

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, 15 MAY 2007 AT 7:00 PM.**

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*A meal will be served at 6:15 pm*

**PRESENT:**

**APOLOGIES:**

**OBSERVERS:**

**IN ATTENDANCE:**

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***DISCLAIMER***

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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***

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***QUESTION TIME***

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

***CONFIRMATION OF MINUTES***

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**RESOLVED**

**Minutes of the Development Services Committee Meeting held on 10 April 2007, to be confirmed.**

Moved Cr \_\_\_\_\_

Carried/Lost ( )

***ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.9/2007***

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

- **Outstanding Matters**  
Report on Outstanding Matters – Development Services Committee
- **Information Items**  
Draft Healthy Rivers Action Plan – Comments referred to Swan River Trust  
Need for Cat Local Laws – Murdoch University Study Results  
Minter Ellison Legal Update – A New Disciplinary Framework for Loc Govt
- **Health**  
Health Services Manager’s Report for the Month of March 2007
- **Planning**  
Planning Services Manager’s Report for the Month of March 2007  
Town Planning Scheme No.4 – Amendment Action Table  
Planning Applications Monthly Statistics – March 2007  
Compliance Officer’s Report for the Month of March 2007  
Subdivision Applications – WAPC Approvals/Refusals – March 2007  
Subdivision Applications – Report on Lots Registered for 2005/06 & 2006/07  
PAW Closure Report – Significant Actions during March 2007  
Road Naming Report 2007 & Consequential Action of Council Recommendation
- **Building**  
Building Services Manager’s Report for the Month of March 2007  
Building Applications Monthly Statistics for the Month of March 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.*



# DEVELOPMENT SERVICES COMMITTEE

## INDEX

15 MAY 2007

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### SCHEME AMENDMENTS & STRUCTURE PLANS

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REZONING OF LOT 202 CANNS RD BEDFORDALE & ASSOCIATED STRUCTURE PLAN ----- 21

### STRATEGIC PLANNING

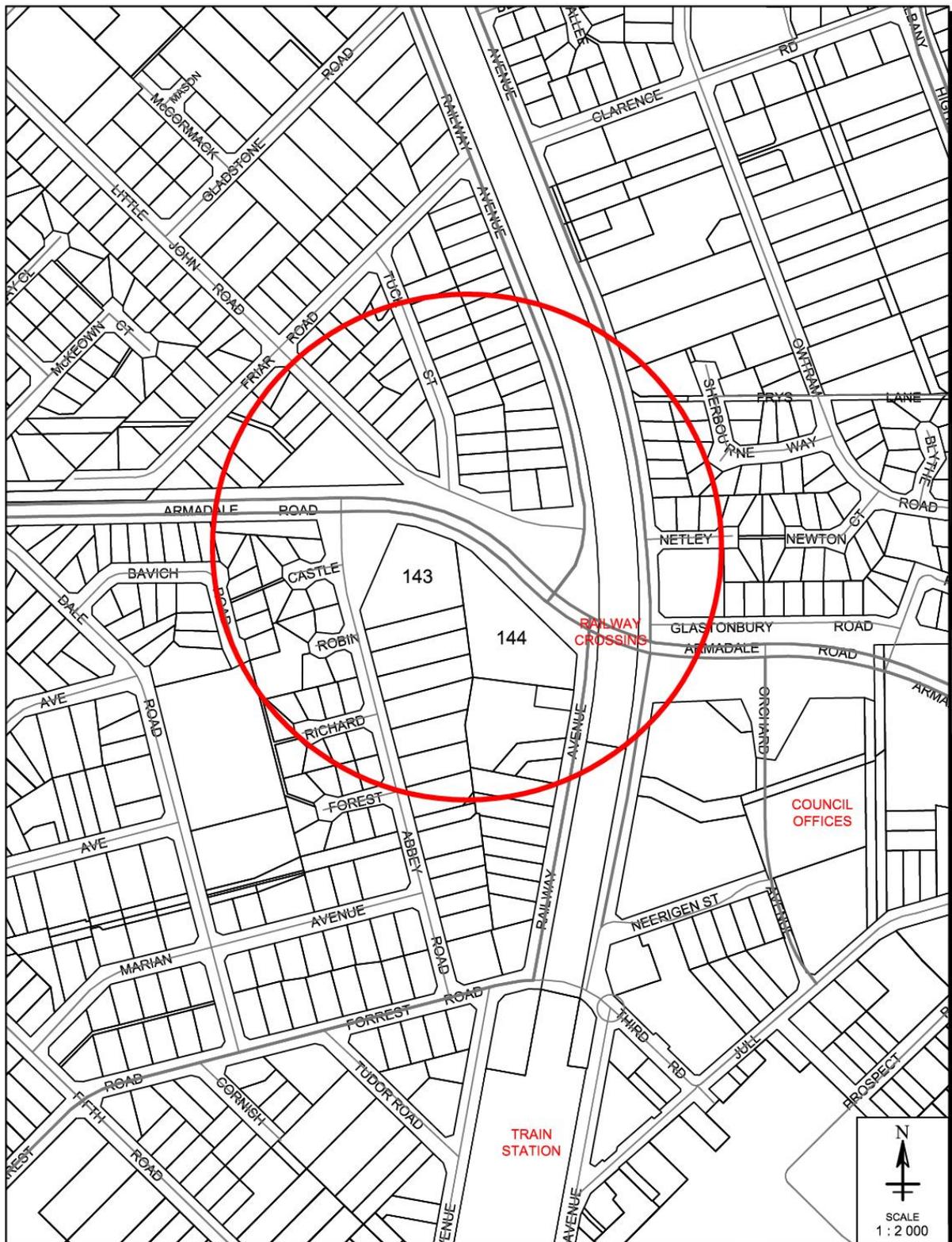
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**DEVELOPMENT  
SERVICES  
COMMITTEE**

**PLANNING**



**LOCATION PLAN**  
ABBEY ROAD - RAILWAY AVENUE LINK

***SCHEME AMENDMENT No.20 TO TOWN PLANNING SCHEME No.4 –  
ALIGNMENT OF ABBEY ROAD & RAILWAY AVENUE LINK, ARMADALE***

WARD : MINNAWARRA  
REF NO. : Amendment 20  
DATE : 5 May 2007  
REF : PS  
RESPONSIBLE MANAGER : PSM  
APPLICANT : City of Armadale  
LAND OWNER : City of Armadale  
SUBJECT LAND : Various  
ZONING  
MRS : Urban  
TPS No.4 : Various

**In Brief:-**

- The City has advertised Amendment No.20 which proposes to rezone portions of Lot 143 and 144 Armadale & Abbey Roads, Armadale from “Parks and Recreation (Local)” to “Residential R40” and indicated on the Scheme maps the proposed alignment of the Abbey Road/Railway Ave link.
- At its January 2007 meeting, Council resolved to adopt Amendment No.20 and defer consideration of the submissions and the proposed alignment of the Abbey Road/Railway Ave link, pending further advice.
- The City has now received the additional advice.
- Recommend that Council adopt proposed alignment of the Abbey Road/Railway Ave link and road closure.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

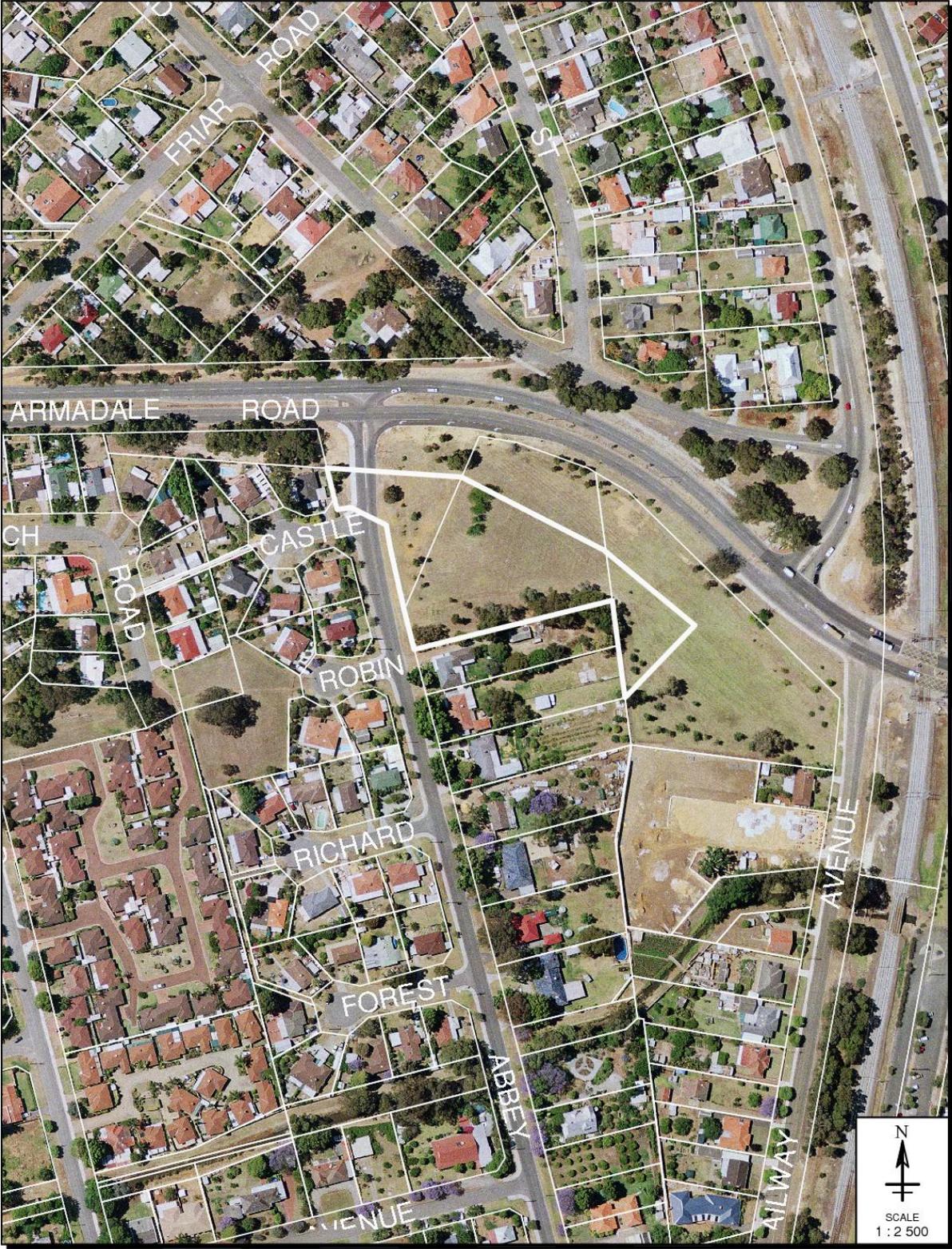
Planning and Development Act 2005  
Metropolitan Region Town Planning Scheme Act 1959  
Metropolitan Region Scheme  
Town Planning Scheme (TPS) No.4

**Council Policy / Local Law Implications**

Local Planning Strategy 2005

**Budget / Financial Implications**

It is anticipated that the return from the sale of lots created from the subdivision of Lots 143 & 144 and any residential land arising from acquisition would meet the costs of land acquisition for road purposes. However, the disposal of this land may take some time, so the City may need to consider the timing of the acquisition of the land and other funding sources. Possible land exchanges and the cost of constructing the realignment of proposed alignment of the Abbey Road/Railway Avenue link are discussed further in this report under heading “Land Acquisition & Future Grants”.



**AERIAL PHOTOGRAPH**  
PORTION LOTS 143 & 144 ARMADALE ROAD, ARMADALE

### **Consultation**

- ◆ Development Control Unit.
- ◆ Technical Services Directorate.
- ◆ ARA.
- ◆ MANEX.
- ◆ Main Roads WA & Department of Planning & Infrastructure.
- ◆ The Environmental Protection Authority (EPA) advised that the amendment did not warrant an environmental assessment.
- ◆ Advertised for public comment for 42 days.

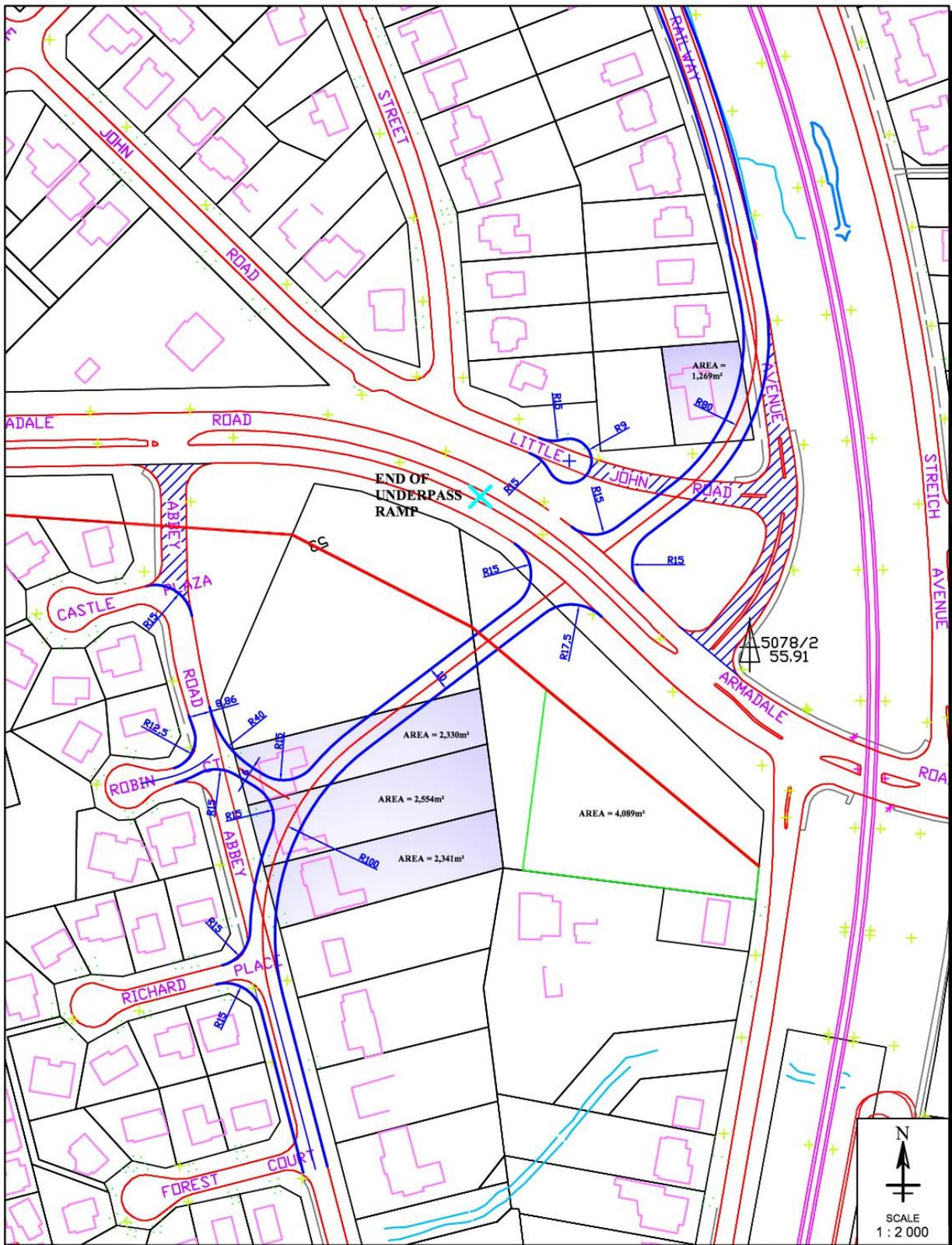
### **BACKGROUND**

At its 7 November 2005 meeting, Council resolved to support the entering into a lease which would enable the uses currently accommodated within Minnowarra House and Orchard House to relocate to Lot 144 Railway Avenue to facilitate the extension of the shopping centre. This decision was subject to the Minister for Planning and Infrastructure advising of her support to the rezoning of the adjacent Lot 143 Abbey Road. The Minister has yet to provide advice of her support to the rezoning.

