded'. ▪ **Drainage Management** DEC recommended that the three contour banks at the south eastern corner of the site are not constructed. DEC are concerned that the banks will result in the loss of 'good condition' vegetation. DEC acknowledged that they support the swale/open drain at the eastern boundary of the site discharging into the Wungong Regional Park subject to the design being agreed with the DEC prior to constriction. ▪ **Wungong Regional Park Boundary** DEC highlighted that the Wungong Regional Park should not be disturbed by development of the site. ▪ **Weed and Disease Control** DEC highlighted the need for weed and disease control during development of the site. ▪ **Fire Management** DEC supports provision 1 of the proposed structure plan which specifies that a Fire Management Plan be adopted and implemented by the subdivider. All firebreaks are to within the lot.	The initial structure plan was amended so that roads could avoid significant sites. Development envelopes will be also sited to ensure vegetation and habitats are protected paying regard to the requirements of the approved Fire Management Plan and the City's Local Planning Policy PLN 2.1 *Establishment or Amendment of Development Envelope Locations*. . On balance, it is considered that a sufficient amount of vegetation at the site will be maintained under a design solution that remains responsive to the sites "green" values. In addition, habitats can also be protected under the current proposal via a responsive design solution (i.e. fine tuning/minor changes to the current design). It is also noted that the applicant has advised that they will consult with the DEC on the location of development envelops as part of a future subdivision. The applicant has advised that *Drainage Management in the south east corner of the lot will be modified to address DEC concerns. The removal of the proposed contour banks can be achieved and will be addressed in detail within the Urban Water Management Plan (UWMP).* The applicant's response is supported as an alternative to the contour banks or other changes to the drainage design can be investigated as part of the UWMP which will need to be prepared as part of subdivision. DEC's concerns can therefore be addressed at that point. Other points are noted. (A more comprehensive response to the submission from DEC is provided in the report which accompanies this schedule)

SCHEDULE OF SUBMISSIONS
SCHEME AMENDMENT NO. 48 LOT 810 SOUTH WESTERN HIGHWAY WUNGONG

NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	COMMENT
7	*Department of Health - Manager of Water Unit* PO Box 8172 Perth Business Centre Perth WA 6849		The Department of Health has no objection to the rezoning proposal.	
8	S Perry	2 Wungong Close Wungong	No objection provided South Western Highway is used for access to the site and not Wungong Close.	Noted If significant changes to the structure plan are proposed it is recommended that the proposal is readvertised to nearby landowners. Notwithstanding, with consideration to the TIA submitted by the applicant and providing two accesses are provided for the 15 lot development proposed, it is not considered access onto Wungong Close would result in any significant adverse impacts. If such access is proposed however the developer/applicant will need to consider access requirements for the properties at the end of Wungong Close, which needs to be maintained and may be affected despite there being an existing road reserve.
9	Mrs E Seymour	3 Wungong Close Wungong	The submitter is concerned with the current use of the Public Reserve Recreation at the rear of her property as a thoroughfare by four wheel drives and dirt bikes. The submitter does not want this issue to become exacerbated by the proposed development.	The Public Reserve Recreation is question in not affected by the current proposal and the issue raised by the submitter is not relevant to the current proposal. However, it is noted that the installation of emergency access ways, which are essentially closed roads, could exacerbate this existing problem and careful consideration of this issue could occur at the design stage, if the proposal proceeds.
10	P and L Reale	6 Wungong Close Wungong	Support – No Objection	Noted

CM. IN/11755/12.

Government of **Western Australia**
Department of **Planning**

Your ref: PR24908; TPS/4/48
Our ref: TPS/0319/1
Enquiries: Alex Watson
Telephone: (08) 6551 9611

CITY OF ARMADALE
10 SEP 2012
RECORDS SERVICES

Mr Ray Tame
Chief Executive Officer
City of Armadale
Locked Bag 2
ARMADALE WA 6992

ATTN: Mr Paul Sanders - Executive Manager Planning Services

Dear Sir/Madam

RE: AMENDMENT NO. 48 TO TOWN PLANNING SCHEME NO. 4 - LOT 810 SOUTH WESTERN HIGHWAY, WUNGONG

The following advice is provided in response to your correspondence dated 26 July 2012 regarding Amendment No. 48 to Town Planning Scheme No. 4.

The Department of Planning (the Department) cannot support the creation of an access onto South Western Highway (the Highway) from the subject site, regardless of whether this is a full intersection or only a 'left-in, left-out'. The Department's Infrastructure Planning and Co-ordination (IPAC) branch has advised that the creation of additional access points onto the Highway needs to be guided by a Vehicle Access Strategy, as the Highway is a 'Primary Regional Road' under the Metropolitan Region Scheme and a 'Primary Freight Route' identified in Schedule 1 of *State Planning Policy No. 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. The ad hoc provision of new access points onto the Highway is not supported in this context and could set an undesirable precedent. It is also contrary the objective under *Development Control Policy No. 5.1 - Regional Roads (Vehicular Access)* (DC 5.1) of *"rationalising access arrangements onto regional roads"* on traffic flow and road safety grounds.

