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, 13 MARCH 2007** 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 February 2007, to be confirmed.

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ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.5/2007

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

- **Outstanding Matters**
  Report on Outstanding Matters - Development Services Committee
- **Information Items**
  Municipal Heritage Inventory
- **Health**
  Health Services Manager's Report for the Month of January 2007
- **Planning**
  Planning Services Manager's Report for the Month of January 2007
  Town Planning Scheme No.4 - Amendment Action Table
  Town Planning Scheme No.4 - Structure Plan Amendments
  Planning Applications Monthly Statistics - January 2007
  Subdivision Applications - WAPC Approvals/Refusals - January 2007
  Subdivision Applications - Report on Lots Registered for 2005/06 & 2006/07
  PAW Closure Report - Significant Actions during January 2007
  Road Naming Report 2007 & Consequential Action of Council Recommendation
- **Building**
  Building Services Manager's Report for the Month of January 2007
  Building Applications Monthly Statistics for the Month of January 2007

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.

DEPUTATION – 7.15pm

Compliance with conditions for commercial extraction of spring water *(Council resolution D141/11/06 "That officers invite suitable representatives from the Department of Water to discuss the issues with Council").*

- Mr John Connelly (Acting Business Manager) Swan Avon Region
- Mr Natti Hindi (Regional Hydrologist) of the Department of Water

DEVELOPMENT SERVICES COMMITTEE

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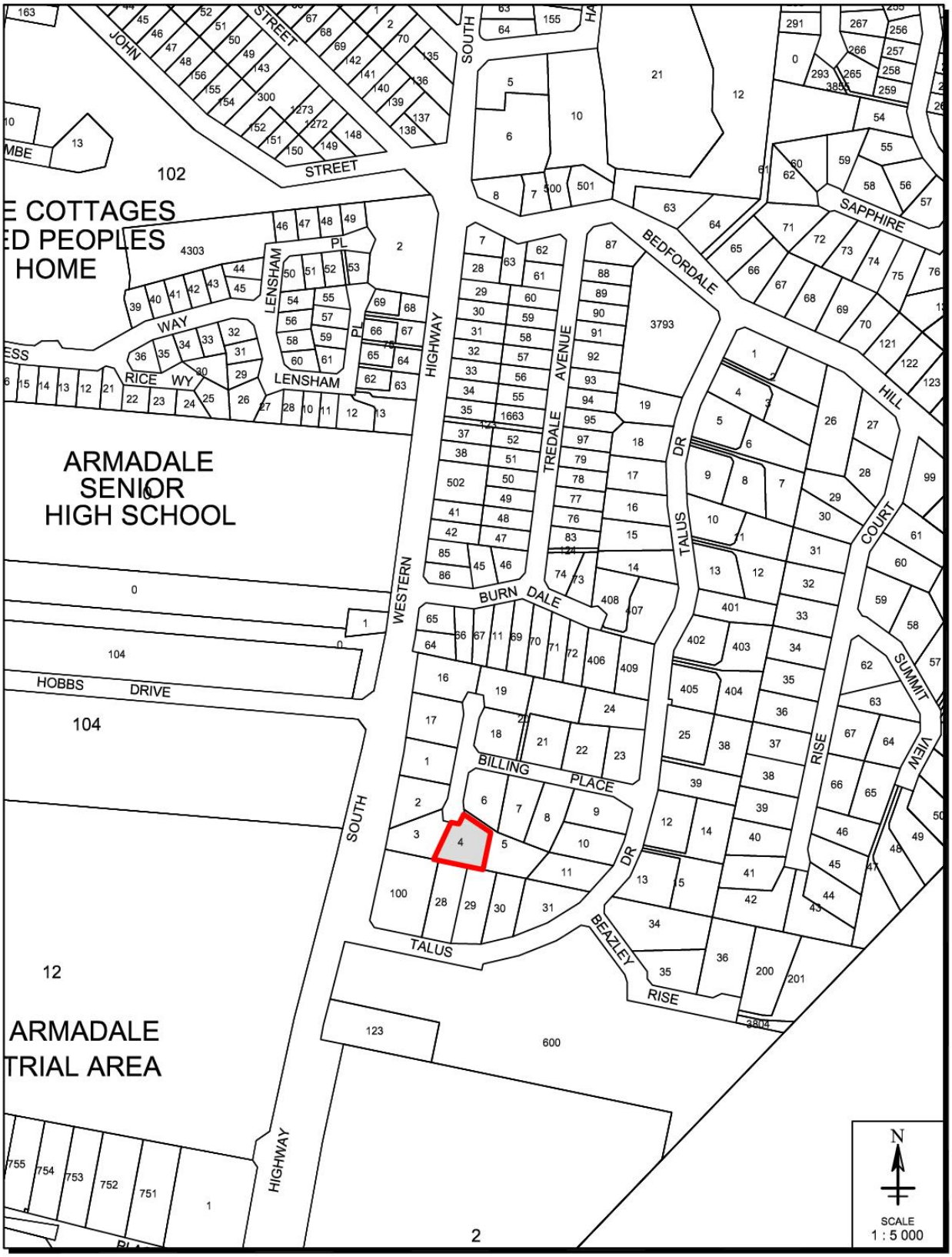
DEVELOPMENT SERVICES COMMITTEE

BUILDING



LOCATION PLAN

LOT 4 (No. 14) BILLING PLACE, MOUNT RICHON

APPLICATION FOR A FENCE EXCEEDING 1.2 METRES IN HEIGHT IN THE FRONT SETBACK AREA OF LOT 4 (14) BILLING PLACE, MT RICHON

WARD	:	NEERIGEN
APPLN REF	:	A202844 & P14568
DATE	:	7 February 2007
REF	:	CHE
RESPONSIBLE MANAGER	:	Ian Townson
APPLICANT	:	Mr D Filarsky
LAND OWNER	:	Mr D Filarsky
SUBJECT LAND	:	Property size 2008 m² Map 23.01
ZONING MRS/TPS No.2	:	Urban Residential R5

In Brief:-

- A metal type fence above the allowed 1200 mm has been constructed in the front setback area of the property without Council approval.
- The owner has asked permission to retain the fence.
- Recommend that the City refuse the proposal.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

- To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle.

Legislation Implications

Local Government Act 1995
Town Planning Scheme No.4 (RD Codes)

Council Policy / Local Law Implications

Local Laws Relating To Fencing

Budget / Financial Implications

Nil.

AERIAL PHOTOGRAPH
LOT 4 (No. 14) BILLING PLACE, MOUNT RICHON

Consultation

- Surrounding properties

BACKGROUND

Concerns regarding the industrial look of the fence at 14 Billing Place, Mt Nasura were raised, by a member of the community.

As a consequence, an inspection of the subject site confirmed that the fence was over the allowed 1200 mm in height within the front set-back area of the subject property (see attached photographs). A letter detailing Council's requirements for fencing was forwarded to the owner of the property.

The owner wrote to the City, requesting permission to retain the subject fence. The City canvassed surrounding properties and received four objections with concerns regarding the visual amenity of the area.

ANALYSIS

Part 3-General of the Local Law Relating to Fencing Clause 7.(1) provides that a person may erect a fence exceeding 1200mm in height within the front set-back area of a Residential Lot with the written consent of the Local Government.

The owner of the subject property did not obtain written consent to erect a fence exceeding 1200mm in the front set-back area of the property and is therefore in breach of the City's Local Laws Relating to Fencing.

The City canvassed the owners of the surrounding properties of which four replied with concerns regarding the height, industrial look and the negative impact on the streetscape of this area.

The proposal also requires planning approval as it is contrary to the Residential Design Codes which also restrict fencing within the front setback to 1200mm.

OPTIONS

1. Grant approval under the Local Laws and Town Planning Scheme to Mr Filarsky for the fence to be retained.

2. Not grant approval for the fence and permit the Building Compliance Officer to issue a notice of breach under Part 7 Clause 18. (1) of the Local Laws Relating to Fencing and request Mr Filarsky to reduce the fence to the allowed 1200mm in height.

Northern Corner of fence and gate - 14 Billing Place, Mt Richon

Western portion of fence - 14 Billing Place, Mt Richon

North East boundary fence - 14 Billing Place, Mt Richon

CONCLUSION

The landowner has erected an 1800mm high metal type fence on the entire front set-back area of his property. The Industrial type fencing material used to erect the fence has an adverse affect on the visual amenity and aesthetics of the area.

On the basis of the report option No.2 is considered to be the most appropriate course of action in the circumstances.

RECOMMEND

1. **That Council resolve to refuse the proposal by the owner, Mr D Filarsky, of Lot 4 (14) Billing Place, Mt Richon to retain the existing fence that is in breach of the City's Local Laws Relating to Fencing.**

2. **That Council authorise the Building Services Manager to issue a Notice of Breach under Part 7-Clause 18 of the City's Local Laws Relating to Fencing to require Mr Filarsky of Lot 4 (14) Billing Place, Mt Richon to reduce the height of the fence to the allowed 1200mm within the front set-back area of the property.**

3. **That Council resolve to institute legal proceedings, subject to legal advice, against the owner, Mr D Filarsky, of Lot 4 (14) Billing Place, Mt Richon should he fail to comply with the notice of breach.**

4. **That Council authorise the Building Compliance Officer to swear the appropriate Prosecution Notices on behalf of Council.**

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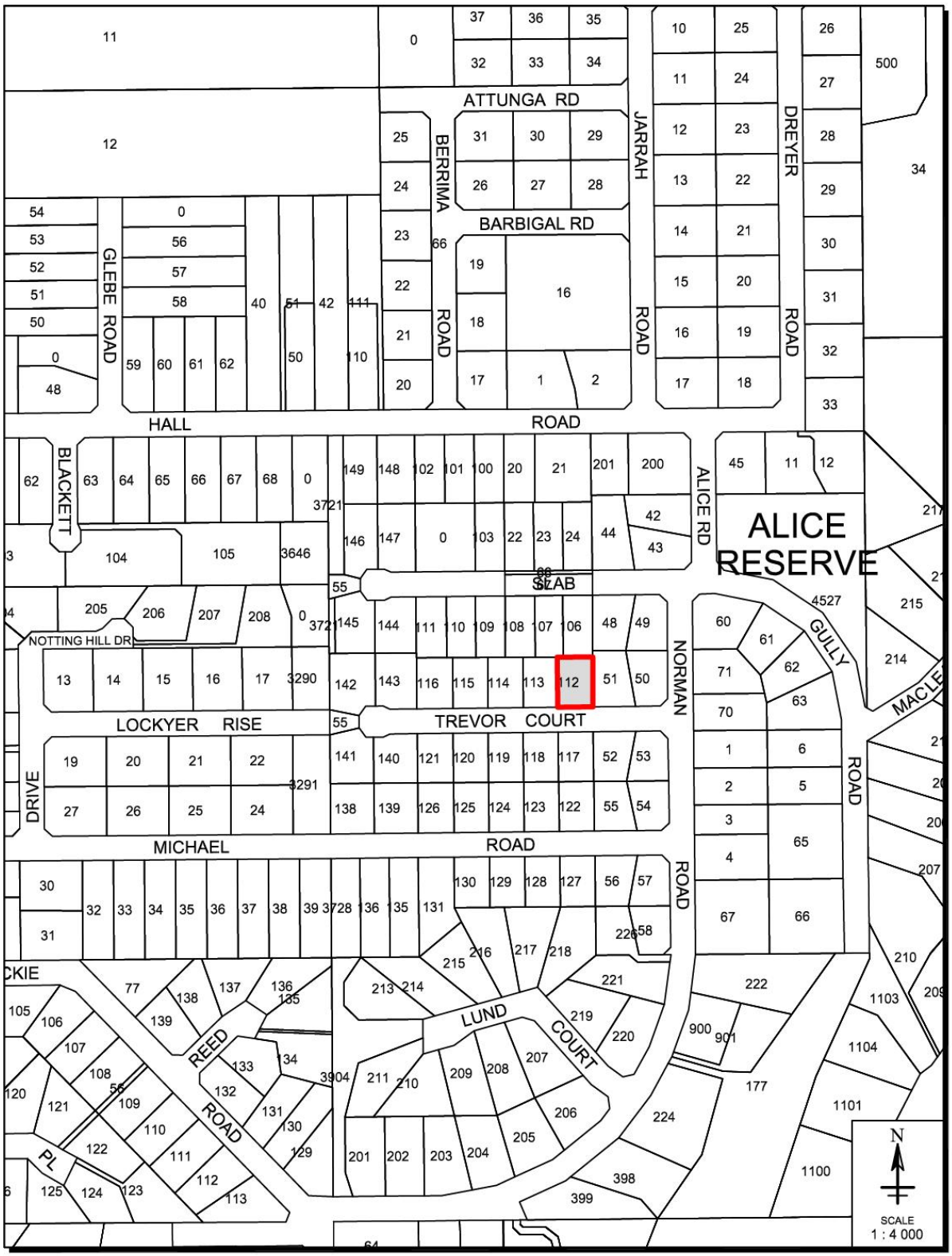


LOCATION PLAN
LOT 112 (No. 26) TREVOR COURT, ROLEYSTONE

APPLICATION TO RETAIN UNAUTHORISED RETAINING WALL, COLORBOND FENCE AND DECKING AT LOT 112 (26) TREVOR COURT, ROLEYSTONE

WARD	:	JARRAH
APPLN REF	:	A13167 & P6314
DATE	:	19 February 2007
REF	:	CHE
RESPONSIBLE MANAGER	:	Ian Townson
APPLICANT	:	Mr DN Mackay
LAND OWNER	:	Mr DN Mackay
SUBJECT LAND	:	Property size 1179 m² Map 26.06
ZONING MRS/TPS No.2	:	Urban Residential R5

In Brief:-

- A retaining wall, Colorbond fence and deck has been constructed without an approval to accommodate an approved above ground pool.
- The owner has asked permission to retain the deck, Colorbond fence and retaining wall.
- Recommend that the City refuse the proposal.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle.

Legislation Implications

Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960

Council Policy / Local Law Implications

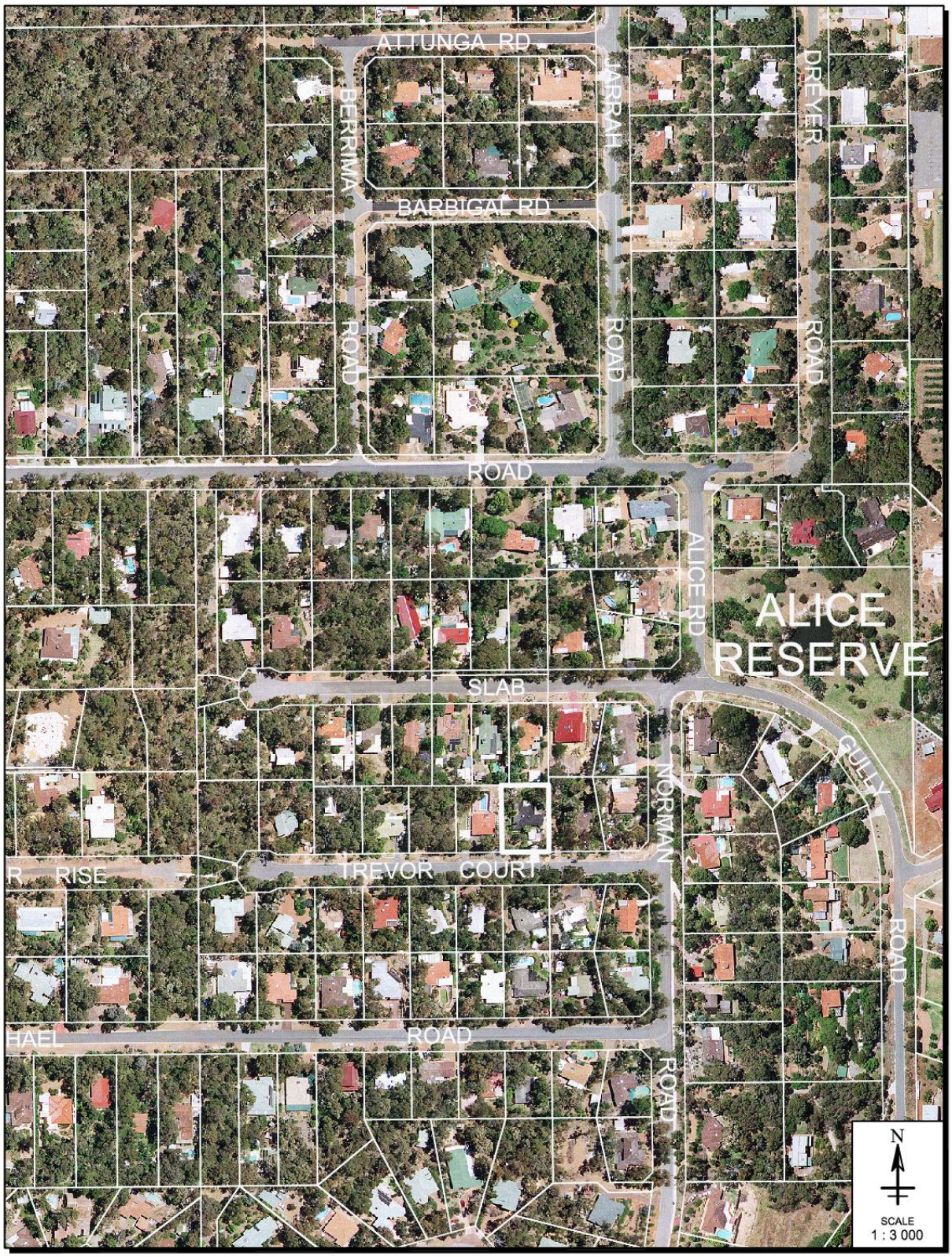
Local Laws Relating to Fencing

Budget / Financial Implications

Nil.

Consultation

- Neighbour at 28 Trevor Court, Roleystone



AERIAL PHOTOGRAPH
LOT 112 (No. 26) TREVOR COURT, ROLEYSTONE

BACKGROUND

Concerns regarding the visual impact of the retaining wall, lattice and Colorbond fence at 26 Trevor Court, Roleystone were raised by adjacent residents at 28 Trevor Court, Roleystone.

An inspection of the subject site confirmed that the unauthorised retaining wall, Colorbond fence and deck have been constructed and the height of the structure causes a major visual impact for 'the neighbours' (see attached photographs).

Numerous discussions with 'the owner' of 26 Trevor Court, Roleystone and 'the neighbours' have not resulted in a favourable outcome. In a meeting with the City's Senior Building Surveyor, 'the owner' requested permission to retain the subject retaining wall and decking.

ANALYSIS

The Local Government (Miscellaneous Provisions) Act 1960, Division 2 Section 374 (1) states that no person shall-

> *(a) lay out for building, or commence or proceed with a building on, land in a district.*
>
> *until he has caused to be submitted to the local government, and the local government has approved by the issue to the person of a building licence in the prescribed form and on payment of the prescribed fee, a copy of the specifications of, and a plan showing clearly, the building or buildings proposed to be built.*

'The owner' did not submit an application for the retaining wall and deck on the subject property and is therefore in breach of the Local Government (Miscellaneous Provisions) Act 1960.

In addition, the Local Laws Relating to Fencing Part 2-Sufficient Fences Clause 6.(1) provides that: Unless by agreement between the owners of adjoining properties, a person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.

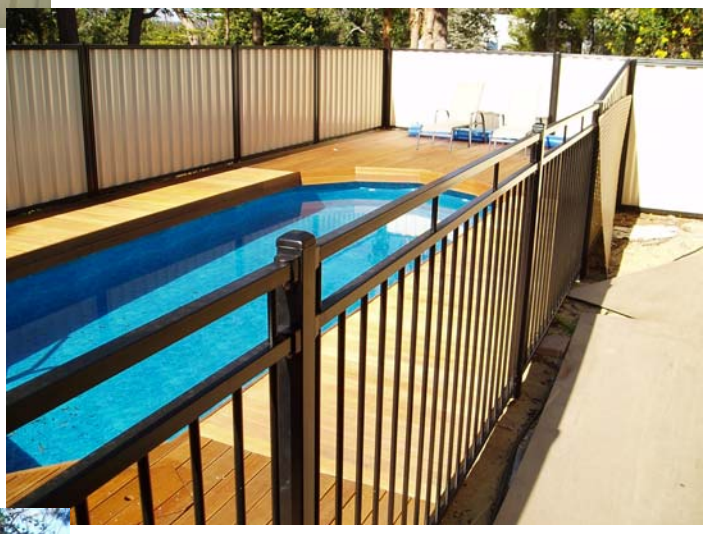
In the First Schedule Clause 6 (2) (a) under C and D for a fence constructed of corrugated fibre, reinforced pressed cement sheeting, brick, stone or concrete, the fence needs to be 1800mm in height to constitute a sufficient fence.