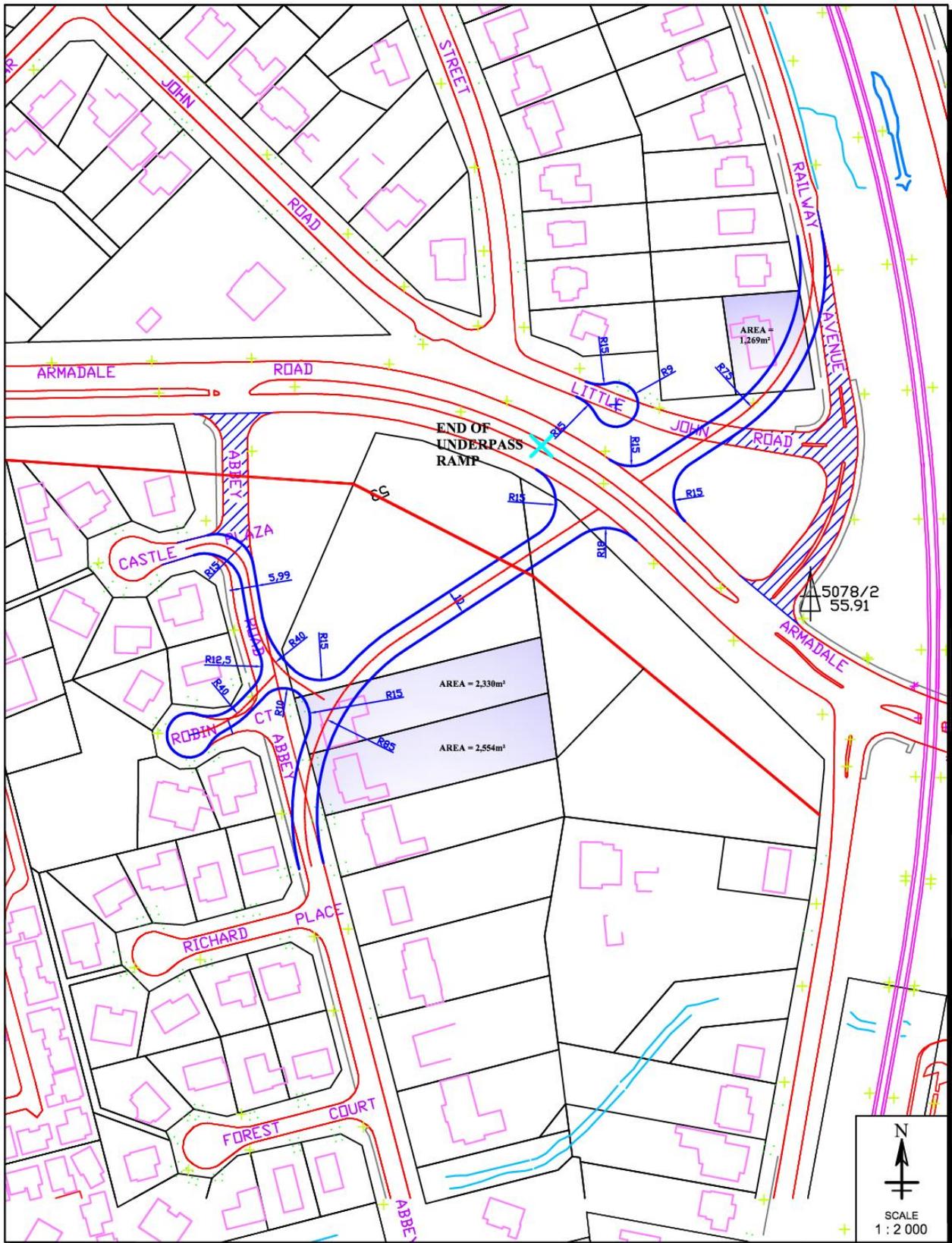
Consideration of the road requirements for north-south access have lead to the conclusion that future planning should be on the basis of the connection of Abbey Road with Railway Avenue and this may have implications on adjacent privately owned land. At its meeting on 16 January 2006, Council resolved to note the need to resolve future road networks linking Green Avenue and Railway Avenue north of Armadale Road be the subject of further investigation and report.

Council, at its meeting on 18 April 2006, considered three (3) options for the alignment of the Abbey Road/Railway Avenue link and selected Option 2. The Council resolved to:

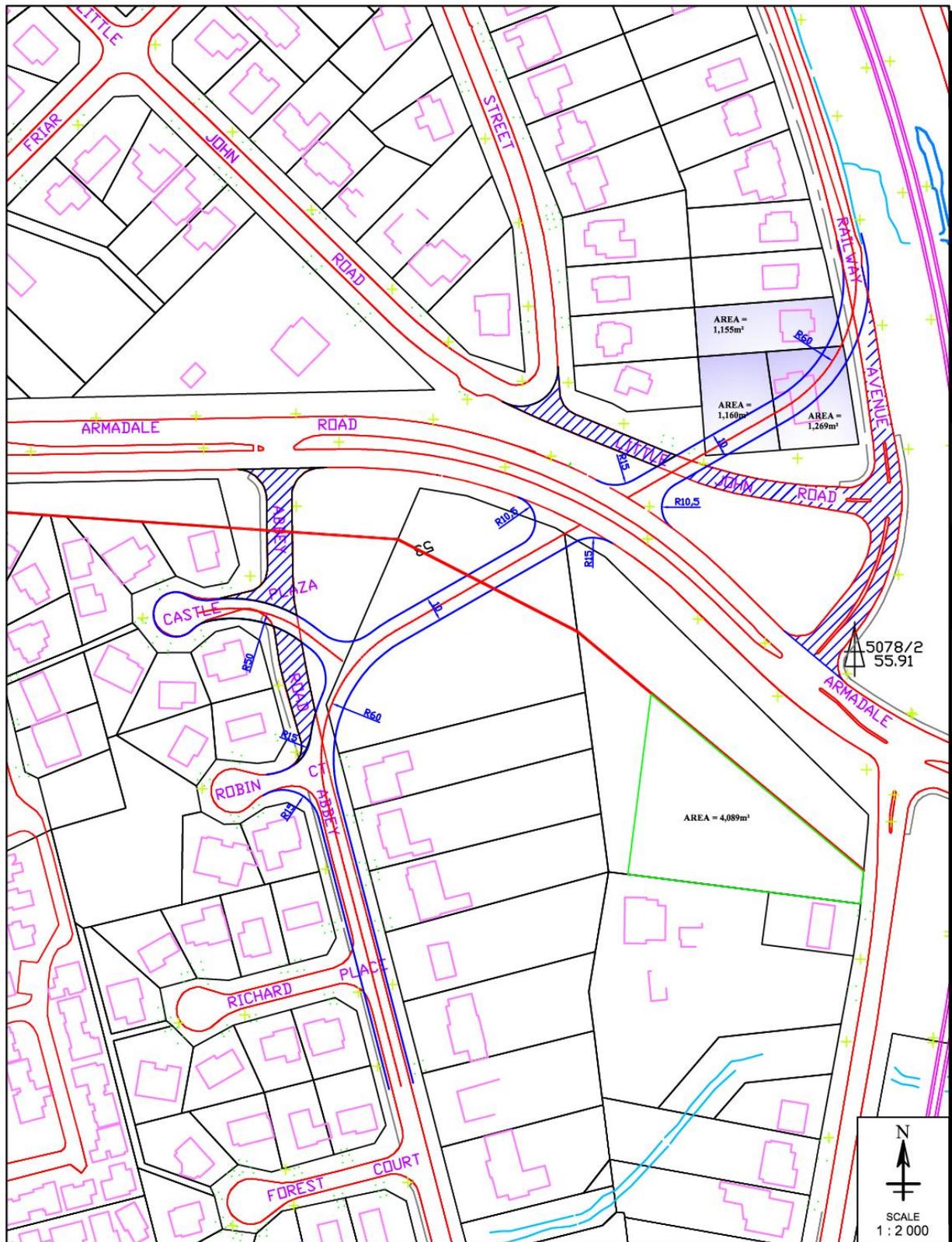
- 1-3. Initiate Amendment No.20 to TPS No.4 and advertise the amendment for a period of 42 days. The amendment proposes to:
  - i) rezone portions of Lots 143 and 144 Armadale Road from “Parks and Recreation” reserve to “Residential R 40” and amend the Scheme Maps accordingly;
  - ii) indicate on the planning scheme maps the proposed alignment of the Abbey Road/Railway Avenue link.
- “4. *Forward a copy of the amendment to the Western Australian Planning Commission for information and with the request that the road link be included as part of the Primary Road reservation in the next Omnibus amendment to the Metropolitan Region Scheme.*
5. *That confirmation of the suitability of the proposed Abbey Road/Railway Avenue connection be sought from Main Roads WA.*
6. *Advertises, concurrently with Amendment No. 20, the closure of a portion of Abbey Road, Armadale that is surplus to the City’s requirements (as shown on attached plan) in accordance with Section 58 of the Land Administration Act 1997. The closed road reserve is proposed to be amalgamated with the adjoining Lot 143 Abbey Road, Armadale owned by the City.*



**OPTION 1**  
ABBAY ROAD - RAILWAY AVENUE LINK



**OPTION 2**  
ABBAY ROAD - RAILWAY AVENUE LINK



**OPTION 3**  
ABBEY ROAD - RAILWAY AVENUE LINK

7. *Request the City to seek the Department for Planning & Infrastructure’s support for the exchange of the proposed closed road reserve for an equal area of land required for the future alignment of Abbey Road road reserve on Lot 143 Abbey Road, Armadale.”*

At its meeting in January 2007, the Council considered the submissions on the proposals and resolved to adopt Amendment No.20 and defer consideration of the submissions on the proposed alignment of the Abbey Road/Railway Avenue link and the proposed Abbey Road road closure, until further advice is received from Main Roads WA, the Department for Planning and Infrastructure and the Technical Services Directorate. The City has now received the additional advice it required.

The City is still awaiting the Hon Minister for Planning and Infrastructure’s decision on Amendment No.20. Officers of the City have been continually liaising with officers of the Department to address issues raised, so the proposed amendment can be granted final approval.

## **COMMENT**

### ***Public Advertising of Amendment No.20***

The proposed amendment was advertised for 42 days, closing on 2 August 2006. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, advertisements in the “West Australian” newspaper and local community newspaper and letters to affected and nearby landowners.

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

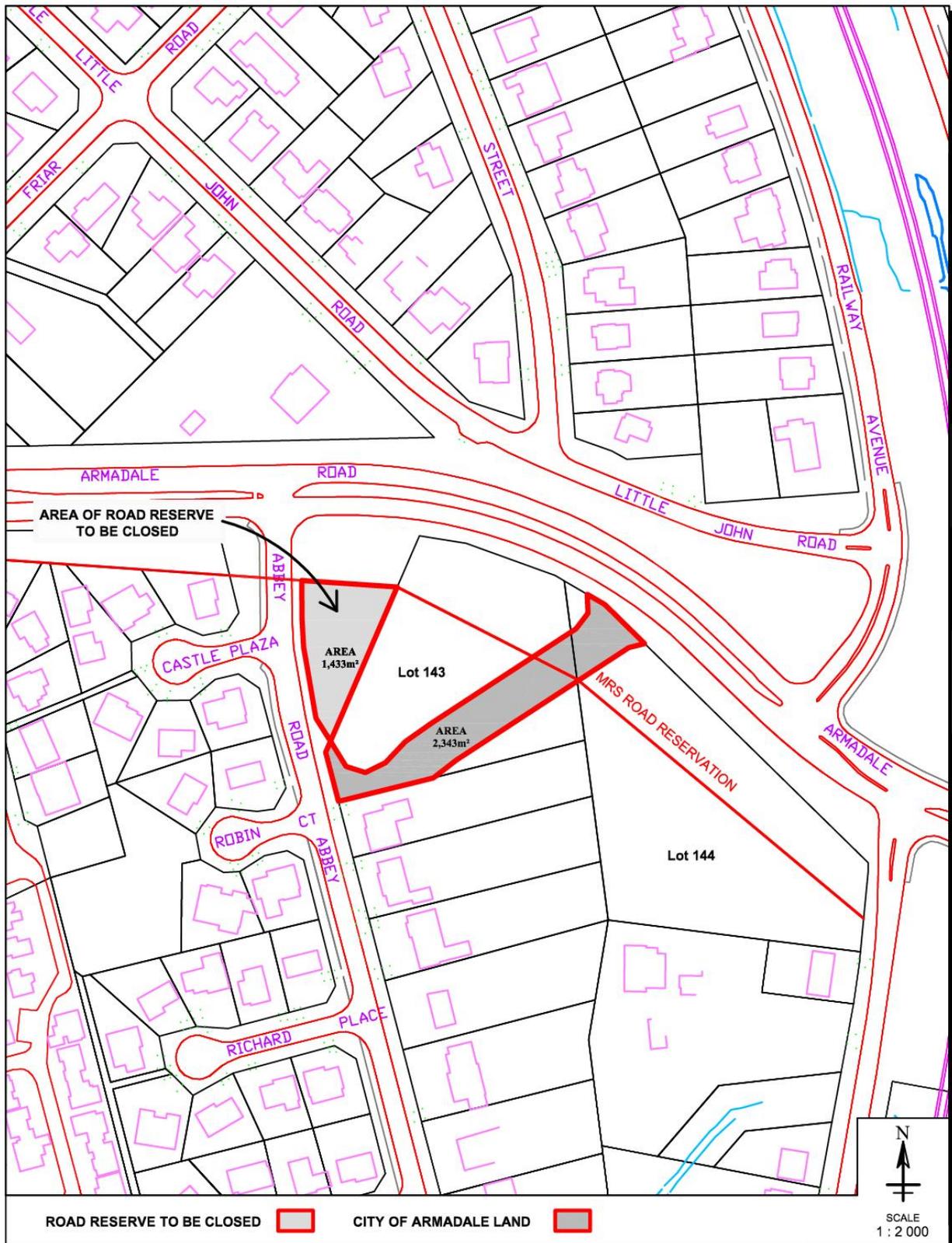
### ***Refer to Confidential Attachment “B1” of the Agenda for location plan of submitters.***

All of the issues raised in the submissions were considered in the report considered by Council at its January 2007 meeting, with the exception of the issues relating to the alignment of Abbey Road. These issues are discussed below.

