

CITY OF ARMADALE

A G E N D A

OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 10 JANUARY 2006 AT 7:00 PM.

A meal will be served at 6:15 pm

PRESENT:

APOLOGIES:

OBSERVERS:

IN ATTENDANCE:

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read by the Chairman.

DECLARATION OF MEMBER'S INTERESTS

QUESTION TIME

Minimum time to be provided – 15 minutes (unless not required).

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 13 December 2005, to be confirmed.

Moved Cr _____
Carried/Lost ()

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.1/2006

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

- ◆ Report on Outstanding Matters – Development Services Committee
- ◆ Health Services Manager’s Report for November 2005
- ◆ Planning Services Manager’s Report for November 2005
- ◆ Comment provided by Officers without prior consideration of Council
- ◆ Town Planning Scheme No.4 – Amendment Action Table
- ◆ Planning Applications Monthly Statistics – November 2005
- ◆ Subdivision Applications – WAPC Approvals/Refusals – November 2005
- ◆ PAW Closure Report – Significant Actions during November 2005
- ◆ Road Naming Report 2005 & consequential action of Council Recommendation
- ◆ Compliance Officer’s Report for November 2005
- ◆ Building Services Manager’s Report & Building Statistics – November 2005
- ◆ Building Applications Monthly Statistics – November 2005

If any of the items listed above requires clarification or a report for a decision of Council, this item is to be raised for discussion at this juncture.

DEVELOPMENT SERVICES COMMITTEE

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10 JANUARY 2006

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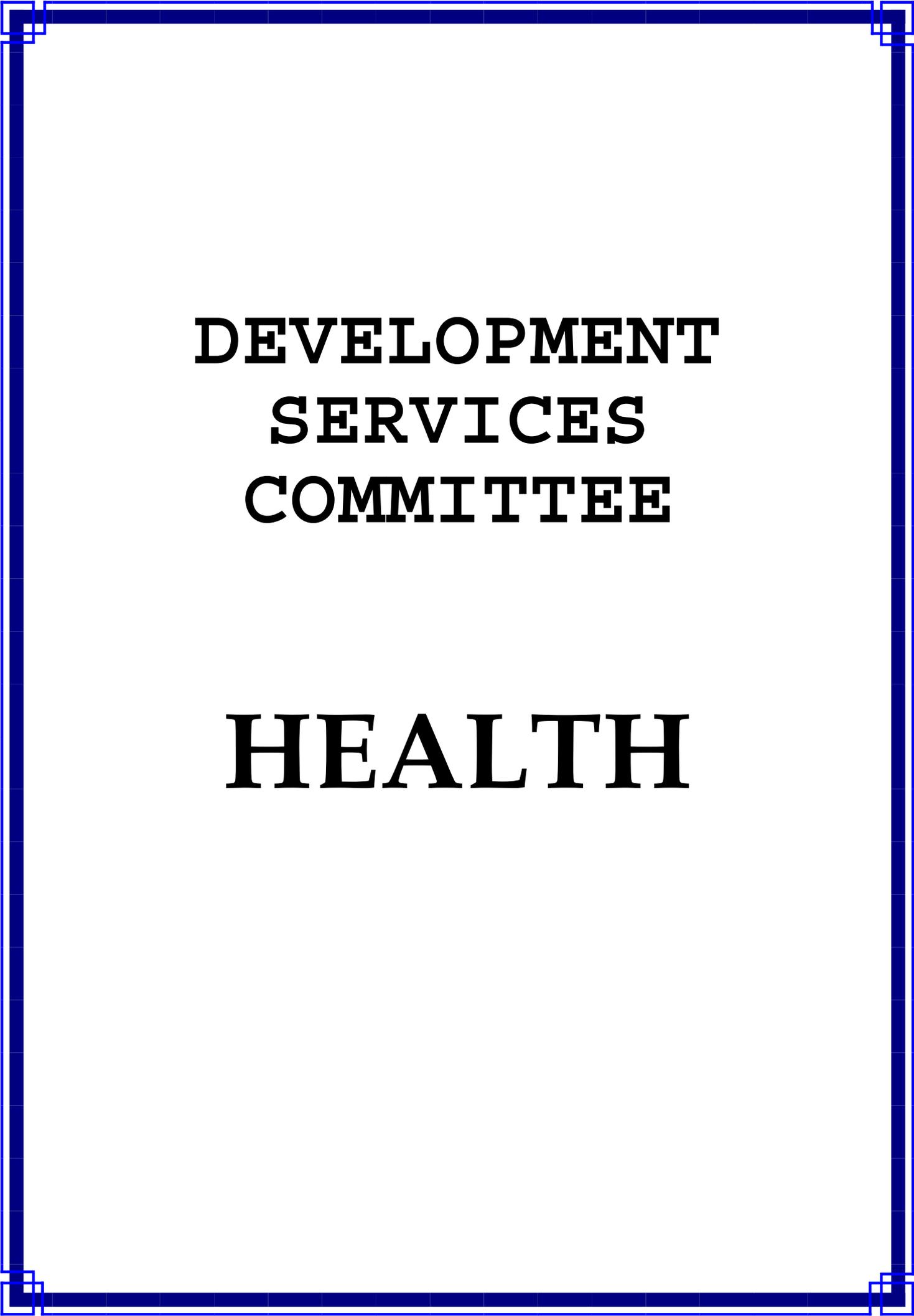
SCHEME AMENDMENTS & STRUCTURE PLANS

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**DEVELOPMENT
SERVICES
COMMITTEE**

HEALTH

BEST PRACTICE GUIDELINES FOR BIRD SCARING IN ORCHARDS

WARD : JARRAH &
NEERIGEN

FILE REF : HLT/14

DATE : 23 December 2005

REF : PM

RESPONSIBLE : HSM
MANAGER

In Brief:-

- The Minister for the Environment has released the *Best Practice Guidelines for Bird Scaring in Orchards*
- There are some difficulties with the Guidelines.
- Recommend that:
 - the Guidelines be given a trial for six months;
 - during this period there be a moratorium on formal action in connection with enforcement of noise legislation with respect to audible bird scaring devices; and
 - residents known to have been affected in the past be advised of the Guideline and invited to offer comment.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Strategic Plan aims:

- ♦ to achieve a better quality of life for all citizens;
- ♦ to achieve an integrated local economy; and
- ♦ enhance the benefits of the natural and built environments.

Legislation Implications

Relates to the application of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

- ◆ Black Cockatoo/Fruit Protection Technical Advisory Committee
- ◆ Department of Environment
- ◆ Environmental Health Officers
- ◆ Council's legal adviser

BACKGROUND

In 2004, the WA Fruit Growers Association approached the Minister for the Environment seeking amendment to the Environmental Protection (Noise) Regulations 1997 to permit the use of audible bird scaring devices on orchards, primarily for the prevention of damage by Baudin's Cockatoo (the White Tailed Black Cockatoo) which is an endangered species, completely protected by law but with a long history of damaging apple, pear and some stone fruit crops.

As a consequence, the Minister, although declining to amend the Regulations, formed the Black Cockatoo/Fruit Protection Technical Advisory Committee (the Committee), chaired by the Hon. Louise Clare Pratt, MLC, Member for East Metropolitan and made up of representatives from:

- ◆ Office of the Minister for the Environment;
- ◆ Department of Environment;
- ◆ Department of Conservation and Land Management;
- ◆ Department of Agriculture;
- ◆ WA Fruit Growers Association;
- ◆ WA Local Government Association; and
- ◆ Department for Planning and Infrastructure

The Health Services Manager represented the City, initially in an observer status only, but being given full voting rights for the last two meetings.

The Committee's objective was to develop guidelines that would help fruit growers, residents and local governments manage environmental noise from gas guns and other noisy devices used in orchards to prevent fruit damage by threatened cockatoos. It met throughout most of 2005, producing:

- ◆ the *Best Practice Guidelines for Bird Scaring in Orchards*;
- ◆ a pamphlet offering advice to neighbours affected by noise caused by bird control in orchards;
- ◆ a checklist for orchardists proposing to use audible devices; and
- ◆ a model letter to neighbours for orchardists' use.

The Guidelines and associated documents were formally launched by the Minister on 13th December 2005, and she has commended them to local government for trial during the current growing season. *Copies are at Attachment "A1" of the Agenda, (refer Summary of Attachments - yellow page).*

COMMENT & ANALYSIS

See at Attachment "B1" of the Agenda, (refer Summary of Attachments - yellow page).

OPTIONS

Council's options are limited to:

1. Decline to use the Guideline, and rigidly apply the regulated standards.
2. Give the Guideline a trial for the current growing season.

CONCLUSION

Because the Guidelines have been endorsed by the Minister, and it is intended that they be reviewed after a season's trial, it seems that only by implementing them will the City be in a position to contribute to further discussion.

For such a trial to be effective and for good faith to be shown, it probably needs to be matched by a six month commitment to what is, in effect, a moratorium on prosecution or any other formal enforcement action in the case of use of audible bird scaring devices in those cases where the Guidelines have been fully implemented.

Further, there needs to be an opportunity for affected residents to have some input.

RECOMMEND

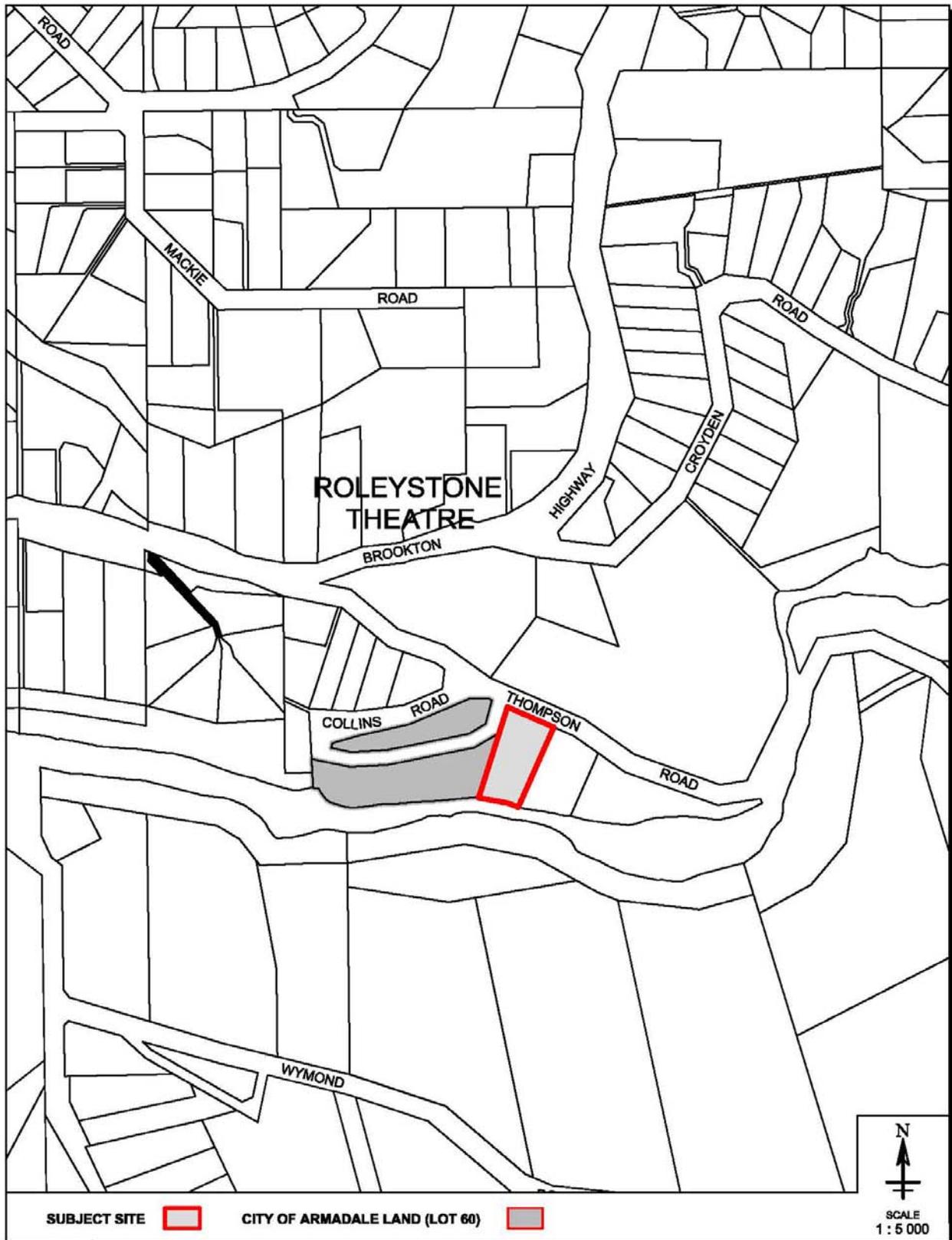
1. **That, until 31 July 2006, although sound level measurements may be taken, no formal enforcement action for breach of the noise provisions of the *Environmental Protection Act 1986* be taken against orchardists using audible bird scaring devices where such use is in accordance with the *Best Practice Guidelines for Bird Scaring in Orchards* released by the Minister for the Environment in December 2005.**
2. **That the WA Fruit Growers' Association be advised accordingly.**
3. **That all residents known to have been affected by the use of such devices in the past:**
 - ♦ **be advised of the Guideline and associated documents;**
 - ♦ **invited to forward written comment upon either the principles therein or practical issues arising from its implementation by 31 July 2006; and**
 - ♦ **assured that their views will be taken into account in future submissions to the Committee by the City.**

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**DEVELOPMENT
SERVICES
COMMITTEE**

PLANNING



**LOCATION PLAN
LOT 3 THOMPSON ROAD, ROLEYSTONE**

***SINGLE HOUSE AND ACCESS ACROSS COUNCIL LAND TO LOT 3 (15)
THOMPSON ROAD, ROLEYSTONE***

WARD : JARRAH
FILE REF : A131211
DATE : 28 December 2005
REF : RVD/ HC
RESPONSIBLE MANAGER : PSM
APPLICANT : P Mutton
LAND OWNER : P Mutton
SUBJECT LAND : Lot 3 Thompson Road,
Roleystone
Property size 4173m²
Map 26.05
ZONING MRS : Urban
TPS No.4 : Residential R5

In Brief:-

- The applicant is seeking planning approval to construct a single house, garage and water tank on Lot 3 (15) Thompson Road, Roleystone and is also seeking access across a portion of Lot 60 Collins Road, which is a freehold lot owned by the City.
- Recommend that Council approve the Single House, garage and water tank subject to conditions.
- Recommend that Council agree to facilitate access to Lot 3 over Lot 60 with all appropriate actions to be undertaken at the applicant's cost and authorise the Chief Executive Officer to approve actions that facilitate either:
 - (i) sale and subdivision of a portion of Lot 60 Collins Road, Roleystone; or
 - (ii) creation of a Right of Carriageway over Lot 60 Collins Road, Roleystone.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City "balance the needs of development with sustainable economic, social and environmental objectives".

Legislation Implications

Land Administration Act 1997
Transfer of Land Act 1893
Local Government Act 1995
Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme No.4



TOM LEMANN ARCHITECT 1917 Tel: 9495 0506	PROPOSED NEW HOUSE No. 15 THOMPSON ROAD ROLEYSTONE	Drawing Title		Drawing No.
		SITE PLAN		
Scale		Date	Job No.	A1
1:300		Sept 2005	2409	

**SITE PLAN
 LOT 3 THOMPSON ROAD, ROLEYSTONE**

Council Policy / Local Law Implications

PLN 2.5 Erosion Prevention and Sediment Control.

Budget / Financial Implications

Nil.

Consultation

- ◆ Technical Services Directorate
- ◆ Corporate Services Directorate
- ◆ Swan River Trust

BACKGROUND

The City received an application for a Single House, garage and water tank on Lot 3 (15) Thompson Road (the subject land) in September 2005 that proposed vehicle access across Lot 60 Collins Road, Roleystone (the City's land).

Lot 60 Collins Road, Roleystone is a freehold lot owned by the City and reserved for 'Parks and Recreation (Local)' under Town Planning Scheme No.4.

DETAILS OF PROPOSAL

The applicant proposes to construct a Single House, garage and water tank on the subject land.

The applicant considers that accessing the development from Thompson Road would require traversing a steep slope and removal of more trees and bush than would occur if access were to be as proposed on the Site Plan across Lot 60.