Section 3.3.5 of DC 5.1 states that in assessing applications for the creation of a new access to a regional road, information regarding *"the effects of the development on traffic flow and safety, the character and function of the road, the volume and speed of traffic, the width of the carriageway and visibility"*, and *"the volume and type of traffic generated by the development"* is required. A Transport Impact Assessment (TIA) has been prepared in support of the proposed amendment and structure plan. IPAC has assessed this and found that it focuses heavily on the traffic volumes likely to be generated by the proposed subdivision, and does not adequately address the impact of a new intersection in the context of the Highway's status as a 'Primary Regional Road' and a 'Primary Freight Route'. As such, the TIA only partially satisfies the requirements of DC 5.1. A more holistic view of the broader impact of a new access point needs to be taken.

This holistic view would necessitate the creation of a Vehicle Access Strategy for the stretch of the Highway between the Armadale townsite and Thomas Road. This is supported by

Postal address: Locked Bag 2506 Perth WA 6001 / Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 9000 / Fax: (08) 6551 9001 / corporate@planning.wa.gov.au / www.planning.wa.gov.au
ABN 79 051 750 680
wa.gov.au

DEPARTMENT OF PLANNING ADVICE (SEP 6 2012)
LOT 810 SOUTH WESTERN HIGHWAY, WUNGONG

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Main Roads Western Australia, which has previously advised the City of Armadale that it will not permit the creation of new access points onto the Highway without such a Strategy being in place and that all access to and from the subject site should be via the existing Rails Crescent intersection.

In summary, the potential creation of a 'left-in, left-out' intersection onto South Western Highway from the subject site will be reviewed again once a Vehicle Access Strategy has been prepared, however, in the absence of this the Department of Planning cannot support the proposal.

If you have any queries or comments about this correspondence, please do not hesitate to contact Alex Watson on 6551 9611.

Yours sincerely

Craig Shepherd
A/Director
Metropolitan South-East

6 September 2012

DEPARTMENT OF PLANNING ADVICE (SEP 6 2012)
LOT 810 SOUTH WESTERN HIGHWAY, WUNGONG

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Devereux Residence

Other Names:

Property Identification No.

LGA Place No:

HCWA Number:

LOCATION

Street Number	34
Lot Number	126
Street Name	Church Avenue
Suburb	Armadale

LAND TITLE INFORMATION

Certificate of Title Volume 441, Folio 76

SITE ACCESS

DESCRIPTION

Place Type	Residence
Construction Date	1926
Date Source	Family
Construction Materials	Brick and Tile
Architectural Period	

USE

Original Use	Residence
Present Use	Office
Other Use	

DESCRIPTION NOTES

Condition	Good
Integrity	Medium
Authenticity	

A red brick house with Dutch gabled roof and roughcast up to half height. The Third Road elevation features a twin set of double hung sash windows under an awning. The house had the first tiled roof in the Armadale township.

HISTORICAL NOTES

The house was occupied by Gordon Devereux and his family from 1926 to around 1980. Mr Devereux migrated to WA from England in 1911. He joined the Australian Army at the outbreak of WWI and served on the Western Front where he earned a Military Medal for bravery under fire. He was shipped to England to recuperate after being gassed by mustard gas. He married Ellie in London in 1918.

Mr Devereux became the picture show man in Armadale and Gosnells and showed silent films at the back of the old Armadale Co-op and later in Billings Trucking Garage. He was a player and president of the Armadale Soccer Club, a member of the Armadale Co-op Committee from 1925 to the 1960s, an active member of the Armadale RSL (including Secretary and Treasurer at different times), involved in welfare associations and in the move for a new district hall (built in 1936). In 1930 he became the chairman of an unemployment committee in Armadale to assist men who were out of work. Towards the end of the WWII he was Secretary of the Armadale Branch of the Communist Party and wrote to the Road Board advocating the establishment of a Regional Development Council in the district to assist post-war reconstruction. He and his family were very involved in the social, cultural and community life of the district.

Able Seaman Eric "Ricky" Devereux, Gordon and Ellie's son, perished on active service when *HMAS Sydney* was sunk in battle on 19 November 1941.

SIGNIFICANCE

Aesthetic Value:	It has aesthetic significance as a good example of a residence dating from the 1920s.
Historic Value	It has historic significance as an example of a substantial house dating from the 1920s, the first in Armadale with a tiled roof, and home to people very involved in the social, cultural and community life of Armadale.
Social Value	The building has a social significance to the Armadale community as the home to people very involved in the social, cultural and community life of Armadale.

MANAGEMENT

Management Category	C

ASSOCIATIONS

Associations	Gordon and Ellie Devereux
	Ricky Devereux
Association Type	Long-term residents and community involvement.