### ***Key Issues arising from Submissions on Abbey Road/Railway Avenue Alignment***

#### ***Issue 1 – Alignment of Abbey Road & Traffic concerns***

*One submission from a landowner along Abbey Road advised that they opposed Options 1 and 2 and supported Option 3 for the alignment of Abbey Road. The submission suggested various other traffic improvements in the locality.*



**PROPOSED ROAD CLOSURE**  
ABBAY ROAD

Comment

The City has been negotiating with Main Roads WA and the Department for Planning and Infrastructure for several months regarding the proposed alignment of the Abbey Road/Railway Avenue link and its impact on Armadale Road. The City's Technical Services Directorate has advised that it is unlikely that Option 3 would be approved by Main Roads WA because the intersection crossing angle is less than 75 degrees. The other traffic improvements suggested in the submission are not appropriate or necessary. Option 2 is the most appropriate alignment for the proposed alignment of the Abbey Road/Railway Avenue link as previously resolved by Council.

Recommendation

That the issue be dismissed.

**Main Roads WA Advice**

Main Roads WA have advised that they have no objection to the location of the realigned Abbey Road and Railway Avenue creating a 4-way intersection with Armadale Road. Main Roads WA have provided further advice that they cannot confirm the road layout until a more detailed design is prepared.

**ANALYSIS****Proposed Road Closure**

At its meeting on 18 April 2006, the Council also resolved to advertise the closure of a portion of Abbey Road that is surplus to the City's requirements, concurrently with Amendment No.20. The closed road reserve is proposed to be amalgamated with the adjoining Lot 143 Abbey Road, Armadale owned by the City. Whilst the road closure does not need to proceed at this time, the Council should make the required resolutions so the road closure can proceed when desirable.

**Proposed Land Exchange**

At its meeting on 18 April 2006, the Council also resolved to request the City to seek the Department for Planning and Infrastructure's support for the exchange of the proposed closed road reserve at the corner of Abbey Road and Armadale Road for an equal area of land required for the future alignment of Abbey Road road reserve on Lot 143 Abbey Road, Armadale.

The Department for Planning and Infrastructure has advised that it is agreeable to the proposed land exchange on an equal-value basis. The land exchange will assist the City in offsetting the cost of providing its land for the new alignment of Abbey Road. The land exchange can be progressed when the road closure progresses.

## **Land Acquisition & Future Grants**

The City will need to consider and determine the timing of acquisition of the land. Officers of the City have met with the potential purchasers of several of the lots along Abbey Road that are affected by the realignment of Abbey Road to discuss the possible exchange of part of Lot 144 for the land required for the new alignment of Abbey Road. Such an exchange would assist the City in minimising the cost of providing the realignment of Abbey Road and Railway Avenue. The relevant Directors should be authorised by the Council to enter into discussions and progress possible land exchanges to secure the alignment of the Abbey Road and Railway Avenue link. A separate report will need to be considered by Council to finalise any land exchanges and purchases.

The City's Technical Services Directorate has advised that the construction of an at grade 4-way intersection will be a temporary arrangement, until Main Roads WA, the Public Transport Authority and the City decide on the timing of the construction of the grade separation of Armadale Road and the railway line, which is likely to be in approximately 15 to 25 years.

The City's Technical Services Directorate has advised that it will apply for Improvement Grants (\$1,500,000) during this years round of applications (2007/08) for availability of these grants in 2010/11 and 2011/12. There is no guarantee that Council will be successful in obtaining these grants in the time periods specified. The Council will need to pay about 1/3 of the construction cost (about \$750,000), which will need to be included in the City's 15 Year Plan. Other grant options (i.e. Road to Recovery 2) and funding sources (including the possible sale of portions of Lots 143 and 144 or funds from the additional revenue from applications) could also be considered.

## **OPTIONS**

1. Council may resolve to adopt the proposed alignment of the Abbey Road/Railway Avenue link and the proposed road closure.
2. Council may resolve to not adopt the proposed alignment of the Abbey Road/Railway Avenue link and the proposed road closure at this time.

## **CONCLUSION**

The north-south connection across Armadale Road is critical to the City and will ensure that convenient access to the growing CBD is secured. While the timing of the grade separation of the railway and Armadale Road is uncertain, the interest in redevelopment resulting from increased density potential arising from TPS No.4 and development boom has lead to the need to bring forward the planning for and protection of the north-south connection.

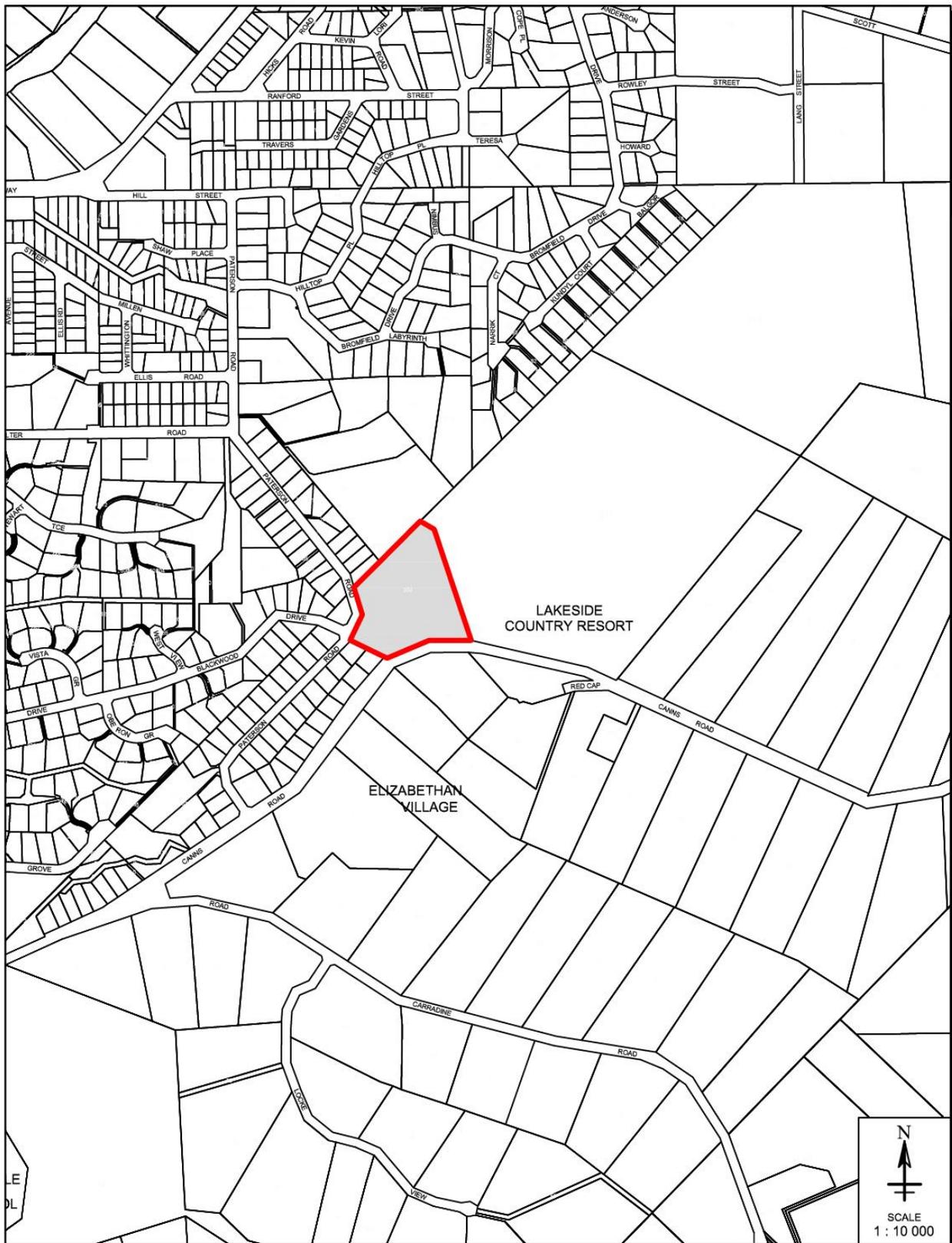
The adoption of the alignment of the Abbey Road/Railway Avenue link and the proposed road closure will ensure that the road alignment can be protected and the City can proceed to make arrangements for the acquisition of the required land, prepare more detailed road designs and obtain the necessary approvals from the State Government Departments.

It is recommended that Council resolve to adopt the proposed alignment of the Abbey Road/Railway Avenue link and the proposed road closure in accordance with Option 1 above.

**RECOMMEND**

**That Council resolves to:**

- 1. Adopt the proposed alignment of the Abbey Road and Railway Avenue link as depicted in Option 2.**
- 2. Endorse the comments made in this report regarding the submissions received on the alignment of the Abbey Road and Railway Avenue link.**
- 3. Authorise the relevant Directors to commence negotiations with the affected landowners and/or purchasers for the acquisition of the land required for the proposed alignment of the Abbey Road and Railway Avenue link, including any possible land exchanges of portions of Lots 143 and 144, when approached by landowners and/or purchasers.**
- 4. Request the Technical Services Directorate to progress more detailed design of the proposed alignment of Abbey Road and Railway Avenue link, so the proposed alignment can be forwarded to the Western Australian Planning Commission for inclusion in an Omnibus amendment to the Metropolitan Region Scheme.**
- 5. Following the completion of part (4) above, the City request the Western Australian Planning Commission to include the proposed alignment of Abbey Road and Railway Avenue link as part of the Primary Road reservation in the next Omnibus amendment to the Metropolitan Region Scheme.**
- 6. Authorises a request being made to the Minister for Lands pursuant to Section 58 of the Land Administration Act 1997 for the permanent closure of a portion of Abbey Road road reserve in Armadale, as identified on the attached plan, subject to the land being amalgamated with the adjoining landholding. The closed road reserve is proposed to be amalgamated with the adjoining Lot 143 Abbey Road, Armadale owned by the City.**
- 7. Request the City to progress the exchange of the proposed closed road reserve for an equal area of land required for the proposed alignment of Abbey Road and Railway Avenue link and/or widening of Armadale Road.**
- 8. Authorise the CEO to sign and lodge any subdivision application forms on behalf of the City to progress the implementation of the proposed alignment of the Abbey Road and Railway Avenue link.**
- 9. Advise the submitters of parts (1) and (2) of the above decision.**



**LOCATION PLAN**  
LOT 202 CANN ROAD, BEDFORDALE

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***PROPOSED AMENDMENT No.26 TO TOWN PLANNING SCHEME No.4 –  
REZONING OF LOT 202 (38) CANNES ROAD BEDFORDALE AND ASSOCIATED  
STRUCTURE PLAN***

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WARD : NEERIGEN  
DATE : 27 April 2007  
APPLN No. : 34.2006.13.1  
REF : RVD  
RESPONSIBLE MANAGER : PSM  
APPLICANT : Dykstra Planning  
LANDOWNER : Ms A E Firth  
SUBJECT LAND : Property size 4.0314 hectares (ha)  
ZONING  
MRS : Rural  
TPS No.4 : Rural Living 4

**In Brief:**

- Council has received a request from Dykstra Planning to initiate an amendment to rezone Lot 202 (38) Cannes Road Bedfordale from “Rural Living 4” to “Rural Living 1”.
- The proposal would allow the subject lot to be subdivided into four lots.
- Recommend that Council resolve to advise the applicant that it is not prepared to initiate Amendment No.26 and determine the Structure Plan is not satisfactory for advertising for the following reasons:
  - The proposal does not meet elements of Western Australian Planning Commission Policy DC 3.7 Fire Management;
  - The proposal will have a detrimental impact on visual amenity through potential building bulk and the works required for fire management on the site; and
  - The proposal is ad-hoc and sets an undesirable precedent in the Rural Living zone.

**Tabled Items**

Nil.

**Officer Interest Declaration**

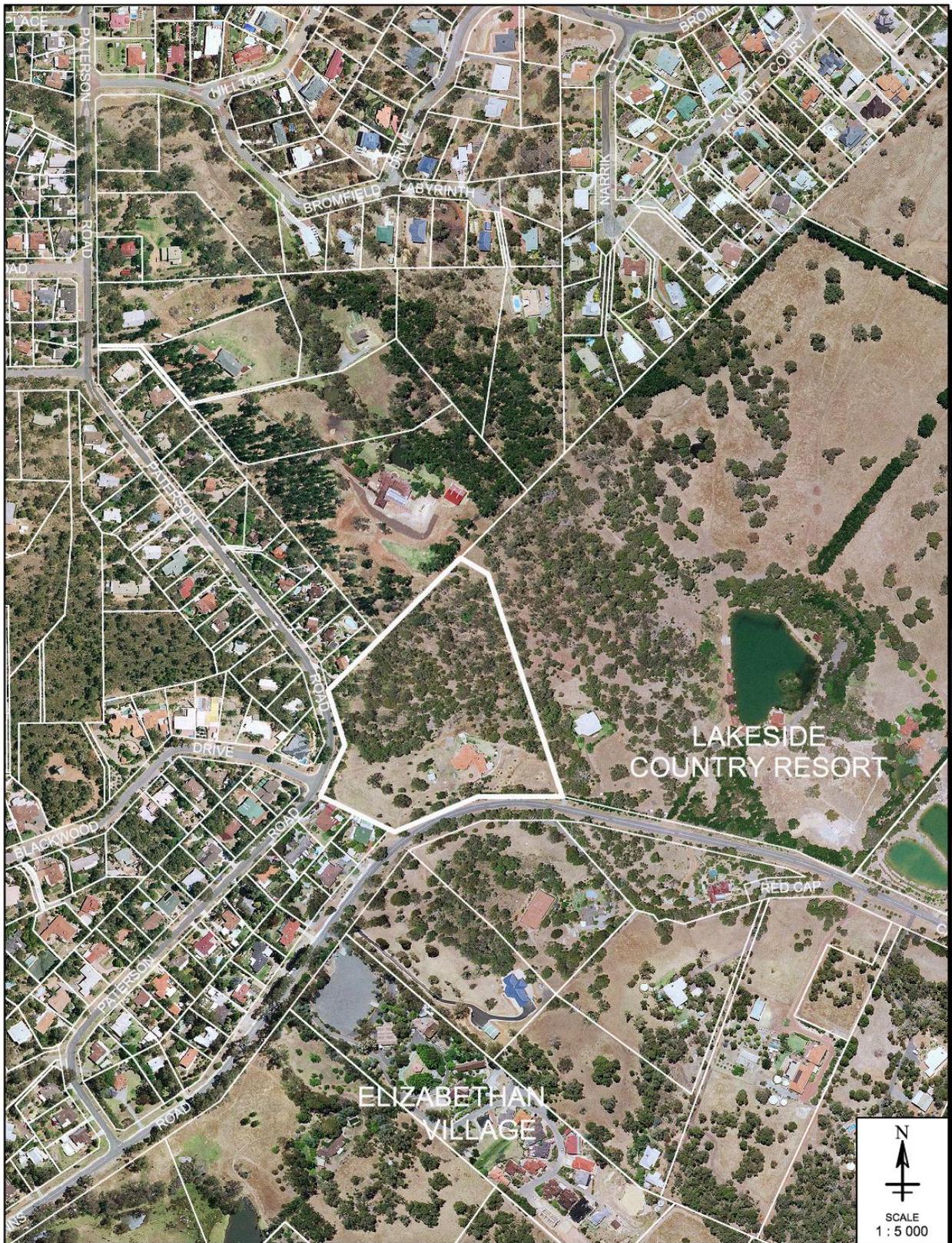
Nil.