The proposed development commenced whilst 'the neighbours' were overseas. 'The owner' kept in contact with 'the neighbours' via E-mail advising them about the details of the proposed development and received return E-mails with their comments. However the City was subsequently contacted and concerns regarding the visual impact were raised.

The retaining wall, lattice and Colorbond fence are all located on the common boundary, which constitutes a fence that is 4700mm in height. This, however, is far above the allowed 1800mm and would not constitute a sufficient fence.

The owner of 26 Trevor Court, Roleystone is therefore in breach of the Local Government Miscellaneous Provisions Act and the City's Local Laws Relating to Fencing.

Photograph of colorbond fence and decking - 26 Trevor Crt, Roleystone



Photograph of colorbond fence and decking around the swimming pool.

Photograph of retaining wall, lattice and colorbond fence from a western direction.

Photograph of retaining wall, lattice and colorbond fence and decking from south western direction.

OPTIONS

1. Grant approval under the Local Laws Relating to Fencing and the Local Government (Miscellaneous Provisions) Act 1960 to Mr Mackay for the retaining wall, deck and Colorbond fence to be retained.

2. Not grant approval for the retaining wall, deck and Colorbond fence and permit the Building Services Manager to issue Notices under Section 401 A. (1) and Clause 18. (1) of the Local Laws Relating to Fencing on Mr Mackay for the removal of the unauthorised/illegal structures.

CONCLUSION

The landowner has erected a deck next to the pool without the City's approval and has constructed a 4700mm high structure on the boundary with lime stone blocks, lattice and a colorbond fence.

The structure on the boundary has an adverse affect on the visual amenity and aesthetics of the area.
On the basis of the report, Option No 2 is considered to be the most appropriate course of action in the circumstances.

RECOMMEND

1. That Council resolve to refuse the proposal by the owner, Mr. DN Mackay, of Lot 112 (26) Trevor Court, Roleystone to retain the existing structure that is in breach of the Local Government (Miscellaneous Provisions) Act 1960 and the City's Local Laws Relating to Fencing.

2. That Council authorise the Building Services Manager to issue Notices of Breach under Section 401. (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 in conjunction with Part 7-Clause 18 of the City's Local Laws Relating to Fencing to require Mr Mackay of Lot 112 (26) Trevor Court, Roleystone to remove the unauthorised retaining wall and deck and to reinstate the height of the dividing Colorbond fence to the allowed 1800mm.

3. That Council resolve to institute legal proceedings, subject to legal advice, against the owner, Mr. DN Mackay, of Lot 112 (26) Trevor Court, Roleystone should he fail to comply with the Notices of Breach.

4. That Council authorise the Building Compliance Officer to swear the appropriate Prosecution Notices on behalf of Council.

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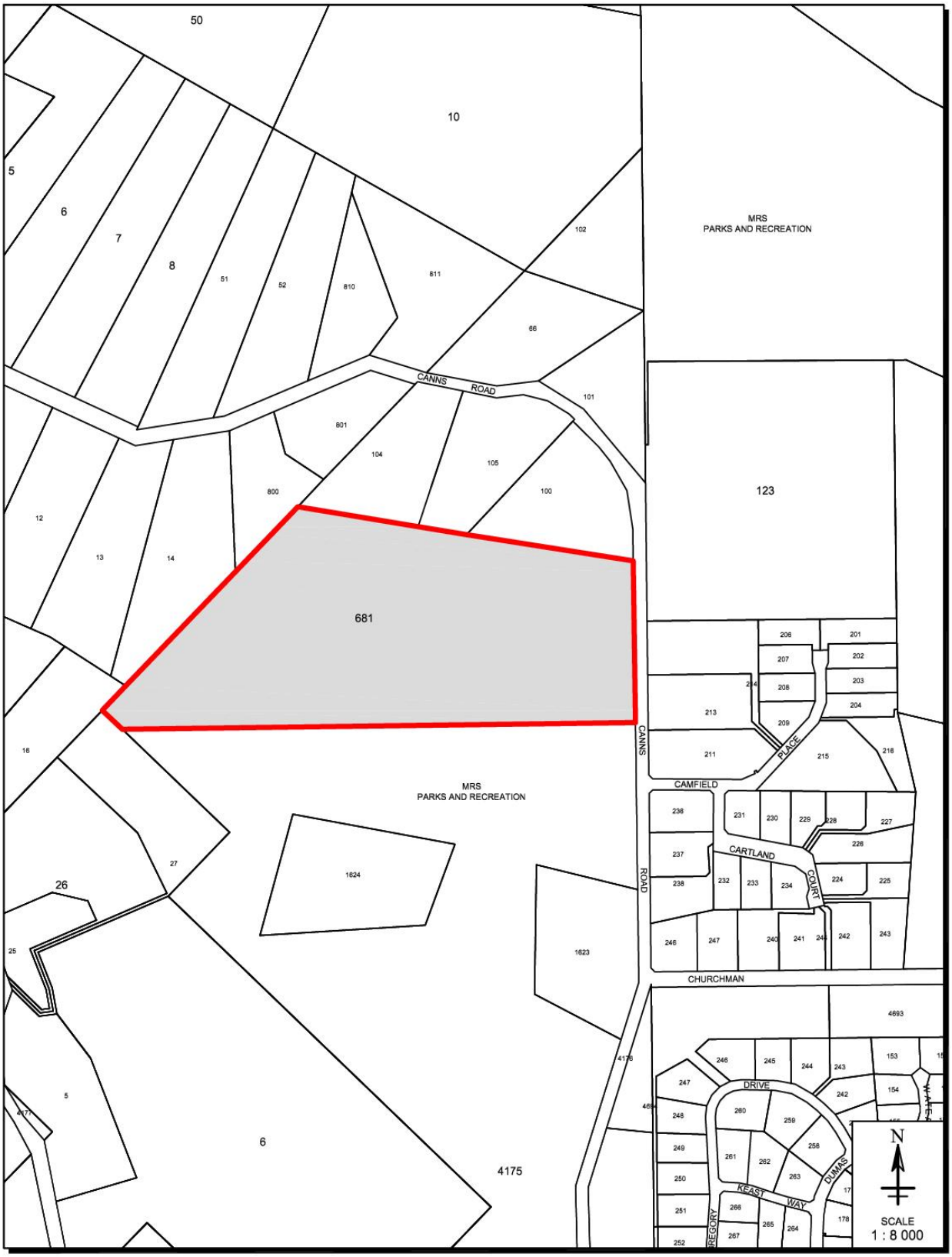
DEVELOPMENT SERVICES COMMITTEE

PLANNING



LOCATION PLAN
LOT 681 CANNS ROAD, BEDFORDALE

PROPOSED REZONING AMENDMENT No.2 TO TOWN PLANNING SCHEME NO.4 AND PROPOSED STRUCTURE PLAN - LOT 681 CANNS ROAD, BEDFORDALE

WARD	:	NEERIGEN
FILE REF	:	A13837
DATE	:	2 March 2007
REF	:	EP
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Dykstra Planning
LAND OWNER	:	STEG Pty Ltd
SUBJECT LAND	:	Property size 22.68ha Map 25 - 04
ZONING MRS/TPS No.4	:	Rural Rural Living 4 (RL4)

In Brief:-

- At its November 2006 meeting, Council initiated Amendment No.2 which proposed to rezone Lot 681 Canns Road, Bedfordale from "Rural Living 4 (RL4)" to "Special Residential" to facilitate subdivision into 40 lots ranging from 4000m² to 2.5ha.
- The amendment and structure plan were advertised for public comment for 42 days and attracted 7 submissions.
- The applicant has requested some modifications to the amendment and has submitted a revised Structure Plan to reflect the proposed modifications.
- Council is required to consider the submissions received during the advertising period and the amendment and structure plan for final adoption.
- The proposal is consistent with the adjacent "Special Residential" estate developments and is considered to utilise rural zoned land, which has minimal potential for Agriculture purposes.
- Recommend that Council adopt the amendment with modifications and request that the Hon Minister for Planning & Infrastructure grant final approval to the amendment.
- Recommend that Council adopt the modified Structure Plan with modifications and forward to the WAPC for adoption.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Planning & Development Act 2005
Metropolitan Region Scheme Act 1959
Town Planning Regulations 1967
Town Planning Scheme No.4
Contaminated Sites Act 2003
Environmental Protection Regulations 1987

Council Policy / Local Law Implications

Local Planning Strategy 2004
Extractive Industries Local Laws

AERIAL PHOTOGRAPH
LOT 618 CANNS ROAD, BEDFORDALE

Budget / Financial Implications

Nil.

Consultation

- Development Control Unit.
- The Environmental Protection Authority (EPA) advised that the amendment did not warrant an environmental assessment.
- The Western Australian Planning Commission (WAPC) granted the amendment consent to advertise.
- Advertised for public comment for 42 days.

BACKGROUND

Council, at its meeting on 21 November 2006, resolved to initiate Amendment No. 2 to TPS No.4 to rezone Lot 681 Canns Road, Bedfordale from "Rural Living 4 (RL4)" to "Special Residential" to facilitate subdivision of the land into 40 lots ranging from 4000m² to 2.5ha. The Council also resolved that several modifications should be made to the Structure Plan for the land, prior to the structure plan being advertised concurrently with the scheme amendment.

Public Advertising of Amendment No. 2 and the Proposed Structure Plan

The proposed amendment and structure plan were advertised for 42 days, closing on 3 January 2007. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, advertisements in the "West Australian" newspaper and letters to affected and nearby landowners.

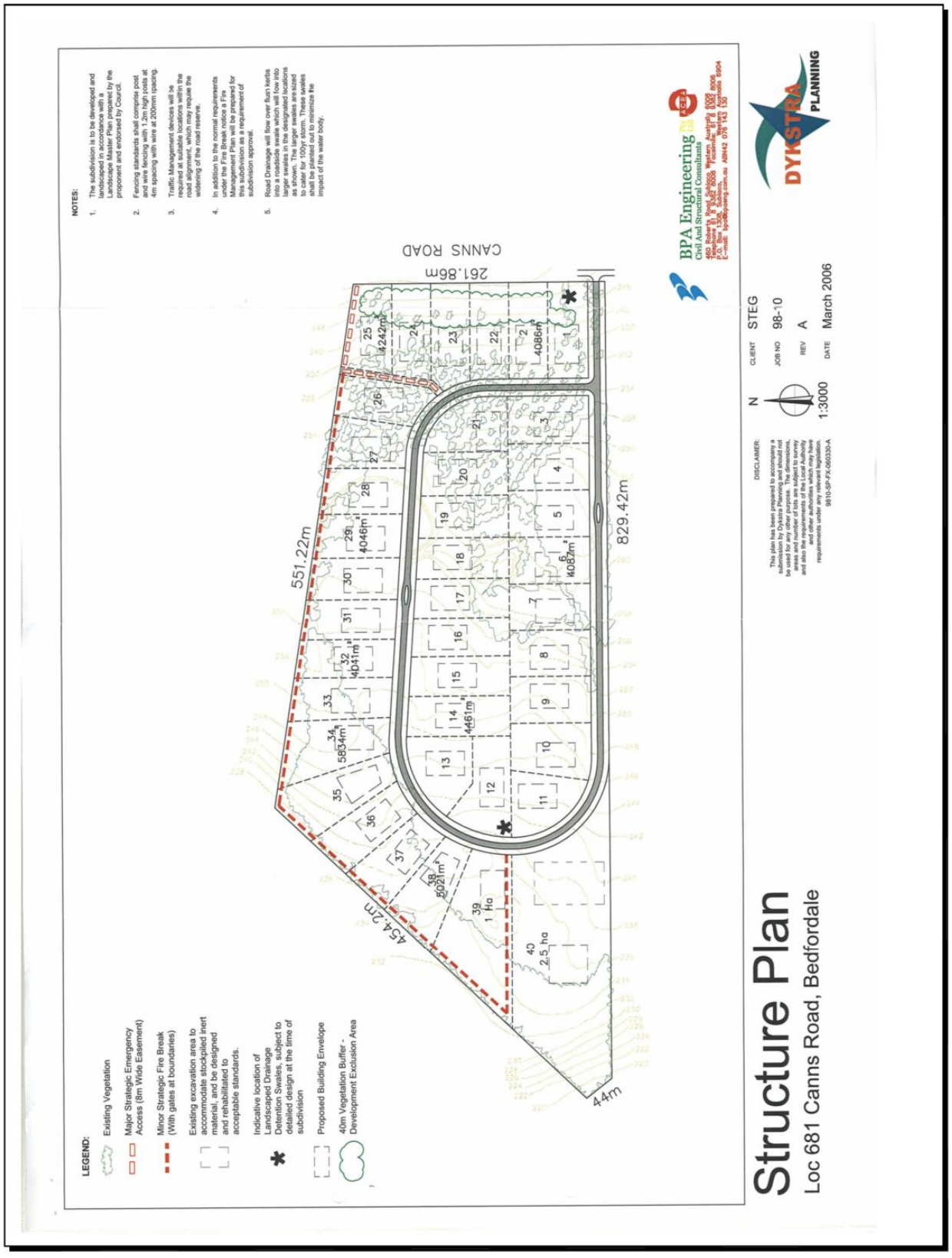
Total No. of submissions received	:	7
No. of submissions of support/no objection	:	4
No. of submissions of objection/concern	:	3

Submissions of support/no objection include 4 submissions from Government agencies.

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

The issues raised by the submissions have been summarised in Attachment "A1" of the Agenda (refer Summary of Attachments - yellow page).

The main issues raised in the submissions, together with a comment on each issue are outlined below.



ADVERTISED STRUCTURE PLAN
LOT 681 CANNS ROAD, BEDFORDALE

Key Issues arising from Submissions

Issue 1 - Potential Declared Rare Flora

One submission stated that they have reason to believe that there are at least two species of rare flora existing in bushland in the vicinity of the proposed large lot 43.

Comment

A vegetation survey of the land was undertaken in 2004, and a subsequent report was prepared by Landform Research and submitted to Council. This Vegetation Survey Report concluded that no declared rare or priority species were found on the site, and further that the species that were recorded are not regarded as locally significant. No concern has been raised by any other relevant government (environmental) agencies regarding this matter. The adjoining Settlers Common contains declared rare flora. Conditions will be applied to minimise any potential impact on the adjoining reserve.

Recommendation

That the issue not be supported, as the land is not considered to contain any rare flora worthy of preservation.

Issue 2 - Provision of Land for Public Open Space

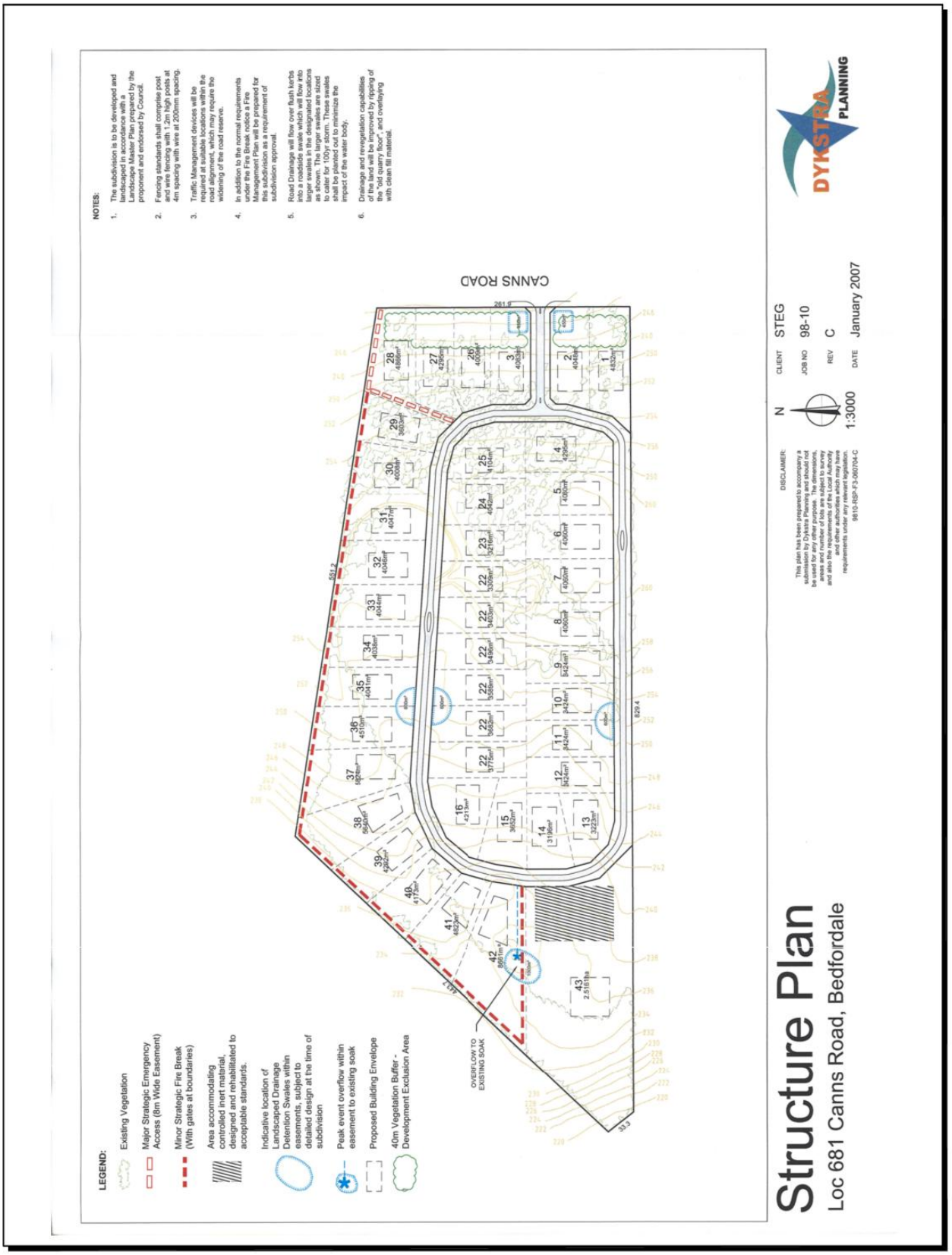
The natural bushland on this site should be preserved and consideration be given to retaining and converting the western portion (1.5ha) to Settlers Common as part of providing Public Open Space for the site.

Comment

The suggested inclusion of land in the south western corner of the subject site within the adjoining Settler's Common Reserve would appear to be based upon the desire to protect the vegetation, rather than the need for active or passive Public Open Space. However, areas of vegetation are able to be protected by development controls under the proposed new zoning and via the careful placement and management of building envelopes within the subdivision. The prospect of additional Public Open Space area offers no real benefit to the community, and has only been undertaken in other nearby special residential estates where particular environmental features, such as creek lines, need to be protected and managed. Further, the proposed scheme provisions already require that a 5% POS cash-in-lieu contribution be made at the time of subdivision of this estate, with such funds been used for Public Open Space improvement within the locality.

Recommendation

That the issue not be supported, as a 5% POS cash-in-lieu provision would be more beneficial in facilitating POS improvements within the locality rather than a minor addition to the Settlers Common for passive recreation.



PROPOSED STRUCTURE PLAN
LOT 681 CANNS ROAD, BEDFORDALE

Issue 3 - Effluent Disposal

Concern has been expressed regarding contamination of groundwater from the effluent disposal systems and landfill from Lot 43.

Comment

Environmental assessments of the subject land have been previously undertaken as part of the original rezoning request, and these have confirmed that the soil types, lot sizes and depth to the water table render this proposal suitable for onsite effluent disposal. The lot sizes and soil types adequately comply with the criteria for onsite effluent disposal within the State Government Sewerage Policy. The geotechnical report submitted by the applicant notes that there is no shallow groundwater and the depth to groundwater is approximately 145 metres. The potential risk to any groundwater is very low.