HERITAGE LISTINGS

DEVELOPMENT SERVICES DELEGATIONS PROPOSED FOR 2012-13

Local Government Act 1995

NO.	SECTION		ASSIGNEE
13	9.28	All of the powers and duties of the City of Armadale under the Town Planning Scheme, the Planning and Development Act 2005 and the Planning and Development Regulations 2009.	Yes
21	5.43.(d)	The Chief Executive Officer is delegated authority to acquire land identified for Development Contribution Plan No.3 in Schedule 13B of Town Planning Scheme No.4 and/or the associated adopted Infrastructure Cost Schedule: a) at a value less than or equal to the Assessed Value plus 10% (as per Clause 3.12.5 of Development Contribution Plan No.3); or b) at a value equal to or less than the Assessed Value plus the amount allowed by Clause 3.12.5 and any additional claim that is not significant and/or in accordance with advice from the City's valuer.	Yes
22	5.42 & 5.43(d)	Pursuant to Sections 5.42 and 5.43(d) of the *Local Government Act 1995*, delegates ** to the Chief Executive Officer (CEO) authority to: ▪ sign any offer and acceptance for the sale of land, including land in the Public Open Space Strategy (POS Strategy) and the City's Strategic Land Assets, where offers are not less than 10% below a current market valuation and do not exceed 100% of a current market valuation, subject to Council determining the sale of land being by private treaty; ▪ lodge any contracts, transfer documents and any other related documents in relation to the above if no submissions are received following advertising as required under Section 3.58(3)(iii) of the *Local Government Act 1995*. Any Contract for Sale entered into under Delegated Authority by the CEO, be reported in the Executive Director Development Services Report for Council's information.	No
23	9.49(A)(4)&(5)	That Council pursuant to Section 9.49(A) of the Local Government Act 1995, delegates to the Chief Executive Officer, Executive Director Development Services, Executive Director Technical Services and Executive Manager Planning Services authority to sign the following documents and/or deeds on behalf of the City, including lodgement, removal, withdrawal, surrender or modification: • Notifications, covenants and easements under the Transfer of Land Act 1893; • Reciprocal access and/or parking agreements; • Rights of carriageway agreements; • Caveats under the Transfer of Land Act 1893; and • Easements or deeds of easement under the Land Administration Act 1997 and/or Strata Titles Act 1985.	No

Strata Titles Act 1985

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

Local Law – Environment, Animals and Nuisances

NO	SECTION	DELEGATION	ASSIGNEE
240	5.44(1)	The Chief Executive Officer is delegated authority to discharge the following powers and functions under the City of Armadale Environment, Animals and Nuisance Local Laws 2002: a) The granting, refusal, cancellation and setting conditions of approval to conduct activities; b) The carrying out of works in default of a duly served notice; Any other powers and functions where, in the opinion of the Health Services Manager, immediate action is necessary to prevent or alleviate a public health hazard.	Yes

Local Law - Fencing

NO	SECTION		ASSIGNEE
260	Various	The Chief Executive Officer is delegated authority to approve ~~front boundary fencing over 1200 millimetres high and~~ all discretionary matters covered under the City's ~~Local Law Relating to Fencing 2000 and~~ Fencing Local Law 2011.	Yes

Planning Delegations

NO.	SECTION		ASSIGNEE
702	11.3	**Authority to Exercise Powers under the Town Planning Scheme, Policies, and provide advice/recommendations to the WAPC for Subdivisions, Amalgamations, Strata and Survey Strata applications for all areas of the City.** The Chief Executive Officer be given full delegation to deal with: 1. All strata, survey strata, subdivision and amalgamation applications within the City and Armadale Redevelopment Authority Area. 2. Determination of applications for 'P' Uses, 'D' Uses, 'A' Uses, 'Uses Not Listed (Cl.4.4.2)' and 'Non-Conforming Uses'. 3. Determination of applications for signage and/or advertising devices, illuminated directional signs and directional signs. 4. Determination of applications for an extension to the term of a planning approval. 5. Where delegation is specifically provided for in accordance with a Council resolution or adopted policy. 6. Determination of applications for the establishment or variation of a development envelope. 7. Determination of applications for two houses on one lot in a General Rural Zone. 8. Determination of setbacks within all areas of the City. 9. Determination of variations to the Residential Design Codes. 10. Refuse applications for "X" uses in all zones. 11. Determine requests to waive or refund in whole or in part payment of a fee for a planning service. 12. Determine all applications for commercial vehicle parking, including approvals, refusals and/or renewals. 13. Determine or make decisions where an adopted policy requires a discretionary decision regarding policy provisions that refer to "Council" and/or "the City". 14. Determine all retrospective applications, including approvals or refusals. 15. Determine Outline Development Concept Plans under Policy PLN 3.1. 16. Amending or revoking planning approvals. The Chief Executive Officer also be given full delegation to deal with: 1. All Notice of Determinations for single houses and outbuildings within all zones. 2. Determination of applications for variations to approved group housing and aged person's developments. City of Armadale Town Planning Scheme No 4	Yes

712	**11.3**	**Authority to Exercise Discretion on Behalf of Council to Reach Determination, Where Appropriate, of Appeals Processed by Mediation** The Chief Executive Officer is delegated authority to perform all functions associated with applications for review and to exercise discretion on behalf of Council to attend and reach determination, where appropriate, of Applications for Review processed by mediation within the State Administrative Tribunal system under the Planning and Development Act 2005. City of Armadale Town Planning Scheme No 4	Yes
714	**11.3**	**Authority to Determine Applications Involving Properties Listed on the Municipal Heritage Inventory** **Approvals** The Chief Executive Officer is delegated authority to approve applications involving properties listed on the Municipal Heritage Inventory subject to the application satisfying the following criteria: Applications for development involving properties, objects, structures and places listed as Category 'A' in the Municipal Heritage Inventory: • The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant; • Consultation has been undertaken with the Heritage Council of Western Australia is undertaken and no objection/comment or favourable advice is received; and • Consultation has been undertaken with the Community Heritage Advisory Group (or its members) is undertaken and no response, no objection or favourable advice is received; Applications for development involving properties, objects, structures and places listed as Categories 'B' through 'F' in the Municipal Heritage Inventory: • The proposal is consistent with the current Town Planning Scheme and any policy provisions that may be relevant; or • Consultation has been undertaken with the Community Heritage Advisory Group (or its members). **Refusals** The Chief Executive Officer is delegated authority to refuse applications involving properties listed on the Municipal Heritage Inventory if any of the following apply: • The proposal is not consistent with the current Town Planning Scheme and/or any relevant Policy provisions, or any other planning reason; • The proposal would have a detrimental effect on the integrity of heritage value of the site; • The advice received from the heritage referral agencies or the Community Heritage Advisory Group (or its members) is not favourable. **Notes** Where an application has been submitted by a qualified heritage architect or is accompanied by a report from such a professional, this will contribute to the favourable consideration of the application. City of Armadale Town Planning Scheme No 4	Yes