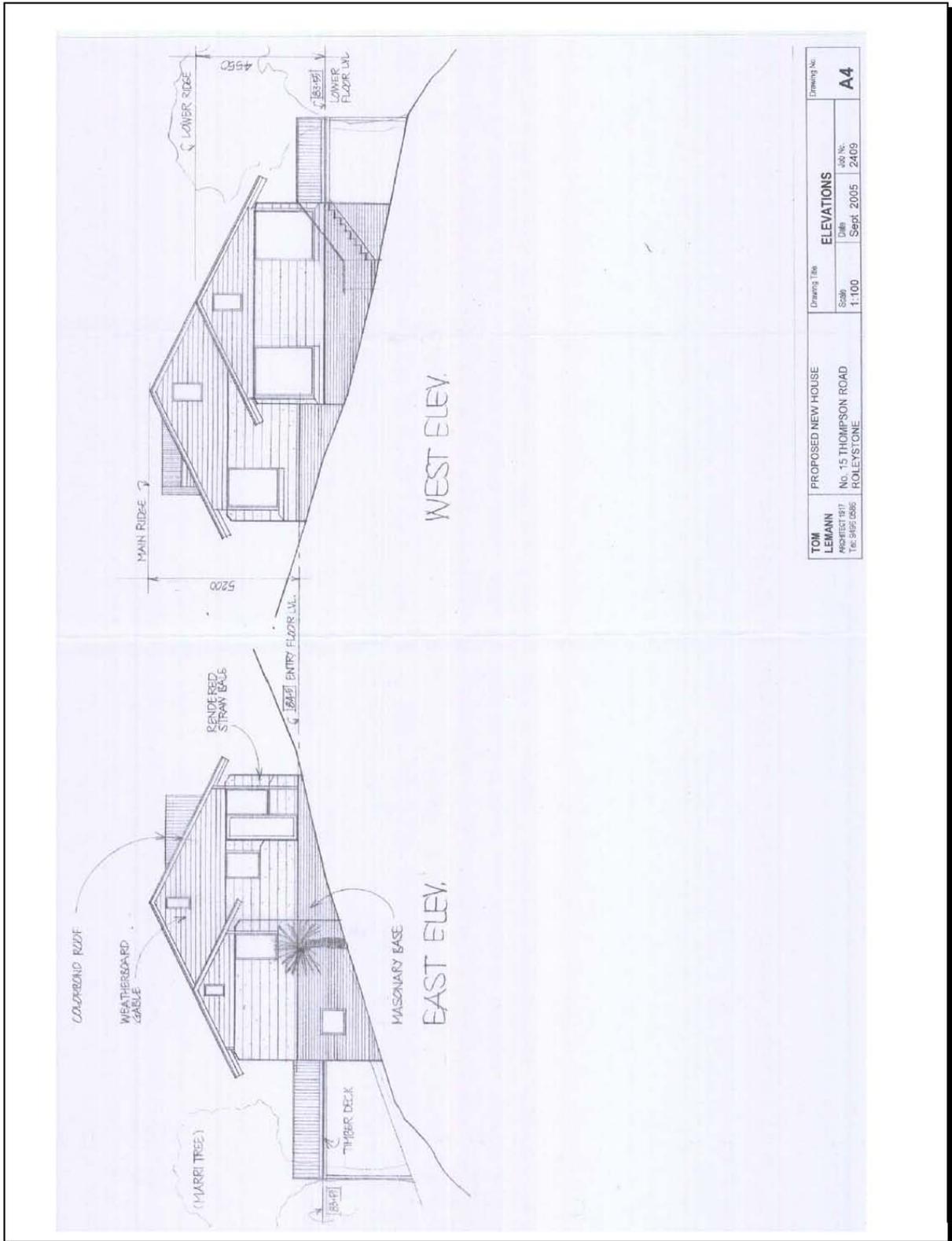
The access shown on the Site Plan crosses part of the City's land and the applicant has requested that Council consider whether or not it is prepared to facilitate permanent access through the City's land to the subject land.

Information provided by the applicant in support of the proposal states that the small section of the City's land required contains no trees or Balgas, that the access follows a contour to minimise ground disturbance and erosion, and provides better access to the house area on a steep site.

COMMENT

Development Control Unit

The Development Control Unit advised that a stormwater drainage plan that meets water sensitive design principles be required, the effluent disposal be located at least 50m from the Canning River and the system attenuates nutrients. The Development Control Unit also considered the issue of access across Lot 60 and supported the approach recommended in this report.



**ELEVATION PLAN
 LOT 3 THOMPSON ROAD, ROLEYSTONE**

Technical Services Directorate – on access to the subject land through the City’s land

The Technical Services Directorate noted that the applicant had met on-site with the Manager Engineering Design who agreed that substantial earthworks would be required to access the proposed development from Thompson Road.

The Parks and Reserves Department has no objection to the proposal as the proposed driveway would have no significant impact on the amenity of the City’s land as it would only affect the very north-east corner of the land. The Department considered that as the land is owned by the City, a mutually acceptable compensation should be negotiated.

Either the applicant purchasing a portion of the City’s land or being granted a right of carriageway over the land would be acceptable to the Technical Services Directorate.

ANALYSIS

SINGLE DWELLING, GARAGE AND WATER TANK

Planning legislation and Swan River Trust

Under the planning legislation, the application needs to be determined by the City under TPS No.4 and by the Western Australian Planning Commission on the advice of the Swan River Trust, Minister for Environment and Minister for Planning because the subject land abuts the Swan River Trust Management Area.

The Swan River Trust has considered the proposal and recommended approval subject to conditions regarding effluent disposal, stormwater drainage, notification of the Trust prior to commencement of works and no deleterious matter entering the river. The Swan River Trust’s conditions relating to effluent disposal and stormwater drainage have been reflected in the recommended conditions for this proposal.

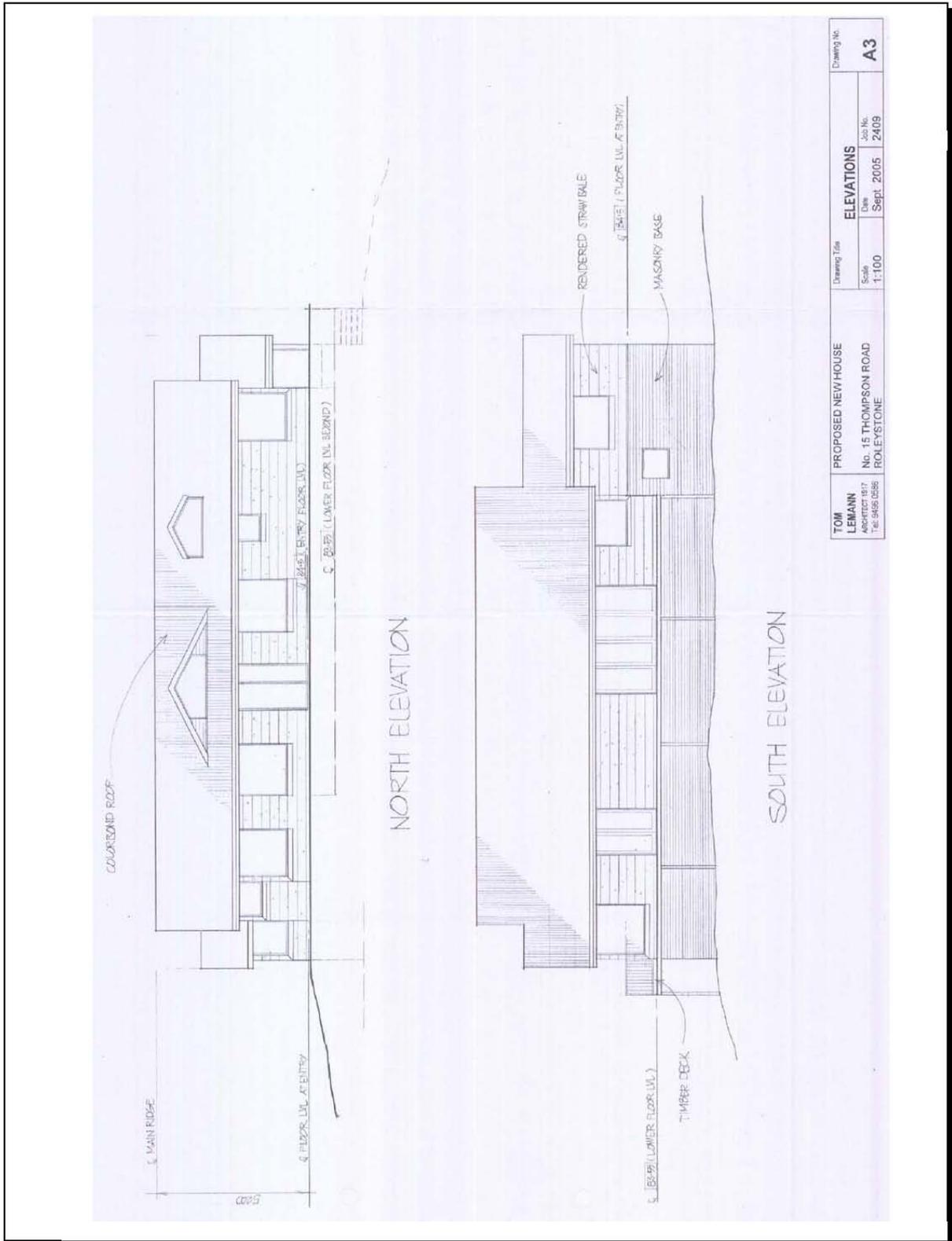
Town Planning Scheme No.4 and relevant Policies

With the following exceptions, the proposal complies with the requirements of Town Planning Scheme No.4 and the *Residential Design Codes of Western Australia*:

- ◆ The water tank should be setback 12m from the primary street and 6m from the side boundary. It is recommended that the tank be re-located to provide those setbacks;
- ◆ Access is required to be from a street or right of way. Conditions have been recommended to require the applicant to identify an acceptable access point and then construct the access to a suitable standard. The construction options are discussed in detail below.

It is also recommended that elevations of the tank and a colour schedule should be provided.

In order to comply with Policy PLN 2.5 Erosion Prevention and Sediment Control and given the proximity of the site to the Canning River, it is recommended that an erosion and sediment control plan be prepared to cover the construction phase of the proposal.



**ELEVATION PLAN
 LOT 3 THOMPSON ROAD, ROLEYSTONE**

ACCESS TO THE LOT

The construction of a driveway and crossover over Lot 60 would alienate in the order of 200m² of land.

Costs and benefits

The benefits of the proposal to the community include protection of a few mature trees within the Thompson Road reserve, reduced visual impact from less earthworks and reduced driveway length, and less potential for erosion at the construction stage. The costs include clearing of some shrubs and an almost negligible loss (about 200m² in a small triangle) of the City's land identified for recreation.

On balance the proposal seems acceptable although the benefits of the proposal to the community are not significant. However, as identified below there is significant administrative work associated with facilitating the access requested by the applicant. Therefore the applicant should be required to undertake as many of the necessary actions as possible to minimise the workload on the City's administrative staff and all costs should be borne by the applicant. This principle is reasonable and has been applied throughout the report.

Based on the likely costs, the applicant can then decide if access over the City's land is a cheaper and/or better option than access from Thompson Road.

Legal framework regarding provision of access over Lot 60

There are two options that the applicant and the City can pursue to achieve the outcome sought by the applicant, namely sale, subdivision and rezoning of the portion of land, or a Right of Carriageway under the *Transfer of Land Act 1893*.

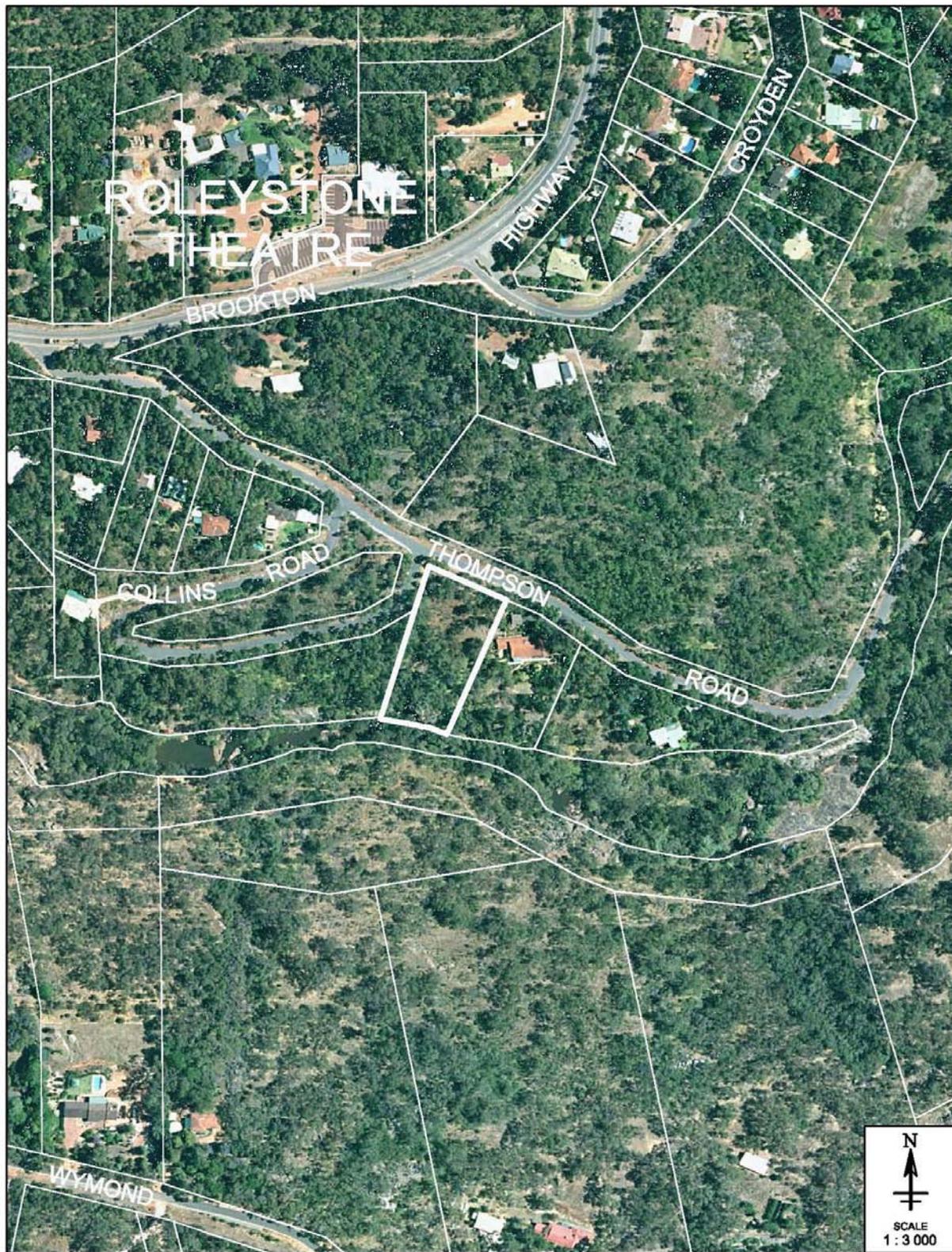
Sale, subdivision and rezoning of the portion of land would free Council from any future maintenance responsibility for the portion of the land and the portion of land could be sold at market value. However, each step can take a significant amount of time and therefore may not be acceptable to the applicant. A Right of Carriageway can be achieved more quickly and can include an agreement regarding maintenance but results in an easement over the City's land. From the City's perspective, neither option has advantages or disadvantages that identify one as preferable over the other. Therefore, the City may wish to seek the applicant's advice as to which option would be most advantageous given their circumstance.

The administrative procedures associated with each option are briefly discussed below.

Sale, subdivision and rezoning

If this option is followed:

- (i) The applicant would obtain a valuation on the portion of the City's land to be sold from a licensed valuer. If the valuation is less than \$5,000 Council can sell the land to the applicant.



**AERIAL PHOTOGRAPH
LOT 3 THOMPSON ROAD, ROLEYSTONE**

If the valuation is greater than \$5,000, the *Local Government Act 1995* provides three options for disposal of the land. The least administratively burdensome option would be sale by private treaty. Under the private treaty option, once an offer is received it is required to be advertised by a state wide notice which includes a valuation that is less than six months old before Council accepts the offer. Council is also required to state the maximum amount that may be accepted for the land;

- (ii) The applicant would lodge a subdivision application for the approval of the Western Australian Planning Commission that has been signed by the City as the landowner of Lot 60;
- (iii) The rezoning of the land could occur via a future omnibus amendment, which would add negligibly to Council's costs.

Right of Carriageway

If this option is followed, the applicant would be required to lodge a Deed signed by the City that details the terms and conditions of the Right of Carriageway and which is accompanied by a Deposited Plan prepared by a Licensed Surveyor. The terms and conditions would need to include as a minimum:

- ◆ an agreed price for the Right of Carriageway which is recommended to be the value of the land as determined by a Licensed Valuer;
- ◆ agreement regarding maintenance; and
- ◆ a right for City employees to undertake park maintenance activities on the land.

OPTIONS

Council could:

1. Approve the single dwelling proposal subject to conditions and agree to facilitate access to the subject land over the City's using either of the options detailed in this report, with all appropriate actions to be undertaken by the applicant at the applicant's cost.
2. Approve the single dwelling subject to access being obtained from Thompson Road.
3. Refuse to approve the proposal due to inappropriate access being proposed.

CONCLUSION

The single dwelling proposal can be conditioned in order to ensure the requirements of Town Planning Scheme No.4 are met.

The analysis of costs and benefits of the proposal to provide access over the City's land showed minor benefits to the community which are worthwhile pursuing provided the applicant can undertake the administrative work required and meet all costs. The applicants request that Council facilitate access over the City's land should therefore be supported. The Council needs to adopt and authorise several actions to enable the applicant to determine the most cost effective option and to streamline the City's processing of the proposal.

It is recommended that Option 1 be pursued.