Recommendation

That the issue not be supported. Adequate provisions are in place within the Scheme to address the issues raised by the submittees.

Issue 4 - Surface water and Management of Water Quality

Concern has been raised regarding surface water runoff into downstream properties and its impact on ground water.

Comment

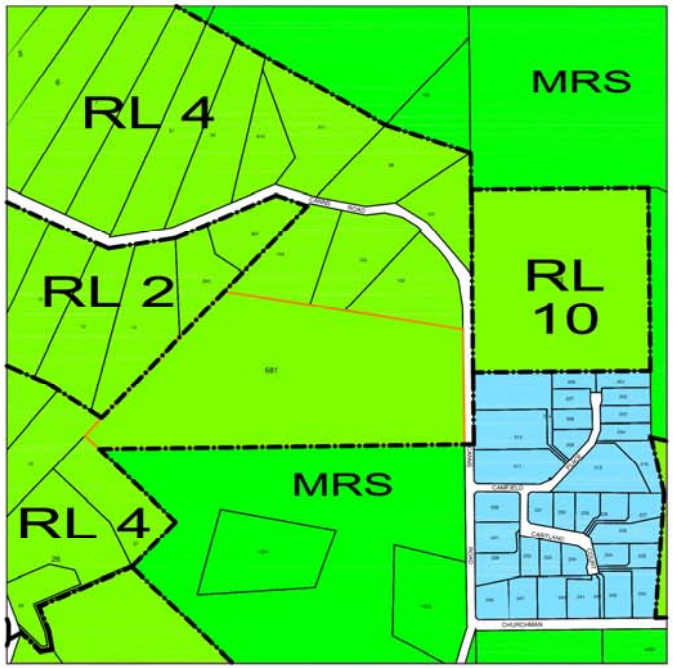
A stormwater management strategy has been prepared for the roads and drains within the proposed subdivision, which has been undertaken in consultation with the City's Technical Services Division. The use of roadside vegetated swales and strategic placement of approximately five (5) landscaped drainage detention features through the subdivision will adequately control the flow and quality of stormwater within the estate. Deep ripping of the original quarry floor and the strategic revegetation program for the subdivision will also improve infiltration and water quality.

In terms of past landfill activities, it is noted that these activities involve controlled inert fill that was subject to regular auditing and testing. This past landfill material has been screened and consolidated into a single area within the largest lot in the subdivision, and all stormwater drainage has been designed in a manner that is diverted away from the consolidated area of inert material.

Recommendation

That the issue is partly supported. The City will ensure that any subdivision and development of the site will be carried out in accordance with the Water Sensitive Design Principles.

CITY OF ARMADALE
TOWN PLANNING SCHEME No. 4
AMENDMENT No. 2



EXISTING ZONING

CITY OF Armadale

N

GDA

SCALE
1 : 10 000

SUBJECT SITE

PROPOSED ZONING

ZONES

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

RESERVATIONS

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

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

PUBLIC PURPOSE MISCELLANEOUS SUB CATEGORIES

CG	Commonwealth Government
TS	Technical School
HS	High School
PS	Primary School
H	Hospital
WSD	Water Authority of WA
SU	Special Use
SEC	State Energy Commission
T	Telstra

Issue 5 - Settlers Common Interface & Dieback Management

Two submissions have raised concern regarding the possible impact of the proposed development on the adjacent Settlers Common and feel that some kind of barrier system would be required to regulate access to the Settlers Common to prevent dieback.

Comment

The need for an effective interface between the subdivision and the adjacent Settlers Common is indeed recognised, and for this reason Council has from the outset requested that a significant portion of this common boundary be treated with a roadway as an interface and edge to the Settlers Common. It is envisaged that as a condition of subdivision approval a suitable fencing structure will be required along the entire length of the boundary that adjoins the Settlers Common. Controlled access points within this fence may be considered appropriate.

Dieback management has also been an integral part of the previous land use activities for the subject site. It is envisaged that a condition of subdivision approval would require the preparation of a dieback management plan prior to commencement of works. The applicant has already agreed to provide such a management plan.

Recommendation

The issue is supported and it is considered prudent to include appropriate conditions relating to suitable fencing as an interface and edge to Settlers Common and the preparation of a dieback management plan as Scheme provisions.

Issue 6 - Rural Outlook and Bushland Qualities

Concern has been expressed that parts of the subdivision would be visible from the western side within the Carradine Valley or from the eastern side when viewed from Canns Road.

Comment

The Structure Plan has been specifically designed to incorporate elements that would retain the visual amenity of the area. The 40m vegetation buffer along Canns Road frontage, positioning of building envelopes with a setback of over 20 metres from the proposed lot boundaries and well vegetated 70-120m vegetation buffer from the south-western boundary would provide adequate visual barriers between the rural living properties and the subject lot.

Recommendation

The issue is not supported, as it is considered that adequate measures have been put in place to address this issue.

COMMENT

Proposed modifications to the Scheme Amendment and Structure Plan

The applicant has requested a review of a number of elements to the advertised Scheme Amendment and Structure Plan which are as follows:

1. Review Provision 23.3 – Lot Sizes & Total Number of Lots

This provision specifies the minimum lot sizes to be 4,000m². To increase the flexibility in design and to provide more choice to prospective land owners the applicant has requested the ability to create smaller lots of around 3000m² within the cleared areas and thus to replace Provision 23.3 with the following:

a. Lots comprising native vegetation areas – minimum of 4000m²;
b. Lots predominantly cleared – minimum of 3000m²; and
c. Large lot accommodating single land fill area – minimum 2 hectares.

This modification will result in the increase of the total lot yield from 40 to 43. This marginal increase proposed in lot numbers is acceptable. With regards to the decrease in lot areas from a minimum of 4,000m² to 3,000m², the applicants state that these lots are located in the internal part of the subdivision where the land is cleared of any vegetation.

Notwithstanding the above, it is noted that smaller lot sizes in open cleared areas would present more amenity concerns than in vegetated areas in terms of openness and visual impact. However, this aspect of revegetation is captured in Schedule 12 - Structure Planning Area requirements of the amendment by the imposition of building envelopes and a requirement to establish vegetation strips along the perimeters of each lot. These lot sizes are also consistent with the preferred lot sizes adopted by Council in the other special residential estates in the vicinity.

2. Review of Provision 23.6 - Memorials

The applicant has requested that Provision 23.6 of the Special Use Requirements Table, which currently requires memorials to be placed on all titles with respect to past land fill be removed entirely.

The applicant asserts that the subject land has been cleaned and all past fill material consolidated in the single excavation area located on the large lot specifically to avoid having notifications on all the other blocks within the subdivision. The surface of the site has been swept and tested in accordance with the EPA Guidelines. All of the other lots within the subdivision no longer have any affects of past landfill activity, as the land fill has been completely removed. The applicant argues that such a notification would give future landowners an inappropriate perception of the land which they have purchased. Accordingly, the memorials or notices on all of the lots, with the exception of the large lot, are no longer required.

Given that the land has been rehabilitated to the satisfaction of the Environmental Protection Authority (EPA) the applicant's request is considered to be reasonable.

3. Modification to internal road design

The applicant has moved the internal road to a central entry road and included less sweeping curves mainly to satisfy the City's Technical Services requirements. The Structure Plan modification also incorporates modifications to the drainage swales/basin locations to address concerns raised by the City's Technical Services. Conditions will be stipulated for detail designing at the subdivision stage.

Development Control Unit (DCU)

DCU considered the matter at its meeting on 1 March 2007. The final adoption of this scheme amendment was supported with the proposed modifications as the applicants justification of the proposed changes to the Scheme Amendment and the Structure Plan are considered reasonable.

ANALYSIS

In addition to the above modifications, it is also proposed to include additional provisions requiring a Dieback Management Plan that includes signage, restricted access to the adjacent Settlers Common, dieback treatment spraying and appropriate uniform fencing along the common property boundary between Lot 681 Canns Road and the Settlers Common.

As a part of the fire management plan and as a continuation of the hard edge interface to Settlers Common, the City rangers have requested a minor firebreak to be installed from Canns Road to the proposed internal driveway which runs along the southern boundary of the site and the proposed 8m wide Major Strategic Emergency Access to be hardstand to provide access for emergency vehicles. The applicant has provided an amended Structure Plan to reflect the above requirements.

As the proposed revisions are not substantial and is unlikely to have any adverse impact in terms of amenity or environment, the amendment would not requires re-advertising.

OPTIONS

1. Council may resolve to adopt the amendment and Structure Plan with modifications and request that the Hon Minister for Planning and Infrastructure grant final approval to the amendment.

2. Council may resolve to not adopt the amendment and Structure Plan giving reasons and request that the Hon Minister for Planning and Infrastructure refuse to approve the amendment.

CONCLUSION

The amendment is not seen as dissimilar to the adjacent Churchman Brook special residential estate. The applicant has ensured that most of the issues involved, in terms of amenity and environmental have been satisfactorily addressed and appropriate measures have been put in place to address relevant matters at the subdivision stage. The proposed Structure Plan will ensure the orderly and proper planning of this proposed Special Residential Estate to the benefit of the prospective purchases and the City of Armadale.

It is recommended that Council resolve to adopt the amendment and structure plan with modifications proposed in accordance with Option 1 above.

RECOMMEND

That Council:

1. **Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, with modifications, Amendment No.2 to Town Planning Scheme No.4 to:**

   a) **Rezoning Lot 681 Canns Road, Bedfordale from "Rural Living 4" to "Special Residential";**

   b) **Amending the Scheme maps accordingly;**

   c) **Amending the Scheme text by inserting in appropriate numerical order a new entry into Schedule 3 - Restricted Use table as follows:**

No.	Description of land	Restricted Uses	Conditions
4	**Lot 681 Canns Road, Bedfordale**	**The following uses listed in the "Special Residential" zone shall be uses that are not permitted (X) in the restricted use area:** ▪ **Child Care Premises** ▪ **Civic Use** ▪ **Club Premises** ▪ **Community Purpose** ▪ **Consulting Rooms** ▪ **Convenience Store** ▪ **Educational Establishment** ▪ **Exhibition Centre** ▪ **Occasional Use** ▪ **Place of Worship** ▪ **Recreation - Private** ▪ **Recreation - Public** ▪ **Residential Building** ▪ **Industry - Cottage** ▪ **Holiday Accommodation**	**Nil.** **(Refer to Schedule 12)**

d) Amending the Scheme text by inserting in appropriate numerical order a new entry into Schedule 12 – Development (Structure Planning) Area table as follows:

No.	Description of Land	Additional Provision Applicable to Subdivision and Development
23	**Lot 681 Canns Road, Bedfordale**	**23.1 Comprehensive Planning for the area shall be undertaken by preparation of a Structure Plan under Part 6A.** **23.2 Overall maximum number of lots shall be 43 lots and shall be in accordance with the adopted Structure Plan.** **23.3 Minimum lot sizes shall be 3,000m², except for the proposed Lot 43 on the Structure Plan, which shall have a minimum lot size of 2.5 ha.** **23.4 Prior to subdivision, all existing inert landfill shall be consolidated with the area depicted on the approved Structure Plan and the base of the existing quarry area shall be tested and rehabilitated to the satisfaction of the City and the Department of Environment.** **23.5 Submission of a Dieback Management Plan that includes controlled access to Settlers Common, fencing, dieback treatment spraying and appropriate signage.** **23.6 A memorial being placed on the lot identified as Lot 43 on the Structure Plan to advise the prospective property owner/s that the subject lot contains landfill material.** **23.7 All lots shall be provided with reticulated water supply.** **23.8 In lieu of provision of a Public Open Space contribution, the subdivider shall contribute 5% cash-in-lieu to the City for open space and recreation facilities in the locality. The POS cash-in-lieu contribution is to be valued in-accordance with Section 155 of the Panning & Development Act.** **23.9 Effluent drains for septic systems (leach drains) shall be located such that any consolidated laterite duricrust is totally removed to the depth of the underlying soil horizon and extending to one (1) metre around the perimeter of each drain and the excavated area backfilled with friable soils under and around the drains to allow effluents to drain into the underlying soil horizon.** **23.10 Effluent disposal systems using alternative disposal technologies should not be located over the duricrust.** **23.11 Stormwater and drainage management techniques shall meet the requirements of the City's Water Sensitive Design Policy to the satisfaction of the City.** **23.12 All fencing shall be limited to open rural type fencing in accordance with the post and wire or post and rail, rural fencing model/guidelines depicted on the Structure Plan.** **23.13 Fencing along the common property boundary with the MRS Reserve (Settlers Common) to be in accordance with the specifications and to the satisfaction of the City.**

No.	Description of Land	Additional Provision Applicable to Subdivision and Development
		23.14 Revegetation is to be established in accordance with the proposals identified on the Structure Plan which shall include: • **A 40 metre buffer strip parallel and adjacent to Canns Road;** • **Landscaped drainage detention swales; and** • **Vegetation strips around the perimeters of each lot.** **23.15 Strategic Fire Breaks as nominated on the Structure Plan shall be provided/constructed and maintained by the owners of the lots to the satisfaction of the City.** **23.16 On approval of any subdivision application for the site, the current planning approval for landfill operations shall cease and be void.**

e) Amending the Special Control Area Map 3 accordingly.

f) Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.

2. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning and Infrastructure grant final approval to the amendment.

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

4. Pursuant to Clause 6A.3.7 of Town Planning Scheme No.4, adopt the modified Structure Plan over Lot 681 Canns Road, Bedfordale, subject to the following modification:

a) The word "Notes" is to be replaced by the word "Provisions".

5. Pursuant to Clause 6A.3.9 of Town Planning Scheme No.4, forward the proposed Structure Plan to the Western Australian Planning Commission for approval under Clause 6A.3.10.

6. Advise the submittors and the applicant of its decision.

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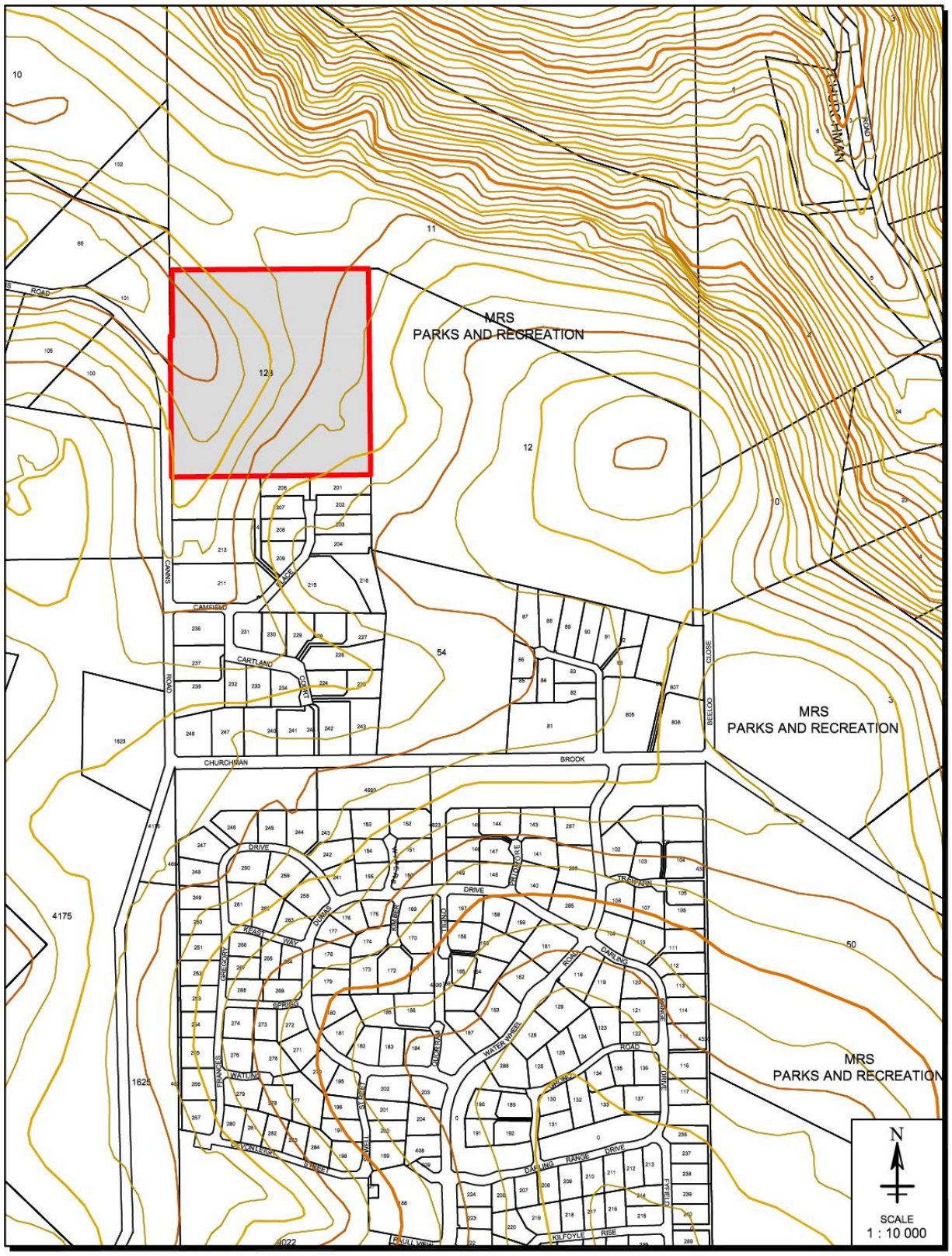


LOCATION PLAN
LOT 123 CANNS ROAD, BEDFORDALE

PROPOSED REZONING AMENDMENT No.30 TO TOWN PLANNING SCHEME No.4 AND PROPOSED STRUCTURE PLAN – LOT 123 (No.216) CANNS ROAD, BEDFORDALE

WARD	:	NEERIGEN
DATE	:	6 March 2007
APPLN No.	:	34/35.2006.17.1
REF	:	JR
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Dykstra Planning
LANDOWNER	:	Ferguson under contract to purchase by Ironbridge Holdings Pty Ltd.
SUBJECT LAND	:	Property size 16.77 hectares (ha) Map 25:04
ZONING		
MRS	:	Rural
TPS No.4	:	Rural Living 10

In Brief:

- Council has received separate applications to initiate an amendment to rezone Lot 123 Canns Road from Rural Living Zone 10 to Special Residential zone and adopt a Structure Plan for future subdivision and development.
- The Structure Plan proposes subdivision of the property into 27 lots ranging from 3034m^2 to 2.08ha.
- At the request of Council, further investigation has been undertaken with respect to fire risk, effluent disposal and impact on the watercourse.
- Recommend that Council resolve to initiate Amendment No.30 for the purpose of public submissions on the proposal for Special Residential zoning.
- Recommend that Council identify modifications to the Structure Plan required prior to advertising for public and agency comments, which is to be concurrent with advertising of Amendment No.30.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Metropolitan Region Scheme
Planning and Development Act 2005
Environmental Protection Act 1986
Town Planning Scheme No.4
Town Planning Regulations 1967
Building Code of Australia
Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas.
Health Act and Metropolitan Sewerage Policy.
Australian Standard: "On - site domestic wastewater management. AS/NZS 1547:2000".