719	**11.3**	**Authority to Determine the Necessity, Duration and Extent of Advertising of Development Services Applications** The Chief Executive Officer is delegated authority to determine the necessity, duration and extent of advertising of development applications under Town Planning Scheme No.4, the Residential Design Codes of Western Australia and any policy of Council. City of Armadale Town Planning Scheme No 4	Yes
721	**11.3**	**Authority to Determine Requests for Tree Removal or Maintenance** **Approvals** The Chief Executive Officer is delegated authority to: • Determine requests to remove trees with a trunk circumference in excess of 0.6 metres measured at a height of one (1) metre from the ground in the District Centre, Local Centre and Mixed Business/Residential zone. • Determine requests to remove trees in all Zones. • Determine requests to maintain trees that are subject to tree preservation orders. Note: Where appropriate, an arboriculturalist's report can be required to clearly outline whether the removal or maintenance of a tree or trees is necessary. **Refusals** The Chief Executive Officer is delegated authority to refuse such applications. City of Armadale Town Planning Scheme No 4	Yes
~~**727**~~	~~**11.3**~~	~~**Authority to Determine Applications Involving the Use of Potentially Reflective Material**~~ ~~The Chief Executive Officer is delegated authority to determine applications involving the use of potentially reflective material where assessed against:~~ ~~• The provisions of the relevant Town Planning Scheme;~~ ~~• Relevant Council Policies; and~~ ~~• The Residential Design Codes of Western Australia.~~ ~~Applications may be considered more favourably:~~ ~~• Where glare can be adequately mitigated through the introduction of landscaping or physical screening;~~ ~~• Where it is deemed the use of reflective material will have no adverse impact on adjoining (or overlooking) properties due to location, vegetation, topography etc; or~~ ~~• Where the use of reflective material would complement existing material utilised by a structure on the same property.~~ ~~Refusals~~ ~~The Chief Executive Officer is delegated authority to refuse such applications.~~	~~Yes~~

731	**11.3**	**Authority to Make Decisions and Determine Structure Plans and Detailed Area Plans Under Part 6A of Town Planning Scheme No.4** The Chief Executive Officer is delegated authority to make the decisions and determinations referred to under Part 6A - Development (Structure Planning) Areas of Town Planning Scheme No.4 in respect of Structure Plans and Detailed Area Plans as follows: • Advertising of a Structure Plan and Changes or Departures to a Structure Plan; • Adoption of a Structure Plan under Clauses 6A.3.7 and 6A.3.15; • Adoption of Changes or Departures to a Structure Plan under Clauses 6A.3 and 6A.4; • Revocation of a Structure Plan or part of a Structure Plan under Clause 6A.4.4; • Revocation of a Detailed Area Plan under Clause 6A.5.5; • Advertising and/or adoption of a Detailed Area Plan and any modification or amendment to an adopted Detailed Area Plan; • Revocation of a Structure Plan or part of a Structure Plan under Clause 6A.4.4; • Refusal of a Detailed Area Plan and any modification or amendment to an adopted Detailed Area Plan; • Any other decision under the Town Planning Scheme in relation to Structure Plans and/or Detailed Area Plans.	Yes
732	**11.3**	**Authority to implement works or grant Credit offsets for Common Infrastructure Works in the adopted Infrastructure Cost Schedule - Development Contribution Plan No.3** 1. The Chief Executive Officer is delegated authority to undertake works or authorise prefunding of Common Infrastructure Works leading to Credits under Clauses 3.7 and 3.10 of Development ~~Control~~ Contribution Plan No.3 in Schedule 13b of Town Planning Scheme No.4 for all Common Infrastructure Works funded in the adopted Infrastructure Cost Schedule subject to the Chief Executive Officer being satisfied that: (i) the works will meet the objectives implicit in the Scheme text describing the Common Infrastructure Work; and (ii) the works are in accordance with the Development Contribution Plan No.3 Scheme text and specifications or guidance noted in the adopted Infrastructure Cost Schedule; and (iii) it is timely to fund the works in the context of the Infrastructure Cost Schedule Forward Financial Plan, the current Development Contribution Plan No.3 Reserve Fund balance, the need to act opportunistically to achieve the works, and advice from the North Forrestdale Planning Steering Group where appropriate; and (iv) the cost of works to be undertaken is at or below current market rates; or (v) where the cost is higher than that identified in the Infrastructure Cost Schedule, that the costs can be justified and that decisions are considered with due	Yes