**Strategic Implications**

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

**Legislation Implications**

Planning and Development Act 2005  
Town Planning Regulations 1967  
Metropolitan Region Scheme  
Town Planning Scheme No.4  
Bush Fires Act 1954



**AERIAL PHOTOGRAPH**  
LOT 202 CANNS ROAD, BEDFORDALE

### **Council Policy / Local Law Implications**

Local Planning Strategy 2005  
Local Rural Strategy  
PLN 2.1 Establishment or variation of Development Envelope locations  
PLN 2.5 Erosion Prevention and Sediment Control

### **Budget / Financial Implications**

Nil.

### **Consultation**

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

## **BACKGROUND**

The City has received a request to initiate an amendment over Lot 202 (38) Canns Road, Bedfordale (the subject lot), along with an associated Structure Plan that embodies some additional management controls. The application has undergone a number of iterations as a result of feedback from officers, including an Agenda item in the November 2006 Development Services Meeting that was withdrawn at the request of the applicant.

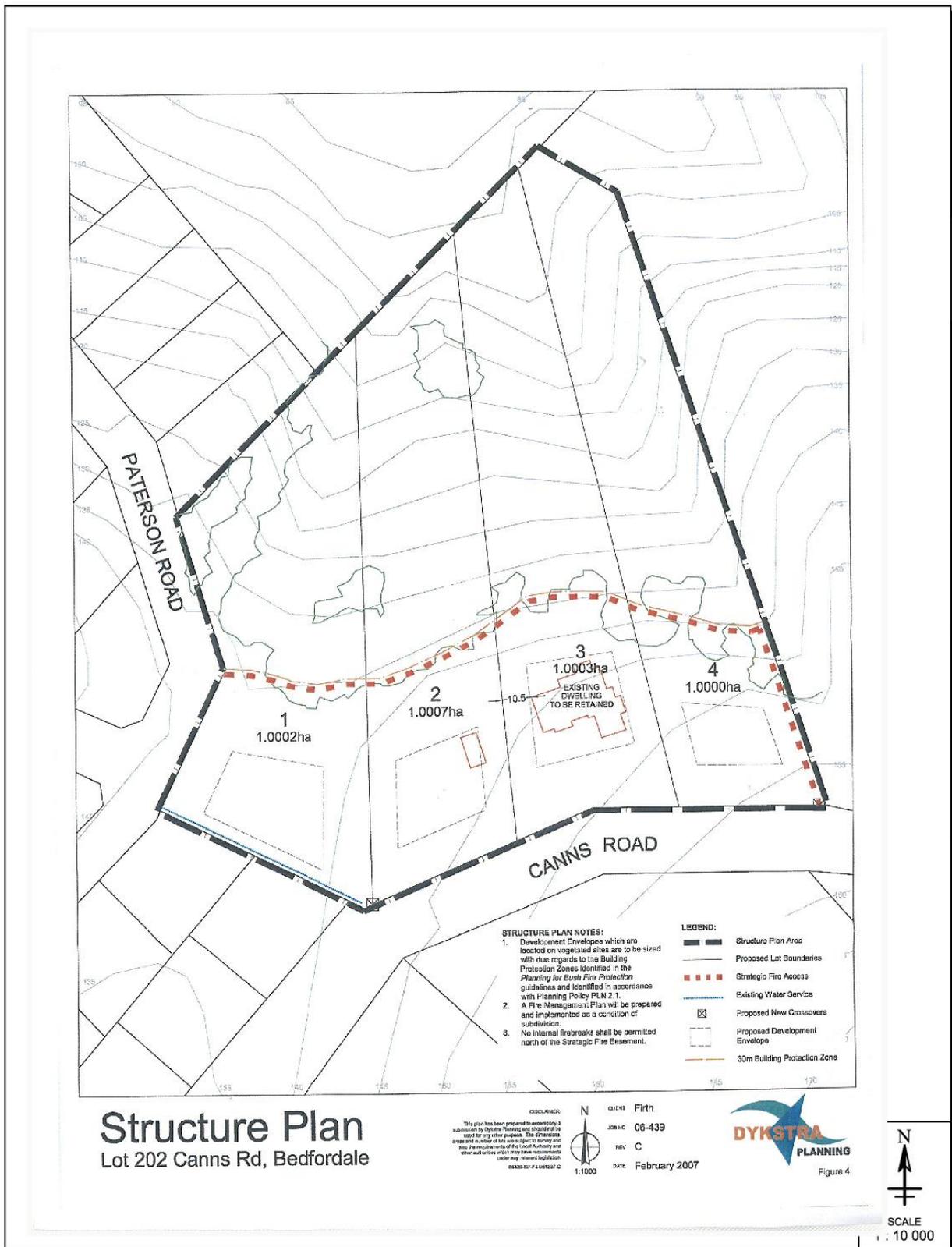
## **DETAILS OF PROPOSAL**

The applicant proposes that the subject lot be rezoned from “Rural Living 4” to “Rural Living 1” to enable subdivision of the lot into four lots of between 1.0000ha and 1.0007ha. Development envelopes on new lots without existing dwellings have side setbacks of 10.5m, front setbacks of 15m and setbacks of 30m from the area currently identified as extreme bushfire hazard. This results in development envelopes of about of 660sqm, 1,020sqm and 1,170sqm. An existing dwelling is contained within a development envelope of about 1,200sqm on the fourth lot.

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

- (i) the proposed land use and lot size is consistent with the Rural zoning of land under the Metropolitan Region Scheme;
- (ii) land capability assessment shows the site can accommodate the development;
- (iii) the use of development envelopes will minimise the landscape impacts;
- (iv) the large landholding affords little ‘practical’ protection for existing vegetation and fauna;
- (v) existing RL4 lot size is too large to manage and too small and unsuited for viable agriculture;
- (vi) the smaller lots are less likely to be used for agricultural or semi-commercial activities; and
- (vii) provides an integration with surrounding land uses and gradation of lot sizes.

Many of these points are considered later in this report.



**PROPOSED STRUCTURE PLAN**  
LOT 202 CANNIS ROAD, BEDFORDALE

## COMMENT

### *Development Control Unit*

At its meeting on 17 April 2007 the Development Control Unit discussed the proposal and recommended that the proposal not be supported. The recommendation is based on concerns regarding non-compliance with WAPC Policy DC3.7 Fire Planning, the 10m side setbacks proposed (which are normally 15m in Rural Living Zones), the small development envelope sizes which result from the site constraints, potential impacts on visual amenity and the ad-hoc nature of the proposal.

## ANALYSIS

### *Metropolitan Region Scheme and Town Planning Scheme No.4*

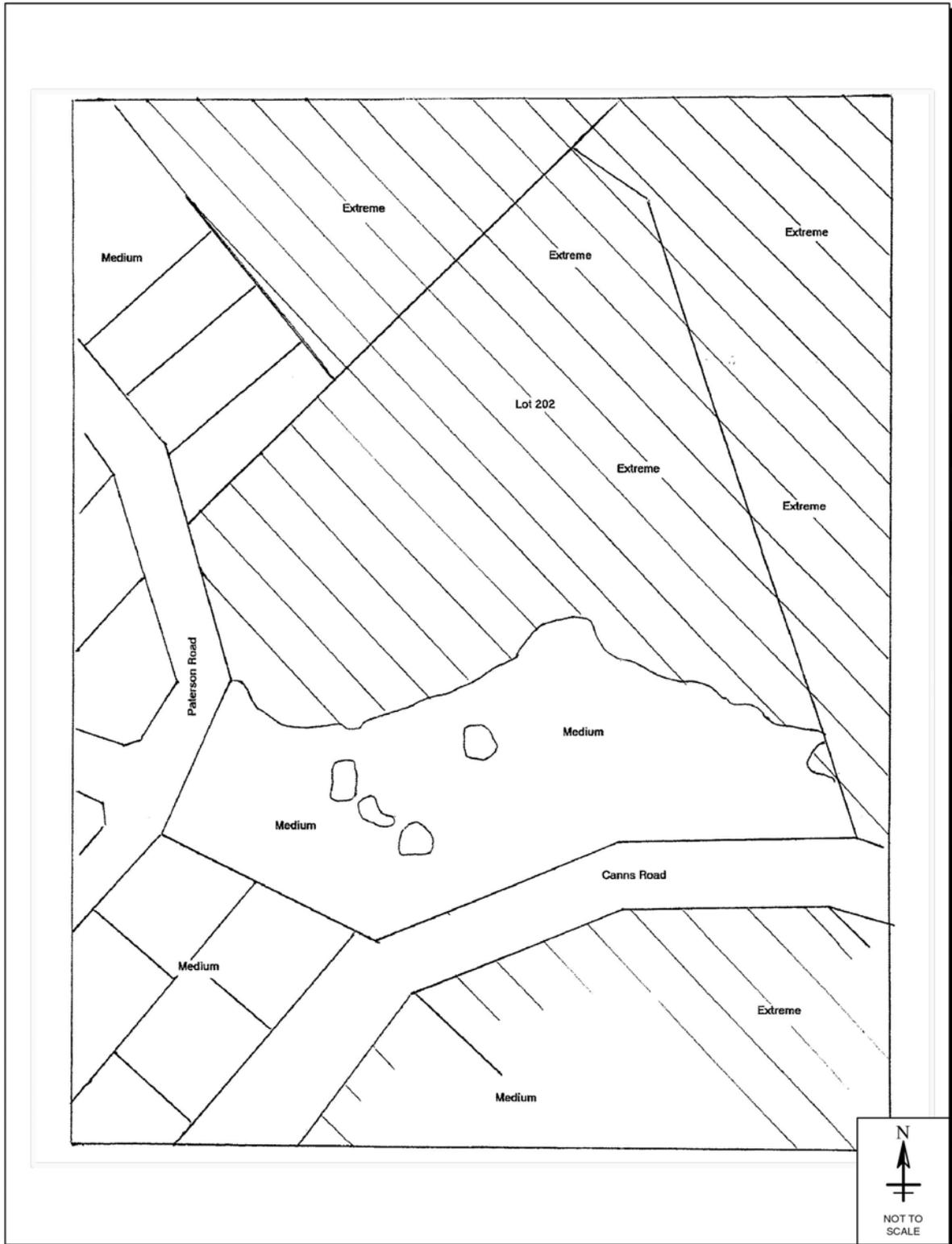
The subject land is zoned Rural under the Metropolitan Region Scheme, and is currently zoned Rural Living 4 under Town Planning Scheme No. 4.

The objectives of the 'Rural Living' zone are:

- *To provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics;*
- *To provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites; and*
- *To ensure development is sited, designed and managed in harmony with the natural environment, so as to protect the rural landscape and amenity.*

It is questionable if the proposal meets these objectives. It is suggested that the land form and natural environmental characteristics of the area predispose it to larger lot sizes. To achieve Rural Living 1 the land form and site constraints results in clustering of the development in a way that does not permit the site to be landscaped to protect rural landscape and amenity. Landscaping is precluded by the requirement identified in the applicant's Fire Management Plan that to achieve adequate fire protection a 30m building protection zone is required around each development envelope with bush and grass height a maximum height of 50mm.

Under Clause 6A.3 of Town Planning Scheme No. 4, upon receiving a Proposed Structure Plan the City is to determine whether the Proposed Structure Plan is satisfactory for advertising, can be made satisfactory for advertising subject to modifications, or is not satisfactory for advertising and give reasons to the proponent. Where a proponent is aggrieved by the City's decision, the proponent may request the City to forward the Proposed Structure Plan to the Western Australian Planning Commission.



**BUSH FIRE HAZARD ASSESSMENT**  
LOT 202 CANN ROAD, BEDFORDALE

### ***Local Planning Policies***

Local Planning Policy PLN 2.5 “*Erosion Prevention and Sediment Control*” would apply to the area north of the proposed Strategic Fire Access which has slopes greater than 20% and is identified as ‘very high or highly susceptible to erosion’ by Map 4 in the Local Rural Strategy. This has a significant effect on the location of fire-breaks.

If the proposal were initiated the Structure Plan would have to include a notation referring to the need for Local Planning Policy PLN 2.5 to be applied to future subdivision and development of the land, and to the location and method of achieving fire-breaks.

Issues to be considered under Local Planning Policy PLN 2.1 “*Establishment or variation of Development Envelope locations*” are considered in other sections of this report.

### ***Fire management and impacts on vegetation, landscape/ visual amenity, and the potential for erosion and adverse impacts on the watercourse***

A Fire Management Plan has been prepared for the subject land. The Fire Management Plan recommends that a 30 metre building protection zone be established around any dwellings on the lot, and for a further 40 metres from the building protection zone a hazard separation zone be established in which fuel levels need to be maintained to 4 to 6 tonnes per hectare by the landholder.

Within the building protection zone, trees must be 15 metres apart, have a 5 metre separation between tree crowns, and the maximum height of understorey vegetation should be 50mm. This would preclude the use of landscaping to screen the new dwellings, particularly from Blackwood Drive and Paterson Road which overlook the site from a high vantage point and so would overlook the roofs of the dwellings and other outbuildings.

There would also be significant practical difficulties for any landholder in maintaining the required fuel levels given the slopes, the expertise needed to estimate fuel load, and the cooperation needed from neighbours. It is also questionable if fuel load management should or can be achieved and enforced through a Town Planning Scheme provision. The City’s Manager Rangers and Emergency Services noted that if fence lines were constructed through the hazard protection zone it would be impractical to adequately manage fuel loads using hazard reduction burning.