RECOMMEND

- 1. That Council approve the proposed Single House, garage and water tank at Lot 3 Thompson Road, Roleystone, subject to the following conditions:**
 - a) The applicant shall install a suitable on-site effluent disposal system at least 50m from the Canning River that will attenuate nutrients to the specifications of the Executive Director Development Services.**
 - b) A stormwater drainage plan that reflects Water Sensitive Design Principles is to be submitted to the Executive Director Technical Services and such plan approved prior to issue of the building licence. All drainage work to be constructed as per approved plan.**
 - c) Submission of a revised plan that relocates the water tank a minimum of 12m from Thompson Road and 6m from the side or rear boundaries, and indicates the height of the tank, to the satisfaction of the Executive Director Development Service. The water tank is to be installed in accordance with the approved revised plan.**
 - d) Provision of access to a Road Reserve or Right of Carriageway to the requirements of the Executive Director Development Services.**
 - e) All hard standing areas including car parking areas, crossovers and driveway vehicle manoeuvring spaces shall be constructed, drained, sealed, kerbed, marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.**
 - f) A schedule of external colours and materials for the Single House, garage and water tank are to be submitted to and approved by the Executive Director Development Services. The development to be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.**
 - g) All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.**

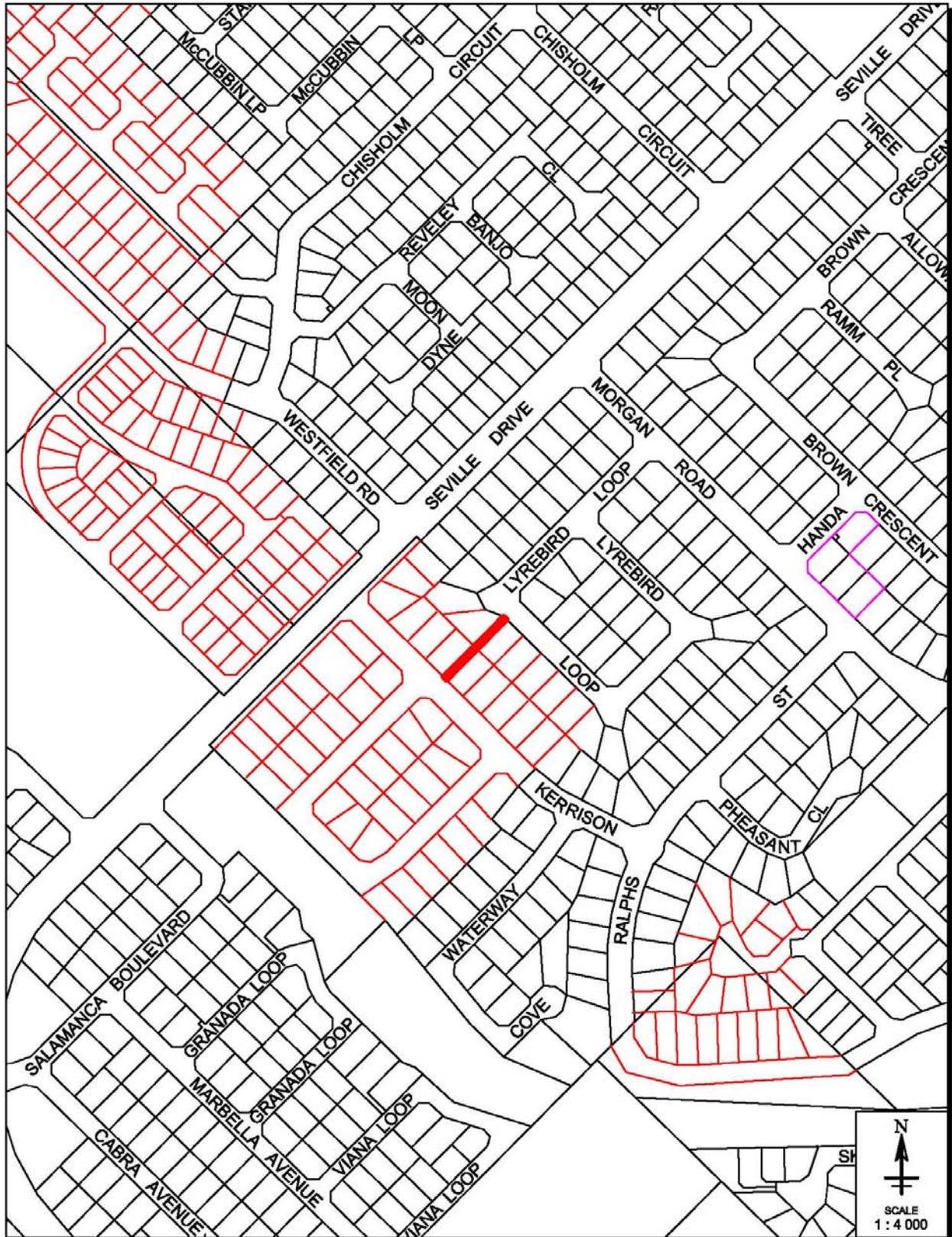
2. That Council agree to facilitate access to the proposed dwelling on Lot 3 Thompson Road, Roleystone over the north-east portion of Lot 60 Collins Road, Roleystone (City's land) at the applicant's cost via either the sale of a portion of Lot 60 or a Deed transferring a Right of Carriageway over Lot 60 and authorises the Chief Executive Officer to undertake either of the following:

- a) (i) Sale of the 200m² portion of Lot 60 Collins Road, Roleystone to the applicant subject to a licensed valuation showing the value of the lot to be less than \$5,000 or in the case of a licensed valuation exceeding \$5,000, sale of the lot by private treaty, and advertising of any offer received by giving State wide notice in accordance with the Local Government Act 1995.

subject to in each case the offer being made matching or exceeding the licensed valuation, and being not more than \$100,000;

- (ii) Authorise delegated authority for the Chief Executive Officer to sign officer and acceptance in line with 2a(i) above.
- (iii) Authorise the Chief Executive Officer to sign a Subdivision Application Form for the subdivision/ amalgamation of approximately 200m² of land in the north-eastern corner of Lot 60 with Lot 3 Thompson Road;
- b) enter into a Deed transferring a Right of Carriageway to Lot 3 Thompson Road, Roleystone over Lot 60 Collins Road, Roleystone that meets the requirements of the *Transfer of Land Act 1893* through inclusion of a Deposited Plan prepared by a Licenced Surveyor, and which includes as a minimum the following terms and conditions:
- (i) Compensation to the City that meets or exceeds the value of the area on Lot 60 alienated by the right of carriageway, with the value determined through a licensed valuation; and
- (ii) A right of access to employees of the City to undertake park maintenance activities.

*** ABSOLUTE MAJORITY REQUIRED**



PAW BETWEEN LYREBIRD LOOP AND KERRISON PARADE

***PROPOSED MODIFICATION OF THE A14 CONSOLIDATED STRUCTURE PLAN –
LOT 501 SEVILLE DRIVE, SEVILLE GROVE - DELETION OF PROPOSED
PEDESTRIAN ACCESS WAY (PAW) BETWEEN KERRISON PARADE AND
LYREBIRD LOOP, SEVILLE GROVE***

WARD : PALOMINO
FILE REF : A217198; SUB/125765
DATE : 30 November 2005
REF : MF
RESPONSIBLE MANAGER : PSM
APPLICANT : MGA Town Planners
LAND OWNER : Fairwater Pty Ltd
SUBJECT LAND : Lot 501 Seville Drive, Seville Grove - Pedestrian access way (PAW) between Lyrebird Loop and Kerrison Parade, Seville Grove. Map 21-04
ZONING MRS : Urban
TPS No.4 : Residential R17.5/R25

In Brief:-

- An application has been received to modify the A14 Consolidated Structure Plan by deleting the proposed PAW.
- The proposal was advertised to 152 neighbouring property owners and 4 submissions were received, 2 supporting and 2 objecting to the deletion of the PAW.
- Recommend that Council approve the deletion of the PAW from the A14 Consolidated Structure Plan on the grounds that the deletion of the PAW will improve the amenity and security of the locality and avoid complaints of anti-social behaviour problems and property security issues in the future if the PAW is constructed.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

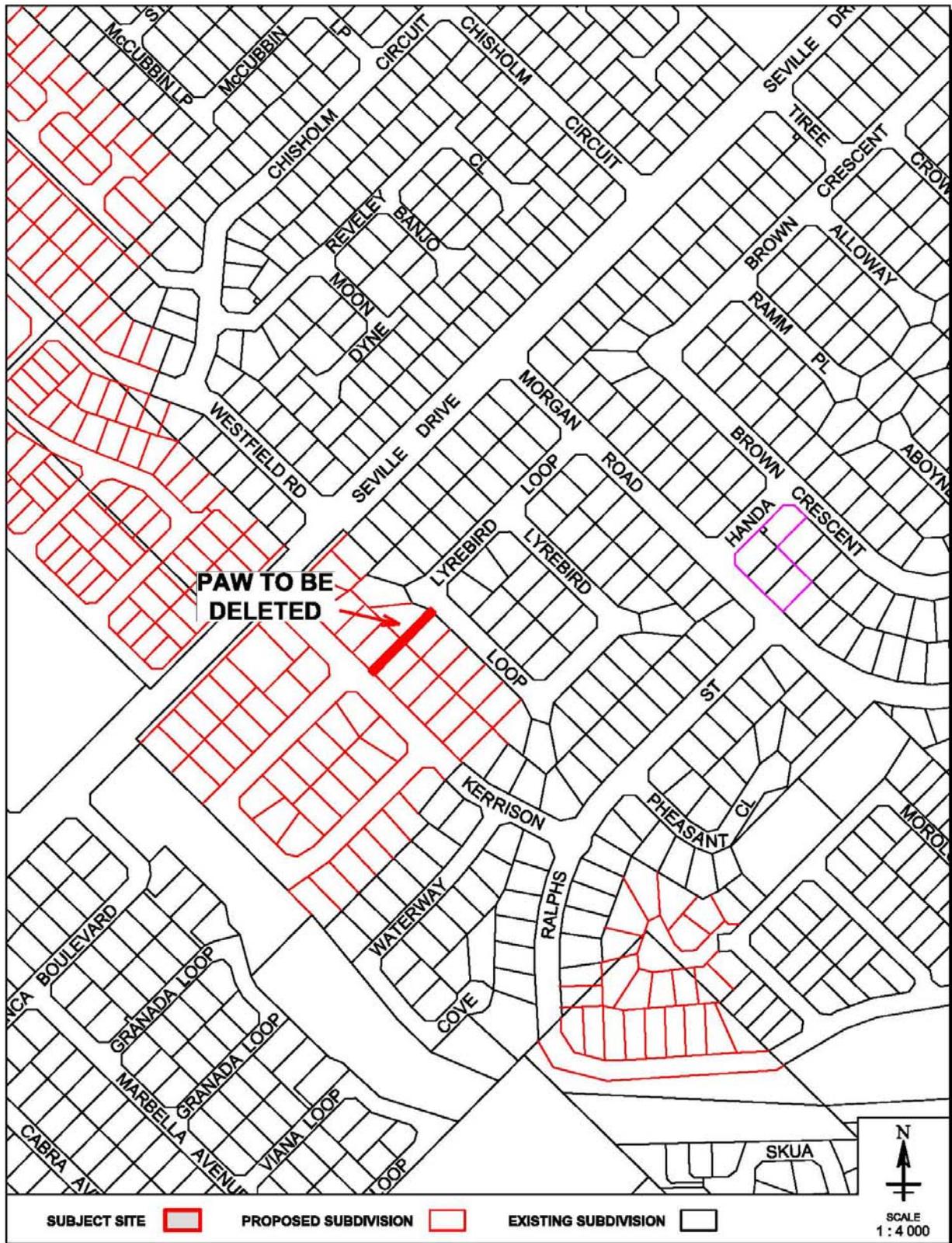
Building our Community – “improve the overall well-being and safety of the community”.

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Scheme Act 1959
Town Planning Scheme 4.

Council Policy / Local Law Implications

Nil.



MODIFICATION TO THE A14 CONSOLIDATED STRUCTURE PLAN
PROPOSED DELETION OF PAW BETWEEN LYREBIRD LOOP AND KERRISON PARADE

Budget / Financial Implications

Nil.

Consultation

- ◆ Surrounding landowners
- ◆ Western Australian Planning Commission

BACKGROUND

In July 2004, the Western Australian Planning Commission (WAPC) referred a subdivision application to create 57 lots on the subject land to the City for comment. The City, in its advice note to the Commission on 3 August 2004 indicated a preference for the deletion of the PAW and its amalgamation with the adjoining lots.

However, the WAPC, in its conditional approval of the subdivision imposed the following condition:

“The proposed pedestrian access way between proposed lots 7, 8, 15 and 16 being widened to a minimum of 8.0 metres and being transferred to the Crown free of cost as a pedestrian access way and depicted on the deposited plan as such.”

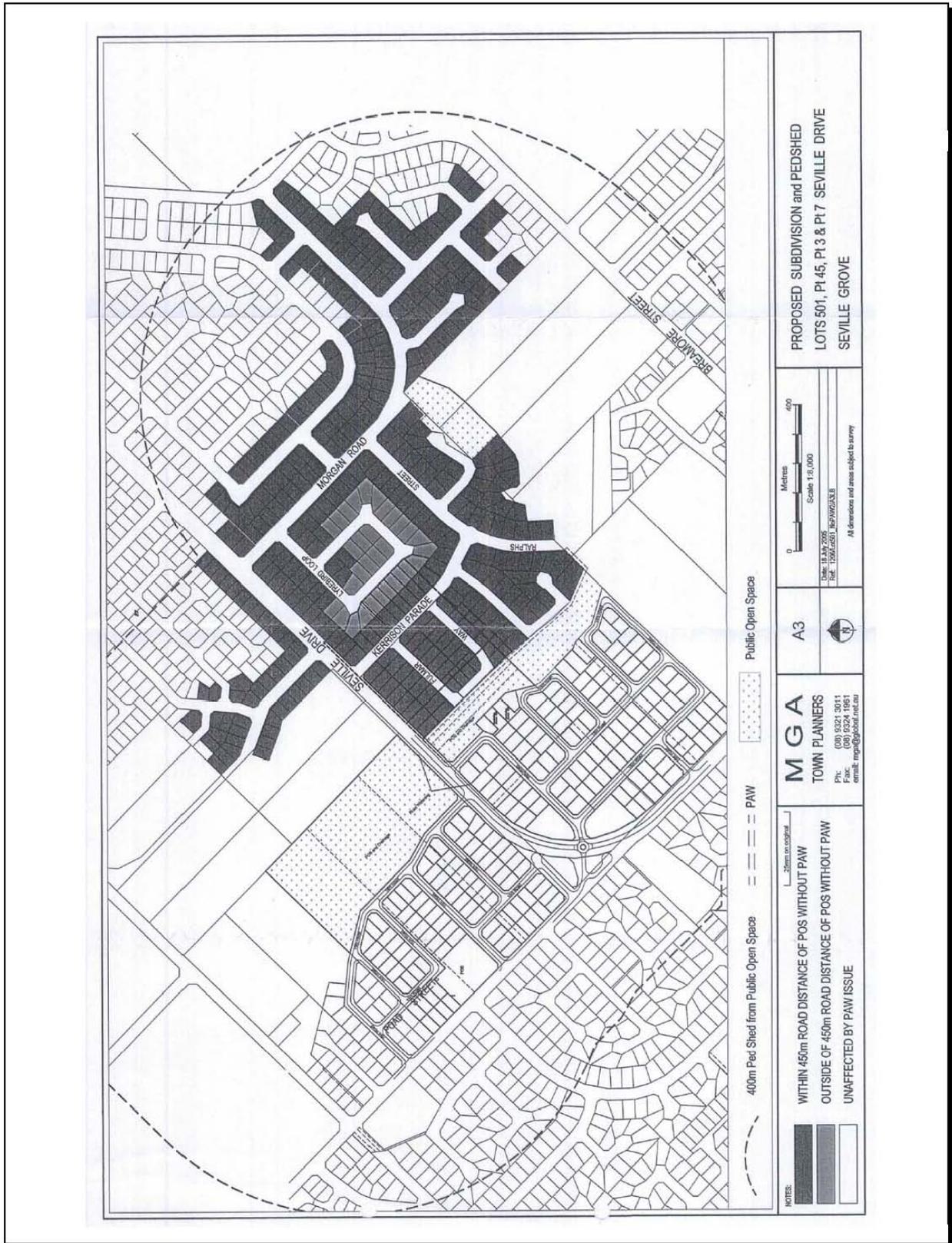
DETAILS OF PROPOSAL

The applicant proposes the deletion of the pedestrian access way (PAW) from the A14 Consolidated Structure Plan on the grounds that the Structure Plan was approved by Council prior to the formulation of the Liveable Neighbourhoods document which provides the current best practice methods for subdivision design. This document maintains that personal security is better provided by encouraging people to utilise streets where they are in public view from houses, other pedestrians and vehicular traffic. The applicant’s contention is that personal security cannot be provided in this PAW which runs parallel to side boundaries of four adjoining properties and is likely to be surrounded by high dividing fences offering no passive surveillance of pedestrians.

COMMENT

Western Australian Planning Commission (WAPC) Referral

The proposed modification of the Consolidated Structure Plan was referred to the WAPC on the 26 October 2005 for comment, however no response has been received from the WAPC to date. The City should not delay the proposal pending the WAPC’s response, as the proposed modification to the Structure Plan will be forwarded to the WAPC for its approval under Clauses 6A.3.10 and 6A.4 of TPS No.4.