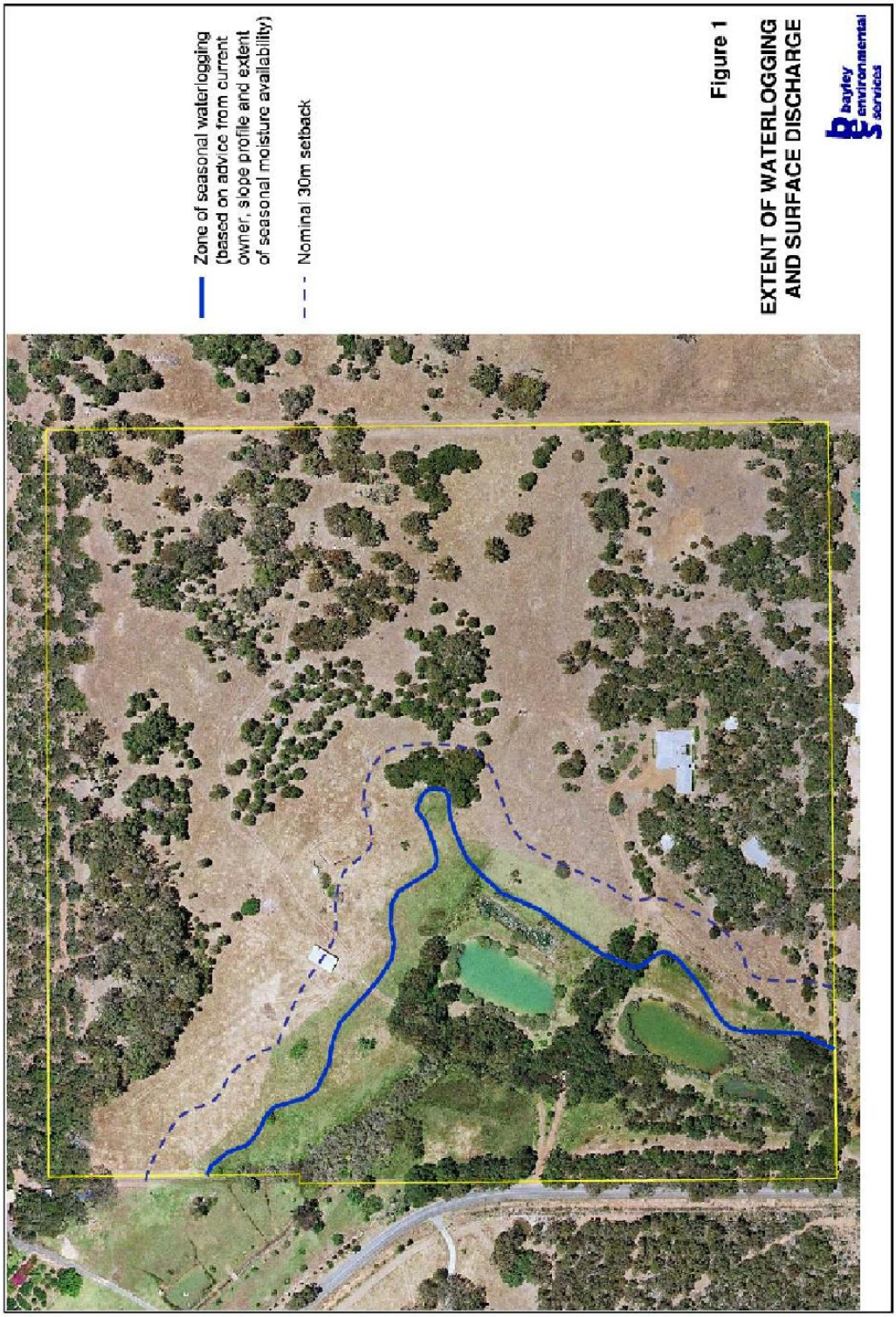


FIGURE 1
EXTENT OF WATERLOGGING AND SURFACE DISCHARGE (SUMPLAND)

Council Policy / Local Law Implications

Local Planning Strategy 2005
Local Law for Environment, Animals and Nuisances
PLN 2.8 Subdivision and Structure Planning for lots with watercourses in Rural Living and General Rural Zones

Regional Landuse Policy Implications

Planning for Bush Fire Protection (WAPC/FESA, 2001)
WAPC Policy No.DC 2.5 Special Residential Zones

Budget / Financial Implications

Nil.

Consultation

- Development Control Unit
- Council's Manager Rangers and Emergency Services
- If initiated, the scheme amendment will undergo a process of advertising for public submissions in-accordance with the requirements of the Town Planning Regulations 1967.

PREAMBLE

The City's existing Special Residential areas provide some diversity of residential opportunities available in rural parts of the City, however, new Special Residential zonings need to be carefully located and managed to prevent their over-proliferation. They also need to protect rural landscapes and ensure that environmental loadings of the additional population are within the assimilative capacity of local environmental systems.

BACKGROUND

The proposed rezoning amendment and Structure Plan were considered by Council in February 2007 (D20/2/07) wherein Council recommitted the item to the next meeting of the Development Services Committee pending further detailed information from the applicant regarding:

- Effluent disposal and drainage constraints associated with the soak area, dams and water run-off associated with the lateritic layer at shallow depth;
- Bushfire protection and the associated regional parkland and how this is addressed by the draft Fire Management Plan;
- The potential increases in riparian use of water associated with the number of new lots on the watercourse; and
- Investigation of the potential to extend/redesign the cul-de-sac to provide a connecting loop road with Camfield Place to the south.

ENVIRONMENTAL FEATURES
(ORIGINAL OBSERVED ZONE OF SEASONAL SATURATION)
LOT 123 CANNS ROAD, BEDFORDALE

SITE LOCATION AND FEATURES

Current land use of the 17ha Lot 123 is rural-residential (Rural Living 10 zone). The site is located within a precinct bounded by Canns Road, Churchman Brook Road and abutting bushland. The adjacent bushland is reserved as MRS Parks and Recreation and managed by the WAPC and is included in the Darling Range Regional Park.

Lot 123 is one of only two lots in the precinct which have not previously been rezoned to Special Residential (lot 123 was originally considered for Special Residential use in the mid-1990's planning for the wider Special Residential precinct bounded by Canns and Churchman Brook Road, however, at that time the landowner chose not to proceed).

To the immediate west are properties in a Rural Living 4 precinct, including the former Boral Quarry site Lot 681, which is currently also subject to a Special Residential rezoning (Amendment No.2 will be separately considered by Council).

The existing features of Lot 123 include ***(see Environmental Features):***

- A 400m frontage to Canns Road, which is generally well screened by regrowth and remnant vegetation;
- Two spring-fed dams discharge to the watercourse which supports both regrowth native vegetation and cultivated eucalyptus trees;
- Topographically, the site falls over 33m at an average slope of 7.5% from the high point in the south east corner (260 m contour) to a low point (227m) on the creek line on the north western boundary with adjacent Lot 101 (the slopes range from gentle to moderate ranging from 5% on the plateau at the rear, steeper midslopes up to 17% falling away to the watercourse adjacent to Canns Road);
- Vegetation consists of fully cleared areas (approximately 50% of site) and 50% parkland-cleared native vegetation of jarrah and marri with no understorey vegetation;
- Predominantly fair to good capability Dwellingup 2 and Yarragil 1 landform and soils with the very low land capability Yarragil 4 landforms confined to the western margin of the site and corresponding approximately with the soakage area; and
- Soils are gravely loam over a hard layer of sheet laterite (at generally 0.5 to 1.3 metres depth but on mid-slopes some laterite exposed on the surface) with, in the western low-lying part of the site, some clay layering and deeper soil profile before the laterite layer (0.7 to 1m).

Key constraints and planning factors

The site's key constraining factors are bushfire protection associated with the abutting regional parkland and the remnant trees on Lot 123 and effluent disposal/drainage constraints associated with the watercourse and dams and the lateritic layer at shallow depth.

The characteristics of site vegetation are significantly modified from its natural state due to a long site history of grazing and agricultural uses that has left a mosaic of vegetation, comprising either of trees with no understorey, or fully cleared areas. The site is used by fauna from the substantial area of adjacent regional bushland, including avian fauna, kangaroos and bandicoots, however, the Environmental Assessment Report (EAR) cites the extent of clearing and land use history as indicative that Lot 123 does not have a significant function in terms of linking specific areas of bushland habitat.

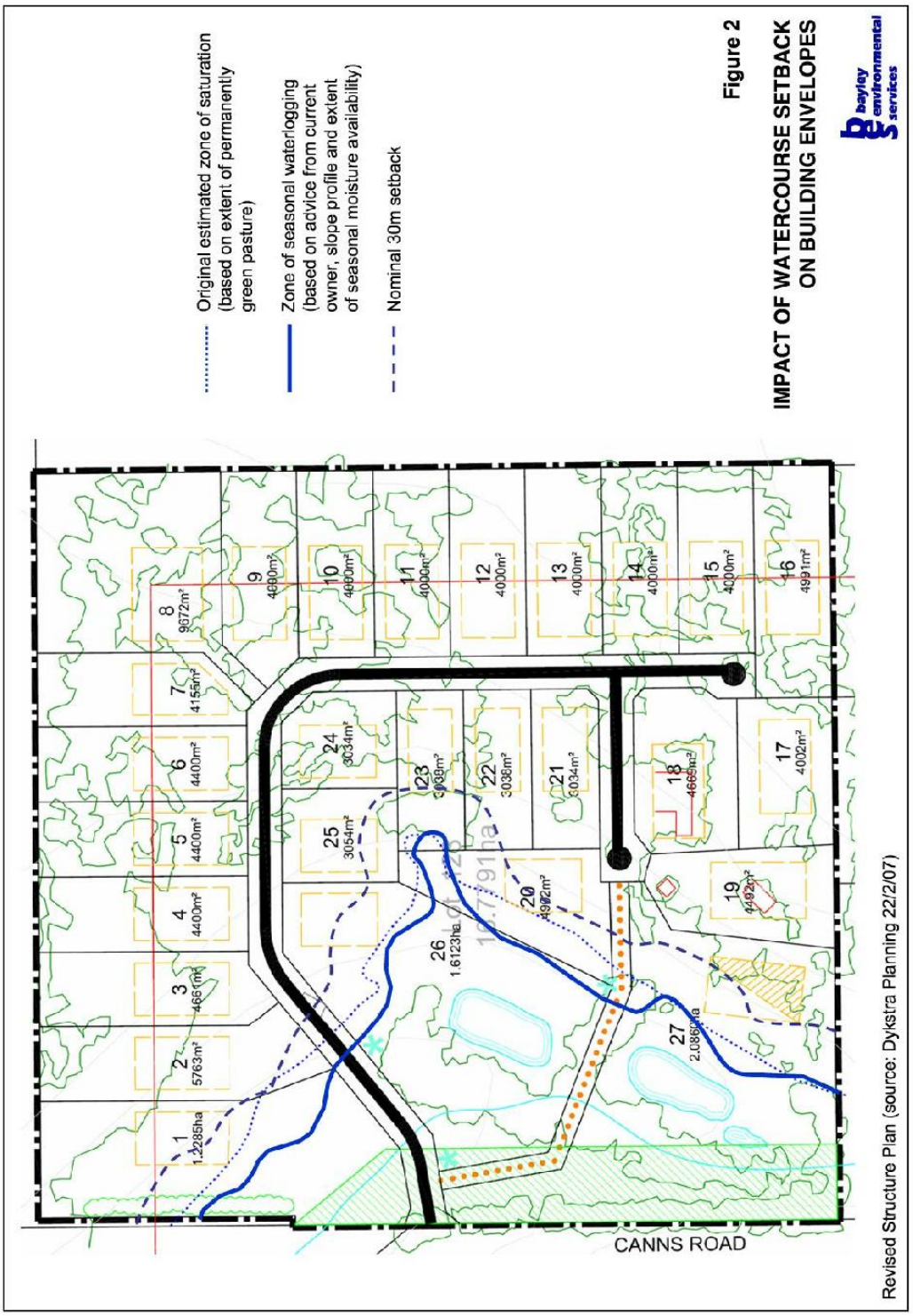


FIGURE 2
REVISED ESTIMATE OF SEASONAL WATERLOGGIING AND
30m EFFLUENT DISPOSAL EXCLUSION AREA

The site is not particularly sensitive in terms of its visual landscape prominence from public vantage points as the frontage along Canns Road is generally well screened. However there are opportunities for enhancement by revegetation/replanting as conditions of subdivision/ development.

The proposal generally satisfies an environmental objective for maintenance of the bulk of existing trees and vegetation and the habitat it provides on the site. It achieves this by means of the larger lots on the creek line and the location of Development/Building Envelopes (some thinning of vegetation may be required to reduce bush fire fuel loads for Building Protection and Hazard Separation zones, so as to reduce risk of a bushfire in the adjacent regional bushland impacting upon the proposed development assets).

DETAILS OF PROPOSAL

The applicant has made an application for a Scheme Amendment over Lot 123 Canns Road rezoning it from Rural Living Zone 10 to Special Residential zone. The applicant has also made application for a Structure Plan to facilitate the subdivision of the property into 27 Special Residential lots ranging from 3034m^2 to 2.08ha.
The Structure Plan application and rezoning proposal is accompanied by separate reports Environmental Assessment Report (EAR) by Bayley Environmental Services and a Fire Management Plan (FMP) by FirePlan WA.

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

(i) it is not a radical change from the current rural-residential use under the RL 10 zoning;
(ii) the subdivision design closely matches surrounding lot sizes, namely the abutting Special Residential lots to the south;
(iii) it is consistent with the vision for the Canns Road precinct under the Local Planning Strategy/Rural Strategy;
(iv) the proposal is compatible with the land's capability and physical attributes and has no unacceptable environmental impacts and is financially viable;
(v) reticulated water and electricity and communications services are available;
(vi) effluent disposal via conventional and nutrient stripping systems and stormwater drainage can be accommodated on-site;
(vii) the site is not of very high landscape sensitivity is well screened from Canns Road and clearing for development will be minimised; and
(viii) it is within easy access of the Armadale Strategic Regional Centre.

Development Control Unit (DCU)

Issues highlighted for modifications (there were no objections to the rezoning) at the DCU on 14 December 2006 and site inspection on 25th January 2007 are addressed in the latest revised Structure Plan, Scheme Amendment and advice to the applicant.

Diagram 2 Building Protection and Hazard Separation Zones.

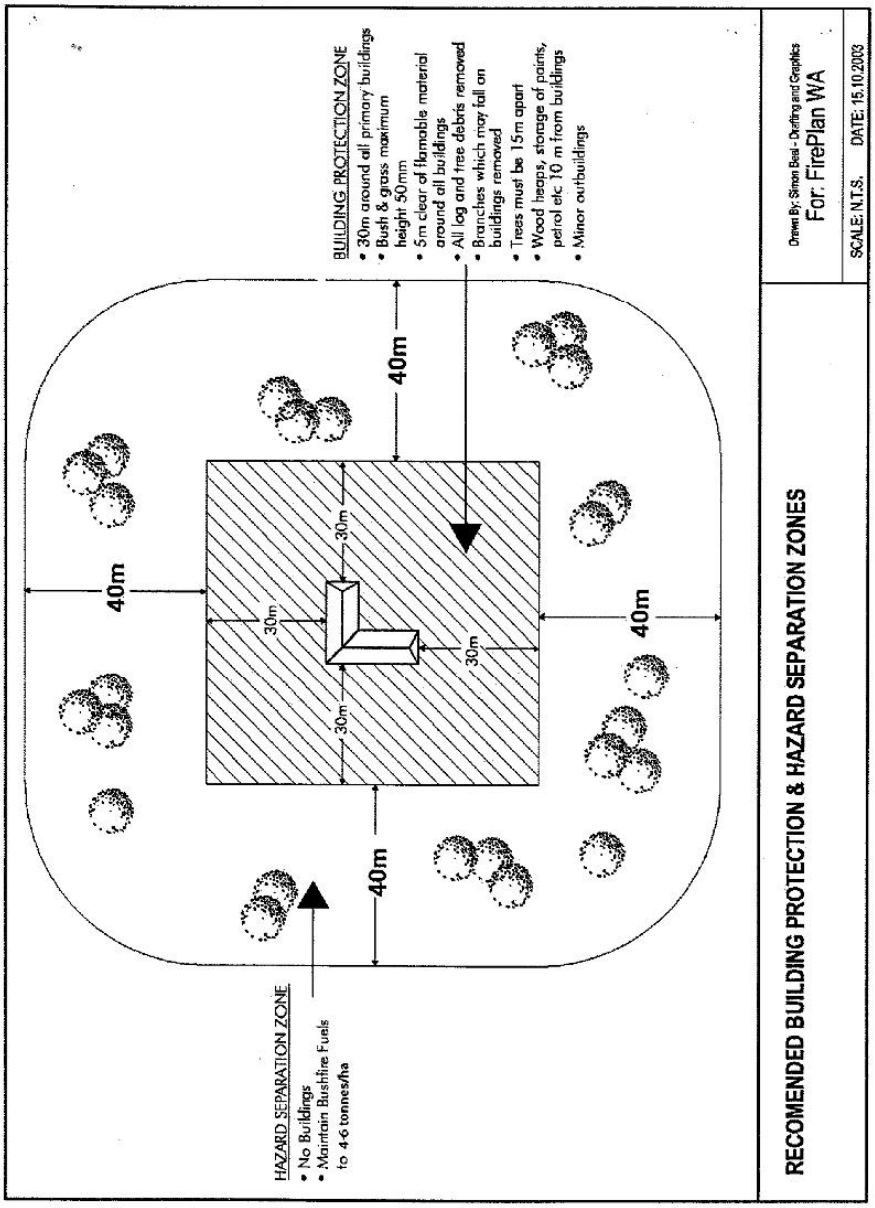


DIAGRAM 2
RECOMMENDED SETBACKS TO BUSH FIRE HAZARD (HIGH FUEL) AREAS

COMMENT

In response to the issues raised in the February round of Council meetings, the applicant has revised the Structure Plan and the Fire Management Plan and submitted a supplementary Environmental Report from Bayley Environmental Services.

The applicant submits the following summary of changes, modifications and explanatory information on the issues raised at the February round of Council meetings:

Issue 1 - Effluent disposal and drainage constraints associated with the soak area, dams and water run-off associated with the lateritic layer at shallow depth

The applicant has liaised with the Manager of Environmental Health regarding soil and groundwater conditions and identified the following changes;

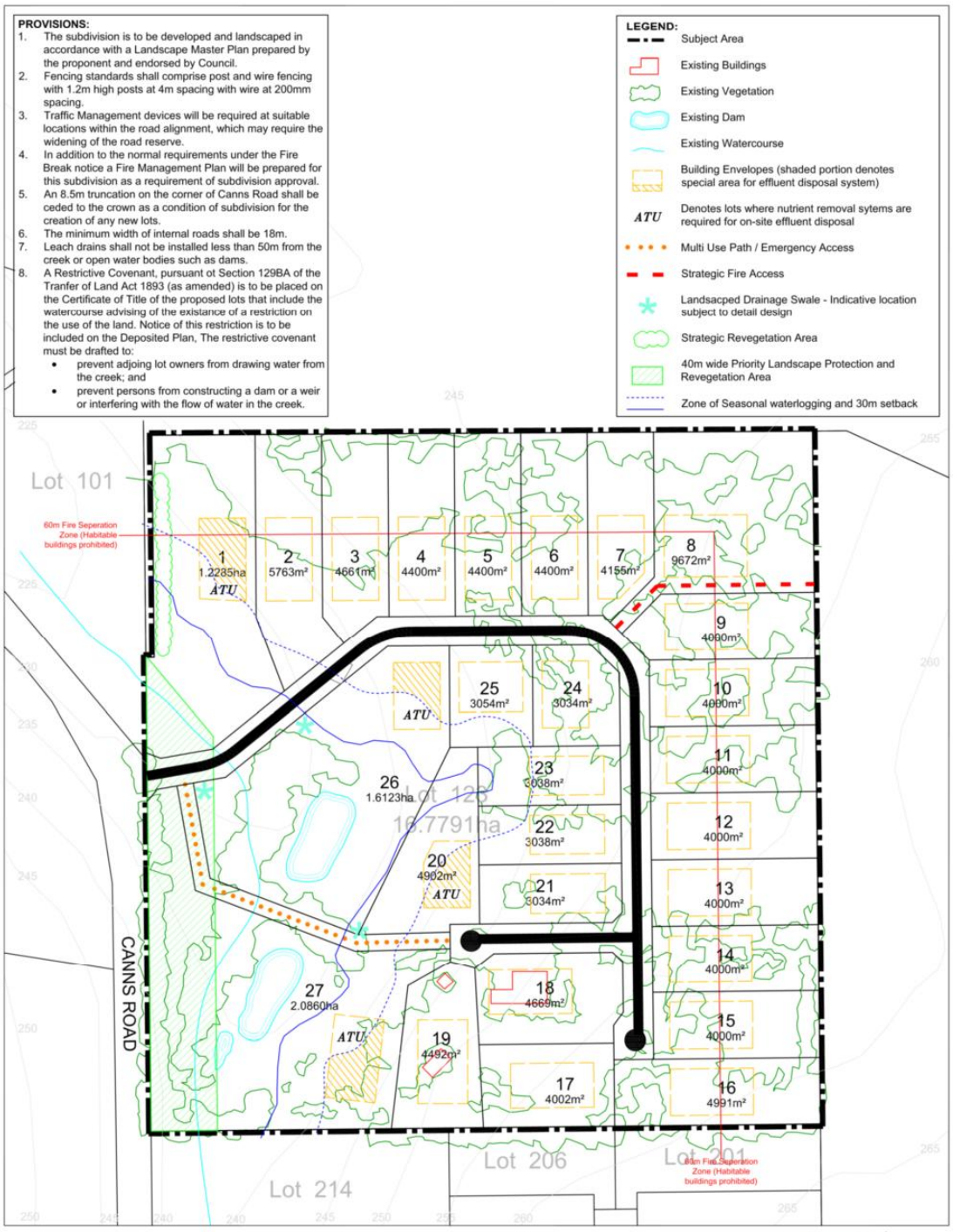
- The location of the zone of seasonal water logging has been better defined by Bayley Environmental Services;
- The plan identifies development envelopes on four lots where nutrient removing type (ATU) effluent disposal systems are required and the portion of the envelope where nutrient removing effluent disposal systems are to be located;
- A number of lots and development envelopes have been repositioned to achieve the appropriate separation from the zone of seasonal water logging and a 30m buffer setback to all Effluent Disposal Areas has been defined on the plan (to comply with the Australian Standard for onsite domestic waste water management (Australian Standards: "On - site domestic wastewater management. AS/NZS 1547:2000").