The Strategic Fire Access is proposed to be cleared to 6m wide and to have a 4m trafficable surface and connect Canns Road to Paterson Road. However, the connection shown in the Structure Plan is not feasible without major engineering works and is located at a point which the City’s Technical Services staff advise is not considered safe for a driveway access.



**PHOTOGRAPH 1**  
BOUNDARY WITH PATTERSON ROAD



**PHOTOGRAPH 2**  
VIEW FROM BLACKWOOD DRIVE

The Manager Rangers and Emergency Services also noted that additional strategic fire breaks would be desirable down the northern boundary of the lot and across the contour if the proposal were to proceed. However, this would require implementation of special administrative procedures and fire-break installation practise that prevent erosion.

The Fire Management Plan provides different recommendations to Western Australian Planning Commission Policy DC 3.7 and the associated guidelines that recommend no dwellings should be located within 100m of an extreme fire hazard area. Implementation of Western Australian Planning Commission Policy DC 3.7 would preclude further subdivision of the subject land.

### ***Local Planning Policies***

Local Planning Policy PLN 2.5 “*Erosion Prevention and Sediment Control*” would apply to the area north of the proposed Strategic Fire Access which has slopes greater than 20% and is identified as ‘very high or highly susceptible to erosion’ by Map 4 in the Local Rural Strategy.

If the proposal were initiated the Structure Plan would have to include a notation referring to the need for Local Planning Policy PLN 2.5 to be applied to future subdivision and development and to the implementation of fire management measures.

Issues to be considered under Local Planning Policy PLN 2.1 “*Establishment or variation of Development Envelope locations*” are considered in other sections of this report.

### ***Local Planning Strategy/Draft Local Rural Strategy***

Figure 8 which is the Strategic Plan in the City’s Local Planning Strategy identifies the subject land as “Rural Lifestyle/ Landscape Protection” and notes that the structure of the plan features “*Extensive landscape protection and rural living areas throughout the municipality in recognition of the lifestyle attributes of the district and the high scenic value of much of the natural environment, particularly associated with the Darling Range and Forrestdale Lake*”. Landscape protection is therefore an important consideration on the subject land. The existing Rural Living 4 zoning was based on a number of factors including the Strategic Plan.

In the City’s Local Rural Strategy, the subject land falls within the Canns Rural Planning Area, which has as its principle policy objective “*To preserve the scenic and environmental quality of the area*”. The subject land is within an area of secondary landscape quality. As noted above, the proposal would significantly affect the scenic quality of the area.

### ***Land capability and services***

The land capability study submitted by the applicant indicates that all development envelopes are located on land that has a fair capability for Rural Residential Development.

The applicant has advised that the subject land is adequately serviced with roads, water, power and telecommunications. Drainage has not been addressed.

### ***Development Envelopes***

The proposed development envelopes are too small. The City receives numerous applications for the enlargement of development envelopes to larger than 1,500m<sup>2</sup> to 2,000m<sup>2</sup>. Several nearby houses have footprints larger than the proposed development envelopes, even excluding sheds and outbuildings. However, there is little scope to make the development envelopes larger due to the site constraints.

### ***Other subdivision/ structure plan options***

This proposal has been modified from an initial proposal for Special Residential to create five lots from Lot 202 Canns Road and in doing so addressed a number of concerns with the initial proposal. However, as noted above implementation of Western Australian Planning Commission Policy DC 3.7 Fire Planning would preclude further subdivision of the subject land as the policy recommends 100m setback of development envelopes from extreme fire hazard areas. Also the City's Manager Rangers and Emergency Services noted that if fence lines were constructed through the hazard protection zone it would be impractical to adequately manage fuel loads using hazard reduction burning.

If the City were to vary the policy to permit 2ha subdivision (by supporting rezoning to RL2), standards that normally apply in Rural Living zones such as the 15m setback of development envelopes from adjacent properties and providing landscaping to screen dwellings may not be able to be applied without making the development envelope relatively small. The strategic firebreaks connection with Patterson Road that requires substantial earthworks would still be required and the need for 100m setback from extreme fire hazard areas would not be achieved.

### **OPTIONS**

1. Council may resolve to initiate the Scheme Amendment and advertise the Structure Plan as proposed, or amend the Structure Plan before advertising.
2. Council may decline the initiation of the Scheme Amendment and determine under Clause 6A.3.2 of TPS No.4 that the proposed Structure Plan is not satisfactory for advertising, if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area, reasons given above or for any other reason.

### **CONCLUSION**

The amendment proposes the subject lot be rezoned from Rural Living 4 to Rural Living 1 and a Structure Plan to create four lots.

The proposal is contrary to Western Australian Planning Commission Policy DC 3.7 Fire Planning and will have significant adverse visual impacts through building bulk because of small setbacks between lots and the incompatibility of screening with fire safety. This would occur in an area where the principle objective is the preservation of the scenic and environmental quality of the area. The proposal is ad-hoc and sets an undesirable precedent. Given the above, Option 2 is recommended.

**RECOMMEND**

**That Council resolve to advise the applicant that it is not prepared to initiate an amendment (No.26) to Town Planning Scheme (TPS) No.4 to rezone Lot 202 (38) Canns Road, Bedfordale from “Rural Living 4” to “Rural Living 1” and determine under Clause 6A.3.2 of TPS No.4 that the proposed Structure Plan is not satisfactory for advertising for the following reasons:**

- 1. The proposal is contrary to Western Australian Planning Commission Policy DC 3.7 Fire Management;**
- 2. The proposal will have a detrimental impact on visual amenity through building bulk, small setbacks and the incompatibility of screening with fire safety, which is contrary to the objectives of the City’s Scheme, Local Planning Strategy and the Rural Living zone; and**
- 3. The proposal is ad-hoc and sets an undesirable precedent.**

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**\* SIGNS LOCAL LAWS AND LOCAL PLANNING POLICY**

WARD : ALL  
DATE : 27 April 2007  
REF : IM  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:-**

- The City's Local Laws relating to Signs, Hoardings and Bill Posting date from 1965 and lack discretion as well as provision for modified penalties and impounding illegal signs.
- The current signage legislation requires dual signage applications by the City and the ARA.
- The City's current Policy PLN 4.2 Advertising Devices, Local Laws relating to Signs, Hoardings and Bill Posting and the ARA's Signage Design Guidelines are also very different.
- The draft local law and policy were advertised between 28<sup>th</sup> February and 13<sup>th</sup> April 2007 and no public comments received. However comment was received from the Department of Local Government and Regional Development and the ARA.
- Recommend that the Local Law and Local Planning Policy be finalised.

**Strategic Implications**

Developing our City –

- ♦ To sustain and maintain the distinctive character of the City; and
- ♦ Balance the needs of development with sustainable economic, social and environmental objectives.

**Legislation Implications**

Armadale Redevelopment Act 2001  
Planning and Development Act 2005  
Local Government Act 1995  
Metropolitan Region Scheme  
Town Planning Scheme No.4  
Armadale Redevelopment Scheme

**Council Policy / Local Law / ARA Implications**

Policy PLN 4.2 Advertising Devices 2003  
Local Laws relating to Signs, Hoardings and Bill Posting 1965  
ARA Signage Design Guidelines 2004

**Budget / Financial Implications**

Cost of gazettal of Local Laws.

The proposal has implications for Council's Fees and Charges. Signage applications currently require approval from the City under the current Local Law. It is proposed that a single signage application (and fee) apply to all signage in the City and that a second signage application (and fee) to the City not be required in terms of the Local Law, given applications (and fees) are required in terms of the ARA Scheme or Town Planning Scheme No.4. The new Signs Local Law will also introduce new modified penalties / remedies for non-compliance (in both City of Armadale and ARA planning areas).

### **Consultation**

- ◆ Armadale Redevelopment Authority (ARA).
- ◆ Other local governments.
- ◆ Department of Local Government and Regional Development.
- ◆ City's solicitors (Mullins Handcock).
- ◆ Advertised for public comment for six weeks.
- ◆ Notice published in the West Australian, Comment News and The Examiner newspapers.

### **BACKGROUND**

Signage in the City has been controlled by the Local Laws relating to Signs, Hoardings and Bill Posting since 1965. In addition, the City's Town Planning Scheme No.4 and the ARA Town Planning Scheme, require applications for signage.

The current statutory arrangements require signage applications to be made under the Local Law but in the ARA areas applications are required under the ARA Scheme and the Local Law.

In addition, the remedies for non-compliance in terms of the Planning and Development Act include prosecution and direction notices. The current Local Law however does not include modified penalties.

Reviews have been undertaken of other Local Governments Local Laws, and consultation has taken place with Council's solicitors. The draft Local Law complements the requirements of the City's Town Planning Scheme No. 4 and the ARA's Town Planning Scheme.

Given that the City's current Advertising Devices Policy is not consistent with the ARA's Signage Design guidelines, it was considered appropriate to review the policy in tandem with the Local Law.

Council resolved to commence the amendment of the Signage Local Law and Policy with the public advertising of the two documents on 19 February 2007.

Statewide notice of the decision was provided by publication in the West Australian on 28<sup>th</sup> February 2007 and the Comment News on 27<sup>th</sup> February and The Examiner on 1<sup>st</sup> March 2007. The details were also exhibited to the public on notice boards and the City's offices and libraries. The submission period closed on 13<sup>th</sup> April 2007.

Formal request for comment was also made to the Minister for Local Government and Regional Development and the Armadale Redevelopment Authority. The letter to the Minister was accompanied by the necessary attachments including the National Competition Policy Review undertaken for the draft Local Law.

## **DETAILS OF LOCAL LAW**

The Local Law will apply Citywide (in both the ARA and the City's Town Planning Scheme areas) and consist of definitions, remedies / fines for non-compliance as well as provisions to impound illegal signage. The Local Law proposes to update the existing Local Law and streamline the current approval process by eliminating the need for approval under the Local Law. Under the draft Local Law, approvals would be granted under the City's Scheme or the ARA's Scheme.

Included in the Local Law are provisions to impose modified penalties for a number of offences including failure to obtain the appropriate approvals or failing to comply with conditions of an approval. Also included are provisions for authorised officers to impound offending signage.

Whereas the 1965 Local Law comprehensively provided for signs to be applied for and licenced, the new Local Law focuses on the establishment of offences and their prosecution. The signs approval process will be undertaken through the Planning Scheme.

- ◆ Section 3.5 of the Local Government Act 1995 (the Act) confers upon Council the power to make Local Laws.

The current Signs, Hoardings and Billposting Local Laws and Policy are out of date and ineffective. A complete overhaul is considered necessary resulting in a new Local Law and Policy.

- ◆ Section 6.16 of the Act confers upon Council the power to impose (with an absolute majority) and recover a fee or charge for any goods or service.

In this instance an initial charge of \$100 will be imposed with an additional charge of \$5 per day per sign for a period of 60 days after which the City may dispose of the sign as it sees fit if it has not been collected. This will in due course be addressed in the annual review of fees and charges submitted to Council during the budget process.

- ◆ Section 9.16 of the Act confers upon Council and its authorised officers the power to issue an infringement notice with a modified penalty upon an alleged offender.

It is proposed that Council confer upon its Compliance Officers the power to impound illegal signs and to issue Infringement Notices imposing a modified penalty (\$100).

*A copy of the Signs Local Law is at Attachment "A1" of the Agenda, (refer Summary of Attachments – yellow page).*

## **DETAILS OF THE LOCAL PLANNING POLICY**

This policy will supersede Policy PLN 4.2 Advertising Devices, adopted by Council on 19 September 2005 and is formulated to supplement the Local Law relating to Signs and the City's Town Planning Scheme. The Policy will apply to all advertising signs other than signs exempt from planning approval under the City's Town Planning Scheme but will not apply within the ARA Scheme area until the ARA Scheme areas are revoked.

The Policy consists of objectives, policy statements, definitions and a table providing guidance for the acceptable standards for each type of sign. Appendix 1 also includes specific requirements for Illuminated Directional Signs, Illuminated signs in general, Direction Signs, Temporary Community Signs, Public Event and Cultural Directory Signage.

The Policy provides a framework for the regulation of the erection and placement of advertising signs in the interests of protecting and improving upon the amenities of the City.

The Policy provides guidance to applicants applying for signage under the City's Town Planning Scheme and will guide the City in assessing and determining such applications. The Policy has been drafted to be consistent in most respects with the ARA's Signage Design Guidelines. This will provide consistency across the City and will assist the City's Compliance officers and Applicants.

*A copy of the Signage Policy is at Attachment "A2" of the Agenda, (refer Summary of Attachments – yellow page).*

## **ANALYSIS**

### ***Local Law***

The intent with the new Local Law is twofold. Firstly the requirement for signage applications under the Local Law is removed as this will be covered by the relevant town planning scheme. Secondly, the remedies for non-compliance are clearly addressed with fines and the ability to impound illegal signage (with additional daily charges).

The current Local Law does not include modified penalties, which are generally believed to be more appropriate and effective in addressing non-compliance as far as signage is concerned. This aspect is now addressed in the new Local Law.

### ***Local Planning Policy***

In general, signs should comply with the provisions of Table 1 of the Policy. Signs, other than exempted signs, require approval under the Scheme. Where a sign meets the Acceptable Design Standards in Table 1 approval will be a formality. Where no Acceptable Design Standards are specified or where a proposal does not meet these standards the City will refer to the Discretionary Standards and Requirements as a guide in making its discretionary decision.

The Policy will not have the same legislative status of the previous Local Law which was prescriptive in terms of requirements and discretion was applied in very few instances. However, the Policy is quite prescriptive and where absolute standards are not prescribed the Policy includes discretionary standards to guide the approval process.

Signage applications will no longer be treated as licences under the Local Law but as development applications under the Scheme, providing applicants with the opportunity for review/appeal to the State Administrative Tribunal in terms of the Planning and Development Act.

Although the above may have some drawbacks in terms of certainty for both the applicant and the City, the Policy will be relatively consistent with the ARA Signage Design Guidelines, providing sign companies with a more consistent approach to the determination of signage applications throughout the City and reducing the opportunity for confusion.

## **SUBMISSIONS**

Two submissions were received following the advertising of the Local Law and local planning policy.

1. The Armadale Redevelopment Authority made a submission recognising that many of the policy's design criteria complimented the ARA signage design guidelines and that there is continuing need to comply with scheme, local law and policies regarding signage to maintain urban and streetscape amenity.

The ARA supports the intent to streamline the sign approval process.

*Support noted.*

2. The Department of Local Government and Regional Development suggested amended wording to Clause 3 of the Local Law (the revocation clause).