**PEDSHED PLAN
 PAW BETWEEN LYREBIRD LOOP AND KERRISON PARADE**

Nearby landowners

The proposal was advertised to 152 nearby property owners for comment. The advertising period was from the 26th October 2005 to 16th November 2005. Four (4) submissions were received during the advertising period, including two (2) submissions supporting the deletion of the PAW from the Consolidated Structure Plan and two (2) submissions objecting to its deletion. The issues raised by submissions have been summarised and responded to under the Analysis section of this report.

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

ANALYSIS

Town Planning Scheme No.4

The process for the consideration, advertising and adoption of Structure Plans and modifications to a Structure Plan are set out in Part 6A of Town Planning Scheme No.4.

The proposal has been advertised for public comment and Council is now required to adopt the modification to the Structure Plan with or without modifications or refuse to adopt the proposal, in accordance with Clause 6A.3.7 and 6A.4. The proposal will then be forwarded to the Western Australian Planning Commission for its consideration for adoption in accordance with Clauses 6A3.9 and 6A.4 of TPS No.4.

Public submissions in favour of deletion of PAW

One submission of support states that high on the list of priorities when looking for properties in the area was that the property was not close to or near any PAWs. The submitters previously lived on a property near or adjacent to PAWs and have only had negative experiences from it such as noise, break-ins and a lack of privacy.

The other submission of support states that PAWs become an eyesore and become targets for graffiti and broken glass. PAWs increase the risk of theft of personal property and vandalism. PAWs also become a place for fights and a meeting place for teenagers.

The sentiments expressed by the two submitters reflect the situation in many poorly designed PAWs that exist and as a result, Council has systematically reduced the number of PAWs by supporting applications to close the PAWs, where the PAWs are not required or appropriate.

Public submissions opposed to the deletion of the PAW

One submission of objection stated that their family will be adversely affected by the deletion of the PAW because they have children who attend Cecil Andrews Senior High School as do other families in Lyrebird Loop. Their children would have at least double the walking distance to the school. In addition the deletion will compromise access to public open space.

The other submission of objection indicates the following reasons for objecting to the deletion of the PAW:

- ◆ Access for students within the area to Cecil Andrews Senior High School. A large number of students walk across the current vacant land to the High School. The PAW would allow easier access to the High School for students and reduce the need to walk along busy Seville Drive.
- ◆ Access for residents to walk to the new park and playground.
- ◆ Access for older children to walk to friend’s homes. This would be safer for children to visit friends rather than use major roads that have more traffic travelling at higher speeds.
- ◆ The PAW would be an asset to residents in the area.

The attached “ped shed” analysis plan indicates that the majority of properties are within or close to the 450m walkable radius of basic facilities such as open space. Alternative routes to major facilities, including bus stops and schools, are provided by the road network of the Consolidated Structure Plan relative to the 800m walkable radius.

The following table indicates the differences in walking distances to facilities based on the current situation and alternatives routes, if the PAW is not provided:

Walkability	Route	Distance
Lyrebird Loop to POS with PAW	PAW – Fulmar Way	260m
Lyrebird Loop to POS without PAW (POS at south east end of Morgan Road)	Lyrebird Loop, Morgan Road	500m
Lyrebird Loop to Cecil Andrews Senior High School with PAW	PAW, Fulmar Way, lineal POS	580m
Lyrebird Loop to Cecil Andrews Senior High School without PAW	Lyrebird Loop, Morgan Road, Ralphs Street	810m
Kerrison Parade to TAFE with PAW	Lyrebird Loop, Morgan Road, Seville Drive	660m
Kerrison Parade to TAFE without PAW	Kerrison Parade, Seville Drive	680m

As indicated in the table above, the walking distances to some facilities will be greater if the PAW is not constructed, however the alternative routes will encourage the use of local roads that will provide greater personal security to pedestrians. These roads will be well lit and will provide more appropriate surveillance for pedestrians.

Pedestrian access to bus stops will be slightly longer, however residents will not be significantly affected by the deletion of the PAW. Whilst it is acknowledged that some residents might use the PAW if it was constructed, the PAW will be poorly designed with limited opportunities for surveillance from adjoining lots and is likely to have a detrimental affect on the amenity of the residents on the proposed adjoining lots.

OPTIONS

1. Council could adopt the proposed modification to the A14 Consolidated Structure Plan to delete the PAW.
2. Council could refuse the proposed modification to the A14 Consolidated Structure Plan to delete the PAW under Clauses 6A.3.7 and 6A.4 and give reasons for this to the proponent.

CONCLUSION

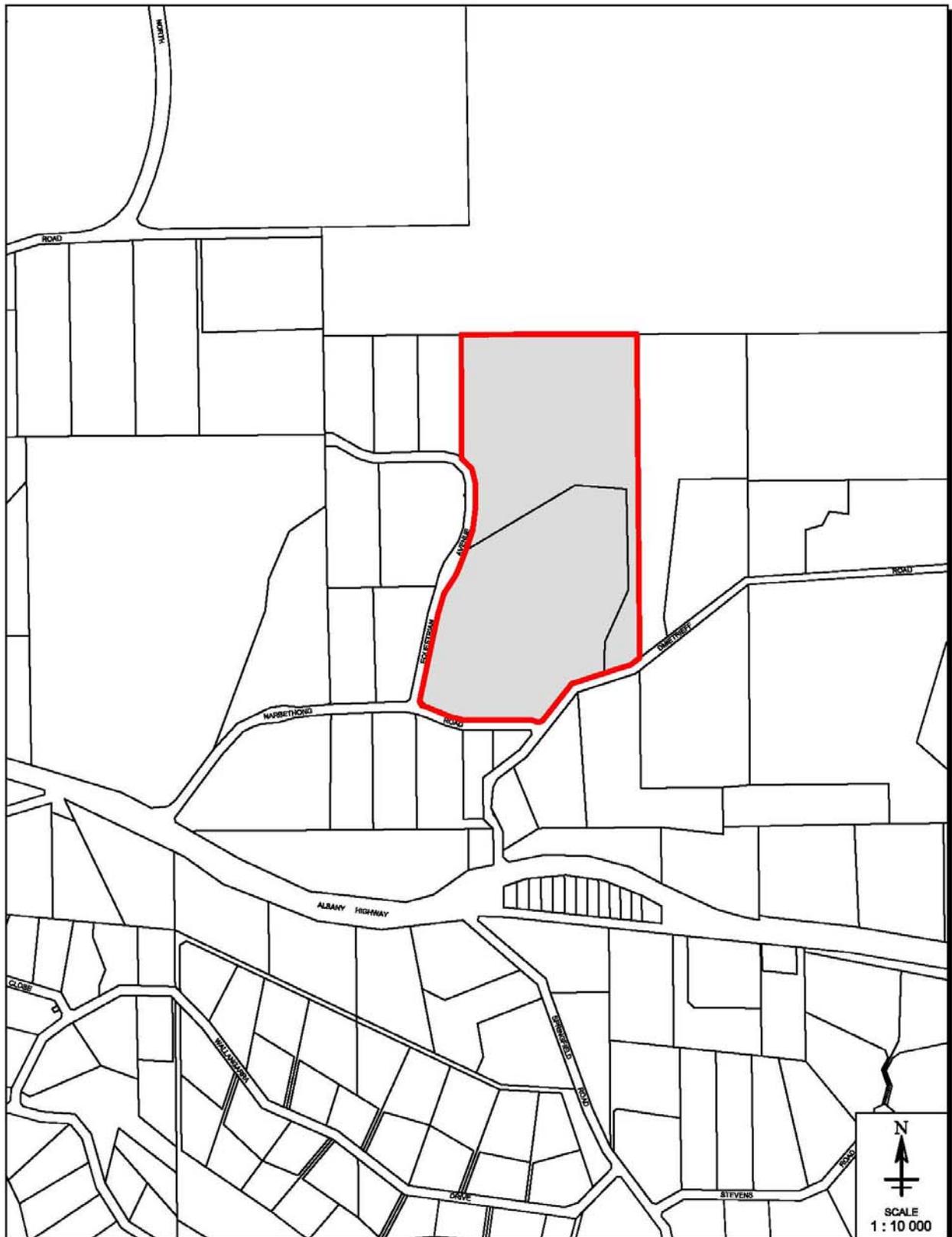
The proposed PAW is poorly located and the design in the approved subdivision and A14 Consolidated Structure Plan does not provide sufficient surveillance of the PAW from adjoining lots, which is likely to contribute towards potential future anti-social behaviour and property security concerns from residents adjoining the PAW. Alternative routes are available and suitable for residents to access facilities in the locality. It is recommended that Council should adopt Option 1 above.

RECOMMEND

1. **That Council pursuant to Clauses 6A.4 and 6A.3.7 of Town Planning Scheme No.4 resolve to adopt proposed modification to the A14 Consolidated Structure Plan over Lot 501 Seville Drive, Seville Grove to delete the proposed pedestrian accessway between Kerrison Parade and Lyrebird Loop, Seville Grove.**
2. **That Council pursuant to Clauses 6A.4 and 6A.3.9 of Town Planning Scheme No.4 forward the proposed modification to the A14 Consolidated Structure Plan to the Western Australian Planning Commission for approval under Clauses 6A.4 and 6A.3.10.**
3. **That Council endorses the comments made in this report regarding the submissions received on the proposed modification to the Structure Plan for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission and advises the submitters of its decision.**

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LOCATION PLAN
LOTS 604 AND 605 DMIETRIEFF ROAD, BEDFORDDALE

***STRUCTURE PLAN – PART OF DEVELOPMENT (STRUCTURE PLANNING) AREA
No.13, LOTS 604 AND 605 DMIETRIEFF ROAD, BEDFORDALE***

WARD : NEERIGEN

FILE REF : A238455

DATE : 3 January 2005

REF : RVD

RESPONSIBLE MANAGER : PSM

APPLICANT : Taylor Burrell Barnett

LAND OWNER : Allan Investment Holdings Pty Ltd
Doric Constructions Pty Ltd
Miranda Bonnie Pty Ltd
Cetacean Petroleum Pty Ltd
FAG Prainito

SUBJECT LAND : Lot 604 & 605 Dmietrieff Road, Bedfordale
Property size 27.74ha
Map 26-40

ZONING - MRS : Rural/ RL2 & Schedule 12
TPS No.4 : Development (Structure Planning) Area No.13

In Brief:-

- A proposed Structure Plan has been received and advertised for Lots 604 and 605 Dmietrieff Road, Bedfordale.
- Concerns raised by agencies or public submissions relating to the proposed Structure Plan can be dealt with by modifications to the plan.
- Recommend that Council adopt the proposed Structure Plan subject to a desktop survey finding that no Declared Rare Flora occurs in the save vegetation type in the vicinity and subject to reformatting to be consistent with Clause 6A.8.4 of Scheme 4, modifications to the notation regarding development envelopes, depiction of a separation distance from the nearby orchard, and inclusion of a requirement for a drainage plan that addresses water quality and water sensitive design.
- Recommend that if Declared Rare Flora occurs in the same vegetation association in the vicinity Council not adopt the proposed Structure Plan until a spring survey has been undertaken.
- Recommend that following receipt of a Structure Plan that meets relevant requirements, the proposed Structure Plan be forwarded to the Commission for approval, and this report be taken as a summary of submissions.

Tabled Items

Proposed Structure Plan Lots 604/605 Dmietrieff Road, Bedfordale (Narbethong) – November 2005

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City “balance the needs of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme No.4

Council Policy / Local Law Implications

PLN 2.1 Development Envelopes
PLN 2.6 Water Sensitive Design

Western Australian Government Policy Implications

Statement of Planning Policy 2.5 Agriculture and Rural Land Use Planning
Western Australian Planning Commission Policy DC 3.7 Fire Planning
Environmental Protection Authority draft Environmental Guidance for Planning and Development

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit.
- ◆ Surrounding landholders and relevant government agencies.

BACKGROUND

In 1999 an Indicative Development Plan was prepared over an area including the subject land (i.e. Lots 604 and 605 Dmietrieff Road, Bedfordale) that has been used by Council to guide subdivision and development in the area. The Indicative Development Plan identified the subject land as a possible special residential precinct with an equestrian flavour or as a more intensive subdivision subject to water availability.

Under Town Planning Scheme No.2, the land surrounding and including the subject land was predominantly zoned Rural X (i.e. no further subdivision), but in Town Planning Scheme No.4 was rezoned to RL2 and identified in Schedule 12 Development (Structure Planning) Areas as area No.13.

There is a single house on Lot 604 and a large equestrian complex on Lot 605.

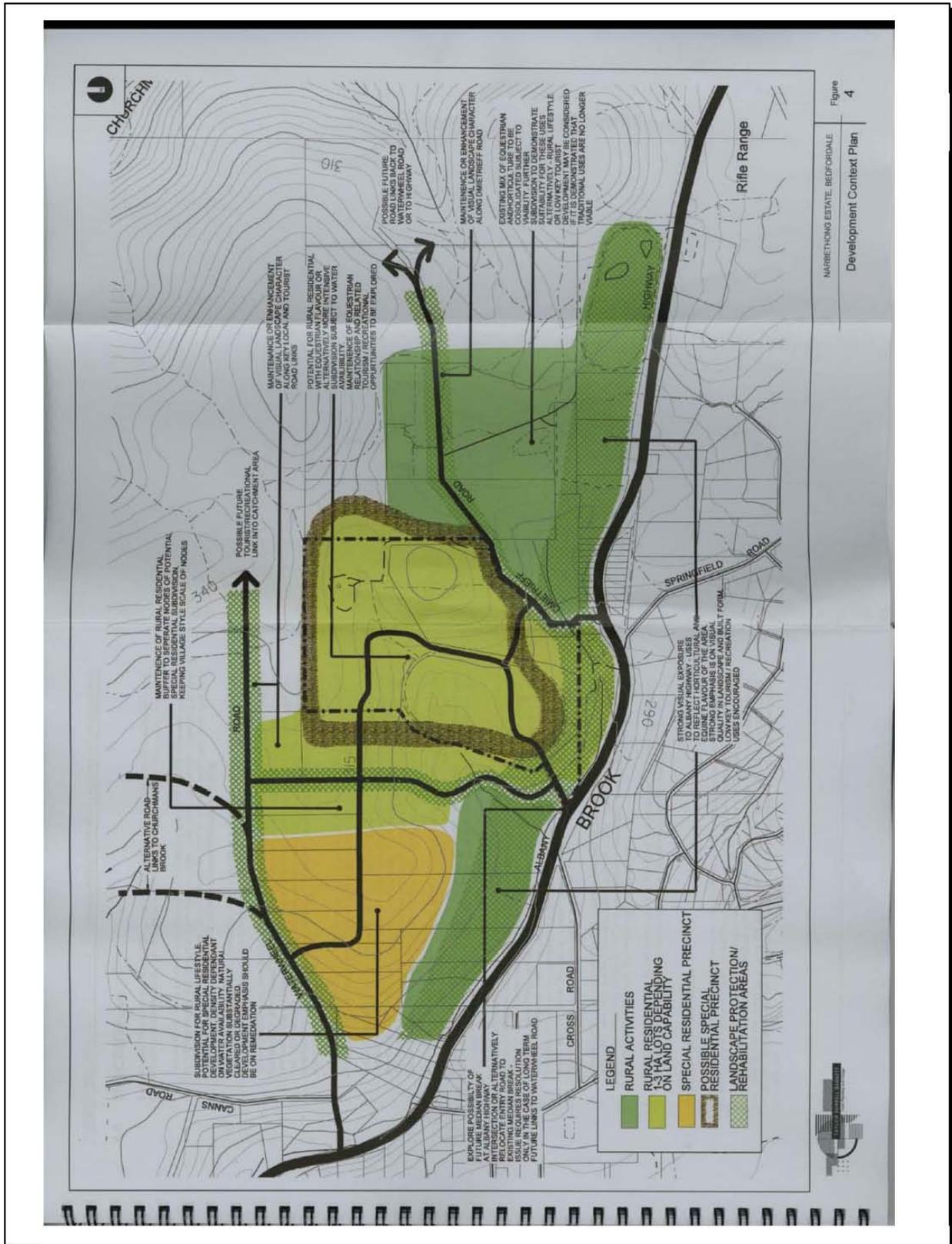


Figure 4
Development Context Plan

**DEVELOPMENT CONTEXT PLAN
LOTS 604 AND 605 DMIETRIEFF ROAD, BEDFORDALE**

DETAILS OF PROPOSAL

The applicant proposes a subdivision layout comprising 13 lots of about two hectares each. The proposed Structure Plan map (Figure 5) identifies a 100m separation between the Darling Range Regional Park and future dwellings, a fire access easement, notes that Development Envelopes are to be located in accordance with Planning Policy PLN2.1 on vegetated sites at the subdivision stage, and identifies the location of existing structures.

The proposed Structure Plan includes detailed information on land capability, servicing, and compliance with State Government and City of Armadale statutory planning provisions. It also includes a table in the Executive Summary identifying matters to be addressed at subdivision in a table headed 'Subdivision Requirements'.

A copy of the Executive Summary is provided as *at Attachment "A2" of the Agenda, (refer Summary of Attachments - yellow page)*.

COMMENT

Development Control Unit

The Development Control Unit advise that the 16m wide public road should be 20m wide, consistent with other recent decisions regarding rural residential subdivisions, and noted that at subdivision as an interim measure cul-de-sac bulbs would be needed to provide a turn around area for rubbish trucks.

State Government Agencies

Agency comments are summarised in italics below along with a recommended response.