		regard for points two (2) and three (3) below. 2. Where in the opinion of the Chief Executive Officer quotations for works significantly exceed that budgeted in the Infrastructure Cost Schedule, the Chief Executive Officer shall refer the Common Infrastructure Work proposal to Council for consideration as to whether the work should be implemented as proposed, revised in scope, or deferred. 3. The granting of Credits may be conditional upon the owner providing itemised records of expenditure with Credits being accrued only after receipt of expenditure records. 4. The Chief Executive Officer is delegated authority to grant Credits or Credit offsets for the acquisition of land identified in Development Contribution Plan No.3 in Schedule 13B of Town Planning Scheme No.4 and/or the associated adopted Infrastructure Cost Schedule: (i) at a value less than or equal to the Assessed Value plus the amount permitted under Clause 3.12.5; or (ii) at a value equal to or less than the Assessed Value plus the amount allowed by Clause 3.12.5 and any additional claim that is not significant and/or in accordance with advice from the City's valuer.	
733	**11.3**	**Authority to Issue, Refuse and Rescind Tree Preservation Notices (Clause 11.8)** The Chief Executive Officer is delegated authority to: • determine if a tree is sufficiently significant to warrant issuing a notice to an owner based on advice and assessment in accordance with ~~part 3.2 of~~ Policy PLN 2.4; • issue a notice in accordance with Clause 11.8 if a tree is determined to be sufficiently significant, or if it is expedient to do so until such time as an assessment is completed; and • rescind a notice issued in accordance with Clause 11.8 following an assessment or re-assessment of the tree in accordance with ~~part 3.2 of~~ Policy PLN 2.4; and • refuse or decline requests to rescind a notice issued in accordance with Clause 11.8. When a nomination is received seeking issuance of a notice and the City does not consider the tree sufficiently significant to warrant a notice, the City may refuse to issue a notice. Note: Following the City's determination on individual Tree Preservation Applications that a report on the outcomes be listed in the Information Bulletin (Development Services) for Council information.	Yes

Building Act 2011

NO.	SECTION		ASSIGNEE
800		~~The following officers:~~ ~~The Building Services Manager – Sue Hillel~~ ~~Coordinator Building Services – Michael Carty~~ ~~Senior Building Surveyor – Nigel Gundry, David Bull~~ ~~have been appointed as Authorisation Officers to;~~	~~No~~
	~~18 & 55~~	~~**Further Information**~~ ~~- require an applicant to provide additional information within a specified time and/or refuse to consider the application where the information is not provided within a specified time under Sections 18 and 35.~~	
	~~22 & 24~~	~~**Further grounds for not granting an application**~~ ~~- refuse to grant building permits and demolition permits under Sections 22 and 24.~~	
	~~23~~	~~**Time for deciding applications for Building & Demolition Permits & Refund of Fees**~~ ~~- make decisions on building permits and demolition permits under Section 23 and determine requests to refund applicant fees under Section 23.~~	
	~~27~~	~~**Conditions imposed**~~ ~~- impose conditions on building permits and demolition permits under Section 27 and add, vary or revoke conditions imposed on building permits and demolition permits under Section 27.~~	
	~~32~~	~~**Duration of Building or Demolition Permit**~~ ~~- extend the time periods under Section 32 during which building permits and demolition permits have effect.~~	
	18, 20, 22, 23 & 127	**Approve or refuse to grant building permit** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to approve or refuse to grant building permits under section 18, 20, 22, 23 and 127 of the Building Act 2011.	No
801		~~The following officers:~~ ~~The Building Services Manager – Sue Hillel~~ ~~Coordinator Building Services – Michael Carty, Ross Galbraith~~ ~~Senior Building Surveyor – Nigel Gundry, David Bull~~ ~~Building Surveyors – Jim Ferron, Ann Smith, Antje Weisheit, Bill Crerar, Len Welch, Sherrie Nicholas, Martin O'Shea, Matthew Waters~~ ~~Building/Health Compliance Officers – Terry Elkes, Peter Hind~~ ~~have been appointed as Authorisation Officers to;~~	~~No~~
	~~20~~	~~**Approve or refuse a Building Permit**~~ ~~- grant a building permit where requirements are met under Section 20~~	
	~~21~~	~~**Approve or refuse a Demolition Permit**~~ ~~- under Section 21 to grant a demolition permit where requirements are met.~~	
	~~58 & 60~~	~~**Issue an Occupancy Permit or Building Approval Certificate**~~ ~~- grant, modify or refuse an occupancy permit or grant or refuse a building approval certificate under Sections 58 and 60.~~	

	~~62 & 65~~	~~**Consider extending the period of duration of an Occupancy Permit or a Building Approval certificate**~~ ~~- make decisions on occupancy permits or building approval certificates under Section 62 and 65 and determine requests to refund applicant fees under Section 62.~~	
	~~110, 111 & 112~~	~~**Issue Building Orders**~~ ~~- under Sections 110 and 112 to make an order (a building order) for a particular building work, particular demolition work or a particular building or incidental structure and consider any submissions under Section 111.~~	
	~~117~~	~~**Revoke Building Orders**~~ ~~- revoke a building order or inform that the building order remains in effect under Section 117.~~	
	21, 23 & 127	**Approve or refuse to grant demolition permit** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to approve or refuse to grant demolition permits under section 21, 23 and 127 of the Building Act 2011.	No
802	**27 & 127**	**Conditions of building permit or demolition permit** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to impose, add, vary or revoke conditions on the grant of a building permit or demolition permit under section 27 and 127 of the Building Act 2011.	No
803	**32 & 127**	**Duration of building permit or demolition permit** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to extend the time during which building permits or demolition permits have effect under section 32 and 127 of the Building Act 2011.	No
804	**58, 59, 60 & 127**	**Approve or refuse to grant occupancy permit or building approval certificate** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to grant, modify or refuse to grant occupancy permits or building approval certificates under section 58, 59, 60 and 127 of the Building Act 2011.	No
805	**62 & 127**	**Conditions of occupancy permit or building approval certificate** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to impose, add, vary or revoke conditions on the grant of an occupancy permit or building approval certificate under section 62 and 127 of the Building Act 2011.	No