*The amendment proposed is minor and supported.*

## **OPTIONS**

### ***Local Laws -***

1. Make a new Signs Local Law.
2. Retain the existing Local Law relating to Signs, Hoardings and Bill Posting 1965.

### ***Signs Design Guidelines –***

1. Adopt the new Signage (Advertisements) Local Planning Policy.
2. Retain the existing Policy PLN 4.2 Advertising Devices.

## CONCLUSION

While the current Local Law has served the City well in the past, it has specific drawbacks such as dated wording, limited opportunity for the application of discretion and a lack of modified penalties. In addition the current arrangements require dual signage applications by the City and the ARA. The City's current Policy PLN 4.2 Advertising Devices and its Local Laws relating to Signs, Hoardings and Bill Posting and the ARA's Signage Design Guidelines are also very different.

For the City to effectively control advertising signage, whilst providing reasonable opportunities for commercial advertising, an up to date Local Law and Policy is necessary.

In accordance with the required procedures the amendment of the Signs Local Law and Policy have been advertised and no substantial submissions received. It would be appropriate to finalise the Local Law (with a minor amendment) and Policy in accordance with option 1.

## RECOMMEND

**That Council resolve:**

- 1. That notice be given in accordance with the provisions of Section 3.12(4) and (5) of the Local Government Act 1995 that the Council of the City of Armadale make the local law as specified in Attachment "A1" of the Agenda, the purpose and effect of which are to provide reasonable opportunities for commerce within the City to advertise without causing undue adverse effect on the visual amenity of a locality and to provide for effective enforcement.**
- 2. To publish the local law in the Government Gazette.**
- 3. To forward a copy of the local law to the Minister of Local Government and Regional Development.**
- 4. That proposed new policy PLN 4.2 Signage (Advertisements) – in Attachment "A2" of the Agenda, be adopted in accordance with the provisions of Clause 2.4 of Town Planning Scheme No.4. and a notice of the Policy be published once in a newspaper circulating in the Scheme area.**

**\* ABSOLUTE MAJORITY REQUIRED (Part 1)**

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**AMENDMENTS TO RESIDENTIAL DENSITY DEVELOPMENT POLICY**

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WARD : ALL  
DATE : 17 MARCH 2007  
REF : IM  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:-**

- Concerns have been expressed that development applications within the City’s dual coded areas and not meeting the standards expected.
- Amendments to the City’s policy are proposed to more clearly specify the criteria for eligibility to receive the density bonus and specifically identify requirements relating to streetscape, building design, open space and landscaping.
- Recommend that the amendments to the local planning policy be advertised for public comment.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

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

**Legislation Implications**

Planning and Development Act 2005  
Residential Design Codes 2002  
Town Planning Scheme No. 4

**Council Policy / Local Law Implications**

Proposed amendment to Local Planning Policy PLN 3.1.

**Budget / Financial Implications**

Advertising cost will be met within current budget.

**Consultation**

Discussions with local consultant planners and designers  
Planning Department and Technical Services.

## **BACKGROUND**

Since the introduction of residential density changes under TPS No. 4 there have been a number of development proposals considered by the City in accordance with the Scheme provisions and the adopted Residential Density Development Policy. While these documents provide some guidance, experience is demonstrating that greater guidance may be appropriate to ensure that improvements to the City's stock of housing occurs and opportunistic overdevelopment for speculative purposes is avoided.

Council considered a report on 20 November 2006 relating to the need to encourage innovative architectural design in City development in response to earlier concerns regarding the quality of development. The report outlined the strategies already in place to ensure that development meets certain standards and delivers benefits to the City in terms of design, landscaping and infrastructure.

Councillors expressed further concerns during the February 2007 Development Services Committee meeting and requested that consideration be given to the adoption of additional policies to safeguard against inappropriate development.

Surveys of recent development within the City and in adjacent Cities, and research into policies operational elsewhere have been undertaken. In addition proposed policy provisions have been discussed with locally operating designers and planners with a view to presenting policy amendments to Council.

## **DETAILS OF PROPOSAL**

Amendments to Local Planning Policy PLN 3.1 are proposed to address concerns relating to building design in those areas subject to dual coding and introduce efficiencies into processing applications within R17.5 areas where it is accepted that garages be built on the boundary. The proposed policy amendments have been included and highlighted in the Local Planning Policy PLN 3.1 (*Attachment "A3" of the Agenda*).

In addition, there are provisions of the policy that should apply to areas coded R40 where there is no dual code and accordingly some provisions (in particular relating to rubbish collection) have been adjusted.

The Town Planning Scheme makes provision for various dual codes. These Codes facilitate greater development opportunities in certain localities. However, there is no absolute right to develop to the higher code.

Scheme Clause:

- ◆ 5.2.4 states that "the City may permit increases in residential density subject to compliance with the City's Residential Density Design Policy where land is identified on the Scheme map as R10/25, R12.5/25, R15/25 and R17.5/25, development at the higher density is limited to group dwellings up to a density of R25": and
- ◆ 5.2.5 states that "Development is to be limited to the lower code, except the City may permit development up to a density of R40 where certain conditions are met."

While the current policy provides guidance on these matters, further policy changes are proposed to clarify the conditions that will be required to be met in all dual coded areas.

Council will need to be assured that development at the higher coding will achieve improvements to local amenity and housing quality. In particular, Council will need to be satisfied that developments seeking to take advantage of the higher coding will:

- ◆ Provide some benefit to the general locality by the provision of a high standard of streetscape within the front setback area and any developed area viewed from the public street;
- ◆ Be well connected to the street and footpath system to enable future residents to connect to facilities; and
- ◆ Result in the development itself offering a high standard of amenity to the future occupants through distinctive urban design elements, areas of community shared space, and high quality landscaping.

The following provisions are proposed to be included in the City's Residential Density Development Policy:

### **Building Design**

The design of grouped and multiple dwelling development should avoid uniformity by providing a degree of variety in the range of house designs, colours and fenestrations (windows and openings). Development including two storey dwellings or dwellings with lofts are encouraged. Development with eaves or awnings is encouraged.

### **Streetscape**

In the case of rear battleaxe proposals, at least one Major Opening of the rear dwelling should have a clear view to the public street.

In the case of grouped and multiple dwellings:

- ◆ A clear view of the proposed development from the Primary Street should be provided by staggering some of the dwelling units, breaking up of roof areas and the appropriate use of site landscaping;
- ◆ Surveillance from two or more of the individual units to the Primary Street;
- ◆ Garages should be setback 0.5m behind the building line;
- ◆ Blank walls or solid fences viewed from the Primary Street should be avoided. The end of Communal Streets should not include horizontal windowless areas unless adjacent dwellings are two storey;
- ◆ Blank walls and fencing should be provided with an anti-graffiti finish or be similarly treated;
- ◆ Dwellings should not be designed to include blank walls facing the Primary or Communal Street;
- ◆ Communal Streets should be central within a development;
- ◆ Where access is from a Communal Street, entrances to dwellings should be visible from the Communal Street.

In the case of those dwellings within a grouped dwelling complex with frontage to a Primary Street, the entrance and a major opening of the dwelling should be orientated towards the Primary Street.

In the case of corner lots and front units in a grouped dwelling complex, walls and fences abutting a Secondary Street should be visually permeable 1.2m above natural ground level in the area in front of the building setback line to the Primary Street.

Unless otherwise approved, fencing abutting public open space should be visually permeable when higher than 1.2m above natural ground level.

### **Appearance of Retained Dwelling**

Where an existing older dwelling is to be retained in a proposed grouped dwelling development, improvements to the existing building should include at least one of the following:

- ◆ Restoration of the existing roof
- ◆ Reclading or rendering of walls
- ◆ Repainting of the dwelling

Where an existing older dwelling is to be retained in a proposed grouped dwelling development, improvements to the streetscape should include at least one of the following:

- ◆ New front open style fencing
- ◆ Re-landscaping within the front setback
- ◆ New paving and kerbing in the driveway and crossover

The City may apply more than one of the above criteria, where appropriate.

### **Open Space and Landscaping**

In the case of grouped and multiple dwellings, the applicant shall demonstrate the way in which the design will facilitate interaction between future residents. In general it will be a requirement to provide Communal Open Space for developments including 12 or more dwelling units to provide a community focus of sufficient dimensions by the development of a communal meeting place, with casual seating, or a landscaped feature.

Existing trees on a site, especially mature trees, should be preserved wherever possible.

In the case of sites including six or more units, planting of, or retention of, individual mature trees at strategic locations should be provided.

### **Footpaths**

To facilitate improvements to the City's footpath network, development taking advantage of the higher code in dual coded areas and in development within areas coded R40 will be required as a condition of development to make a contribution to the City's footpath fund on the basis of the estimated cost of constructing 5m of footpath for every additional unit proposed for the site.

### **Amendment to Building Design clause 4.3.1.3**

It is proposed that clause 4.3.1.3 be amended by the deletion of “with an absorption value of less than .6” because it has been found that information regarding absorption values are difficult to procure from the manufacturers.

### **Boundary Walls**

It is proposed that in areas coded R17.5, walls to garages may be built up to one side boundary where not higher than 3.0m with an average height of 2.7m and up to 9m in length. This provision is available to the R20 Code and would permit development of the kind frequently required in the developing suburbs.

### **Development Conditions**

Over the past year the City’s officers have been reviewing and continually developing the City’s standard condition list to address concerns that have been raised relating to grouped dwelling development. Attachment X includes the new conditions. Many of the requirements of these conditions are now proposed to be included in the changes to the Policy.

### **COMMENT**

It is proposed to provide greater guidance to planners and developers regarding the standards to be achieved in order to qualify for density bonuses within dual coded areas. The additional provisions primarily relate to building design, streetscape and landscaping requirements and include:

- ◆ A clearer requirement that buildings be orientated to the main street for surveillance
- ◆ Additional controls on the siting of garages and limitation of blank walls
- ◆ Encouragement for two storey development
- ◆ Additional controls on fencing to improve the interface with public areas
- ◆ Clearer guidance on improvements required to any dwellings retained within grouped dwelling developments
- ◆ Consideration to be given to the provision of communal open space to provide a sense of community in large developments and improved landscaping in general
- ◆ A clearer statement regarding the requirement to contribute to the City’s footpath fund.

In addition it is proposed to use this opportunity to introduce discretion to approve garage walls on boundaries in R17.5 areas accepting that such development is generally accepted.

### **OPTIONS**

Council could:

1. seek public comment on the amendment to the policy;
2. request further investigation prior to considering policy amendments.

## CONCLUSION

Concern has recently been expressed at the quality of some of the higher density development being approved in the City. In particular there is concern that in dual coded areas developers are expecting to develop to the higher code as a right rather than where benefits will be provided to the future residents and to the community in general.

It is proposed that the Residential Density Design Policy be amended to provide stronger guidance on the standards of development to be achieved to qualify for higher density in dual coded areas. The standards relate to the way in which the proposed development will relate to the public street, the standards relating to open space, landscaping and footpaths and manner in which new development will be integrated with established development.

In view of the large number of development applications seeking to take advantage of dual coding stronger guidance is needed and therefore it would be appropriate to seek public comment on the policy amendments in accordance with Option 1.

## RECOMMEND

1. **That Council resolve to amend Policy PLN 3.1 Residential Density Development by:**

**Adding the following to Building design provisions:**

- ♦ **The design of grouped and multiple dwelling development should avoid uniformity by providing a degree of variety in the range of house designs, colours and fenestrations (windows and openings). Development including two storey dwellings or dwellings with lofts is encouraged.**
- ♦ **Designs with eaves of at least 300mm or awnings is encouraged.**

**Providing additional streetscape provisions:**

- ♦ **In the case of those dwellings within a grouped dwelling complex with frontage to a Primary Street, the entrance and a major opening of the dwelling should be orientated towards the Primary Street.**
- ♦ **In the case of grouped and multiple dwellings:**
  - **A clear view of the proposed development from the Primary Street should be provided by staggering some of the dwelling units, breaking up of roof areas and the appropriate use of site landscaping.**
  - **Surveillance from two or more of the individual units to the Primary Street.**

- **Garages should be setback 0.5m behind the building line.**
- **Blank walls or solid fences viewed from the Primary Street should be avoided. The end of Communal Streets should not include horizontal windowless areas unless adjacent dwellings are two storey.**
- **Blank walls and fencing should be provided with an anti-graffiti finish or be similarly treated.**
- **Dwellings should not be designed to include blank walls facing the Primary or Communal Street.**
- **Communal Streets should be central within a development.**
- **Where access is from a Communal Street, entrances to dwellings should be visible from the Communal Street.**

**Adding to the fencing provisions:**

- ♦ **In the case of corner lots and front units in a grouped dwelling complex, walls and fences abutting a Secondary Street should be visually permeable 1.2m above natural ground level in the area in front of the building setback line to the Primary Street.**
- ♦ **Unless otherwise approved, fencing abutting public open space should be visually permeable when higher than 1.2m above natural ground level.**

**Adding to the provisions relating to the retention of existing dwellings:**

- ♦ **Where an existing older dwelling is to be retained in a proposed grouped dwelling development, improvements to the existing building should include at least one of the following:**
  - **Restoration of the existing roof**
  - **Reclading or rendering of walls**
  - **Repainting of the dwelling**
  - **Where an existing older dwelling is to be retained in a proposed grouped dwelling development, improvements to the streetscape should include at least one of the following:**
    - **New front open style fencing**
    - **Re-landscaping within the front setback**
    - **New paving and kerbing in the driveway and crossover**

**The City may apply more than one of the above criteria, where appropriate.**

- ♦ **In the case of rear battleaxe proposals, at least one Major Opening of the rear dwelling should have a clear view to the public street.**

**Adding to the open space and landscaping provisions:**

- ♦ **In the case of proposals including 12 or more grouped or multiple dwellings, the applicant shall demonstrate the way in which the design will make provision for a community focus or communal meeting place, possibly with casual seating, or a landscaped feature.**
- ♦ **Existing trees on a site, especially mature trees, should be preserved wherever possible.**
- ♦ **In the case of sites including six or more units, planting of, or retention of, individual mature trees at strategic locations should be provided.**

**Including a new requirement to facilitate improvements to the City's footpath network, development taking advantage of the higher code in dual coded areas and development within areas Coded R40 will be required as a condition of development to make a contribution to the City's footpath fund on the basis of the estimated cost of constructing 5m of footpath for every additional unit proposed for the site.**

**Including an additional provision to enable approval to be given in R17.5 areas for the erection of a garage wall up to one side boundary where not higher than 3.0m with an average height of 2.7m and up to 9m in length.**

- 2. That Council seek public comment on the proposed amendments to PLN 3.1 for a 21 day period by publishing a notice of the proposed policy change once a week for two consecutive weeks in a newspaper circulating in the District.**

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***LATE ITEMS***

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***COUNCILLORS' ITEMS***

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***EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS***

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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

15 MAY 2007

ATT NO.	SUBJECT	PAGE
<b>BUILDING</b>		
<b>HEALTH</b>		
<b>PLANNING</b>		
A1	Copy of Signs Local Law	47
A2	Copy of Signage (Advertisements) Local Planning Policy	59
A3	Copy of Residential Development Density Local Planning Policy	86



**LOCAL GOVERNMENT ACT 1995**

**CITY OF ARMADALE**

**SIGNS LOCAL LAW 2007**

*Under the powers conferred by the Local Government Act 1995 as amended from time to time and under all other powers enabling it, the Council of the City of Armadale resolved on ----- to make the City of Armadale Signs Local Law 2007.*

*PART 1 - PRELIMINARY*

**1. Title**

This local law may be referred to as the City of Armadale Signs Local Law 2007.