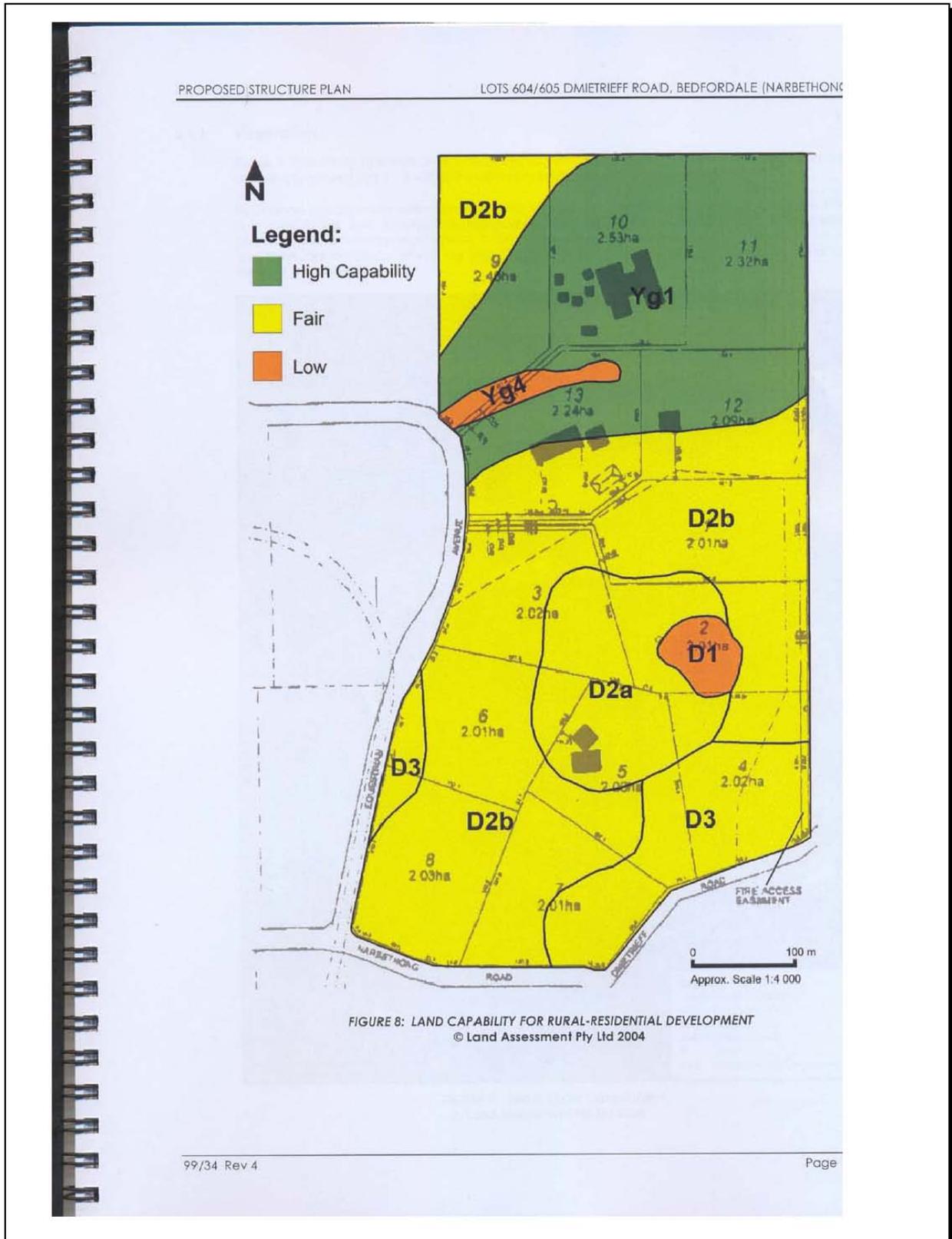
Water Corporation

The proposed development needs to compensate for increased surface water runoff to Neerigen Brook. Post development annual discharge volume and peak flows should be maintained relative to pre-development conditions.

Increased surface runoff to Neerigen Brook is expected to be negligible, with post development runoff similar to pre-development runoff. Stormwater is expected to be retained onsite, roof runoff is likely to be retained for potable water and fire control, and road and lot runoff is intended to be directed to existing dams.

It may be possible for the Water Corporation to provide services to these lots.

See comments under Analysis, Western Australian Planning Commission Policies, Statement of Planning Policy 2.5 Agriculture and Rural Land Use Planning.



**LAND CAPABILITY PLAN
LOTS 604 AND 605 DMIETRIEFF ROAD, BEDFORDALE**

Department of Environment

Development envelopes should be positioned to minimise the impact on native vegetation and where land capability assessment shows that effective on-site soakage of treated wastewater can be achieved.

The Land Capability map indicates that some parts of the Structure Plan area are unsuitable for effluent disposal (e.g. the YG4 and D1 land units – see Figure 8 of the proposed Structure Plan). A note on the proposed Structure Plan identifies that development envelopes will be located in accordance with Policy PLN 2.1 on vegetated sites at the subdivision stage. Some of the land units unsuitable for effluent disposal occur on cleared sites, and Policy PLN 2.1 does not identify land capability as a characteristic that should be considered in siting development envelopes. Therefore it is recommended that the note on the proposed Structure Plan map (Figure 5) be amended to state that development envelopes are to be located on vegetated lots or lots with land units unsuitable for effluent disposal, in accordance with Planning Policy PLN 2.1.

The proponent should be required to produce an Integrated Drainage and Nutrient Management Plan to the satisfaction of the Department of Environment.

The applicant considers that an Integrated Drainage and Nutrient Management Plan is not warranted because uses generating high nutrient loads are not proposed, most soil types in the area have a high nutrient retention ability and there is no groundwater. The Department has since advised that this condition is intended to address the statement in the proposed Structure Plan in relation to Neerigen Brook that ‘stormwater and water quality will be addressed by the project’s Engineering Consultants at the subdivision stage’ (see Executive Summary under Neerigen Brook) as well as concerns that effluent disposal could take place on inappropriate land units.

The concerns regarding effluent disposal are addressed above by ensuring development envelopes are located on land with high capability for such use.

In this environment nutrients and other contaminants tend to be bound to particulate matter. Under the City’s Policy PLN 2.6 Water sensitive design, subdivision drainage design is to ensure that sediments less than 100 microns are trapped. Therefore it is recommended that the proposed Structure Plan document Executive Summary table relating to Subdivision Requirements include a requirement ‘Preparation of a drainage plan that addresses water quality and water sensitive design’ with the Criteria / Standards being ‘Compliance with City of Armadale Policy PLN 2.6 Water Sensitive Design’.

Attention is drawn to Clearing regulations and EPA’s draft Environmental Guidance for Planning and Development.

Noted. Information relating to separation distances between orchards and rural residential developments is considered under Analysis below.



**AERIAL PHOTOGRAPH
LOTS 604 AND 605 DMIETRIEFF ROAD, BEDFORDALE**

Department of Conservation and Land Management

Department of Conservation and Land Management's Threatened Flora Database identifies an endangered orchid species Thelymitra stellata nearby, so a flora survey should be undertaken prior to the commencement of any on-ground works.

In response to this matter the applicant gave an undertaking to complete a desktop assessment to determine if the orchid species occurs nearby within the same vegetation association, and suggested that a flora survey should only be required as a condition of subdivision approval if the orchid occurs in the same vegetation association.

The presence of Declared Rare Flora can affect the location of road, lot boundaries, development envelopes and driveways, or in some cases the level of interest of the State government in securing the Declared Rare Flora in land under public ownership. All of these factors can significantly affect the Structure Plan and subdivision layout.

It is recommended that Council only adopt the Structure Plan if a desktop assessment finds that the Declared Rare Flora does not occur in the same vegetation type in the vicinity, and that if Declared Rare Flora does occur in the same vegetation type in the vicinity, the applicant be required to undertake a spring survey for Declared Rare Flora before Council adopts the Structure Plan.

The retention of vegetation should be achieved wherever possible.

Noted. The Structure Plan report outlines that this is intended.

Public submissions

The proposal was advertised to adjacent landholders commencing on 16 November 2005 with comments closing on 9 December 2005. Four submissions were received from members of the public in response to the proposal.

Total number of responses received	:	4
Number opposed	:	0
Number expressing concerns about road safety, road design or traffic	:	3
Number seeking more development in the area	:	1

A copy of a location plan of respondents is at Confidential Attachment "B3" of the Agenda.

The issues raised by submissions have been summarised and responded to under the Analysis section below.

ANALYSIS

Public submissions

Public comments are summarised in italics below along with a recommended response.

The increased traffic from nine of the thirteen blocks (estimated by submitter as 162 vehicle movements) down Equestrian Avenue is unacceptable. Would like the Structure Plan re-designed so that easternmost lots use the existing bitumen driveway rather than Equestrian Avenue so as to distribute traffic down Dmietrieff Road.

The additional traffic flows are well within the capability of the existing road network, and even with existing traffic flows, are not unreasonable for a rural area. There is no basis on the grounds of additional traffic flows to require use of the existing driveway.

Concerned that the proposed T junction with the new 16m road is on a bend and may be unsafe.

The City's Technical Services Directorate considers that adequate sightlines exist at the proposed T-junction.

Dmietrieff Road should be upgraded as suggested because it is dangerous at the bends and will be busier as a result of this proposal.

The increased traffic is not significant and the City's Technical Services Directorate advises that upgrading is not required.

Dmietrieff Road is currently unsafe because overhanging vegetation causes trucks to use the centre of the road, drainage water flows along the road because drains are full with vegetation, and exiting onto Albany Highway is dangerous two weeks of every year because of the position of the sun. The Narbethong Road/ Albany Highway intersection should be modified to permit right hand turns.

See response above. The concerns about overhanging vegetation and drainage are not matters that can be addressed through the proposed Structure Plan, so have been referred to the Technical Services Directorate for a response direct to the submitter.

Concerned existing power fluctuations will be worse as more lots are serviced.

Western Power was sent a copy of the Structure Plan for comment, but no response was received. The City will communicate the submitter's concerns to Western Power.

We would like to extend the Structure Plan to permit subdivision of the two lots immediately east of the proposed Structure Plan (proposed subdivision plan provided).

The submitter will be advised of the requirements of Town Planning Scheme No.4 regarding information needed to prepare a Structure Plan to support subdivision of these lots.

Separation distance between incompatible land uses

An orchard area exists adjacent to the south eastern corner of the subject land, with the nearest trees being located about 50m from the south eastern corner and being separated by an existing residence on the lot containing the orchard.

Previous assessments by the City have utilised a 150m separation between orchards and rural-residential dwellings, and have usually required establishment of a 40m wide vegetated strip designed to attenuate spray drift. The 150m buffer distance was derived from an examination of the existing pattern of orchards and residential development in Roleystone and the City's complaints record. A separation of 150m is considered adequate based on experience rather than utilisation of odour unit and noise attenuation methodologies suggested by Environmental Protection Authority (EPA). The EPA's draft *Environmental Guidance for Planning and Development* recommends a 500m separation distance between orchards and rural residential dwellings.

It is recommended that the proposed Structure Plan be amended to show a separation distance of 150m as measured from the nearest orchard trees to the subject land within which dwellings are not permitted. Combined with the constraints set by land capability, this significantly affects where a dwelling can be sited on the proposed Lot 4, but development of this lot is achievable.

Town Planning Scheme No.4

The process for the consideration, advertising and adoption of Structure Plans and modification of a Structure Plan is set out in Part 6A of Town Planning Scheme No.4.

The proposal has been advertised for public comment and Council is now required to adopt the Structure Plan with or without modifications or refuse to adopt the proposal, in accordance with Clause 6A.3.7. The proposal will then be forwarded to the Western Australian Planning Commission for its consideration for adoption.

The proposed Structure Plan adequately addresses the information requirements specified by Clause 6A.2 and Schedule 12 Development (Structure Planning) Areas No.13. Under Schedule 12, the Structure Plan is required to determine lot size and arrangement on the basis of detailed land capability and site assessment. The proposed Structure Plan does this in a sound and comprehensive manner.

Clause 6A.8.4 of Town Planning Scheme No.4 provides that Structure Plans may distinguish between provisions, requirements or standards that are to have effect as if included in the Scheme and those which are primarily for guidance (i.e. to be achieved through subdivision and development). It is recommended the Structure Plan be reformatted to include a Part 1 which has statutory force and a Part 2 which includes an Executive Summary that summarises the guidance for subdivision and development derived as a result of Structure Plan investigations.

Under Town Planning Scheme No.4, the existing mechanism for including Development Envelopes as a statutory mechanism to control development can only be achieved through their depiction on Structure Plans or similar documents. However, this is proposed to be changed through an Omnibus Amendment to Town Planning Scheme No.4 that is expected to be presented to Council in February 2006. The proposed Structure Plan recommends a plan showing Development Envelopes be prepared at the subdivision stage. It is expected that this matter will be able to be dealt with at the time of subdivision.

Local Planning Strategy and Local Rural Strategy

Provided an adequate separation distance is provided between development envelopes and the existing orchard area to the south east, the proposal will be consistent with the Local Planning Strategy and the Local Rural Strategy. The Local Rural Strategy identifies rural residential in the upland areas as a desirable land use and management controls envisage retaining as much bush as possible.

Indicative Structure Plan and Schedule 12 Development Structure Planning Area No.13

The proposal is consistent with the Indicative Structure Plan prepared for the area in 1999.

The subject land comprises only a portion of the Development (Structure Planning) Area No.13, and needs to be considered with due regard to ensuring that subdivision on adjacent lots is not hindered by the proposed subdivision layout. The subdivision layout has included a public road in order that subdivision on the lots to the east can occur without breaching Western Australian Planning Commission Policy DC 3.7 Fire Planning.

Western Australian Planning Commission Policies

Statement of Planning Policy 2.5 Agriculture and Rural Land Use Planning

The proposed Structure Plan is consistent with Policy 2.5 except that the policy states there should be mandatory provision of reticulated potable water supply for rural residential areas. The proposed Structure Plan notes that reticulated water is remote from the site, would be expensive to connect, and that adjacent 2ha subdivisions have proceeded without connecting.

Clause 5B.5 of Town Planning Scheme No.4 provides that in the Rural Living zone, Council can permit the erection of a dwelling only if there is a 90,000L water tank fed by a roof area of greater than 250m², a bore or dam yielding sufficient supply or connection to the water mains. It is considered that the proposal should be permitted to proceed without connection to reticulated potable water supply because water supply can be dealt with through Clause 5B.5 of Town Planning Scheme No.4.

Policy DC 3.7 Fire Planning

The proposed Structure Plan identifies the need for a Fire Management Plan to be prepared at subdivision and for owners to be notified in relation to compliance with building standard AS3959 for fire prone areas. In order to comply with the *Planning for Bush Fire Protection* guidelines associated with Policy DC3.7, development envelopes will need to include Building Protection Zones in the order of 20m wide around each building. It is recommended that the note on the proposed Structure Plan regarding development envelopes make reference to the requirement to consider Building Protection Zones for fire protection.

OPTIONS

1. Subject to a desktop survey finding that Declared Rare Flora does not occur in the same vegetation association in the vicinity that occurs on the subject land, Council could adopt the proposed Structure Plan subject to several modifications. If desktop survey finds that Declared Rare Flora does occur in the same vegetation association in the vicinity, Council should not adopt the proposed Structure Plan until such time as a spring flora survey has been undertaken.
2. Council could adopt the proposed Structure Plan without modification, or require development envelopes to be determined at the Structure Plan rather than subdivision stage.
3. Council could refuse the proposed Structure Plan under Clause 6A.3.7 and give reasons for this to the proponent.