806	**65 & 127**	**Approve or refuse to extend duration of occupancy permit or building approval certificate** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to approve or refuse to extend period of duration of occupancy permits or building approval certificates under section 65 and 127 of the Building Act 2011.	No
807	**110, 111, 112 & 127**	**Issue notices and building orders** The Building Services Manager, Building Services Co-ordinator (Commercial) and Building Services Co-ordinator (Residential) are delegated authority to issue notices and building orders pursuant to section 110, 111, 112 and 127 of the Building Act 2011.	No
808	**117 & 127**	**Revoke building orders** The Building Services Manager, Building Services Co-ordinator (Commercial) and Building Services Co-ordinator (Residential) are delegated authority to revoke building orders pursuant to section 117 and 127 of the Building Act 2011. Note: In addition to the above for Delegations 800-808, Building Surveyors must hold the appropriate qualifications as set out under Part 3A – Building surveyors of the Building Services (Registration) Regulations 2011.	No

DEVELOPMENT SERVICES DELEGATIONS PROPOSED FOR 2012-13

Local Government Act 1995

NO.	SECTION		ASSIGNEE
13	9.28	All of the powers and duties of the City of Armadale under the Town Planning Scheme, the Planning and Development Act 2005 and the Planning and Development Regulations 2009.	Yes
21	5.43.(d)	The Chief Executive Officer is delegated authority to acquire land identified for Development Contribution Plan No.3 in Schedule 13B of Town Planning Scheme No.4 and/or the associated adopted Infrastructure Cost Schedule: a) at a value less than or equal to the Assessed Value plus 10% (as per Clause 3.12.5 of Development Contribution Plan No.3); or b) at a value equal to or less than the Assessed Value plus the amount allowed by Clause 3.12.5 and any additional claim that is not significant and/or in accordance with advice from the City's valuer.	Yes
22	5.42 & 5.43(d)	Pursuant to Sections 5.42 and 5.43(d) of the *Local Government Act 1995*, delegates to the Chief Executive Officer (CEO) authority to: ▪ sign any offer and acceptance for the sale of land, including land in the Public Open Space Strategy (POS Strategy) and the City's Strategic Land Assets, where offers are not less than 10% below a current market valuation and do not exceed 100% of a current market valuation, subject to Council determining the sale of land being by private treaty; ▪ lodge any contracts, transfer documents and any other related documents in relation to the above if no submissions are received following advertising as required under Section 3.58(3)(iii) of the *Local Government Act 1995*. Any Contract for Sale entered into under Delegated Authority by the CEO, be reported in the Executive Director Development Services Report for Council's information.	No
23	9.49(A)(4)&(5)	That Council pursuant to Section 9.49(A) of the Local Government Act 1995, delegates to the Chief Executive Officer, Executive Director Development Services, Executive Director Technical Services and Executive Manager Planning Services authority to sign the following documents and/or deeds on behalf of the City, including lodgement, removal, withdrawal, surrender or modification: • Notifications, covenants and easements under the Transfer of Land Act 1893; • Reciprocal access and/or parking agreements; • Rights of carriageway agreements; • Caveats under the Transfer of Land Act 1893; and • Easements or deeds of easement under the Land Administration Act 1997 and/or Strata Titles Act 1985.	No

Strata Titles Act 1985

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

Local Law – Environment, Animals and Nuisances

NO	SECTION	DELEGATION	ASSIGNEE
240	5.44(1)	The Chief Executive Officer is delegated authority to discharge the following powers and functions under the City of Armadale Environment, Animals and Nuisance Local Laws 2002: a) The granting, refusal, cancellation and setting conditions of approval to conduct activities; b) The carrying out of works in default of a duly served notice; Any other powers and functions where, in the opinion of the Health Services Manager, immediate action is necessary to prevent or alleviate a public health hazard.	Yes

Local Law - Fencing

NO	SECTION		ASSIGNEE
260	Various	The Chief Executive Officer is delegated authority to approve all discretionary matters covered under the City's Fencing Local Law 2011.	Yes