**2. Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**3. Repeal**

~~The Local Government Model By-Laws (Signs, Hoardings and Billposting) No. 13—except By-Law No. 38 adopted by The Municipality of the Shire of Armadale-Kelmscott By-laws Relating to Signs, Hoardings and Billposting as published in the Government Gazette on 9 September 1965 is repealed at page 3021 are repealed on the day this Local Law comes into operation.~~

**4. Application of the local law**

This local law applies to all the land throughout the district.

**5. Transitional**

A sign which immediately prior to the commencement date was the subject of an approval issued under the local laws, repealed by Clause 3, is deemed to be the subject of an approval issued under the Scheme for so long as the sign remains unaltered.

**6. Interpretation**

In this local law, unless the context otherwise requires:

- "Act" means the *Local Government Act 1995*;
- "advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;
- "approval" means an approval issued under the Scheme or the Armadale Redevelopment Scheme or a deemed approval under Clause 7;
- "approved sign" means a sign that has been granted an approval under the Scheme;
- "authorised person" means a person authorised by the City under Section 9.10 of the Act to perform any of the functions of an authorised person under this local law;
- "Bill" means:
- (a) any written, printed or illustrated message on paper or a similar material;
  - (b) commonly produced in volume for the either or both of the purposes of distribution to persons or for posting or attaching to any structure or thing; and
  - (c) where the message advertises or promotes an event, person or thing,
- which is not an exempt sign;
- "City" means the City of Armadale;
- "commencement date" means the day on which this local law comes into operation;
- "Council" means the Council of the City;
- "district" means the district of the City;
- "exempt sign" means the signs referred to in Clause 8;

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“garage sale”	means the occasional sale of second hand domestic goods in domestic quantities by a person from his or her residence and which occasional sale is not part of a business, trade or profession;
“hoarding”	means a detached structure that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of Section 377 of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> ;
“land”	includes buildings, parts of buildings and other structures and land covered with water;
“local government property”	means any thing- <ul style="list-style-type: none"><li>(a) that belongs to the City;</li><li>(b) of which the City is the management body under the <i>Land Administration Act 1997</i>; or</li><li>(c) which is an otherwise unvested facility within Section 3.53 of the Act;</li></ul> and includes a thoroughfare or verge;
“public place”	means any place to which the public has access and includes, but is not limited to, car parks and verges;
“rural producer’s sign”	means a sign erected on land lawfully used for rural purposes which advertise goods or products, grown or lawfully manufactured on the land within the boundaries of which the sign is located;
“Scheme”	means a current town planning scheme prepared under the <i>Planning and Development Act 2005</i> or the <i>Armada Redevelopment Act 2001</i> with jurisdiction over land within the local government district of the City of Armadale;
“sign”	means any message, direction or representation whatsoever displayed on or attached to any thing or structure, or a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall, or flags and bunting whether they contain a written message or not and includes any display produced by way of video or electronic means;
“thoroughfare”	has the same meaning given to it in section 1.4 of the Act and includes the verge;

- "vehicle" includes –
- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
  - (b) an animal being ridden, driven or led,
- but excludes –
- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and
  - (d) a pram, stroller or similar device;
- "verge" means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line.

## PART 2 – SIGNS TO BE APPROVED

### 7. Approval

A person shall not erect, maintain or display a sign on any land unless the sign is the subject of a current approval, unless the sign is an exempt sign.

### 8. Exemptions from Approval

The following signs are exempt signs for the purpose of clause 7:

- (a) a sign that is classified as exempt under the Scheme;
- (b) a sign within a building unless it is clearly visible from a public place outside the building;
- (c) one rural producer's sign per street frontage which complies with the maximum dimensions 2m height x 2m length;
- (d) a sign erected by the City, or with the approval of the City, on local government property;
- (e) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the City and the company or person responsible for those signs;
- (f) a maximum of 4 garage sale signs per property, each not greater than 0.25m<sup>2</sup> in area, advertising a garage sale and only being displayed on the day of the garage sale and on no more than 2 occasions for the same property in each 6 month period;
- (g) a sign erected by the City for the purpose of indicating the name and location of a polling place for an election.

**PART 3 - OFFENCES**

**9. Signs not permitted**

- (1) Unless an approval otherwise provides, a person shall not erect, maintain or display a sign, or suffer or permit a sign to be erected, maintained or displayed or to remain on any land or building:
  - (a) so as to obstruct the view from a thoroughfare or public place of traffic in the thoroughfare or public place;
  - (b) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the *Road Traffic Act 1974* or the Regulations made under the *Road Traffic Act 1974*;
  - (c) so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
  - (d) as a movable or portable sign in a thoroughfare, verge or public place;
  - (e) on any light or power pole;
  - (f) on any tree, shrub or plant;
  - (g) which contains glass other than an electric light globe or tube or toughened glass;
  - (h) which contains or has attached to it any paper, cardboard, cloth or other readily combustible material, except posters securely fixed to a signboard, flags, banners or canvas awnings; or
  - (i) as a hoarding.

**10. Offences**

- (1) A person shall not:
  - a) display a sign without an approval;
  - b) breach a condition of an approval;
  - c) display or post a Bill on any land or on any thing; or
  - d) park a vehicle on a thoroughfare or other public place for the purpose of using such a vehicle and/or attachments as an advertising device.
- (2) Any person who fails to do anything required or directed to be done under this local law, or who does anything, which under this local law that person is prohibited from doing, commits an offence.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

**11. Prescribed offences and modified penalties**

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount appearing in the fourth column of Schedule 1 directly opposite a prescribed offence described in that Schedule is the modified penalty for that offence.

**12. Infringement notices and other notices**

For the purposes of this local law:

- (a) the form of the infringement notice given under section 9.16(1) of the Act is that of Form 1 in Schedule 2;
- (b) where a vehicle is involved in the commission of an offence, the form of the notice requiring an owner to identify the driver referred to in section 9.13 of the Act is that of Form 2 in Schedule 2;
- (c) where a vehicle is involved in the commission of an offence, the form of the infringement notice given under section 9.16(1) of the Act is that of Form 3 in Schedule 2; and
- (d) the form of the notice to withdraw an infringement notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 2.

**Schedule 1**

*City Of Armadale*

**SIGNS LOCAL LAW 2007**

**PRESCRIBED OFFENCES AND MODIFIED PENALTIES**

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1	9(1)(d)	Erection, maintaining or display of a Moveable or Portable sign in thoroughfare, verge or public place	100
2	10(1)(a)	Displaying a sign without approval	100
3	10(1)(b)	Failure to comply with condition of approval	100
4	10(1)(c)	Bill posting	100
5	10(1)(d)	Parking a vehicle in a thoroughfare, verge or other public place for the purpose of using such a vehicle and/or attachments as an advertisement	100
6		All other offences not specified	100

Schedule 2

FORM 1  
LOCAL GOVERNMENT ACT 1995  
CITY OF ARMADALE  
SIGNS LOCAL LAW 2007

INFRINGEMENT NOTICE

**Infringement Notice No.**

(1)Date:

(2)To:

(3) of:

It is alleged that on (4) at (5) am/pm at (6)  
you committed an offence against Clause (7) of the  
City of Armadale Signs Local Laws 2007 by (8)

for which the modified penalty payable is (9) \$ .

*If you do not wish to have a complaint of the above offence heard and determined by a court you may pay the modified penalty within 28 days after this notice is given to you, by posting this form together with the amount of the modified penalty to the Chief Executive Officer of the City of Armadale at Locked Bag No. 2, Armadale WA 6992 or by delivering this form and paying the amount of the modified penalty to an Authorised Person at the offices of the City of Armadale at 7 Orchard Avenue, Armadale.*

Name of Authorised Person issuing  
notice.....

Title of Authorised  
Person.....

Signature of Authorised  
Person.....

- (1) Insert date of infringement notice
- (2) Insert name of alleged offender [or owner of (vehicle identification) if given with notice under section 9.13 of the *Local Government Act 1995*]
- (3) Insert address of alleged offender [not required if given with a notice under section 9.13 of the *Local Government Act 1995*]
- (4) Insert date of alleged offence
- (5) Insert time at which offence allegedly committed and indicate am or pm
- (6) Insert place at which offence allegedly committed
- (7) Insert number of clause of local law
- (8) Insert description of offence
- (9) Insert amount of modified penalty.

**Schedule 2  
FORM 2  
LOCAL GOVERNMENT ACT 1995  
CITY OF ARMADALE  
SIGNS LOCAL LAW 2007**

**NOTICE REQUIRING OWNER TO IDENTIFY DRIVER**

(1)Date:

(2)To:

(3)of:

It is alleged that on (4) \_\_\_\_\_ at (5) \_\_\_\_\_ am/pm at (6) \_\_\_\_\_  
your vehicle(7) was involved in the commission of an offence against  
clause(8) \_\_\_\_\_ of the City of Armadale Signs Local Law 2007. You are required  
under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver  
or person in charge of the vehicle at the time when the offence is alleged to have been committed.  
If you do not prove otherwise, you will be deemed to have committed the offence unless-

- a. within 28 days after being given this notice-
  - (i) You inform the Chief Executive Officer, or an Authorised Person of the City of Armadale, as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
  - (ii) You satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or
- b. you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given to you or such further time as may be allowed.

Name of Authorised Person issuing  
notice.....

Title of Authorised  
Person.....

Signature of Authorised  
Person.....

- (1) Insert date of notice
- (2) Insert name of owner {or "owner of (vehicle identification)" }
- (3) Insert address of owner [not required if owner not named]
- (4) Insert date of alleged offence
- (5) Insert time at which offence allegedly committed and indicate am or pm
- (6) Insert place at which offence allegedly committed
- (7) Insert vehicle registration number and description
- (8) Insert number of clause of local law

**Schedule 2  
FORM 3  
LOCAL GOVERNMENT ACT 1995  
CITY OF ARMADALE SIGN LOCAL LAW 2007  
INFRINGEMENT NOTICE**

**Infringement Notice No.**

(1)Date:

(2)To:

(3) of:

It is alleged that on (4) at (5) am/pm at (6)  
your vehicle(7) was involved in the commission of an offence against Clause (8)  
of the City of Armadale Signs Local Laws 2007 by (9)  
for which the modified penalty payable is (10) \$

*If you do not wish to have a complaint of the above offence heard and determined by a court you may pay the modified penalty within 28 days after this notice is given to you. Unless within 28 days after the giving of this notice to you -*

- (a) the modified penalty is paid; or
- (b) you-
  - (i) inform the Chief Executive Officer, or an Authorised Person of the City of Armadale, as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
  - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

you will be deemed to have committed the above offence and court proceedings may be instituted against you.

*Payment may be made either by posting this form together with the amount of the modified penalty to the Chief Executive Officer of the City of Armadale at Locked Bag No. 2, Armadale WA 6992 or by delivering this form and paying the amount of the modified penalty to an Authorised Person at the offices of the City of Armadale at 7 Orchard Avenue, Armadale.*

Name of Authorised Person issuing notice.....

Title of Authorised

Person .....

Signature of Authorised

Person.....

- (1) Insert date of infringement notice
- (2) Insert name of alleged offender [or "owner of (vehicle identification)"]
- (3) Insert address of owner [may be omitted]
- (4) Insert date of alleged offence
- (5) Insert time at which offence allegedly committed and indicate am or pm
- (6) Insert place at which offence allegedly committed
- (7) Insert vehicle registration number and description
- (8) Insert number of clause of local law
- (9) Insert description of offence
- (10) Insert amount of modified penalty.





<b>PLN 4.2</b>	<b>SIGNAGE (ADVERTISEMENTS)</b>
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**1. INTRODUCTION**

This Policy is formulated to supplement the *Signs Local Law 2007* and the City's Town Planning Scheme.

The Policy provides a framework for regulating the erection and placement of advertising signs in the interests of protecting and improving upon the amenities of the City. Signs in the City should not detract from the visual amenity and streetscape of the locality but be compatible with the character of the buildings and localities that they are erected in.

*This policy supersedes Policy PLN 4.2 Advertising Devices, adopted by Council on 19 September 2005.*

**2. APPLICATION OF POLICY**

The policy applies to all advertising signs other than signs exempt from planning approval in terms of the City's Town Planning Scheme.

The erection of signs in the City of Armadale is an activity requiring approval under the Town Planning Scheme unless they are exempted under Schedule 5 of the Scheme.

The policy provides guidance to applicants making signage applications and the City's officers assessing such applications under the City's Town Planning Scheme.

**3. OBJECTIVES OF POLICY**

- To ensure advertising devices relate to the land use or occupancy of the land on which they are located;
- To prevent portable advertising devices in streets and other public places;
- To improve the quality of advertising signs and minimise their overall visual impact on the streetscape of the City by orderly regulation and setting reasonable standards and opportunities;
- To ensure that advertising signs do not detract from the level of safety for road users and pedestrians by obstructing sight lines or causing distractions;
- To take into consideration the architectural style, heritage and character of a building and place where a sign is to be erected;

- To ensure that the scale of a sign is appropriate to the size of a building;
- To ensure that the colour and materials of signs are consistent with the overall style and character of a building and the locality;
- To ensure that a consistency of signage format is provided where multiple signs are erected on a single building;
- To limit the number of signs on any one property and avoid the general clutter of advertising devices along road frontages;
- To provide specific parameters for permissible signs in terms of illumination, area, size text, graphics or images etc.;
- To encourage the use of appropriate advertising signs to inform the public of business names and functions;
- To ensure that advertising signs are constructed to appropriate safety levels.

#### **4. POLICY STATEMENT**

##### **4.1 Information to be submitted by applicants**

In order to assess applications against the Policy requirements, the following information is required to be submitted with all advertising sign applications:

- (i) Completed relevant Forms and Additional Information as required in the relevant Schedules to the Scheme;
- (ii) A photograph or photographs of the premises showing superimposed thereon the proposed position of the sign/advertisement and those signs/advertisements to be removed;
- (iii) Full (to scale) working drawings/plans showing dimensions (see Figure 1), location in plan or position on a building and the method of attachment to the ground or to the building;
- (iv) Graphic content of the sign or a graphic concept, clearly showing the colours and lettering style to be used in the sign/s;
- (v) A description of the method of illumination (if applicable);
- (vi) All accompanying and Additional Material as required in the Scheme.