CONCLUSION

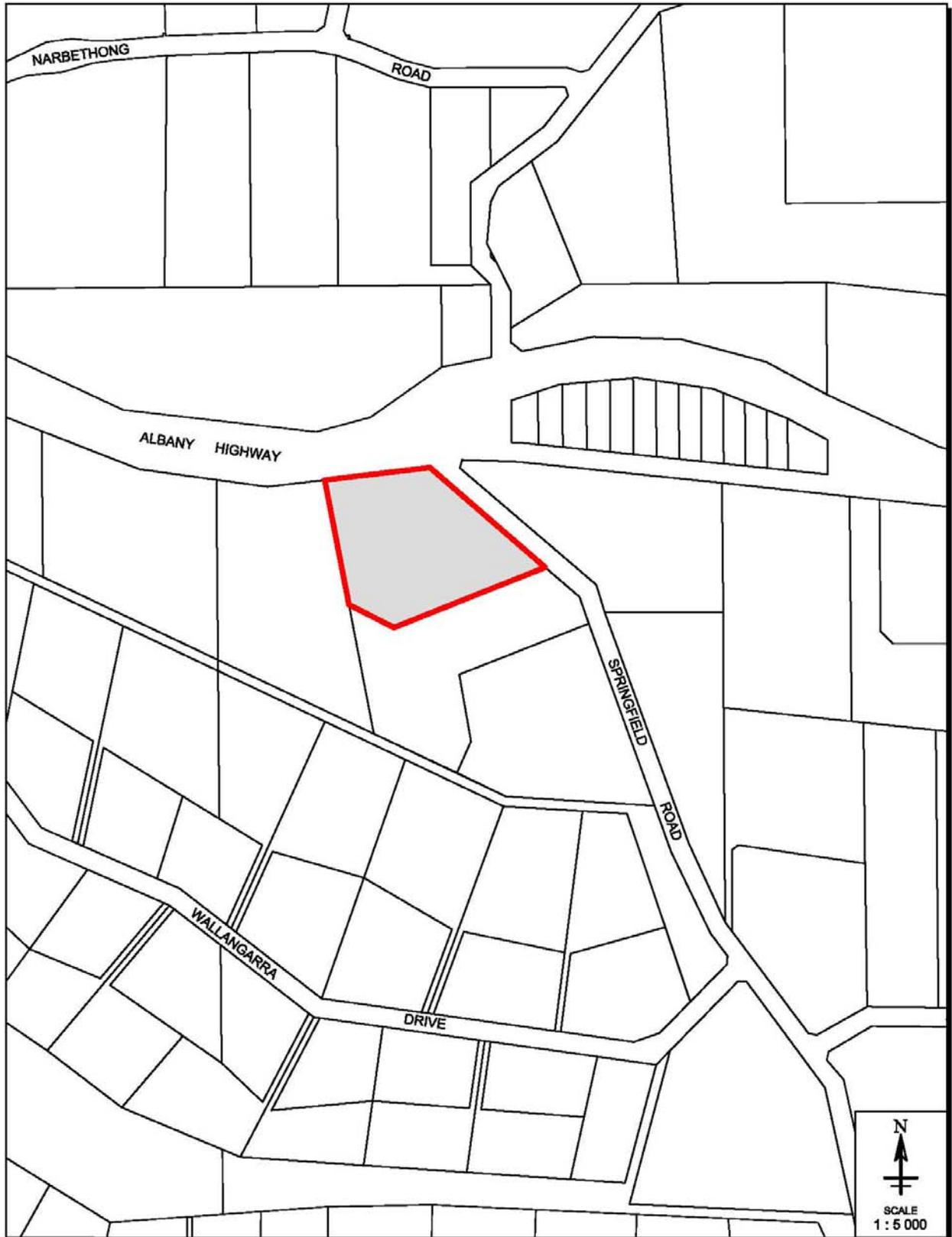
The proposed Structure Plan includes detailed information that has been utilised to develop a generally sound plan for future subdivision and development of the subject land. As required by Town Planning Scheme No.4, the proposed Structure Plan provides a detailed land capability and site assessment that has been and will continue to be used to ensure subdivision and development occurs on a sound basis. Concerns raised by the public predominantly focussed on concerns external to the proposed Structure Plan, and concerns raised by agencies can be adequately addressed. The modifications identified in this report concern matters that can be addressed at the subdivision stage. Therefore Option 1 is recommended.

RECOMMEND

1. **That Council, pursuant to Scheme Provision 6A.3.7 resolve to adopt the proposed Structure Plan for Lots 604 and 605 Dmietrieff Road, Bedfordale subject to a desktop survey finding that no Declared Rare Flora occurs in the same vegetation association in the vicinity that occurs on the subject land, and subject to the following modifications being undertaken by the proponent:**

- (i) **The Structure Plan documents being formatted to be consistent with Scheme Provision 6A.8.4 by including a Part 1 that contains the Structure Plan Map (Figure 5) and a Part 2 that includes an Executive Summary of guidance for subdivision and development derived from Structure Plan investigations;**
 - (ii) **Amend the Structure Plan map (Figure 5) to show a 20m road reserve for the public road.**
 - (iii) **Amend the note on the Structure Plan map (Figure 5) concerning development envelopes stating that ‘Development Envelopes are to be located on vegetated sites or sites which have land units unsuitable for effluent disposal, are to be sized with due regard to the Building Protection Zones identified in the *Planning for Bush Fire Protection* guidelines, and identified in accordance with Planning Policy PLN 2.1’.**
 - (iv) **Amend the Structure Plan map (Figure 5) to show a separation distance of 150m as measured from the nearest orchard trees, within which dwellings are not permitted.**
 - (v) **Amend the proposed Structure Plan document Executive Summary table relating to Subdivision Requirements to include a Requirement ‘Preparation of a drainage plan that addresses water quality and water sensitive design’ with the Criteria / Standards being ‘Compliance with City of Armadale Policy PLN 2.6 Water sensitive design’.**
2. **That if Declared Rare Flora occurs in the same vegetation association in the vicinity that occurs on the subject land, Council not adopt the proposed Structure Plan until a spring survey for Declared Rare Flora has been undertaken that meets the requirements of the Department of Conservation and Land Management.**
 3. **That upon receipt of the Structure Plan document that meets the requirements of 1. above, that Council pursuant to Scheme Provision 6A.3.9 of Town Planning Scheme No.4 forward the proposed Structure Plan to the Western Australian Planning Commission for its approval in accordance with Scheme Provision 6A.3.10.**
 4. **That Council endorses the comments made in this report regarding the submissions received on the proposed Structure Plan and utilise this report as the schedule of submissions and response to be forwarded to the Western Australian Planning Commission, and those submitters be advised of Council’s decision.**

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**LOCATION PLAN
LOT 106 SPRINGFIELD ROAD, BEDFORDALE**

**COMMERCIAL VEHICLE PARKING –
LOT 106 (No.8) SPRINGFIELD ROAD, BEDFORDALE**

WARD : NEERIGEN
FILE REF : A54049
DATE : 20 December 2005
REF : SA
RESPONSIBLE : PSM
MANAGER
APPLICANT : Mrs J Brennan
LAND OWNER : Mrs J Brennan
SUBJECT LAND : Property size 2.234ha
Map 26.39
ZONING
MRS : Rural
TPS No.4 : Rural Living 2

In Brief:-

- Request to park an 8.49 tonne International truck on a Rural Living 2 property.
- Advertising attracted one objection to the application.
- The application meets the Town Planning Scheme requirements.
- At its 17 October 2005 meeting, Council resolved that the application be recommitted to the Development Services Committee, subject to additional information being provided.
- Recommend that the application be approved.

Officer Interest Declaration

Nil.

Strategic Implications

To balance the needs of development with suitable economic, social and environmental objectives.

Legislation Implications

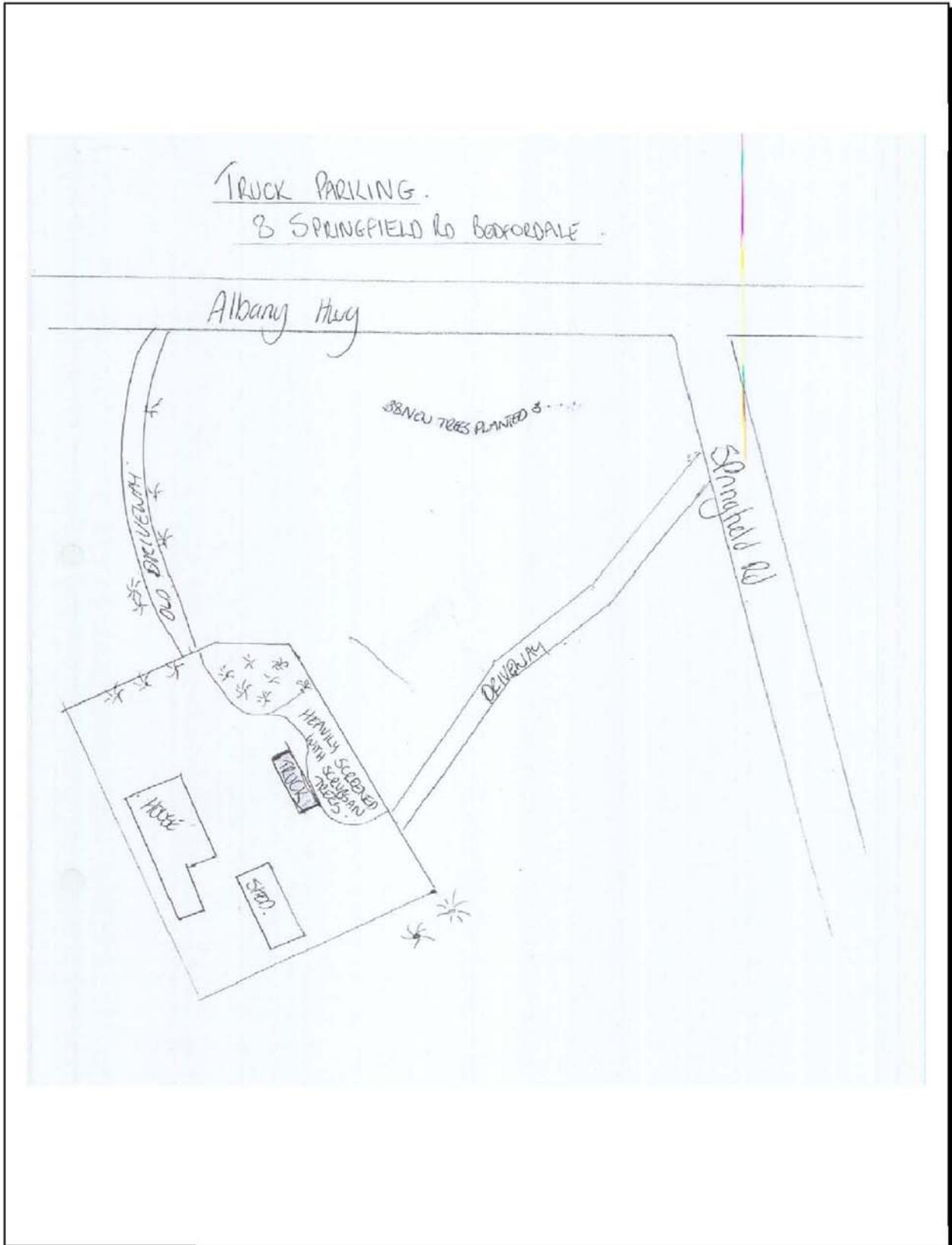
Town Planning & Development Act 1928.
Town Planning Scheme (TPS) No.4.
Environmental Protection (Noise) Regulations 1977.

Council Policy / Local Law Implications

Council Policy 4.4.6 Commercial Vehicle Parking.
City of Armadale Environment, Animals and Nuisance Local Laws 2002.

Budget / Financial Implications

Nil.



SITE PLAN
LOT 106 SPRINGFIELD ROAD, BEDFORDDALE

Consultation

- ◆ Property owners in the immediate vicinity of the subject site.

BACKGROUND

At its ordinary meeting held on 17 October 2005, Council considered the proposal to park a commercial vehicle on the subject property and resolved to recommit the application to the Development Services Committee subject to additional information being provided, including vehicle details, parking location and a photo of the proposed commercial vehicle. The additional information has now been provided and included in this report.

Officers of the City have undertaken several inspections of the site to ensure that the number of commercial vehicles do not exceed the scheme requirements. A number of other compliance issues have now been resolved.

DETAILS OF PROPOSAL

The applicant proposes to park an 8.49 tonne International commercial vehicle on the 2.2 hectare rural property. The applicant has submitted a revised parking location for the vehicle adjacent to the house and existing trees and included additional tree plantings to screen the vehicle from other properties, Springfield Road and Albany Highway.

COMMENT

Town Planning Scheme No.4

Commercial vehicle parking is a discretionary use of land in the Rural Living Zone in TPS No.4. The proposal needs to conform to the following requirements of Clause 5B.4.5 of TPS No.4:

- a) on-site provision for garaging or parking of the vehicle behind the front building setback line, is to be made in a manner satisfactory to the City; and
- b) the amenity of the neighbourhood is not to be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust.

Results of Advertising

In accordance with Council Policy 4.4.6 Part 3, the proposal was advertised to the owners of four (4) properties in proximity to the subject property.

Number of residents canvassed	-	4
Number of responses received	-	1
Number of objections received	-	1

Refer to Confidential Attachment “B4” of the Agenda for location plan of respondents.



**AERIAL PHOTOGRAPH
LOT 106 SPRINGFIELD ROAD, BEDFORDALE**

Reasons for Objecting

In the main, the reasons for objecting relate to a number of issues not necessarily associated with the application. The objection did not cite any specific adverse impact that the application may have on amenity or lifestyle. However, the submittee voiced a strong objection to “.... looks like a commercial trucking business” in what “.... is supposed to be a quiet residential community, not a commercial/industrial trucking business location”.

It should be noted that the parking location of the subject vehicle is approximately 170 metres from the nearest residence and it is suggested that any noise associated with the vehicle will be masked by traffic noise from Albany Highway, particularly at the hours of access and egress, 5.00pm and 8.00am respectively.

OPTIONS

1. As the vehicle specifications and parking provisions comply with the Town Planning Scheme, Council could resolve to approve the application.
2. Council may refuse the application if it is of the view that approving the application will have a significant adverse effect on the amenity of the surrounding neighbourhood.

CONCLUSION

The application satisfies the requirements under Town Planning Scheme No.4 in terms of the location of parking and amenity and whilst an objection to the proposal has been lodged specific reasons for the objection have not been presented.

Commercial Vehicle parking in Rural zones has been an element of Council’s Town Planning Scheme Nos. 1 and 2 and is again included in Town Planning Scheme No.4. It could be assumed therefore that providing the application satisfies the Scheme provisions, Council would support such an activity.

In the light of no substantive objection against the proposal, it is recommended that Council approve the application in accordance with Option 1. Should the applicant fail to comply with the provisions of the Scheme or substantiated complaints are received, Council has the discretion to revoke the approval or decline the annual renewal.

RECOMMEND

That Council approve the application for the parking of an International commercial vehicle registration number 1ABZ 923 at Lot 106 (8) Springfield Road, Bedfordale subject to the following conditions:

- a) **Maintenance shall be limited to change of oil, greasing of parts and change of wheels. Maintenance shall only be permitted between the hours of 8.00am and 8.00pm Monday to Friday and 9.00am and 6.00pm Saturday, Sunday and Public Holidays. No panel beating, spray painting, removal of body parts, wash-down or cleaning shall be permitted on the subject property.**
- b) **That a Management Plan be submitted detailing the means for collection and disposal of fuel, filters and lubricants to the satisfaction of, and approval of, the Executive Director Development Services.**
- c) **Any noise created by the vehicle shall not exceed the standards for the relevant area set out in the noise provisions of the Environmental Protection Act 1986.**
- d) **The amenity of the neighbourhood shall not be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust or the storage of unlicensed, derelict and or damaged motor vehicles.**
- e) **The subject vehicle shall not be laden with or used for the transportation of livestock and or laden with an operating refrigeration unit or units and or unlicensed, derelict or damaged motor vehicle or motor vehicles whilst parked on the property.**
- f) **The subject vehicle shall be parked on the property at all times and in accordance with the provisions of the City of Armadale Town Planning Scheme No.4.**
- g) **Compliance with the City of Armadale Environment, Animals and Nuisance Local Laws 2002.**
- h) **This approval is valid for 12 months only and a fresh application is required at the expiry of the 12-month period.**

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LATE ITEMS

COUNCILLORS' ITEMS

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS

In view of likely confidential aspects of this Report, public and staff in attendance, other than Chief Executive Officer and Executive Director Development Services, may be requested to retire from the meeting.

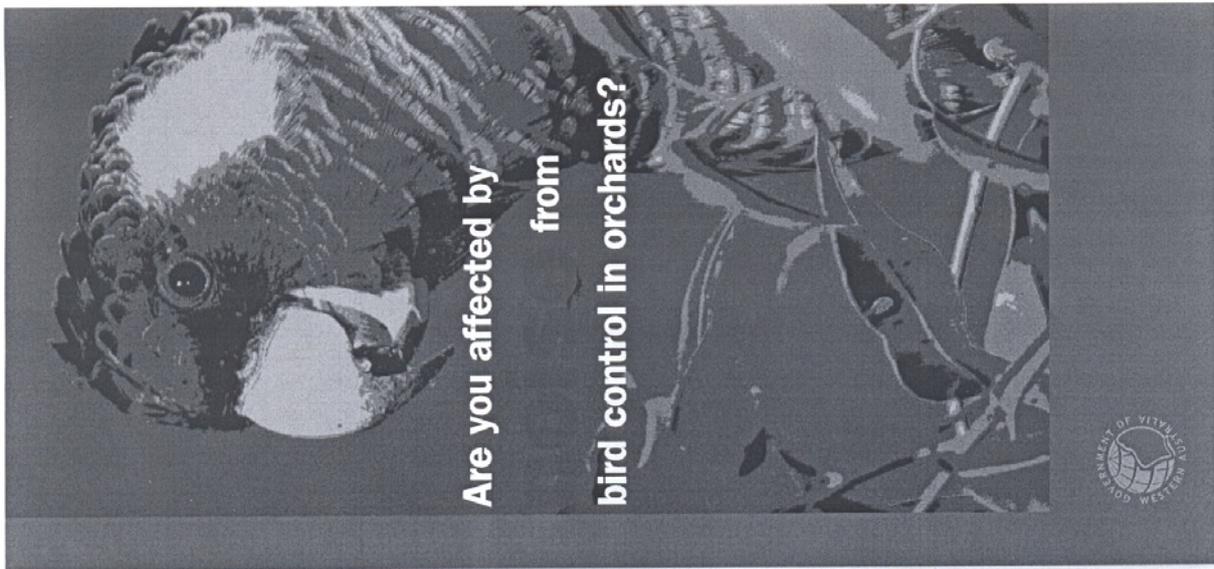
MEETING DECLARED CLOSED AT _____

DEVELOPMENT SERVICES COMMITTEE

SUMMARY OF “A” ATTACHMENTS

10 JANUARY 2006

ATT NO.	SUBJECT	PAGE
BUILDING		
HEALTH		
A1	Guidelines and associated documents re Best Practice Guidelines for Bird Scaring in Orchards	59
PLANNING		
A2	Executive Summary re Structure Plan, Dmietrieff Rd, Bedfordale	73



Protecting neighbours

Excess noise can be annoying and distracting, especially if seen to be unnecessary or not controlled.