Planning Delegations

NO.	SECTION		ASSIGNEE
702	11.3	**Authority to Exercise Powers under the Town Planning Scheme, Policies, and provide advice/recommendations to the WAPC for Subdivisions, Amalgamations, Strata and Survey Strata applications for all areas of the City.** The Chief Executive Officer be given full delegation to deal with: 1. All strata, survey strata, subdivision and amalgamation applications within the City and Armadale Redevelopment Authority Area. 2. Determination of applications for 'P' Uses, 'D' Uses, 'A' Uses, 'Uses Not Listed (Cl.4.4.2)' and 'Non-Conforming Uses'. 3. Determination of applications for signage and/or advertising devices, illuminated directional signs and directional signs. 4. Determination of applications for an extension to the term of a planning approval. 5. Where delegation is specifically provided for in accordance with a Council resolution or adopted policy. 6. Determination of applications for the establishment or variation of a development envelope. 7. Determination of applications for two houses on one lot in a General Rural Zone. 8. Determination of setbacks within all areas of the City. 9. Determination of variations to the Residential Design Codes. 10. Refuse applications for "X" uses in all zones. 11. Determine requests to waive or refund in whole or in part payment of a fee for a planning service. 12. Determine all applications for commercial vehicle parking, including approvals, refusals and/or renewals. 13. Determine or make decisions where an adopted policy requires a discretionary decision regarding policy provisions that refer to "Council" and/or "the City". 14. Determine all retrospective applications, including approvals or refusals. 15. Determine Outline Development Concept Plans under Policy PLN 3.1. 16. Amending or revoking planning approvals. The Chief Executive Officer also be given full delegation to deal with: 1. All Notice of Determinations for single houses and outbuildings within all zones. 2. Determination of applications for variations to approved group housing and aged person's developments. City of Armadale Town Planning Scheme No 4	Yes

712	**11.3**	**Authority to Exercise Discretion on Behalf of Council to Reach Determination, Where Appropriate, of Appeals Processed by Mediation** The Chief Executive Officer is delegated authority to perform all functions associated with applications for review and to exercise discretion on behalf of Council to attend and reach determination, where appropriate, of Applications for Review processed by mediation within the State Administrative Tribunal system under the Planning and Development Act 2005. City of Armadale Town Planning Scheme No 4	Yes
714	**11.3**	**Authority to Determine Applications Involving Properties Listed on the Municipal Heritage Inventory** **Approvals** The Chief Executive Officer is delegated authority to approve applications involving properties listed on the Municipal Heritage Inventory subject to the application satisfying the following criteria: Applications for development involving properties, objects, structures and places listed as Category 'A' in the Municipal Heritage Inventory: • The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant; • Consultation has been undertaken with the Heritage Council of Western Australia is undertaken and no objection/comment or favourable advice is received; and • Consultation has been undertaken with the Community Heritage Advisory Group (or its members) is undertaken and no response, no objection or favourable advice is received; Applications for development involving properties, objects, structures and places listed as Categories 'B' through 'F' in the Municipal Heritage Inventory: • The proposal is consistent with the current Town Planning Scheme and any policy provisions that may be relevant; or • Consultation has been undertaken with the Community Heritage Advisory Group (or its members). **Refusals** The Chief Executive Officer is delegated authority to refuse applications involving properties listed on the Municipal Heritage Inventory if any of the following apply: • The proposal is not consistent with the current Town Planning Scheme and/or any relevant Policy provisions, or any other planning reason; • The proposal would have a detrimental effect on the integrity of heritage value of the site; • The advice received from the heritage referral agencies or the Community Heritage Advisory Group (or its members) is not favourable. **Notes** Where an application has been submitted by a qualified heritage architect or is accompanied by a report from such a professional, this will contribute to the favourable consideration of the application. City of Armadale Town Planning Scheme No 4	Yes

719	**11.3**	**Authority to Determine the Necessity, Duration and Extent of Advertising of Development Services Applications** The Chief Executive Officer is delegated authority to determine the necessity, duration and extent of advertising of development applications under Town Planning Scheme No.4, the Residential Design Codes of Western Australia and any policy of Council. City of Armadale Town Planning Scheme No 4	Yes
721	**11.3**	**Authority to Determine Requests for Tree Removal or Maintenance** **Approvals** The Chief Executive Officer is delegated authority to: • Determine requests to remove trees with a trunk circumference in excess of 0.6 metres measured at a height of one (1) metre from the ground in the District Centre, Local Centre and Mixed Business/Residential zone. • Determine requests to remove trees in all Zones. • Determine requests to maintain trees that are subject to tree preservation orders. Note: Where appropriate, an arboriculturalist's report can be required to clearly outline whether the removal or maintenance of a tree or trees is necessary. **Refusals** The Chief Executive Officer is delegated authority to refuse such applications. City of Armadale Town Planning Scheme No 4	Yes

731	**11.3**	**Authority to Make Decisions and Determine Structure Plans and Detailed Area Plans Under Part 6A of Town Planning Scheme No.4** The Chief Executive Officer is delegated authority to make the decisions and determinations referred to under Part 6A - Development (Structure Planning) Areas of Town Planning Scheme No.4 in respect of Structure Plans and Detailed Area Plans as follows: • Advertising of a Structure Plan and Changes or Departures to a Structure Plan; • Adoption of a Structure Plan under Clauses 6A.3.7 and 6A.3.15; • Adoption of Changes or Departures to a Structure Plan under Clauses 6A.3 and 6A.4; • Revocation of a Structure Plan or part of a Structure Plan under Clause 6A.4.4; • Revocation of a Detailed Area Plan under Clause 6A.5.5; • Advertising and/or adoption of a Detailed Area Plan and any modification or amendment to an adopted Detailed Area Plan; • Revocation of a Structure Plan or part of a Structure Plan under Clause 6A.4.4; • Refusal of a Detailed Area Plan and any modification or amendment to an adopted Detailed Area Plan; • Any other decision under the Town Planning Scheme in relation to Structure Plans and/or Detailed Area Plans.	Yes
732	**11.3**	**Authority to implement works or grant Credit offsets for Common Infrastructure Works in the adopted Infrastructure Cost Schedule - Development Contribution Plan No.3** 1. The Chief Executive Officer is delegated authority to undertake works or authorise prefunding of Common Infrastructure Works leading to Credits under Clauses 3.7 and 3.10 of Development Contribution Plan No.3 in Schedule 13b of Town Planning Scheme No.4 for all Common Infrastructure Works funded in the adopted Infrastructure Cost Schedule subject to the Chief Executive Officer being satisfied that: (i) the works will meet the objectives implicit in the Scheme text describing the Common Infrastructure Work; and (ii) the works are in accordance with the Development Contribution Plan No.3 Scheme text and specifications or guidance noted in the adopted Infrastructure Cost Schedule; and (iii) it is timely to fund the works in the context of the Infrastructure Cost Schedule Forward Financial Plan, the current Development Contribution Plan No.3 Reserve Fund balance, the need to act opportunistically to achieve the works, and advice from the North Forrestdale Planning Steering Group where appropriate; and (iv) the cost of works to be undertaken is at or below current market rates; or (v) where the cost is higher than that identified in the Infrastructure Cost Schedule, that the costs can be justified and that decisions are considered with due regard for points two (2) and three (3) below.	Yes