The soakage area extending out from the watercourse is likely fed by the creek and infiltrated rainfall collected on Lot 123 and upland areas and transported down-slope to the lower lying parts of the lot. During rainfall events the water-logging of the soakage area would be augmented by surface generated runoff.

Based on a site assessment review, Bayley Environmental Services has mapped the estimated extent of water logging ***(See the Figure 1)*** and identified a nominal 30m buffer, within which no effluent disposal systems will be allowed.

The 30m buffer (measured from the "zone of seasonal water logging") means effluent disposal areas must be located beyond the 30m buffer setback line. Bayley reports that the revised estimate of waterlogged area is somewhat less constraining than the original estimated zone of saturation (Bayley's original zone boundary was a conservative estimate based on the extent of permanently green pasture which, to a degree, overstated "*the extent of surface water logging and discharge*"). The "zone of seasonal water logging" and 30m buffer area is overlayed on the revised subdivision layout ***(See Figure 2)***.

Bayley reports that effluent disposal areas can be accommodated on those (four) lots where the development envelope intersects with the 30m setback line by locating the effluent disposal areas on the part of the development envelope outside of the 30m setback (while the house itself can be partly located within the 30m buffer without ill effect).



REVISED STRUCTURE PLAN
LOT 123 CANNS ROAD, BEDFORDALE

Overall, the site's Dwellingup and Yarragil (1) landform units generally have a land capability suited to rural residential development and on-site effluent disposal, providing that Building/Development Envelopes are appropriately located and effluent disposal systems are installed to meet the specific site conditions of the lots as assessed at building construction stage. Where leach drains are used, the need to provide sufficient free draining soil depth between the leach drain and the lateritic duricrust, which on this site tends to be at shallow depth, has been identified as a recommended Scheme provision (similar conditions of shallow lateritic duricrust are found on other sites within the Churchman Brook Special Residential area).

In the Revised Structure Plan Effluent Disposal Areas have been prohibited within 30m of the sumpland as required by Australian Standard for on site effluent disposal. An additional precaution is provided by requiring Effluent Disposal Areas in proximity to the sumpland to have a Nutrient Removing System.

Issue 2 - Bushfire protection and the associated regional parkland and how this is addressed by the draft Fire Management Plan

The Fire Management Plan has been revised in consultation with DEC (formerly CALM) and identifies the following major changes and requirements:

- Lots and development envelopes have been repositioned to allow all habitable dwellings to be located outside of a 60m buffer from the abutting Parks and Recreation Reservation to the north and the east.
- An approximate house (habitable) building area of 850m^2 is provided within the overall development envelope, with a portion of all envelopes within the 60m buffer allowing some non-habitable uses of the land (i.e. outbuildings are permitted).

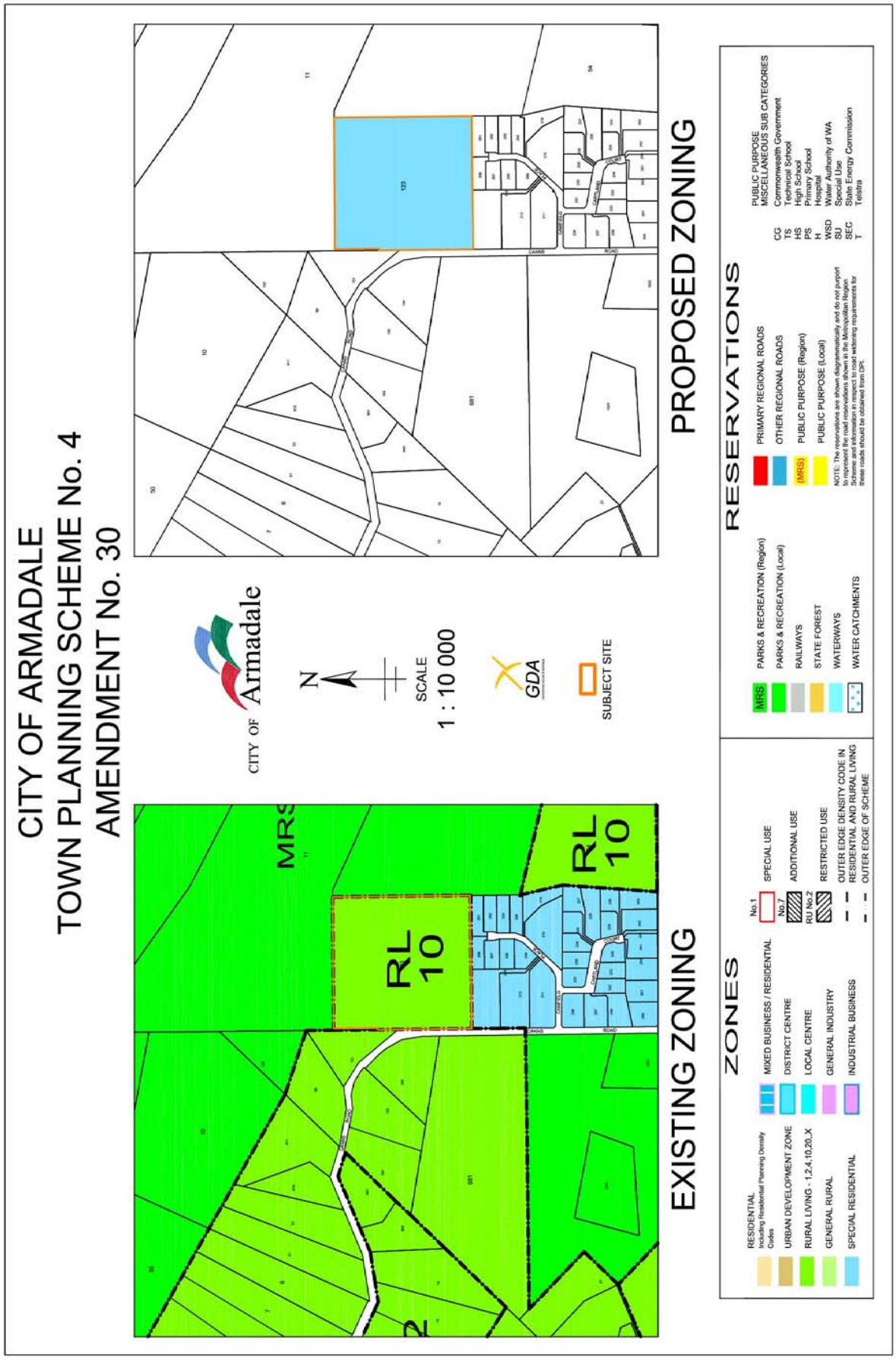
It is anticipated that written advice of support for the FMP will be received from DEC and tabled at Committee.

Lot 123 is considered to be bushfire prone with approximately 45% of the lot classified as an "Extreme" Bushfire Hazard with the balance being a "Medium" Hazard. The draft FMP states that the design features and facilities proposed to be constructed at the time of development and the related on-going management issues specified in the FMP are *"such that with implementation of this FMP, fire threat to persons and property within the subdivision is significantly reduced"*.

Once endorsed by the City (and WAPC) it is intended that the FMP would set out how the requirements and responsibilities for protection against bushfire hazards will be addressed by the provisions of the Structure Plan and in subsequent subdivision, development and use of the land.

Key provisions of the current drafts of the Structure Plan and FMP are:

- Memorials on the Titles of all lots;
- Dwellings constructed to standards for Bushfire Control Areas set by AS 3959;
- A 60m "low-fuel" zone setback from all houses to the primary bushfire threat on the abutting regional parkland;
- The SP and FMP are capable of being enforced as requirements of the TPS; and
- All lots will have reticulated water and hydrants are to be installed on roads.


CITY OF ARMADALE
TOWN PLANNING SCHEME No. 4
AMENDMENT No. 30
EXISTING ZONING
PROPOSED ZONING
CITY OF Armadale
N
SCALE
1 : 10 000
GDA
SUBJECT SITE
MRS
RL 10
RL 10
ZONES
RESIDENTIAL
Including Residential Planning Density Codes
URBAN DEVELOPMENT ZONE
RURAL LIVING - 1,2,4,10,20..X
GENERAL RURAL
SPECIAL RESIDENTIAL
MIXED BUSINESS / RESIDENTIAL
DISTRICT CENTRE
LOCAL CENTRE
GENERAL INDUSTRY
INDUSTRIAL BUSINESS
No.1 SPECIAL USE
No.7 ADDITIONAL USE
R.U No.2 RESTRICTED USE
OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING
OUTER EDGE OF SCHEME
RESERVATIONS
MRS PARKS & RECREATION (Region)
PARKS & RECREATION (Local)
RAILWAYS
STATE FOREST
WATERWAYS
WATER CATCHMENTS
PRIMARY REGIONAL ROADS
OTHER REGIONAL ROADS
(MRS) PUBLIC PURPOSE (Region)
PUBLIC PURPOSE (Local)
NOTE: The reservations are shown diagrammatically and do not purport to represent the road reservations shown in the Metropolitan Region Scheme and information in respect to road widening requirements for these roads should be obtained from DPI.
PUBLIC PURPOSE
MISCELLANEOUS SUB CATEGORIES
CG Commonwealth Government
TS Technical School
HS High School
PS Primary School
H Hospital
WASD Water Authority of WA
SU Special Use
SEC State Energy Commission
T Telstra

In the FMP the task of fuel-reduction for the Building Protection Zone and Hazard Separation Zones are proposed as being the responsibility of each individual new homeowner rather than the subdivider/developer. However it is considered that the initial thinning of trees/vegetation within the Building Protection Zone to greater than 15 metres apart and fuel loadings within the Hazard Separation Zone, would be more likely to be implemented at the subdivision stage (i.e. by the developer). This would leave the new homeowner primarily with the responsibility to refine fuel reduction according to the specific house size and siting and maintain the fire protection measures of the previously prepared site) ***(See "Diagram 2 of Recommended Fire Protection Zones").***

The assessment and clearance would therefore be at two levels, with the new homeowner coming into an environment which already has a degree of fire safety incorporated without the need for substantial additional thinning. The subdividers initial assessment and fuel reduction can therefore be Development Envelope-centric and provide assessment and fuel reduction in the potential building area defined by the envelope.

Issue 3 - The potential increases in riparian use of water associated with the number of new lots on the watercourse

The applicant submits the following:

- the structure plan has minimised the number of lots located on the watercourse by identifying only three lots in the area of the watercourse (which is traversed by two road/accessway alignments, therefore supporting three lots);
- a restrictive covenant will be placed on the titles of the three lots in the area of the watercourse thereby preventing water being drawn from it or constricting its water flows (the structure plan includes a provision to require the restrictive covenant to this effect).

Issue 4 - Investigation of the potential to extend/redesign the cul-de-sac to provide a connecting loop road with Camfield Place to the south

The applicant and developer contacted and met with the owners of abutting properties at the Camfield Place cul de sac (lots 201 and 206) abutting Lot 123 to discuss potential for extending the proposed main subdivisional road to link through to the existing Camfield Place. The owners of both lots opposed any suggestion of access through their properties to link the two roads. The applicant advises that the proposal does not rely on a through connection and makes the following points:

- The appropriate time to consider a future link road between the Camfield estate and Lot 123 would have been in the Structure Plan or subdivision of the adjoining Camfield estate, however the extension of the cul de sac (nor any strategic fire access easement) to the boundary with Lot 123 was not required at that time nor was such a future option allowed for;
- The proposed design of Lot 123 incorporates a very strong access link back to Canns Road in the form of a public accessway that will be constructed in accordance with emergency access standards and be fully available for public pedestrian access at all times and providing two wheel drive trafficability in the event of an emergency.

Revised Structure Plan

Key features of the Revised Structure Plan ***(see Revised Structure Plan)*** include:

- A main cul de sac (approximately 500m) intersecting with Canns Road (with a multiple use path/emergency access laneway loop);
- A short branch cul de sac providing a road frontage to some lots;
- A multi-use path/emergency access laneway (PAW) linking the branch cul de sac back to the main access road near its entry off Canns Road;
- A Strategic Fire Access link between the main cul de sac and the land in the Darling Range Regional Park to the north east;
- Three larger lots on the Canns Road frontage (1.2 to 2ha) containing the watercourse;
- Twenty four smaller lots set back towards the rear of the property (3034m^2 to 9672m^2);
- A *"Strategic Revegetation Area"* located at the north end of the western boundary with Lot 101, which forms part of the view-shed from Canns Road;
- A "*40m wide Priority Landscape Protection and Revegetation Area*" on the Canns Road frontage (consistent with the Structure Plans for the similarly zoned properties on Canns and Churchman Brook Roads);
- Development Envelopes on all lots (approximately 1100m^2) and 60 metre setback line for habitable buildings from the adjacent bushland reserves (with a minimum 850m2 area for the habitable building (house);
- Designation for nutrient removal systems (ATU) on the four lots in the western part of the development area;
- All Effluent Disposal Envelopes setback 30 metres from the *"zone of seasonal water logging"* and identifying lots requiring nutrient removal systems;
- Indicative location of three Landscaped Drainage Swales;
- Existing features including the watercourse and dams, buildings and vegetation.

Annotated "Provisions" on the submitted Structure Plan refer to:

- Subdivision landscaping to be in accordance with a Landscape Master Plan prepared by the proponent and endorsed by Council;
- Fencing standards of 1.2 metre posts and wire;
- Traffic management devices within the road alignment, which may require road reserve widening;
- A Fire Management Plan to be prepared as a condition of subdivision imposing requirements additional to those under ordinary Fire Break Notices;
- An 8.5 metre truncation on the corner of Canns Road shall be ceded to the crown as a condition of subdivision for the creation of any new lot(s);
- The minimum width of internal road shall be 18 metres;
- Leach drains shall not be installed less than 50 metres from the creek or open water bodies such as dams; and
- A restrictive covenant on the title of the three lots traversed by the watercourse to prevent the drawing of water from the creek or interfering with the flow of water.

Town Planning Scheme No.4

The site abuts Development Area No.11 (the Churchman Brook Special Residential Area), which has many similar issues such as fire management, landform geology and lateritic duricrust and landscape protection. Accordingly, should the rezoning proceed, Lot 123 should be defined as a new Development Area on the Scheme Maps, providing a requirement for a Structure Plan and setting objectives and standards to be achieved by subsequent subdivision and development. As the other Churchman Brook Special Residential estates have also made contribution to Public Open Space or equivalent cash in lieu contributions, it is recommended that Lot 123 should provide a similar contribution as cash in lieu.

TPS No.4 has existing provisions in Clause 6.7 for "Prime Bushfire Hazard Protection Areas" which are designated on the Special Control Area Maps as "Bushfire Protection Areas". Planning Approval is required for all development of land designated as "Prime Bushfire Hazard Protection Area", wherein fire protection measures such as design layout and standards/materials of building construction can be assessed and conditioned in any instruments of subdivision or development approval. These may include such measures as Notification on the Title of any newly created lots and/or a requirement for compliance with *Australian Standard (AS) 3959 - Construction of Buildings in Bushfire Prone Areas.*

Council's Building Department advises that while construction according to AS 3959 generally can be expected to raise house construction costs over those where bushfires are not a concern, the additional costs are estimated to be not more than $5000.

The FMP for Lot 123 recommends imposition of a Level AS 3959 Level 1 construction standard over all lots. AS 3959 sets out the minimum standards of construction for dwellings in areas prone to bushfires such as near bushland reserves according to two levels of bushfire risk (under currently proposed changes to the Building Code of Australia, the minimum standards of construction uses a three tier level of bushfire risk rating). As indicated above, the revised Structure Plan will require all houses (habitable dwellings) to be no closer than 60m to the abutting bushland reserves.

It is recommended that Lot 123 Canns Road be identified under the "Prime Bushfire Hazard Protection Areas" provisions of the Scheme, by designation of the site on SCA Map No.1 as a "Bushfire Protection Area".

Lot 123 is zoned Rural in the MRS and subject to *Western Australian Planning Commission Policy No.DC 2.5 Special Residential Zones.* As lot sizes are approaching that of an "urban" standard, the approval of the Western Australian Planning Commission will be required for advertising the amendment.

Local Law for Environment, Animals and Nuisances

Land in the Churchman Brook Special Residential area immediately abutting Lot 123 is included in the area covered by the Local Law for Environment, Animals and Nuisances. As the proposed lot sizes and land uses for Lot 123 are similar to the abutting area, Lot 123 should also be encompassed in the Local Law. This will require a subsequent amendment to the Local Law, which can be foreshadowed and referred in this resolution.

OPTIONS

1. Council may resolve to initiate and advertise the Scheme Amendment subject to suitable provisions in the Scheme and Structure Plan to address requirements of the subdivision and development ***(see Proposed Zoning Map)***. Further advice to the applicant of modifications required to be made to the draft Structure Plan/FMP prior to advertising for public and government agency comment can be provided through Council's resolution.

2. Council may decline the initiation of the Scheme Amendment and Structure Plan if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area or if the proposal does not adequately deal with site constraints or similar reasons. There are no avenues of appeal on rezoning applications.

CONCLUSION

Notwithstanding that there should not be a proliferation of new Special Residential zonings, Lot 123 Canns Road represents a logical rounding-off of the abutting Churchman Brook precinct north of Churchman Brook Road and east of Canns Road.

In common with other parts of the Churchman Brook Special Residential zone Lot 123 has an elevated bushfire risk and constraints for the disposal of effluents on site. These will be addressed via suitable provisions in the Scheme and Structure Plan (and which set out the requirements for conditions of subdivision and development).

While the Revised Structure Plan identifies Effluent Disposal Areas on four lots in proximity to the sumpland as requiring a Nutrient Removing System, it is recommended that this be extended to all lots with Development/Effluent Disposal Areas beyond 30m as far as 50m from the sumpland. The applicant concurs with further changes to the Structure Plan recommended below.

As the Special Residential zoning and "Development (Structure Planning) Area" and "Bushfire Protection Area" Special Control Area provisions in TPS 4 (as recommended under Amendment No.30) will provide appropriate controls over the development of Lot 123 for Special Residential purposes, Option 1 to initiate the Scheme Amendment with special provisions is recommended.

Prior to advertising the Environmental Protection Authority will assess the proposal for level of assessment under Section 48A. Subsequent advertising of the Scheme and Structure Plan will allow relevant agencies and the public an opportunity to raise any additional concerns for consideration and addressing prior to consideration of any final approvals.