If you find the noise from bird scaring in orchards near you to be unreasonable, you can contact the Environmental Health Department in your local government authority for assistance.

Western Australia's noise regulations give some guidance to local government officers in deciding what is a reasonable amount of noise.

In responding to complaints about noisy bird scaring methods, local government officers may take the following approach.

Step 1 – Information and informal mediation
Ensure both the resident and the fruit grower have information about bird scaring in orchards.

Step 2 – Noise assessment
Assess impact of the noise (e.g. type of scaring method and duration, time of day, noise level).

Step 3 – Reduce noise impact
Explore ways of reducing the use of noisy methods and improving how they are set up using *Best Practice Guidelines for Bird Scaring in Orchards*.

Step 4 – Formal mediation
Arrange a formal mediation based on a written Noise Management Plan for bird scaring for the orchard.

Local government officers have discretion to take action under the noise legislation if necessary.

Further advice

This pamphlet was prepared by the Black Cockatoo/Fruit Protection Technical Advisory Committee, made up of representatives from:

- Office of the Minister for the Environment; Science
- Department of Environment
- Department of Conservation and Land Management (CALM)
- Department of Agriculture
- WA Fruit Growers Association
- WA Local Government Association
- Department for Planning and Infrastructure

For further information, see

Best Practice Guidelines for Bird Scaring in Orchards 2005.

Environmental Protection (Noise) Regulations 1997 – Summary of the Regulations.

CALM Fauna Note No. 01/2005: *Reducing fruit damage by Baudin's cockatoo*.

CALM Fauna Note No. 02/2005: *Scaring and repelling birds to reduce damage*.

CALM Fauna Note No. 03/2005: *Netting to reduce bird damage*.

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Introduction



Living near an active orchard can mean having to put up with some noise when fruit growers are scaring birds away from their crops.

Baudin's cockatoo – a white-tailed black cockatoo – is a threatened species, but can cause a lot of damage to apple and pear crops in a short period of time.

It is illegal for fruit growers to shoot these, and the two other black cockatoo species native to Western Australia – Carnaby's cockatoo and the red-tailed black cockatoo. So, techniques need to be employed to scare the birds away so the crops are protected.

There is a range of scaring techniques, some of which involve making noise, including the use of:

- shotguns (to scare only);
- gas guns; and
- electronic devices.

There are other bird scaring methods that do not involve noise, but these are often used together with noisy methods to improve their effectiveness.

Noise from bird scaring methods can affect the community, especially if it occurs early morning and if it appears uncontrolled.

With careful management, noise generated by bird scaring methods can be controlled so as to protect the endangered black cockatoos, the fruit crops and neighbours.



Protecting black cockatoos

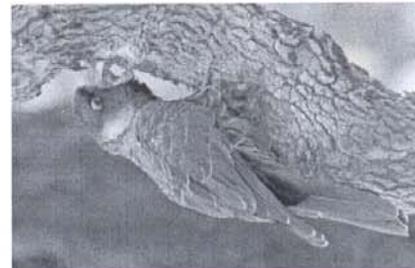
There are three species of black cockatoo native to Western Australia and each species is classed as threatened; two are known to enter orchards.

The forest red-tailed black cockatoo has not been recorded damaging fruit crops and Carnaby's cockatoo has been recorded damaging only nut (almond, pistachio and macadamia) and persimmon crops. However, Baudin's cockatoo has a long history of damaging apple, pear and some stone fruits.

Baudin's cockatoo will normally eat seeds found in the fruit of native trees but if this food is scarce they will attack orchards, mostly during late summer and autumn.

They cause most damage to crops in the first few hours after sunrise and the last few hours before sunset.

Giving the birds some sacrificial trees to eat has been found to be ineffective in keeping them away from commercial crops.



Protecting orchards



Fruit growers find the most effective way to scare black cockatoos away from their fruit trees is for a person to be present with a firearm.

However, it is illegal to kill black cockatoos; any shooting is only to scare the birds away.

Fruit growers cannot always be present with a shotgun to scare birds, so gas guns or electronic devices can be used to assist in keeping birds away.

Bird scaring best practices

- Fruit growers should contact their neighbours and inform them about potential noise.
- A range of noisy and quiet methods to scare birds away should be used, as the birds will get used to any one method.
- Noisy methods should be positioned to make the least noise for neighbours, i.e. pointed away and as far as possible from houses.
- Noisy methods, including gas guns and shot guns, should be used sparingly, and:
 - not before sunrise or after sunset;
 - limited to no more than a few quick blasts every 10 to 15 minutes; and
 - moved regularly.

Fruit growers can also employ long-term measures such as netting, but this can be expensive and hard to install over large trees.

Best Practice Guidelines for Bird Scaring in Orchards has been prepared to help fruit growers effectively protect their fruit while minimising noise.

Dear Neighbour

Now that the fruit season has begun, I will be using a variety of bird scaring techniques to prevent damage to my crop.

As you can see from the enclosed pamphlet I am required to use methods that do not harm black cockatoos, which are threatened species. I follow the recommended best practices mentioned in this pamphlet and will work to minimise any potential disturbance to you.

Please feel free to contact me to discuss this matter further.
Thank you for your understanding.

Grower's name: _____

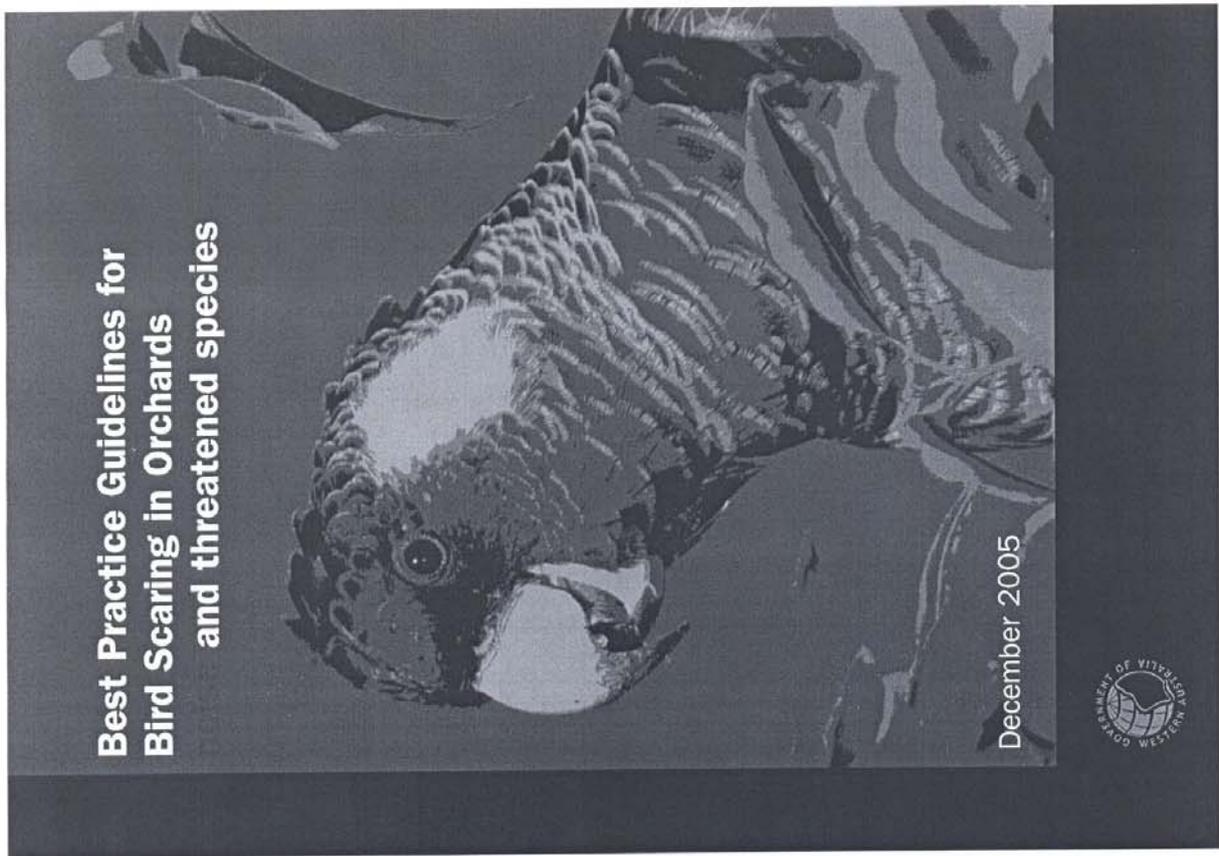
Contact details: _____

Address of orchard: _____

Dates the bird scaring methods will be used: _____

Times of use: _____





Purpose



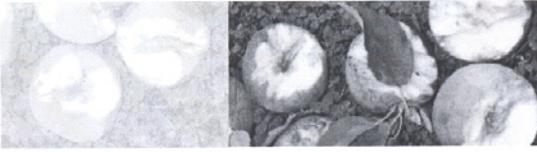
These guidelines are intended to help fruit growers, residents and local government authorities manage environmental noise from gas guns and other noisy devices used in orchards to prevent fruit damage by threatened black cockatoos.

The Western Australian State Government in consultation with the WA Fruit Growers Association has produced these guidelines in line with its commitment to protect threatened bird species, the viability of the fruit growing industry and the welfare and amenity of residents.

These guidelines apply specifically to situations where the bird species causing damage is classed as threatened under the *Wildlife Conservation Act 1950*. There is also potential application for controlling birds for which no approval for shooting to kill is required and for those situations where a damage licence would usually be obtained.

Best practice recommendations for reducing the impacts of black cockatoos on commercial fruit crops include techniques such as visual and auditory scaring devices and physical barriers such as wires and exclusion netting. The operation of noise-generating devices can create problems for neighbours and exceed maximum levels prescribed under the *Environmental Protection (Noise) Regulations 1997*. Local governments have the delegated responsibility of administering these noise regulations.

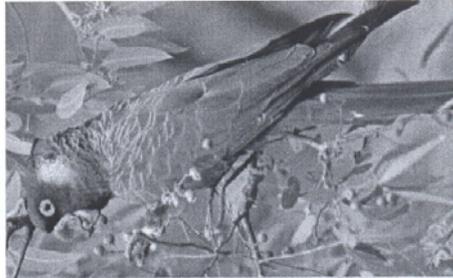
Introduction



Background

There are three species of black cockatoo native to south-west Australia, with two species known to enter orchards. The forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) has not been recorded damaging fruit crops and Carnaby's cockatoo (*Calyptorhynchus latirostris*) has been recorded damaging only nut (almond, pistachio and macadamia) and persimmon crops. However, Baudin's cockatoo (*Calyptorhynchus baudinii*) has a long history of damaging apple, pear and some stone fruit crops.

Damage to crops typically occurs in the first few hours after sunrise and the last few hours before sunset, but is not exclusively restricted to those periods. Peak damage is usually recorded during months of late summer and autumn, but may occur at other times during the fruit growing season.



All black cockatoo species that occur in WA are listed as threatened and cannot be shot or killed as a means of reducing damage to crops.

Since shooting to kill is not a management option for black cockatoos that cause damage to crops, alternative methods need to be considered and applied.



Noise and its effects

Noise is defined as unwanted sound. A fruit grower may not consider the sound of a gas gun as noise, yet a neighbour could consider it noise if it disturbs their rest or recreational activities. It would be reasonable to expect that a noise disturbance designed for birds would also disturb people.

A number of objective and subjective factors affect a person's response to noise.

Objective factors include:

- level of the noise;
- emergence of the noise above background levels;
- nature of the noise, its duration and how often it occurs;
- characteristics of the noise – tonality ('humming' or 'whining', some electronic bird scarers might contain this characteristic), modulation (regular changes in level or pitch, e.g. a siren, electronic bird scarers can fall into this category) or impulsiveness ('banging' or 'knocking', gas guns have this characteristic depending on how far the receiver is from the source); and
- time of day or week that the noise occurs.

Subjective factors include:

- activity of the person receiving the noise and their state of health or mind;
- attitude of the person receiving the noise to the noise source or noise emitter;
- information content of the source (a noise may be recognised and trigger fear, or alternatively, be familiar and comforting);
- controllability of the source (a noise source may be less annoying if it can be controlled by closing a window for example); and
- expectations of the community.

Managing noise

In some circumstances, and especially under certain weather conditions, bird scaring devices will breach noise regulations and will therefore cause problems for neighbours.

The *Environmental Protection Act 1986* defines 'unreasonable noise' in two main ways: subjectively or by breach of a prescribed standard.

1. The subjective definition looks at the nature and duration of the noise emissions, the frequency of similar emissions from the same source, the time of day at which the noise is emitted and whether the noise unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person receiving the noise.
2. The *Environmental Protection (Noise) Regulations 1997* are the prescribed standard under the Act.

The noise regulations specify assigned noise levels that are the levels of noise allowed to be received at premises at a particular time of day. There are different assigned levels depending on the type of receiver. These are categorised as:

- noise-sensitive premises (residences);
- commercial premises (shops, offices); and
- industrial premises (factories, mines).

The assigned levels for noise-sensitive premises vary depending on the time of day, being lower at night when people are more sensitive to noise. For noise-sensitive premises, the assigned levels also depend on how close the house is to industrial and commercial areas and to major roads.





It is also important that the birds associate human activity with danger. They soon lose their fear of humans if not harassed with real or simulated danger. Shooting to scare using pyrotechnic cartridges, should be initiated before using other scaring devices to establish an association between noise and real danger.

Scaring is safer in built-up areas than the use of live ammunition and it is a non-lethal method for dealing with bird damage. However, other scaring devices are usually expensive and gas cannons and cracker cartridges can be a minor fire risk in dry conditions. Some devices may breach noise regulations and/or cause conflict between neighbours, so, if in doubt, enquiries should be made with your local government and neighbours.

Every situation is different. Scaring combinations that work at one orchard may not work at another, and not all bird species react the same way to a particular control option.

The use of exclusion netting is preferred to guns or gas guns, but is a major capital investment for growers. There currently aren't any subsidy schemes for purchasing and installing netting for fruit crops affected by black cockatoos.

Scaring devices

There is a range of acoustic and visual bird scaring devices commercially available, including firearms, electronic noisemakers, recorded bird distress and predator calls, gas fuelled exploders (gas cannons) and motorcycles. The sound produced by stationary scaring devices can be maximised by pointing them downwind, raising them off the ground and camouflaging them so the birds do not associate the sound with the device. Gas cannons and pyrotechnic cartridges can be an effective means of dispersing birds from crops and orchards.

Gas (propane) cannons are powered by LP gas cylinders and are available in a range of configurations from mechanically controlled single-shot

The noise regulations also require that the noise source be 'free' from annoying characteristics (specifically tonality, modulation and impulsiveness) and set out objective tests to assess whether the noise contains any of these characteristics. If these characteristics cannot reasonably and practicably be removed, then a series of adjustments are provided to add to the measured levels. The measured levels adjusted for the presence of annoying characteristics must then comply with the assigned levels.

The assigned noise levels are designed to provide a good level of noise amenity for occupiers of noise-sensitive, commercial and industrial premises.

Crop protection

Protecting crops involves scaring and repelling techniques that can include the use of audible, visible, physical or chemical means to discourage or frighten birds away from crops. The birds may be frightened by something new and unusual in their environment (e.g. flashing lights or strange sounds) or by something that simulates a threat (e.g. a gun or predator).

Early action should be taken before the birds become familiar with the orchard as a food source, as once birds are habituated to feeding on crops it is more difficult to scare them away.

Studies indicate that scaring devices used in isolation tend not to work, but when a number of devices are used in rotation, damage may be reduced. When the strategies outlined below are followed, scaring is more likely to be effective against parrots, cockatoos and other species.





Important things to remember when using bird scaring devices

- Persistence is required. Scaring devices should be used throughout the damage period, but only during the periods of the day when the birds are likely to be feeding in the area.
- When birds causing the problem are nomadic, crops should be regularly checked for signs of damage. Early action can then be taken before the birds become reliant on the crop for food or develop a habit of coming to that crop.
- When birds are resident, scaring devices or shooting should be used occasionally throughout the year to maintain a degree of wariness in birds and to indicate that the area is not safe for feeding.
- If alternative undisturbed food sources (e.g. fallen or unpicked fruit) are not available in other areas, it may be difficult to move birds by scaring or repelling them. They may be reliant on the food in the crop and so may return to it.
- Shooting to scare only should be initiated before using other scaring devices to establish an association between noise and real danger, and only with a licence from the Department of Conservation and Land Management (CALM).
- Noise scaring devices should be introduced after the birds have developed a fear of the gun. Some shooting to scare may need to be maintained to reinforce the effect of the scaring devices.
- To maximise the effectiveness of bird scaring, noises should be irregular or random, change direction and location often and be integrated with other types of noises and bird scaring tactics.
- Once birds start to ignore a particular device, it should be removed immediately, otherwise the birds may begin to associate the device with a good food source.
- Combining a number of devices and using them in rotation maintains variety and improves effectiveness. This reduces the likelihood of birds becoming used to the devices.



units to others that produce random series of single, double, and triple-shot clusters, adjustable from every 30 seconds to every 20 minutes. The gas cannon can be mounted so that it rotates to improve effectiveness. The use of a pre-set timer allows selection of activation times. Gas-cannons are safe, and cost- and time-effective, as they do not require the presence of an operator.