		2. Where in the opinion of the Chief Executive Officer quotations for works significantly exceed that budgeted in the Infrastructure Cost Schedule, the Chief Executive Officer shall refer the Common Infrastructure Work proposal to Council for consideration as to whether the work should be implemented as proposed, revised in scope, or deferred. 3. The granting of Credits may be conditional upon the owner providing itemised records of expenditure with Credits being accrued only after receipt of expenditure records. 4. The Chief Executive Officer is delegated authority to grant Credits or Credit offsets for the acquisition of land identified in Development Contribution Plan No.3 in Schedule 13B of Town Planning Scheme No.4 and/or the associated adopted Infrastructure Cost Schedule: (i) at a value less than or equal to the Assessed Value plus the amount permitted under Clause 3.12.5; or (ii) at a value equal to or less than the Assessed Value plus the amount allowed by Clause 3.12.5 and any additional claim that is not significant and/or in accordance with advice from the City's valuer.	
733	**11.3**	**Authority to Issue, Refuse and Rescind Tree Preservation Notices (Clause 11.8)** The Chief Executive Officer is delegated authority to: • determine if a tree is sufficiently significant to warrant issuing a notice to an owner based on advice and assessment in accordance with Policy PLN 2.4; • issue a notice in accordance with Clause 11.8 if a tree is determined to be sufficiently significant, or if it is expedient to do so until such time as an assessment is completed; and • rescind a notice issued in accordance with Clause 11.8 following an assessment or re-assessment of the tree in accordance with Policy PLN 2.4; and • refuse or decline requests to rescind a notice issued in accordance with Clause 11.8. When a nomination is received seeking issuance of a notice and the City does not consider the tree sufficiently significant to warrant a notice, the City may refuse to issue a notice. Note: Following the City's determination on individual Tree Preservation Applications that a report on the outcomes be listed in the Information Bulletin (Development Services) for Council information.	Yes

Building Act 2011

NO.	SECTION		ASSIGNEE
800	**18, 20, 22, 23 & 127**	**Approve or refuse to grant building permit** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to approve or refuse to grant building permits under section 18, 20, 22, 23 and 127 of the Building Act 2011.	No
801	**21, 23 & 127**	**Approve or refuse to grant demolition permit** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to approve or refuse to grant demolition permits under section 21, 23 and 127 of the Building Act 2011.	No
802	**27 & 127**	**Conditions of building permit or demolition permit** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to impose, add, vary or revoke conditions on the grant of a building permit or demolition permit under section 27 and 127 of the Building Act 2011.	No
803	**32 & 127**	**Duration of building permit or demolition permit** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to extend the time during which building permits or demolition permits have effect under section 32 and 127 of the Building Act 2011.	No
804	**58, 59, 60 & 127**	**Approve or refuse to grant occupancy permit or building approval certificate** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to grant, modify or refuse to grant occupancy permits or building approval certificates under section 58, 59, 60 and 127 of the Building Act 2011.	No
805	**62 & 127**	**Conditions of occupancy permit or building approval certificate** The Building Services Manager, Building Services Co-ordinator (Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to impose, add, vary or revoke conditions on the grant of an occupancy permit or building approval certificate under section 62 and 127 of the Building Act 2011.	No
806	**65 & 127**	**Approve or refuse to extend duration of occupancy permit or building approval certificate** The Building Services Manager, Building Services Co-ordinator	No

		(Commercial), Building Services Co-ordinator (Residential) and Senior Building Surveyor are delegated authority to approve or refuse to extend period of duration of occupancy permits or building approval certificates under section 65 and 127 of the Building Act 2011.	
807	**110, 111, 112 & 127**	**Issue notices and building orders** The Building Services Manager, Building Services Co-ordinator (Commercial) and Building Services Co-ordinator (Residential) are delegated authority to issue notices and building orders pursuant to section 110, 111, 112 and 127 of the Building Act 2011.	No
808	**117 & 127**	**Revoke building orders** The Building Services Manager, Building Services Co-ordinator (Commercial) and Building Services Co-ordinator (Residential) are delegated authority to revoke building orders pursuant to section 117 and 127 of the Building Act 2011. Note: In addition to the above for Delegations 800-808, Building Surveyors must hold the appropriate qualifications as set out under Part 3A – Building surveyors of the Building Services (Registration) Regulations 2011.	No