RECOMMEND

That Council:

1. **Pursuant to Part 5 of the *Planning and Development Act 2005,* resolves to initiate Amendment No.30 to Town Planning Scheme No.4 to rezone Lot 123 Canns Road from "Rural Living 10" to "Special Residential" zone with Special Control Area designations of "Development Area" and "Bushfire Protection Area" and amend the Scheme Maps accordingly.**

2. **Amend Schedule 12 – "Development Areas" – to include the following new entry in appropriate numerical order:**

No.	Description of land	Additional provisions applicable to subdivision and development
x.	Lot 123 Canns Road Special Residential Development Area (as identified on Scheme Map).	x.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. x.2 The Structure Plan for the site shall include a Fire Management Plan prepared to the satisfaction of the City in consultation with the Department of Conservation and state agencies relevant to fire protection and management of the abutting regional bushland. x.3 The Structure Plan, subdivision and development of the site shall meet the following requirements: <u>Bushfire Protection</u> ➢ Memorials on each lot title shall advise purchasers that the lot is bushfire prone and that the use and development of the lot is to be in accordance with the Fire Management Plan and the City shall recommend a condition of subdivision to that effect. ➢ The Building Protection Zone and Hazard Separation Zone on each lot shall be prepared with the general fuel loadings and criteria specified in the Fire Management Plan prior to the clearance of conditions for the creation of new lot titles and the City shall recommend a condition of subdivision to that effect. ➢ Strategic firebreaks identified on the Structure Plan shall be provided as an easement on the title of any affected lot. ➢ All building development shall require an application for planning approval. ➢ All dwellings shall be constructed in accordance with the Level 1 standards specified by Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas. ➢ <u>A new dwelling shall not be occupied or otherwise used as a habitable dwelling until the owner has provided the City with a Statutory Declaration that</u> the fuel loadings and criteria specified in the Fire Management Plan have been implemented and the City may require an appropriately qualified person acceptable to the City to certify that this work has been completed.

No.	Description of land	Additional provisions applicable to subdivision and development
		➢ No revegetation or planting shall be undertaken on any lot other than in accordance with the Landscape Master Plan or Fire Management Plan. <u>Effluent Disposal</u> ➢ The Structure Plan shall identify Building/Development Envelopes on all lots and indicate those lots requiring nutrient removing effluent disposal systems. ➢ No effluent disposal system or effluent disposal area shall be permitted within the 30m buffer to the sumpland of seasonally waterlogged soils identified on the Structure Plan and no leach drains permitted within 50m of any watercourse, well or open water body. ➢ All effluent disposal systems within 50m of the sumpland identified on the Structure Plan shall be Nutrient Removing Systems. ➢ Applications for all leach drain effluent disposal systems will need to demonstrate that the site chosen for effluent disposal has free draining soil to a depth of 2 metres and a width of 3 metres, which may require removal of the layer of lateritic duricrust and replacement with clean fill, as determined by soil depth conditions on specific lots. ➢ Subsoil drains shall be required upslope of all effluent disposal areas to divert any shallow seepage away from effluent disposal areas. <u>General</u> ➢ In lieu of provision of a Public Open Space contribution, the subdivider shall contribute 5% cash in lieu to the City for open space and recreation facilities in the locality. The POS cash in lieu contribution is to be valued in-accordance with Section 155 of the Panning & Development Act. ➢ The purchasers of all lots shall be advised of the provisions of the Scheme applying to the site and the City shall recommend a condition of subdivision to that effect. ➢ Maximum number of lots shall be 27 in accordance with the Structure Plan and the City will not support further subdivision. ➢ The irrigation of any lot by diverting or otherwise removing water flowing in the watercourse adjacent to Canns Road shall not be permitted and the City shall recommend a condition of subdivision to that effect. ➢ Subdivision works are to be implemented in accordance with a Dieback Management Plan prepared to the specification of the City and the City shall recommend a condition of subdivision approval to that effect.

3. Add a new provision No.6.7.5 to Clause 6.7 for Prime bushfire hazard protection areas as follows:

"6.7.5 A new dwelling located in a Prime Bushfire Hazard Protection area shall not be occupied or otherwise used as a habitable dwelling until the owner has made a Statutory Declaration to the City that the fuel loadings and criteria specified in the Fire Management Plan have been implemented and the City may require an appropriately qualified person acceptable to the City to certify that this work has been completed."

4. Refers the proposal to the Western Australian Planning Commission requesting approval to advertise Amendment No.30 to Town Planning Scheme No.4 for a period of 42 days.

5. Refers Amendment No.30 to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005.*

6. Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.

7. Pursuant to Clause 6A.3.2 of Town Planning Scheme No.4 determine that the proposed Structure Plan should not be advertised until the following specified matters have been included in the Structure Plan documentation:

a) Plot a 50m setback line to the wet area and in the Legend revise the text to; *"30m – 50m buffer area requires Nutrient Removing Effluent Disposal System";*

b) Extend the hatching to all Development Envelopes (and parts thereof) located within the area of the "30m – 50m buffer area requires Nutrient Removing Effluent Disposal System";

c) Add new Shading/Hatching to the parts of any Development Envelopes between the "zone of seasonal water logging" and the area of "30m" setback and in the Legend refer to the new Shaded/Hatched area as; *"Area where all Effluent Disposal Systems are prohibited".*

d) The ATU area o n Lot 27 ("30m – 50m buffer area requires Nutrient Removing Effluent Disposal System") must be modified such that it is a minimum of 50m from the dam;

e) Change all references from "creek" to "*watercourse*".

f) **In provision 8 prior to the words *"a Restrictive covenant"* add the following, *"<u>The irrigation of any lot by diverting or otherwise removing water flowing in the watercourse adjacent to Canns Road shall not be permitted and…".</u>***

g) **In provision 7 after the word "dams." add *<u>"and seasonally waterlogged soils."</u>;***

h) **Add the following new Provisions:**

i) ***A Memorial shall be place on each lot title advising purchasers that the lot is bushfire prone and that the use and development of the lot is to be in accordance with the Fire Management Plan.***

ii) ***All building development shall require an application for planning approval and all dwellings shall be constructed in accordance with the Level 1 standards specified by Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas.***

iii) ***Prior to the clearance of conditions for the creation of new lot titles the subdivider is to prepare the Building Protection Zone and Hazard Separation Zone on each lot in accordance with the general fuel loadings and criteria specified in the Fire Management Plan and an appropriately qualified person acceptable to the City is to certify the work.***

iv) ***A new dwelling shall not be occupied or otherwise used as a habitable dwelling until the owner has provided the City with a Statutory Declaration that the lot complies with the fuel loadings and criteria specified in the Fire Management Plan and the City may require an appropriately qualified person acceptable to the City to certify that this work has been completed. No revegetation or planting shall be undertaken on any lot other than in accordance with the Landscape Master Plan or the Fire Management Plan.***

v) ***An easement shall be provided on the title of lot 8 identifying the strategic firebreak.***

vi) ***A Dieback Management Plan shall be prepared and approved by the City prior to groundbreaking works pursuant to subdivision.***

vii) ***Subsoil drains shall be required upslope of all effluent disposal areas to divert any shallow seepage away from effluent disposal areas and all leach drains to have free draining soil to a depth of 2 metres and width of 3 metres.***

viii) ***The subdivider shall contribute 5% cash in lieu to the City in lieu of provision of Public Open Space.***

ix) ***The purchasers of all lots shall be advised of the provisions of the Scheme and Structure Plan applying to the site.***

x) ***Subdivision shall be in accordance with the Structure Plan and the City shall not support any further subdivision.***

8. Advise the applicant that prior to advertising of the Fire Management Plan as part of the Structure Plan, the following matters shall be addressed to the satisfaction of the City:

a) Minor edits and corrects to the satisfaction of Executive Director Development Services;

b) Inclusion of reference to the proposed provisions of the Scheme and Structure Plan which deal with protection from bushfires under this resolution.

9. Upon the matters specified in Part (8) above, being included in the Structure Plan documentation or otherwise being attended to by the proponent, that Council authorises that the proposed Structure Plan be advertised under the provision of Clause 6A.3.5 of Town Planning Scheme No.4 for a period of 42 days, concurrently with the above amendment.

10. Identify Lot 123 Canns Road for inclusion in an update to the Local Law for Environment, Animals and Nuisances.

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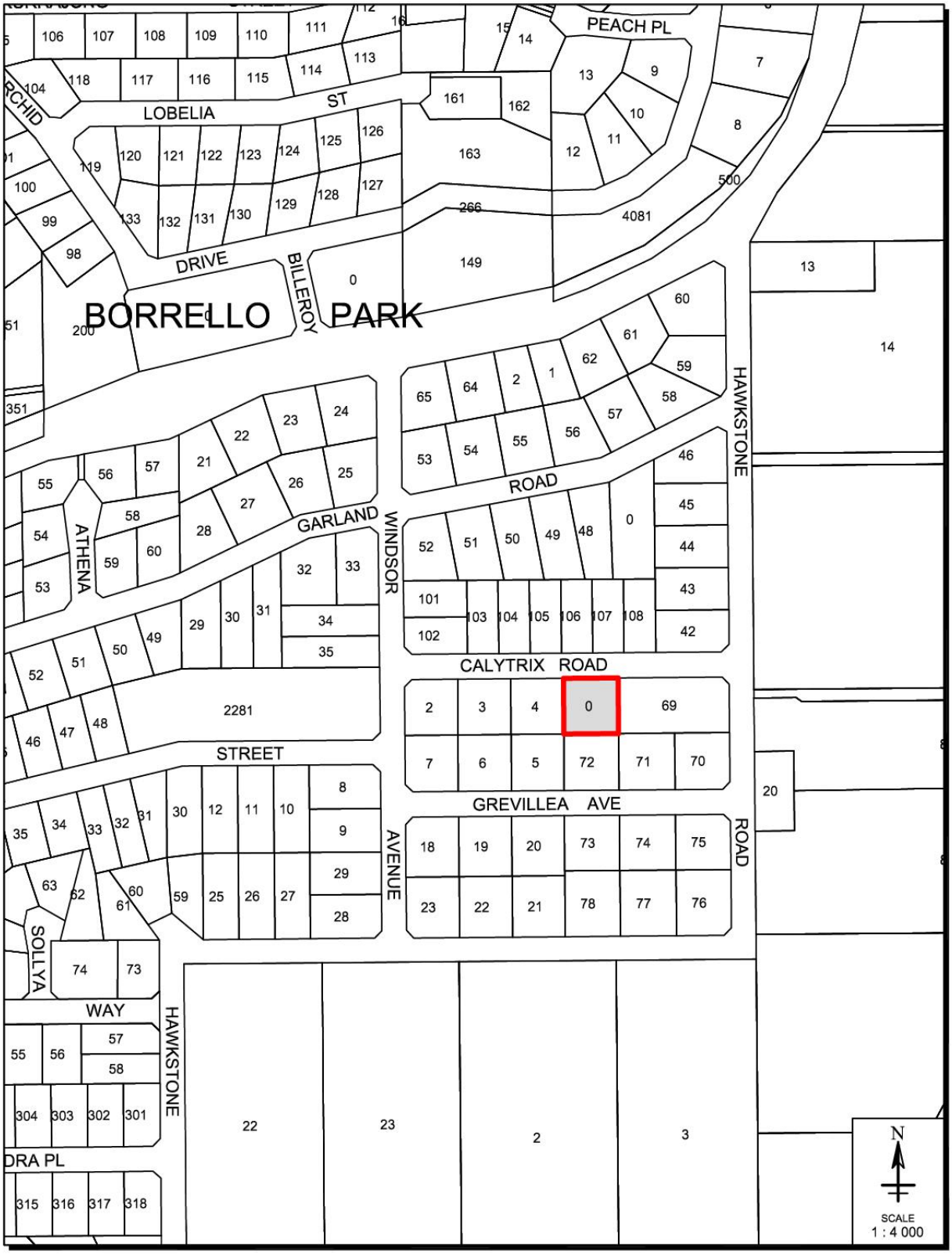


LOCATION PLAN
RESERVE 28906 CALYTRIX ROAD, ROLEYSTONE

PUBLIC OPEN SPACE STRATEGY STAGES 2 & 3 – ACQUISITION OF FORMER CROWN RESERVES BY THE CITY

WARD	:	JARRAH & NEERIGEN
REF NO.	:	POS/1
DATE	:	6 March 2007
REF	:	PS
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	City
LAND OWNER	:	Crown
SUBJECT LAND	:	See table below.
ZONING		
MRS	:	Urban & Industrial
TPS No.4	:	Various

In Brief:-

- Council, at its meetings in October 2002 and March 2003, considered the public submissions for Stages 2 and 3 of the POS Strategy and resolved in March 2003 to rezone and cancel five (5) reserves.
- The land was rezoned as part of TPS No.4, gazetted in November 2005.
- DPI advised the City on 2 February 2007 of the purchase prices and forwarded contracts of sale for the five (5) former reserves in Stages 2 and 3.
- Recommend that Council resolve to purchase the former reserves in Stages 2 and 3 of the POS Strategy and authorise the purchase of the former reserves in Stages 4 and 5 of the POS Strategy.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

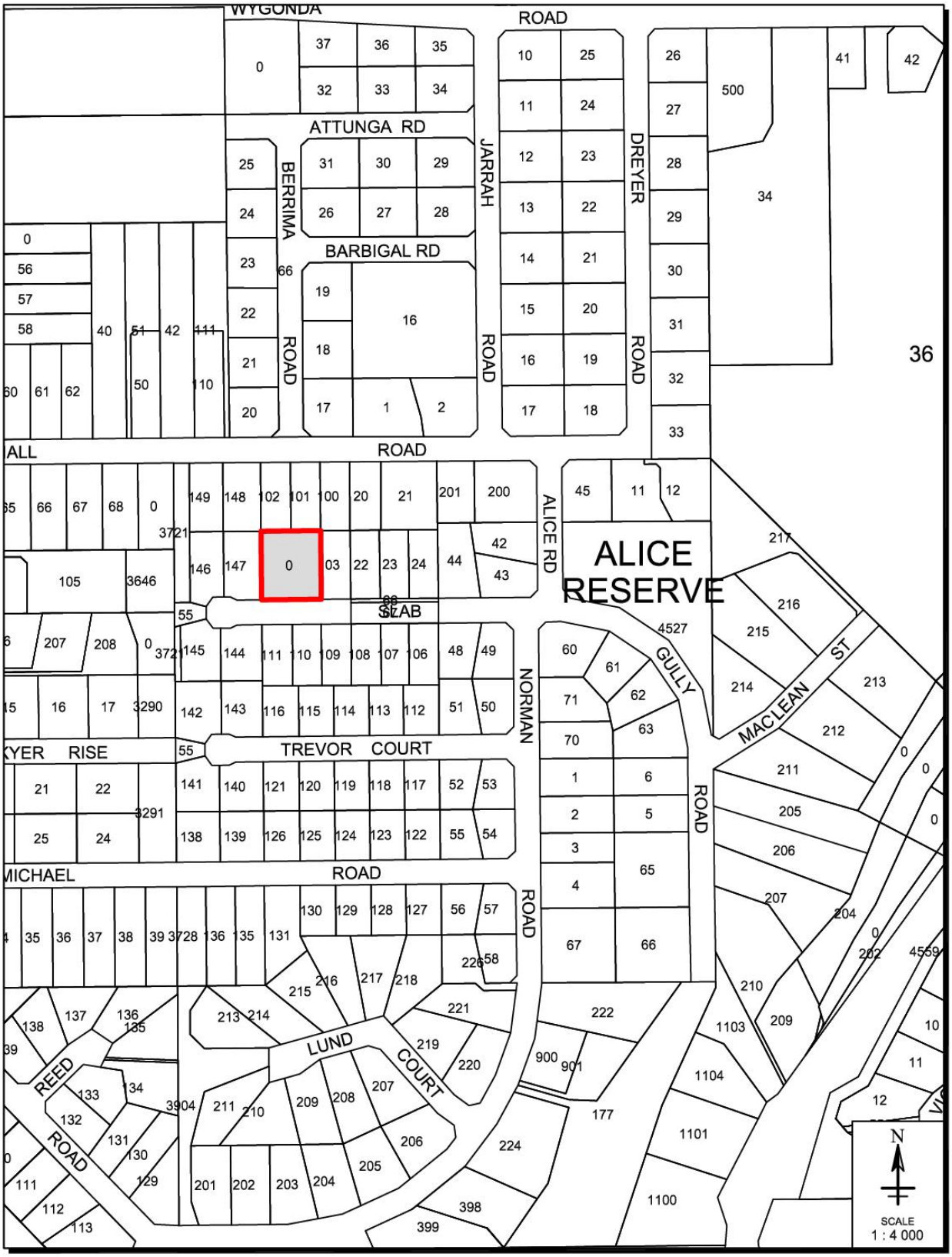
Development – To balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

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

Council Policy / Local Law Implications

Local Planning Strategy 2005
ADM 11 Vesting of Crown Reserves in Urban Areas



LOCATION PLAN
RESERVE 29992 SLAB GULLY ROAD, ROLEYSTONE

Budget / Financial Implications

The former POS reserves will be acquired by the City from the Crown at $500 or 5% of its unimproved market value as advised by the Valuer General (which ever is greater) in-accordance with the State Government's Crown Land Administration & Registration Practise Manual. The disposal of the reserves by the City will be at market value, which will generate funds for the improvement and development of POS areas. Additional rates will be generated, when the land is sold as freehold lots.

Once funds generated through the sale of public open space areas are obtained by the City of Armadale, the exact allocation of funds to projects that enhance public open space within the locality will be dealt with through budgetary and/or reporting processes.

Consultation

- Development Control Unit.
- Public Open Space Strategy Working Group (Executive Director Development Services, Manager Parks, Manager Recreation Services, Planning Services Manager & Environmental Officer).
- Public consultation consistent with State Government Guidelines for the administration of Section 20A reserves has been undertaken for reserves in Stages 2 & 3 of the POS Strategy. Consultation involved writing to all landholders within 100m walking distance of each reserve, signposting affected reserves and newspaper advertising. See reports CS8502 – October 2002 and CS9/3/03 – March 2003.
- The land was rezoned as part of TPS No.4, which was advertised for public comment.

BACKGROUND

The City has been progressing the POS Strategy for several years. The following table provides a summary of the status of the seven (7) stages of the POS Strategy.

STAGE	CONSULTATION PROCESS	ADOPTED BY COUNCIL	LAND REZONED	CURRENT STATUS
1	Completed	February 2002	As part of TPS No.4, gazetted in November 2005.	Land purchased from Crown. The City is currently considering disposal options and processes.
2	Completed	March 2003	As part of TPS No.4, gazetted in November 2005.	Subject of this report, awaiting purchase of land from Crown.
3	Completed	March 2003	As part of TPS No.4, gazetted in November 2005.	Subject of this report, awaiting purchase of land from Crown.
4	Completed	January 2004	As part of TPS No.4, gazetted in November 2005.	One former reserve disposed of by the City in March 2007. Two reserves awaiting valuation and acquisition from Crown following completion of Stages 2 & 3.

LOCATION PLAN
RESERVE 30232 URCH ROAD, ROLEYSTONE

STAGE	CONSULTATION PROCESS	ADOPTED BY COUNCIL	LAND REZONED	CURRENT STATUS
5	Completed	January 2004	As part of TPS No.4, gazetted in November 2005.	Awaiting valuation and acquisition from Crown following completion of Stages 2 to 4.
6	Completed	May 2006	March 2007	Awaiting rezoning as part of Amendment No.13 recently granted final approval.
7	Completed	September 2006	Currently with WAPC for final adoption.	Awaiting rezoning as part of Amendment No.16.