Pyrotechnic cartridges ('Bird-Frite', 'Screamer-Siren' and 'Bird-Banger') are used to reinforce the effect of gas cannons and are usually fired from shotguns. They either make a siren-like sound as they fly or travel 30 to 50 metres before exploding with a loud bang. Cartridges are costly, there is some fire risk associated with their use and they require an operator.

Electronic noisemakers broadcast synthetic electronic sounds that are claimed to be unsettling for birds and can either be distress calls or mimic the sound of birds of prey. As some devices produce sound like real birds they may be considered less irritating to neighbours than propane cannons. Other devices produce artificial sounds.

Any human activity in orchards, such as operating vehicles or trail bikes, has been shown to be effective in displacing birds from orchards.

Hand-held lasers, visible in low light conditions, may be useful in deterring some bird species from orchards. Lasers are simple to use and require an operator but birds supposedly do not get used to the laser beam.



Guidance

Best practice noise management
In the first instance, consider and adapt bird scaring methods that minimise noise impacts. Depending on the device, its orientation and surrounding topography, gas guns or other acoustic methods could comply with noise regulations if noise-sensitive receivers are at least one kilometre away from the device.

When using acoustic methods, best practice noise management needs to be followed.

1. Communication

Growers are encouraged to develop a simple communication program to ensure affected neighbours are informed of any bird scaring activities.

The program should include the following:

- Discuss the bird scaring alternatives and potential noise with neighbours who may be affected.
- At the beginning of the damage season, provide neighbours and local residents, together with an information pamphlet, a letter that includes the following:
 - name and contact details of the grower;
 - location of orchard;
 - dates of the damage season; and
 - times when bird scaring devices will be operated.
- Consider signage along the property boundary, with local government approval, that would alert nearby residents to the possibility that they may experience noise during the fruit growing season.



- Collaboration with neighbouring growers can ensure that methods complement each other.
- Many scaring programs fail because damage usually occurs at a busy time of year and producers do not feel they can afford the time for intensive control efforts. Consideration should be given to employing someone just to run the crop protection program – a full-time person may not be required and consider sharing the cost with neighbours.

Use of firearms

CALM recognises that a number of native bird species are pests in commercial fruit crops. According to the *Wildlife Conservation (Open Season for Birds Causing Damage) Notice 1998*, provision has been made for landowners, occupiers or authorised agents to shoot some pest birds in some parts of the State when they are causing damage or likely to cause damage to scare the rest of the flock. Damage licences to shoot to scare black cockatoos can be obtained from CALM but shooting to kill is not a management option for any of the three black cockatoo species.

Only licensed firearms can be used to shoot pest birds causing damage to crops. Only persons holding a licence or permit issued under the *Firearms Act 1973* may shoot pest birds. The safety of the public is essential and firearms should only be used where it is safe to do so.



2. Managing early morning noise

People are sensitive to noise in the early morning, especially noise from unattended equipment like gas guns and electronic devices.

For effective scaring and minimal noise, a grower should be present and use a manual method such as motorbikes (or similar vehicles) or shotguns (shooting to scare). This ensures that noise is only emitted when necessary. If a grower is unable to be present, consideration should be given to hiring people trained in manual scaring.

Other automatic acoustic devices should be used only after manual scaring methods have been exhausted.

3. Best practice management of using gas guns

- Use only after manual scaring has taken place for an extended period of time.
- Use no more than two continuous periods per day, and not before sunrise or after sunset.
- Best results will be achieved by preventing habituation to the device. Turn the device off when birds are not actively feeding during the day.
- Acceptance by neighbours of early morning use could be more forthcoming if the grower is in attendance while the gas guns are in operation.
- Ensure the firing rate is as low as possible to maintain the 'startle' effect. Several blasts in quick succession with 10 to 15 minutes between volleys are effective with no more than six volleys per hour. For the greatest effect, all devices around the crop and on adjacent properties should be synchronised to fire at the same time.
- Regularly move gas guns around the orchard. Ensure the gas guns are orientated in a fixed direction away from the nearest neighbour.



- Devices should be placed on the ground, ideally facing upwind. This uses the benefits of ground absorption and wind direction to reduce the noise received at greater distances. Wind direction has little effect on the noise levels received close to the gas gun.
- Attempts should be made to place barriers (such as hay bales) as close as possible to the gas gun and interrupting line-of-sight to the nearest residence. The gas gun should also be camouflaged so the birds do not associate the sound with the device.

4. Long-term strategy

Commit to reducing the impact of acoustic bird scaring devices on the nearby residents over subsequent years.

Bird scaring in orchards Checklist for fruit growers

Are my bird scaring methods following best practice?

I have a noise management strategy that is workable and realistic.

My noise management strategy involves a diverse number of methods as outlined in the *Best Practice Guidelines for Bird Scaring in Orchards*.

My noise management strategy prevents the birds getting used to the scaring methods I use.

I have a communication plan for informing my neighbours about my noise management strategy.

At the beginning of the damage season I have informed all my neighbours about the bird scaring methods I use and provided them an information pamphlet.

At the beginning of the damage season I have provided other residents in the area with an information pamphlet.

For more information, contact:
Department of Agriculture – 9368 3333
Department of Conservation and Land Management – 9334 0333
WA Fruit Growers Association – 9455 2075
Your local government authority –

Tick

Local government authority procedure

Local government authorities aim to protect the noise environment while allowing the protection of black cockatoos and fruit crops.

The recommended procedure for local government when dealing with noise complaints includes:

1. The local government should ensure both complainants and growers have the available information about bird scaring in orchards (e.g. pamphlet, *Best Practice Guidelines for Bird Scaring in Orchards*, CALM/Ag Notes).
2. Use informal mediation to achieve acceptable bird-scaring regimes based on the best practice guidelines.
3. If damage mitigation methods or compliance with noise regulations are in dispute, the local government should assess the impact of noise emission with regard to:
 - the type of scaring method and duration, time of day, and
 - the noise level, and presence of tonality or impulsiveness.
4. The local government should encourage the fruit grower to explore ways of reducing noise in accordance with the guidelines by:
 - reducing use of acoustic methods by using other methods, including both short and long term, such as using visual scarers or netting; and
 - reducing the noise emissions from acoustic methods, such as using barriers or placement to reduce the noise level or by reducing the number of blasts from gas guns.
5. The local government or an independent mediator should arrange formal mediation to develop a mutually agreed noise management plan for bird scaring for the orchard.



A Noise Management Plan for acoustic bird scaring devices is a document outlining negotiated conditions designed to minimise the impact of bird scaring devices on neighbours. A plan should be specific to one orchard (or a collection of adjacent orchards) and the surrounding neighbours.

The conditions in the plan will follow the guideline and should include:

- limits on the days and times of operation of the bird scaring devices;
- limits on the operating rate of the bird scaring devices;
- orientation and rotation of the devices;
- timing, amount and method of notification of operating times provided to neighbours;
- complaint response procedure; and
- commitment to a strategy to reduce the impact of the bird scaring devices over time.

The Noise Management Plan is not a legal document and is intended only to record the conditions considered acceptable to all parties involved.

Where best practice is not followed, the local government should insist that the grower comply with the provisions of the noise regulations. The local government retains the discretion to exercise the relevant powers under the *Environmental Protection Act 1986*.



For more information

Visit the 'living with wildlife' section of CALM's NatureBase website (www.naturebase.net) and download

- Fauna Note No. 03/2005 *Netting to reduce bird damage*; and
- Fauna Note No. 02/2005 *Scaring and repelling birds to reduce damage*.



References

- Environmental Protection Act 1986*
Environmental Protection (Noise) Regulations 1997
Firearms Act 1973
Wildlife Conservation Act 1950
CALM, *Wildlife Conservation (Open Season for Birds Causing Damage)*
Notice 1998 Government Gazette, 25 September 1998
Department of Environment (1997) *Summary of the Noise Regulations*
EPA (2005) *Guideline No. 3: Separation Distances between Industrial and Sensitive Land Uses*
Bishop, J. McKay, H. Parrott, D. and Allan, J. (2003) *Review of international research literature regarding the effectiveness of auditory bird scaring techniques and potential alternatives*, DEFRA, UK.
Chapman, C. and Massam, M. (2005) *Fauna Note No. 01/2005: Reducing fruit damage by Baudin's cockatoo*, CALM publication
Massam, M. and Chapman, T. (2005) *Fauna Note No. 02/2005: Scaring and repelling birds to reduce damage*, CALM publication
Massam, M. (2005) *Fauna Note No. 03/2005: Netting to reduce bird damage*, CALM publication
Sinclair, R. (2005) *A growers guide to managing birds in South Australian vineyards*. Phylloxera and Grape Industry Board. South Australia

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Department of Agriculture

WA Fruit Growers Association

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Department for Planning and Infrastructure

City of Armadale

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EXECUTIVE SUMMARY

INTRODUCTION

The purpose of this Structure Plan is to support the subdivision of Lots 604 & 605 Dmietrieff Road, Bedforddale (approximately 29 ha of land) into 13 lots ranging in size from min 2 ha to 2.45 ha for rural residential purposes. The subdivision represents a 'rounding off' of the undeveloped portions of Narbethong Estate.

The Structure Plan and a subsequent subdivision application which has been lodged with the WAPC propose subdivision under the provisions of Town Planning Scheme No. 4 , which is expected to be gazetted for final approval mid 2005.

CONTEXT

The land has road frontage to Equestrian Avenue, Narbethong Road and Dmietrieff Road, which connect to Albany Highway. Land to the south and west was subdivided in about 2000 into rural-residential lots as part of the Narbethong Estate.

Surrounding landuses comprise rural and rural residential activities. Council's Scheme review identifies land to the south, west and east as being appropriate for minimum lot sizes of 2 ha, consistent with the subject land. Land to the immediate north is reserved Parks & Recreation in the Metropolitan Region Scheme (MRS) and is located within a water catchment area.

The northern portion of the property (Lot 605) is cleared and contains significant infrastructure associated with its former use as an equestrian centre. The central and southern portions are substantially vegetated and also unused apart from a single dwelling (Lot 604).

It is intended that the existing structures will remain on site (there are no conflicts with proposed lot boundaries), such that future purchasers may determine whether to retain or remove the structures, depending on their individual requirements.

STATUTORY PLANNING

The application has been prepared under the provisions of the following relevant statutory documents:

- Statement of Planning Policy No.11 – Agriculture and Rural Land Use Planning Policy;
- DC3.4 – Subdivision of Rural Land;
- DC3.7 – Fire Planning;
- Planning for Bush Fire Protection;
- City of Armadale TPS No.2 and No.4;
- Planning Policy PLN2.1 – Development Envelopes;
- City of Armadale Rural Strategy (1999)

STRUCTURE PLAN

The plan has been designed to reflect the topography of the land wherever possible – in this regard, lots adjoining the northern boundary have views across the valley and to land beyond Equestrian Avenue. Lots 12 and 13 are located in a valley with more level land, and other lots have been configured to provide an aspect wherever possible. The configuration follows capability and vegetation information, such that each lot can accommodate a development envelope at the subdivision stage. A proposed road connection to the eastern boundary has been provided in accordance with Council's request.

All lots gain access from existing or proposed roads with several lots being accessed by common battleaxe legs. An existing access leg along the eastern boundary will be replaced by lots and a 7m fire access easement.

DEVELOPMENT ENVELOPES

Development Envelopes are proposed on the vegetated lots, in accordance with Council Policy and will be located during an on-site meeting with all parties to establish the location of the envelopes, to satisfy an anticipated condition of subdivision approval.

LAND CAPABILITY ASSESSMENT

Only very minor areas constitute land of low capability according to the Department of Agriculture rating system and these form only small portions of proposed Lots 9, 13 and 2. In each of these lots there is sufficient remaining land of 'fair' or better capability to accommodate building and on-site effluent disposal areas.

The proposed access to Lots 10 and 11 from Equestrian Drive proceeds roughly in line with low capability land where drainage conditions could add to development costs and exacerbate environmental impacts associated with disposal of stormwater runoff and establishing a stable road base. An engineering solution for this matter will be considered further at the subdivision stage.

Vegetation on site is not of particular conservation significance and there are no areas in 'very good' or 'excellent' condition. The vegetation type is also well represented within Reserves and State Forest in the Darling Range portion of the City of Armadale.

Subdivision and development within the subject land will not be visible from Albany highway due to the nature of intervening topography. The land is outside areas of either primary or secondary landscape quality.

NEERIGEN BROOK

Investigations on any potential impact of the subdivision on Neerigen Brook have concluded that any potential impact is minimal given the location of the subject land and the very small percentage of the catchment it intercepts; it is unlikely any significant amounts of water will be required by future owners; and Water & Rivers Commission has the ability to prevent the taking of ground or surface water in any case. From discussions with the Bedforddale Creeks Advisory Committee, it is understood that any concerns have now been allayed and stormwater and water quality will be addressed by the project's Engineering Consultants at the subdivision stage.

SERVICING

- Existing sites are serviced with roads and power and telecommunications;
- On site effluent disposal will be required;
- No reticulated potable water supply is proposed, given the remoteness of the site from a reticulated water supply. Water supply to individual residences is proposed to be by the use of on-site water storage tanks.
- Underground power will be made available to all by expansion of the existing system in the area. Additional transformer sites will be required to be constructed and cabling and associated infrastructure will be required to service all proposed lots.

ROAD NETWORKS

All existing roads are constructed to a rural standard, and all battleaxe legs and the new public road will be constructed to Council's requirements. The internal eastern access road will be assessed to suit the approved subdivision plan at detail design stage, and if necessary, will be removed and rehabilitated, or modified to accommodate fire access.

There is adequate existing access in and out of the site, however, Dmietrieff Road may require upgrading (to satisfy City of Armadale requirements) which may include widening and sealing on reconstruction.

FIRE MANAGEMENT

The proposal has been assessed against 'Planning for Bush Fire Protection' and the site has two bush fire hazard classifications of 'low' for the cleared northern area, and 'high' for the vegetated, undulating, southern area. The proposal satisfies the Performance Criteria and Acceptable Solution outlined in Planning for Bush Fire Protection.

A Fire Management Plan will be prepared by the Developer to satisfy an expected condition of subdivision approval, addressing the above matters and demonstrating compliance with Planning for Bush Fire Protection. Prospective purchasers will be provided with a copy of the Fire Management Plan.

FENCING

All proposed lots will ultimately be fenced to a rural standard.

SUBDIVISION REQUIREMENTS

The following table outlines those requirements to be addressed at the subdivision stage, and any criteria or standards which should be applied when assessing whether the issues have been adequately addressed:

SUBDIVISION REQUIREMENTS	
Requirement	Criteria/Standards
Standard boundary clearance condition	Buildings to be located min 15m (or as close to as possible) from subdivisional boundaries.
Standard battleaxe construction condition, and reciprocal access condition	Battleaxe legs to be constructed in accordance with Planning for Bush Fire Protection guidelines.
Standard development envelopes condition (for vegetated lots), and notification on title advising prospective purchasers of the development envelopes and the need to locate buildings within the envelope.	Development envelopes should be located on the vegetated lots and be approx 2000m ² in area. Envelopes should be positioned to minimise impact on vegetation and locate envelopes in locations of poorer quality vegetation, and provide for fire protection in accordance with Planning for Bush Fire Protection guidelines. Envelopes should be identified by on-site inspection with the relevant parties and a surveyor to satisfy the condition of subdivision approval.
Standard underground power condition, and requirement to locate power from the eastern boundary. Standard transformer site condition.	-
Notification advising purchasers of need for on-site effluent disposal and 90,000 litre rainwater tank on each site.	-
Rehabilitation of existing eastern access road in accordance with Council's requirements.	The road will be assessed to determine if it will partially satisfy the requirements for fire access, in accordance with the proposed Fire Management Plan.
Preparation of a Fire Management Plan in consultation with Council and the local bush fire service. Condition requiring notification on title advising purchasers of the existence of the Fire Management Plan and its obligations on landowners. Requirement for prospective purchasers to be made aware of the Fire Management Plan. Notification in relation to compliance with AS3959 for vegetated site.	Compliance with Planning for Bush Fire Protection, and include provision for: <ul style="list-style-type: none"> • fire access easement and construction standards for easements, battleaxe legs and access to individual properties; • firebreaks; • gate requirements; • development envelope and building area requirements; • Water tanks & catchment areas; • Bore/dams; • And other requirements as outlined in Planning for Bush Fire Protection.
Battleaxe legs and fire access easements to be constructed in accordance with Council requirements.	Compliance with Planning for Bush Fire Protection.
Fire hydrants to be provided.	-

CONCLUSION

The Structure Plan has been prepared in accordance with the requirements of Town Planning Scheme No. 4, other statutory and policy documents and having regard to surrounding landholdings. It is requested that Council now proceed to assess the Structure Plan (and subdivision application lodged concurrently with the WAPC) in accordance with the provisions of the new Scheme, such that the Structure Plan may be advertised for public comment immediately following gazettal of Town Planning Scheme No. 4.