Table 1: Summary Status of Public Open Space Strategy Stages

Council, at its meetings in October 2002 and March 2003, considered the public submissions for Stages 2 and 3 of the POS Strategy and resolved in March 2003 (CS9/3/03):

1. That draft Town Planning Scheme No 4 map identify the following reserves as follows:

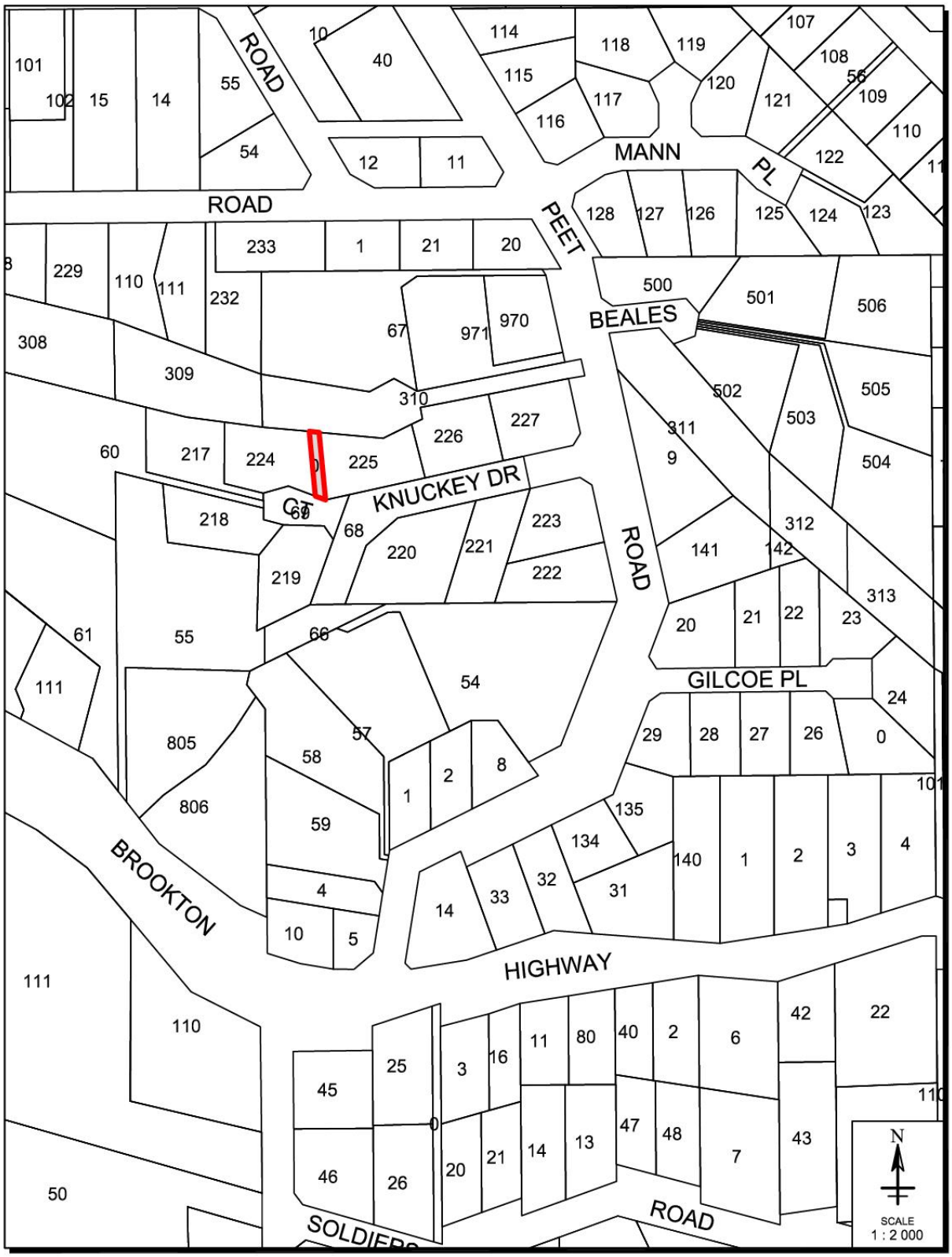
Reserve	Address	Proposed zone
28906	*7 Calytrix Rd*	*R5*
29992	*18-20 Slab Gully Rd, Roleystone*	*R5*
30232	*3 Urch Rd, Roleystone*	*R5*
35492	*Between 3&5 Knuckey Dr*	*R5*
45889	*Between Burns Rd and Keates Rd, Armadale*	*General Industry*

2. That Council advise the Department of Land Administration of the outcomes of the Stage 2 & 3 Public Open Space Strategy consultation with particular reference to Councils view that the reserves identified in Part 1 (above) should be cancelled and sold following public consultation on draft Town Planning Scheme No 4.

3. That Council advise submitters of Council's decisions and the opportunity to provide additional comment when Town Planning Scheme No 4 is advertised.

Whilst considering the disposal of land within these two precincts, Council resolved to accept management orders for ten (10) other reserves. Management orders for these reserves were issued to the City of Armadale in 2002. TPS No.4 was finalised and gazetted in November 2005.

In-accordance with agreements with Department for Planning and Infrastructure (DPI), the acquisition of the POS reserves by the City was to occur in a staged manner (i.e. when one stage was acquired from the Crown, then the next stage can commence). The purchase of the former POS reserves from the Crown has already occurred for Stage 1 of the POS Strategy, titles for the land have been transferred to the City and the City is now currently considering the most appropriate process and order for the disposal of the reserves.



LOCATION PLAN
RESERVE 35492 KNUCKEY COURT, ROLEYSTONE

Following the acquisition of the former reserves in Stage 1 by the City, the City wrote to DPI in May 2006 to purchase the above five (5) reserves in Stages 2 and 3. In-accordance with State Government procedures, the City purchases the land from the Crown via the Department for Planning & Infrastructure (DPI) at $500 or 5% (whichever is greater) of the unimproved market value (as advised by the Valuer General). DPI advised the City on 2 February 2007 of the purchase prices and forwarded contracts of sale for the five (5) former reserves in Stages 2 and 3 as follows:

FORMER RESERVE	SIZE	ZONING	PURCHASE PRICE	GST
Reserve 45889 (now Lot 3861) Burns Road, Armadale	3276m^2	General Industry	$11,136.36	$22,272.72
Reserve 30232 (now Lot 2285) Urch Road, Roleystone	1667m^2	Residential R5	$7,954.55	$15,909.09
Reserve 35492 (now Lot 3042) Knuckey Road, Roleystone	242m^2	Unzoned	$500.00	$400.00
Reserve 29992 (now Lot 2241) Slab Gully Road, Roleystone	2673m^2	Residential R5	$8,409.09	$16,818.18
Reserve 28906 (now Lot 2115) Calytrix Road, Roleystone	1989m^2	Residential R5	$8,181.82	$16,363.63
TOTAL			**$36,181.82**	**$71,763.62**

Table 2: Purchase Prices for former reserves in Stages 2 and 3 of the POS Strategy.

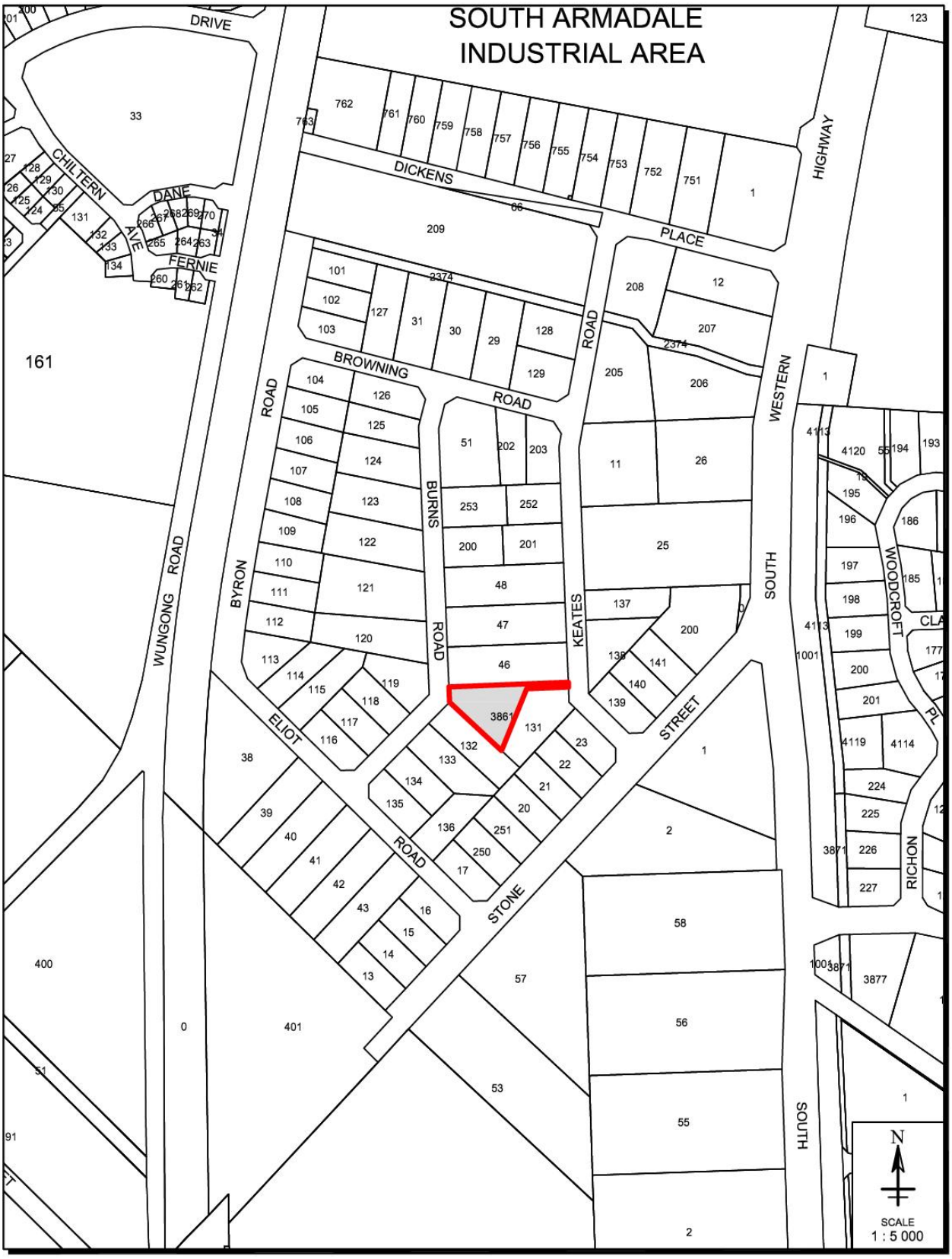
COMMENT

In 2002, the City established a Public Open Space Trust Fund for the proceeds from the sale of Section 20A land. The acquisition of the reserves will be funded through the POS Trust Fund for the POS Strategy. The City understands that the Department for Planning and Infrastructure require that funds be utilised for the purchase of replacement lands or capital improvement to existing recreational areas within the same POS Strategy Precinct as where land is being sold to generate funds.

ANALYSIS

Future Sale of Land

The disposal of the reserves by the City will be at market value, which will generate significant funds for the improvement and development of POS areas. It would be desirable to include in this item recommendations that permit the City to finally dispose of the land in accordance with the requirements of the *Local Government Act 1995* without further reference to Council. However, amongst other things the Act requires that Council specify a minimum and maximum amount that the land can be sold for. With the current volatility in prices, it is considered more appropriate that such amounts be set once Council owns the land in freehold. Accordingly, once the land is owned in freehold by the City another report will need to be presented to Council to enable sale of the land.



LOCATION PLAN
RESERVE 45889 BURNS ROAD, ARMADALE

Reserve 35492 (now Lot 3042) Knuckey Road, Roleystone

In relation to the land formerly part of Reserve 35492 (now Lot 3042) Knuckey Road, Roleystone, this lot is only 242m^2 in area and is not suitable to be sold as a separate lot. If the land is to be disposed of at this time, then the lot would need to be sold to either of the adjoining landowners and amalgamated into their landholdings. The incorporation of the lot into one of the adjacent lots would not create any subdivision potential. The Council could write to the abutting landowners to seek their advice on whether they wish to acquire a portion of the land from the City. The land would be sold at market value in-accordance with a valuation and follow the processes under the Local Government Act. The disposal of this land would be the subject of another report to Council should the proposal proceed.

Stages 4 and 5 of the POS Strategy

The City has resolved to purchase the reserves proposed to be cancelled and disposed of in Stages 6 and 7 of the POS Strategy. Whilst the reports to Council for Stages 4 and 5 of the POS Strategy specify that the City will acquire the former reserves being cancelled in Stages 4 and 5, a separate Council resolution specifying that the City will acquire the land was not included and is still required for the acquisitions to proceed. The Council should make this resolution, so the administrative steps for the POS Strategy can be streamlined and future delays are minimised. Adequate funds are available for the purchase of the reserves from the Crown at 5% of the unimproved market value in-accordance with State Government procedures. The disposal of such reserves by the City will still be separately considered by Council.

OPTIONS

1. Council may resolve to approve the purchase of the former reserves in Stages 2 and 3 of the POS Strategy.

2. Council may resolve that it does not wish to proceed with the purchase of the former reserves at this time. This would delay the progression of the later stages of the POS Strategy and the ability of the City to use the funds generated from the disposals for upgrading and provision of facilities in POS areas.

CONCLUSION

The City has been progressing the seven (7) stages of the POS Strategy for several years. There are numerous administrative steps that need to be completed for each stage of the POS Strategy, before Council can sell the parcels and start reinvesting the funds into public open space improvement in the City. The acquisition of the former reserves in Stages 2 and 3 from the Crown is an important step to complete the POS Strategy. In-accordance with Option 1 above, it is recommended that Council resolve to purchase the former reserves in Stages 2 and 3 of the POS Strategy and authorise the purchase of the former reserves in Stages 4 and 5 of the POS Strategy.

RECOMMEND

That Council resolves to:

1. **Authorise the payment to the State of Western Australia of the following amounts and GST for the following former reserves to be acquired by the City in Stages 2 and 3 of the Public Open Space Strategy, as determined by the Valuers General's Office, plus documentation and registration fees, in exchange for certificates of title in the name of the City of Armadale:**

FORMER RESERVE	PURCHASE PRICE	GST
Reserve 45889 (now Lot 3861) Burns Road, Armadale	$11,136.36	$22,272.72
Reserve 30232 (now Lot 2285) Urch Road, Roleystone	$7,954.55	$15,909.09
Reserve 35492 (now Lot 3042) Knuckey Road, Roleystone	$500.00	$400.00
Reserve 29992 (now Lot 2241) Slab Gully Road, Roleystone	$8,409.09	$16,818.18
Reserve 28906 (now Lot 2115) Calytrix Road, Roleystone	$8,181.82	$16,363.63

2. **Authorise the payment to the State of Western Australia of an amount of $500 or 5% of the unimproved market value of the reserves in Stages 4 and 5 of the Public Open Space Strategy to be acquired by the City, as determined by the Valuers General's Office, plus GST, documentation and registration fees, in exchange for certificates of title in the name of the City of Armadale.**

3. **Write to the landowners abutting former Reserve 35492 (now Lot 3042) Knuckey Road, Roleystone to seek their advice on whether they wish to acquire portions of the land from the City at market value, following the transfer of the land to the City.**

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LOCATION PLAN
TREE PRESEVATION ORDER
RESERVE 29937 (No. 15) WANDOO STREET, MOUNT NASURA

TREE PRESERVATION ORDER – VERGE IN FRONT OF RESERVE 29937 (No.15) WANDOO STREET, MT NASURA

WARD	:	RIVER
DATE	:	6 March 2007
REF	:	RVD
RESPONSIBLE MANAGER	:	PSM
LANDOWNER	:	Crown : Minister for Lands
SUBJECT LAND	:	Road verge in front of Reserve 29937 (No.15) Wandoo St, Mt Nasura
ZONING		
MRS	:	Urban
TPS No.4	:	Unzoned

In Brief:

- Submissions on the Public Open Space Strategy Stage 6, a petition regarding Reserve 29937, correspondence between the Minister for Planning and Infrastructure and the City, and advice from the City's Heritage Advisory Committee all identify that the Wandoo tree on the verge in front of Reserve 29937 (No.15) Wandoo Street is worthy of protection.
- Recommend that Council serve a notice under Clause 11.8 of Town Planning Scheme No.4 on the landholder (the Minister for Lands) requiring preservation of the tree and that Council endorse administrative actions proposed to protect the tree.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Development of the City. Our aims are to: sustain and maintain the distinctive character of the City.

Legislation Implications

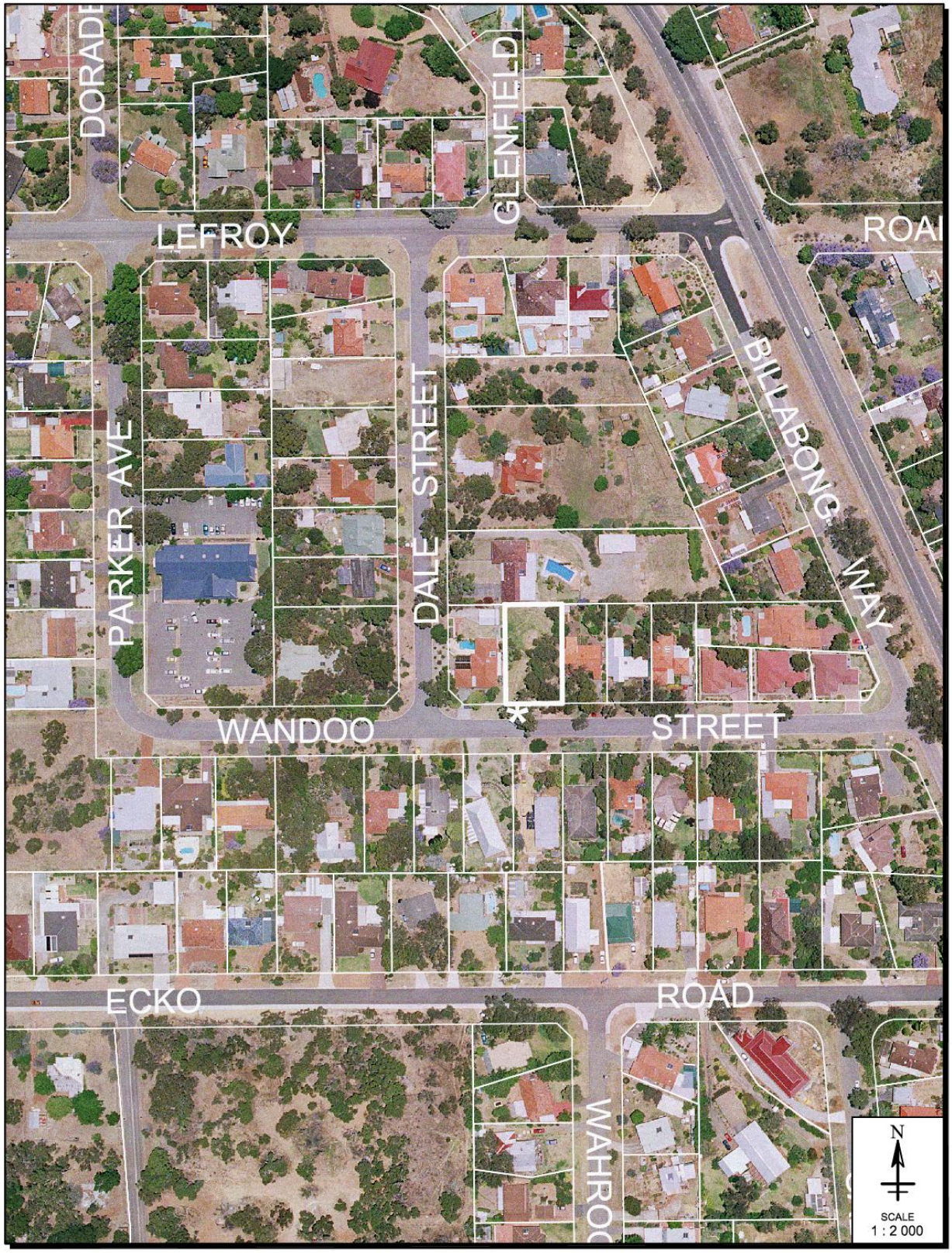
Town Planning Scheme No.4
Land Administration Act 1997
Local Government Act 1995

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Minor. It is proposed to install a post with a small metal sign on it next to the tree which can be funded from the Heritage Plaques budget.



AERIAL PHOTOGRAPH
TREE PRESEVATION ORDER
RESERVE 29937 (No. 15) WANDOO STREET, MOUNT NASURA

Consultation

- Manager Parks.
- City's Heritage Advisory Committee.
- Previous consultation as part of POS Strategy Stage 6 and Amendment No.13.

BACKGROUND

As part of Stage 6 of the Public Open Space Strategy, Council received submissions concerning the Wandoo tree in front of Reserve 29937 and in December 2005 Council resolved to "*refer the matter of the long-term preservation of the wandoo tree that occupies the verge to the City's Heritage Advisory Committee for consideration*".

The City's Heritage Advisory Committee recommended in February 2006 "*that Council place a Tree Preservation Order under paragraph 11.8.1 of the City of Armadale's Town Planning Scheme No.4 on the Wandoo tree on the verge of Reserve 29937 to ensure its long-term protection, subject to a report by a qualified arboreaculturist on the trees health and expected longevity*".

Town Planning Scheme Amendment No.13 includes Stage 6 of the Public Open Space Strategy, which includes a proposal to rezone Reserve 29937 to Residential R10/25. The Amendment is currently with the Minister for Planning and Infrastructure for final adoption.

In December 2007, Council and the Minister for Planning and Infrastructure received a non-conforming petition regarding Reserve 29937 (No.15) Wandoo Street which again emphasised the significance of the Wandoo tree on the verge. At is meeting of 15 January 2007, Council considered the issues raised and sent a copy of its findings to the petitioner and the Minister.

At its meeting of 19 February 2007, Council was advised that correspondence had been received from the Minister for Planning and Infrastructure regarding the Wandoo tree and that officers, on behalf of Council, were responding to the Minister's letter supporting protection of the tree. In the Minister's letter, the Minister expresses support for preservation of the tree.

DETAILS OF PROPOSAL

It is proposed to issue a notice under Clause 11.8.1 of Town Planning Scheme No.4 to the landholder (the Minister for Planning and Infrastructure representing the Crown) requiring preservation of the tree located on the verge in front of Reserve 29937 (No.15) Wandoo Street, Mount Nasura. This action would be recorded in the City's Tree Preservation Register.

It is also proposed implement several administrative measures to increase protection of the tree.

Photograph of Wandoo Tree located on the verge in front of Reserve 29937 – Wandoo Street, Mt Nasura

COMMENT AND ANALYSIS

City's Heritage Advisory Committee and Manager Parks

As noted under the Background Section of this report above, the City's Heritage Advisory Committee support issuing a notice under Clause 11.8.1 of Town Planning Scheme No.4, subject to a report by a qualified arboreaculturist on the trees health and expected longevity. The City's Manager Parks has inspected the tree and advises that the tree appears to be in good condition, is expected to have good longevity, and will need some remedial arboricultural work undertaken to reduce the hazards presented by dead limbs etc. The detailed arboricultural assessment and work is likely to take place soon, possibly in the week of 12 March 2007.

Town Planning Scheme No.4 and Land Administration Act 1997

Clause 11.8.1 of the City's Town Planning Scheme No.4 reads:

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

By virtue of section 55(2) of the *Land Administration Act 1997* and section 3.53 of the *Local Government Act 1995*, the care, control and management of public roads or thoroughfares passes to the relevant local government authority. However, by virtue of section 55(1) of the *Land Administration Act 1997*, the absolute property in dedicated roads vests in the Crown.

The *Land Administration Act 1997* is administered by the Minister for Planning and Infrastructure in her statutory role as Minister for Lands, so in this instance the Minister for Lands is the landholder of the land on which the Wandoo tree is located, although the land is within the care and control of the City.

Therefore, if Council wishes to serve a notice as envisaged by Clause 11.8 of the City's Town Planning Scheme No.4, the notice should be served on the Minister for Lands. Serving of the notice would be recorded in the City's Tree Preservation Register.

However, simply serving a notice is not considered to be enough to ensure the tree's ongoing preservation so additional administrative measures are proposed.

Additional administrative measures to enhance protection of the tree

In order to protect the tree, the City needs to ensure that building development on No.15 Wandoo Street is designed to ensure that access to the land and future buildings (e.g. a garage) is achieved without the need to remove the tree. Therefore it is proposed to include a note in the City's Authority system on No.15 Wandoo Street drawing attention to the need to protect the tree on the verge.

A range of different Acts empower public and private utilities to undertake works within road reserves and the consultation these utilities are required to undertake with the City varies from a few days notice to formal consultation. It is therefore proposed to identify the location of the tree on the City's Intramaps system and advise the City's Technical Services Directorate of the tree's listing.

It is also proposed to install a post with a small sign on it next to the tree advising that the tree is listed on the City's Tree Preservation Register. This should help prevent utilities undertaking works that would adversely affect the tree if the notification/consultation process fails.

OPTIONS

1. Council could serve a notice on the landholder (the Minister for Planning and Infrastructure in her capacity as Minister for Lands) under Clause 11.8 of Town Planning Scheme No.4 requiring the preservation of the tree located on the verge in front of Reserve 29937 (No.15) Wandoo Street, Mt Nasura, and endorse the proposed administrative actions.

2. Council could decide not to serve a notice on the landholder. However, this would be contrary to assurances indicated to the Minister for Planning and Infrastructure through acceptance of the Executive Director Development Services Report at the Council meeting of 19 February 2007.

CONCLUSION

There appears to be support from the community and the Minister for Planning and Infrastructure for Council to implement measures to protect the Wandoo tree on the verge in front of No.15 Wandoo Street, Mt Nasura. Accordingly, Option 1 is recommended.

RECOMMEND

1. That Council serve a notice under Clause 11.8 of Town Planning Scheme No.4 on the landholder (the Minister for Lands) requiring the preservation of the tree located on the verge in front of Reserve 29937 (No.15) Wandoo Street, Mt Nasura.

2. That Council endorse proposed administrative actions to protect the tree located on the verge in front of Reserve 29937 (No.15) Wandoo Street, Mt Nasura, which include listing the tree in the City's Tree Preservation Register, placing a note in Authority, mapping the tree on Intramaps and locating a small sign next to the tree.

Moved Cr _____
Carried/Lost ( )

ADMINISTRATIVE PROCEDURES – LEGAL

WARD : ALL

DATE : 6 March 2007

REF : SA

RESPONSIBLE MANAGER : PSM

In Brief:-

- The Liaison & Compliance Officers investigate and prosecute breaches to the Town Planning Scheme and Local Laws therefore it is practical for these Officers to be the Complainant on behalf of Council.
- The Senior Liaison & Compliance Officer was gazetted to serve in this capacity in 1998 and April 2006.
- Mr Peter Weston was employed by the City in November 2006 as a Liaison and Compliance Officer and has completed his probationary period of 3 months. In order to maintain continuity Mr Weston needs to be authorised to act on Council's behalf in prosecution matters.
- Recommend that the Liaison and Compliance Officer be authorised to make, lay and swear Complaints under relevant legislation and to appear in Court on Council's behalf.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Nil.

Legislation Implications

Justices Act 1902;
Planning and Development Act 2005;
Town Planning Regulations 1967 and any similar Regulation in force at the time;
Local Government Act 1995;
Local Government (Miscellaneous Provisions) Act 1960;
All Local Government Regulations;
Town Planning Scheme No.4.

Council Policy / Local Law Implications

Local Laws Relating Signs, Hoardings and Billposting;
Activities and Trading in Thoroughfares and Public Places;
Local Laws Relating to Removal of Refuse, Rubbish and Disused Materials.

Budget / Financial Implications

Cost of an advertisement in the Government Gazette, approximately $200.

BACKGROUND

At its ordinary meetings held on 18 January 1998 (D29/98) and 21 February 2005 (D18/2/05), Council resolved to authorise the Liaison and Compliance Officers of the day to make, lay and swear Prosecution Notices under Section 42 of the Justices Act 1902 on behalf of Council. Prior to 1998, the Chief Executive Officer was required to attend the Armadale Court, in person, to execute such Notices. The authorisation of the Compliance Officers relieved the Chief Executive Officer of what was an unnecessary task and the possibility of having to appear in Court. As the previous Liaison and Compliance Officer has moved to the City's Building Department it is necessary to authorise and Gazette his replacement.

DETAILS OF PROPOSAL

To authorise Peter Milford Weston as an authorised Officer under Section 9.10 of the Local Government Act 1995 for purpose of undertaking the functions of his position, to make, lay and swear Prosecution Notices under relevant legislation and to appear in Court on Council's behalf.

COMMENT

Since the 1998 and 2005 resolutions, the Senior Liaison and Compliance Officer or the Liaison and Compliance Officer have been cited as the Complainants on Prosecution Notices relating to Town Planning prosecutions and are usually the major, and often the only, witnesses for the City. They are also the persons who author most of the correspondence to the Defendant and collect the evidence, which circumvents any dispute over presentation of documents and/or who, on behalf of Council, is laying the charge.

ANALYSIS

Section 42 of the Justices Act 1902 requires that proceedings before Justices shall be commenced by a complainant, which may be made or laid by the complainant in person or by his Counsel or Solicitor or other person authorised in that capacity. Therefore, Council as the complainant may authorise its Officers to make or lay a Prosecution Notice on its behalf.

OPTIONS

1. Formally gazette the Liaison and Compliance Officer as an Authorised Officer to act on Council's behalf in the making, laying and swearing of Prosecution Notices and to appear in Court on such matters.

2. Rely upon Council resolutions to authorise a given Officer to act on Council's behalf in the making, laying and execution of Prosecution Notices and appear in Court on such matters.

3. Not update the current arrangements.

CONCLUSION

With the appointment of Peter Weston as Liaison and Compliance Officer it is necessary to Gazette him as an Authorised Officer and confer upon him the delegation to act on Council's behalf in prosecution matters. Whilst Council resolutions may be adequate to satisfy Section 42 of the Justices Act 1902, it is felt that a formal gazettal of this Officer will nullify any question of his right to undertake such tasks, which is consistent with Council's previous decisions.

RECOMMEND

1. **That Council resolve to authorise Peter Milford Weston as an Authorised Officer under Section 9.10 of the Local Government Act 1995.**

2. **That Council resolve to authorise Peter Milford Weston as an Authorised Officer to make, lay and swear Prosecution Notices under the Justices Act on behalf of the City of Armadale pursuant to actioning Prosecution Notices resolved by the Council under the following Acts, Regulations and Local Laws:-**

    a) **Planning and Development Act 2005 and any similar Act, or any regulations prepared under this Act in force at the time;**
    b) **Town Planning Regulations 1967 and any similar Regulations in force at the time;**
    c) **Local Government Act 1995 and any similar Act in force at the time;**
    d) **Local Government (Miscellaneous Provisions) Act 1960 and any similar Act in force at the time;**
    e) **All Regulations under the Local Government Act 1995 and any similar Regulations in force at the time;**
    f) **City of Armadale Town Planning Scheme No.4 and any other City of Armadale Gazetted Town Planning Scheme;**
    g) **Local Laws Relating to the Removal of Refuse, Rubbish and Disused Materials and any similar Local Laws in force at the time;**
    h) **Local Laws Relating to Signage and any similar Local Laws in force at the time;**
    i) **Activities and Trading in Thoroughfares and Public Places Local Laws and any similar Local Laws in force at the time; and,**
    j) **Environment, Animals and Nuisance Local Laws and any similar Local Laws in force at the time.**

3. **That Council authorise Peter Milford Weston to appear in Court on Council's behalf on matters relevant to the Acts, Regulations and Local Laws in parts (1) and (2) above.**

Moved Cr _____
Carried/Lost ( )

REFERRAL ITEM - LAWN ON PRIVATE PROPERTY AND COUNCIL VERGES

At Council's meeting on 5 February 2007, Cr Munn referred the following –

> *"That the matter of what procedures can be developed to control the amount of lawn on private property and council verges in new developments in the City be referred to the Development Services Committee".*

The following comments have been provided by Cr Munn for consideration by Committee:

> *"Even with all the publicity on water shortage, all our new developments are covered with lawns, on council verges and also on private property. All are reticulated and mostly are connected to mains water. I appreciate you need some lawns at the back of the property, but surely the front of the property and the council verge could receive some water wise treatment?*
>
> *All developers' guidelines list what you can and cannot do in their new subdivision. Surely these guidelines could encourage planting of native wild flowers and ground covers with lots of mulching? The use of water to encourage growth would be less in the first year and minimal in the future.*
>
> *How as a council can we force developers and builders to be more water wise in their developments and in show homes too".*

Committee to discuss.

RECOMMEND

Moved Cr _____
Carried/Lost ( )

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

13 MARCH 2007

ATT NO.	SUBJECT	PAGE
BUILDING		
HEALTH		
PLANNING		
A1	SCHEDULE OF SUBMISSIONS – TPS No.4 – AMENDMENT No.2	86

SCHEDULE OF SUBMISSIONS

TOWN PLANNING SCHEME NO.4 AMENDMENT NO.2

NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
1	S W Lenz	154 Canns Road Bedfordale	No objection. Why is this lot able to be rezoned and not others.	Not supported. Council will consider formal applications for proposed rezonings, provided the proposal is justified and based on its merits.
2	Toni Liebeck & Shane Kiehne	252 Carradine Road Bedfordale	1. a) Need to preserve this pristine bushland. Development of this land would compromise the visual amenity which includes extensive fauna and flora. We have reason to believe that there are at least two species of rare flora existing in this bushland. b) Keeping of animals (horses) on this land could create erosion that would impact on surface water flow into our property and dam. c) To preserve natural habitat in this portion of bushland and in the interest of the provision of Public Open Space for this site we would consider it reasonable to include the western portion of this site (1.5ha) in to the Settlers Common. 2. Concern- about possible impact of ground water purity of the drainage of effluent from septic system. As a Carradine Creek user concerns are raised on possible groundwater contamination from the land fill on Lot 40. 3. Concern- about management of surface water, sinking of bores and decreasing groundwater levels. 4. Concern is raised regarding the possible impact of such a development directly adjacent to Settlers Common and feel that some kind of barrier system would be required to regulate access to the Settlers Common to prevent dieback. 5. Loss of rural amenity and rural outlook by the development of the site will compromise the character and amenity of our property. Large lot sizes along Canns Road will increase the rural outlook.	1. a) Dismissed. A vegetation survey was undertaken in October 2004 by the applicant and a subsequent report was prepared by Landform Research and submitted to the City. This vegetation report concluded that no declared rear or priority species were found on this site, and the species that were recorded are not regarded as locally significant. b) Not supported. Town Planning Scheme No.4 prohibits keeping of farm animals on Special Residential zones. c) Not supported. The prospect of additional POS area to extend the Settlers Common offers no real benefit to the community. Further the proposed scheme provisions already requires that a 5% cash - in - lieu contribution be made at the time of subdivision of this estate, with such funds been used for POS improvements within the locality. 2. Not supported. The geotechnical report submitted by the applicant notes that there is no shallow groundwater and the depth to groundwater is approximately 145 metres. The potential risk to any groundwater is very low. The movement of effluent through soil effectively removes most of the nutrients from the effluent.

SCHEDULE OF SUBMISSIONS

TOWN PLANNING SCHEME NO.4 AMENDMENT NO.2

NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUME OF SUBMISSION	RECOMMENDATION
				3. Noted. A stormwater management strategy will be prepared and submitted to the City by the applicant for approval. The City will impose conditions on the subdivision approval to ensure that the existing properties down stream are not adversely affected by this development. The City does not have the authority to control the sinking of bores which is regulated by the Water Corporation. The Water Corporation has not raised any concerns in this regards. 4. Noted. The City has ensured that a significant portion of the common boundary is treated with a roadway and firebreak as an interface and edge to the Settlers Common. Installation of suitable fencing along the entire length of the common boundary between the subject lot and the Settlers Common will be a condition of approval of the subdivision of this site. A Dieback management Plan would also be required prior to commencement of works. 5. Not supported. To ensure the rural outlook and the rural character of the site a 40m vegetated buffer strip has been imposed along the Canns Road frontage. Comparatively large lots are placed along Canns Road and building envelopes would be established to retain existing vegetation.

SCHEDULE OF SUBMISSIONS

TOWN PLANNING SCHEME NO.4 AMENDMENT NO.2

NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUME OF SUBMISSION	RECOMMENDATION
3	M Morcombe	250 Carradine Road Bedfordale	The rezoning of Lot 681 not be approved by Council or if approved should be subject to the following: 1. Provide deep sewer or environmental toilets. Proposed effluent disposal system would insert effluent into the ground water used by the residents and to the valleys. 2. The City of Armadale requires developers to prepare a Hydrological report to determine the likely direction and speed of spread of effluent and possible consequences to groundwater. 3. For visual value, conservation and erosion control Lot 40 as shown on the Structure Plan should be set a side to satisfy the City's requirement of POS. 4. Restriction on keeping of horses. 5. Developers are allowed to bring in soil fill only from sites shown to be free of dieback. 6. The common property boundary between the site and the Settlers Common to have a closed secure fence to prevent uncontrolled entry. 7. The lot sizes to be 2ha minimum.	1. Not supported. Refer to No.2 above. 2. Not supported. The City's Health Department has advised that preparing a Hydrological report is not considered practicable or necessary. Given the amount of time and the distance effluent would have to travel to reach any groundwater, the potential to contaminate groundwater supplies is negligible. Effluent from leach drains travels further in a horizontal direction than it does in a vertical direction. 3. Refer to No.1(c) above. 4. Refer to No.1 (b) above. 5 & 6 Refer to No.4 above. 7. The proposed lot sizes for this special residential area are consistent with the lot sizes adopted by Council in the other special residential estates in the vicinity.
4	Water Corporation		No objections. Strongly recommends the proponent liaise with the Water Corporation at an early stage for comprehensive infrastructure and planning advice.	Noted. The submission is only in respect to advising the applicant on infrastructure service consideration at the detail design stage, which should be addressed at subdivision development stage.
5	Department of Agriculture and food		No comments	Noted.
6	Department of Environment		The Department of Environment and Conservation (DEC) advises that the above scheme amendment is to be assessed by the Environmental Protection Authority (EPA) Services Unit. The Department is satisfied that any issues in this case will be adequately addressed by the EPA.	Noted.

SCHEDULE OF SUBMISSIONS

TOWN PLANNING SCHEME NO.4 AMENDMENT NO.2

NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
7	Western Power		No Objections. 1. Perth One Call Service must be contacted and location details (of Western Power's underground cable) obtained prior to any excavation commencing. 2. Work safe requirements must be observed when excavation work is undertaken in the vicinity of Western Power's assets.	Noted. The submission is only in respect to advising the applicant on infrastructure service consideration at the detail design stage, which should be addressed at subdivision development stage.

LEGEND:

- Existing Vegetation
- Major Strategic Emergency Access (8m Wide Easement)
- Minor Strategic Fire Break (With gates at boundaries)
- Area accommodating controlled inert material, designed and rehabilitated to acceptable standards.
- Indicative location of Landscaped Drainage Detention Swales within easements, subject to detailed design at the time of subdivision
- Peak event overflow within easement to existing soak
- Proposed Building Envelope
- 40m Vegetation Buffer - Development Exclusion Area

NOTES:

1. The subdivision is to be developed and landscaped in accordance with a Landscape Master Plan prepared by the proponent and endorsed by Council.
2. Fencing standards shall comprise post and wire fencing with 1.2m high posts at 4m spacing with wire at 200mm spacing.
3. Traffic Management devices will be required at suitable locations within the road alignment, which may require the widening of the road reserve.
4. In addition to the normal requirements under the Fire Break notice a Fire Management Plan will be prepared for this subdivision as a requirement of subdivision approval.
5. Road Drainage will flow over flush kerbs into a roadside swale which will flow into larger swales in the designated locations as shown. The larger swales are sized to cater for 100yr storm. These swales shall be planted out to minimize the impact of the water body.
6. Drainage and revegetation capabilities of the land will be improved by ripping of the "old quarry floor", and overlaying with clean fill material.

Structure Plan

Loc 681 Canns Road, Bedfordale

DISCLAIMER:

This plan has been prepared to accompany a submission by Dykstra Planning and should not be used for any other purpose. The dimensions, areas and number of lots are subject to survey and also the requirements of the Local Authority and other authorities which may have requirements under any relevant legislation.

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CLIENT	STEG
JOB NO	98-10
REV	C
DATE	January 2007

DYKSTRA PLANNING