#### 4.2 Matters to be considered

- (a) Applications to erect advertising signs will be assessed in accordance with the "*Matters to be considered by the City*" provisions in the Scheme, the relevant performance criteria in the Policy and the following:
  - (i) Compliance with the Objectives of this Policy;
  - (ii) Consideration of existing signs, including signs on buildings and outdoor uses that constitute a sign/advertisement;
  - (iii) The dimensions and location of the sign;
  - (iv) The content and style of the sign;
  - (v) The historic cultural values of the building;
  - (vi) The impact of the sign on pedestrian and traffic safety.
- (b) In addition to (a) above, the City will consider the extent to which the sign / advertisements:
  - (i) protect and enhance the amenities of the various localities in the City;
  - (ii) result in the reduction of the aggregate number of signs on buildings;
  - (iii) result in the rationalisation of advertising devices on individual premises and in the City in general;
  - (iv) result in good design in the construction/preparation of advertising devices;
  - (v) result in the incorporation of advertising devices into the design consideration of buildings.
- (c) The City will require a comprehensive signage format / approved signs regime (see Figure 2) be produced by the applicant for significant development proposals such as shopping centres. A signs regime should also be prepared for new residential estate developments.
- (d) The signs regime for a significant development proposal should demonstrate a consistent theme for proposed signage that will be located on the site. The provision of pre-allocated positions or frames for the placement of signs on buildings is recommended. Where framing is not considered necessary, additional cut-out/3-D lettering directly attached to the building could be considered.
- (e) The signs regime for a new estate development should make provision for:
  - (i) a consistent theme for the estate;
  - (ii) signs to be generally confined to the estate to which they relate;
  - (iii) off site signs (with approval of relevant landowners) to be within 1 km of the estate and to be predominantly for directional purposes;
  - (iv) full explanation of the design and location of any entry statements within a new estate and their on going maintenance,
  - (v) a strategy for sign removal when a reasonable portion of lots are sold;
  - (vi) the avoidance of a proliferation of estate signs.

- (f) No advertising shall be permitted which, in the City's opinion, would be likely to affect the established amenities of a locality or the likely future amenity of an area taking into consideration possible future development proposals.

#### **4.3 General requirements for all signs**

- (a) Except for hoardings or direction signs, signs shall only display the following:
  - (i) The name of the occupier/s of the business;
  - (ii) Details of the business carried on in the premises;
  - (iii) Details of the goods sold in the premises to which it is affixed;
  - (iv) Any other information specifically approved by the City.
- (b) All signs shall:
  - (i) be sympathetic and harmonious with the surrounding street, way, footpath, public place or private property and environment and any building or structure to which they are affixed in terms of in design, colour and location;
  - (ii) be kept clean and free from unsightly matter and shall be maintained by the applicant or owner in good order and repair to the satisfaction of the City, whether requiring approval or otherwise.
- (c) No sign shall:
  - (i) be placed and constructed so as to endanger public safety;
  - (ii) be constructed of glass, unless it is part of an illuminating globe or tube;
  - (iii) be constructed of readily combustible material (including paper, cardboard or cloth), except as part of a banner, flag or poster securely fixed to a signboard or other structure.

#### **4.4 Public liability insurance and indemnity**

Where a sign / advertisement will be placed in, or overhang, a public place or street, the owner of the property / applicant will be required where appropriate, to provide a public liability insurance policy indemnifying the City against all actions, suits, claims, damages, losses and expenses made against or incurred by the City arising from the approval. The applicant and/or land owner may be required by the City to --

- (a) take out a public liability insurance policy in the name of the owner or applicant and the City, for a minimum value of \$10 million or such other amount as considered appropriate to the risk involved;
- (b) keep that insurance policy current for the duration of the approval;

- (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the City;
- (d) include a clause in the public liability insurance policy, which requires the owner or applicant and the insurance company, to advise the City if the policy lapses, is cancelled or is no longer in operation;
- (e) on the request of an authorised person, provide for the inspection of a certificate of currency for the required insurance policy.

#### 4.5 Prohibited signs

No sign shall be erected which will:

- a) obstruct the view, from a public street, public place or traffic in the same street or public place;
- b) be likely to be confused with, or mistaken for, an official traffic light or sign, or so as to contravene the *Road Traffic Act 1974*, or the *Road Traffic Regulations*;
- c) be likely to affect the stability of any building;
- d) be placed as a portable sign in a street or public place;
- e) not relate to the land use or occupancy of that land (i.e. advertising that promote premises elsewhere or product names generally), unless otherwise specifically approved by Council (i.e. directional signs);
- f) be located in a position where it will unreasonably obstruct or obscure the existing view from a dwelling of a significant visual feature such as a lake, river etc.;
- g) be fully or partially projected, flashing or animated, moving or rotating;
- h) emit light of such intensity that it could, in the opinion of the City, create a traffic hazard or nuisance to the public; or
- i) be detrimental to the amenity of the area.

#### 4.6 Specific sign requirements and performance criteria

Signs, other than exempted signs, require approval under the Scheme. Where a sign meets the Acceptable Design Standards in Table 1 (where such are specified) approval will be expedited. Where no Acceptable Design Standards are specified or where a proposal does not meet these Standards the City will refer to the Discretionary Standards and Requirements as a guide in its discretionary decision. In applying the Discretionary Standards the City may also be guided by consideration of various matters to be considered under Clause 10.2 of the Scheme. In general, signs should comply with the provisions of Table 1.

**TABLE 1**

<b>ADVERTISING DEVICE/SIGN</b>	<b>ACCEPTABLE DESIGN STANDARDS</b>	<b>DISCRETIONARY STANDARDS AND REQUIREMENTS</b>
<b>ARCADE SIGN</b>	NO ACCEPTABLE DESIGN STANDARDS	Max. height: 500mm Max. depth: 300mm Min. clearance from ground level: 2.4m Min. distance from any other Arcade sign or horizontal projecting wall: 2.4m
<b>AWNING/VERANDAH FASCIA SIGN</b>	NO ACCEPTABLE DESIGN STANDARDS	Max. height: 250mm Other requirements: Shall not project beyond the fascia line of an approved or existing awning/verandah Shall not project above or below the fascia of the awning/verandah
<b>AWNING/VERANDAH FASCIA (ABOVE) SIGN</b>	Max. height: 150mm Max. length: 300mm Min. clearance from ground level: 2.4m Other requirements: Shall be of a single panel design.	Max. height: 500mm Max. depth: 300mm Max. length: Shall not project beyond the width of the awning/verandah or exceed 2.7m whichever is the shorter. Min. distance from any other Awning/Verandah sign or Horizontal Projecting Wall Sign: 2.4m Min distance from side boundary of the lot: 1.2m

**TABLE 1**

<b>ADVERTISING DEVICE/SIGN</b>	<b>ACCEPTABLE DESIGN STANDARDS</b>	<b>DISCRETIONARY STANDARDS AND REQUIREMENTS</b>
<p><b>AWNING/VERANDAH FASCIA (BELOW) SIGN</b></p>	<p>As for Awning/Verandah (above) Sign</p>	<p>Max. height: 500mm                      Max. depth: 300mm                      Max. length: Shall not project beyond the width of the awning/verandah or exceed 2.7m whichever is the shorter                      Max. weight: Total weight not to exceed 50kg unless certified by practising structural engineer.                      2.4m                      1.2m                      Min. distance from any other Awning/Verandah sign or Horizontal Projecting Wall Sign:                      Min. distance from side boundary of the lot:</p>
<p><b>BANNER SIGN</b></p>	<p>NO ACCEPTABLE DESIGN STANDARDS</p>	<p>Max. height: 1.0m                      Max. length: 2.0m                      Other requirements: One sign per building.                      May be placed on the face of a building at street level providing it can be demonstrated that to do so would not cause injury or inconvenience to pedestrians.                      Must not project beyond the face of the building.</p>
<p><b>HOARDING (BILLBOARD)</b></p>	<p>NO ACCEPTABLE DESIGN STANDARDS</p>	<p>Requirements:                      Only permitted in restricted locations approved by the City (i.e specific roadways and reserves).                      Must include information that is of community interest.</p>

**TABLE 1**

<b>ADVERTISING DEVICE/SIGN</b>	<b>ACCEPTABLE DESIGN STANDARDS</b>		<b>DISCRETIONARY STANDARDS AND REQUIREMENTS</b>
<b>BUILDING NAME SIGN</b>	Max. height: Max. length: Other requirements:	300mm 3.0m One Building Name sign per building.	450mm 5.0m More than one Building Name sign shall only be considered as part of an overall signage regime.
<b>BUNTING</b>	NOT PERMITTED		
<b>BUSINESS DIRECTORY</b>	Max. height: Max. length: Other requirements;	2.0m 2.0m One sign only per street frontage.	3.0m 3.0m
<b>CABINET</b>	NO ACCEPTABLE DESIGN STANDARDS		400mm 400mm 40mm Shall only be considered in association with eating establishments. May be internally illuminated.
<b>DEVELOPMENT SIGN</b>	NO ACCEPTABLE DESIGN STANDARDS		3.0m 1.5m 6 months

**TABLE 1**

<b>ADVERTISING DEVICE/SIGN</b>	<b>ACCEPTABLE DESIGN STANDARDS</b>	<b>DISCRETIONARY STANDARDS AND REQUIREMENTS</b>
<b>DIRECTIONAL SIGN</b>	NO ACCEPTABLE DESIGN STANDARDS	Min. clearance from ground level: Max. length: Max. depth: Comply with Appendix 1.
<b>ELECTORAL SIGN</b>	NOT PERMITTED	
<b>ESTATE DEVELOPMENT SIGN</b>	Max. area: Min. land area to be developed: Max. Display Period:	20m <sup>2</sup> 2ha 24 months. Signs to be removed within 30 days of 95% of lots or buildings within the estate being sold. Provision of signs regime.
<b>FENCE SIGN</b>	Max. area: Max Display Period:	Max. area: Min. land area to be developed: Max. Display Period: Other requirements:
	10m <sup>2</sup> 5ha 24 months (commencing only when land is appropriately zoned and preliminary subdivision approval granted by WAPC).	300mm 2.0m One line of signs only to a maximum of six signs whose total horizontal measurements does not exceed 2.0m.

**TABLE 1**

<b>ADVERTISING DEVICE/SIGN</b>	<b>ACCEPTABLE DESIGN STANDARDS</b>	<b>DISCRETIONARY STANDARDS AND REQUIREMENTS</b>
<b>FLAG</b>	EXEMPT (SUBJECT TO PROVISIONS IN DEFINITION)	900mm 1.6m Restricted to company insignia only. Shall not display any advertising of commodities. Shall not contain fluorescent or iridescent colours.
<b>GROUND BASE SIGN</b>	NO ACCEPTABLE DESIGN STANDARDS	2.4m 2.5m <sup>2</sup> Shall not encroach on any road or other public place. May be externally illuminated.
<b>HORIZONTAL SIGN</b>	Max height: 500mm Max length: 1.5m Other requirements: One sign per property	Max. height: 1.5m Max. length: 3.0m Other requirements: More than one sign to be on one line.
<b>HORIZONTAL PROJECTING WALL SIGN</b>	As per the criteria for Awning/Verandah (above) signs	Max. height: 500mm Max. length: 2.7m Max. width: 300mm Min. clearance from ground: 2.4m Other requirements: One sign per property. Shall not be approved if there is a Vertical Projecting Wall sign on the same site.

**TABLE 1**

<b>ADVERTISING DEVICE/SIGN</b>	<b>ACCEPTABLE DESIGN STANDARDS</b>	<b>DISCRETIONARY STANDARDS AND REQUIREMENTS</b>
<b>ILLUMINATED DIRECTION SIGN</b>	NO ACCEPTABLE DESIGN STANDARDS	Max. height: 2.0m Max. length: 2.0m Max. depth: 300mm Min. clearance from ground level: 2.4m Max. height to top of sign: 6.0m Other requirements: Shall display a generic message only. Comply with Appendix 1.
<b>INFORMATION PANEL</b>	NO ACCEPTABLE DESIGN STANDARDS	Max. height: 3.0m Max. length: 3.0m Other requirements: Must be affixed to a wall or other solid feature.
<b>INSTITUTIONAL SIGN</b>	Max. height: 2.0m Max. length: 2.0m Min. clearance from ground level: 2.4m Other requirements: One Institution sign only per street frontage.	Max. height: 3.0m Max. length: 3.0m Min. clearance from ground level: 2.4m
<b>INTERPRETIVE SIGN</b>	NO ACCEPTABLE DESIGN STANDARDS	Requirements: Part of an approved coordinated signage framework. Combination with artistic works encouraged.

TABLE 1					
ADVERTISING DEVICE/SIGN	ACCEPTABLE DESIGN STANDARDS	DISCRETIONARY STANDARDS AND REQUIREMENTS			
MOVEABLE SIGN		NOT PERMITTED			
NAME PLATE	EXEMPT (SUBJECT TO "EXEMPT" PROVISIONS IN TOWN PLANNING SCHEME)				
PORTABLE SIGN (SANDWICH BOARD)		NOT PERMITTED			
PROJECTION SIGN		NOT PERMITTED			
PUBLIC EVENT & CULTURAL DIRECTORY SIGN (CHECK – does this include the City)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">                     Max. height: Min. Height: Max. Width: (Triangular) Max. diameter: (Column/bollard)                 </td> <td style="width: 33%; padding: 5px;">                     2m 1.8m 500mm 500mm                 </td> <td style="width: 33%; padding: 5px;">                     Requirement:                       Comply with Appendix 1                 </td> </tr> </table>	Max. height: Min. Height: Max. Width: (Triangular) Max. diameter: (Column/bollard)	2m 1.8m 500mm 500mm	Requirement:  Comply with Appendix 1	
Max. height: Min. Height: Max. Width: (Triangular) Max. diameter: (Column/bollard)	2m 1.8m 500mm 500mm	Requirement:  Comply with Appendix 1			
PYLON SIGN	NO ACCEPTABLE DESIGN STANDARDS	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">                     Max. height: Max. length: Max. depth: Max. height to top of sign: Min. clearance from ground: Min. distance from any other pylon sign: Other requirement:                 </td> <td style="width: 33%; padding: 5px;">                     2.0m 2.0m 300mm 6.0m 2.4m 10.0m                       One pylon sign per road frontage.                 </td> <td></td> </tr> </table>	Max. height: Max. length: Max. depth: Max. height to top of sign: Min. clearance from ground: Min. distance from any other pylon sign: Other requirement:	2.0m 2.0m 300mm 6.0m 2.4m 10.0m  One pylon sign per road frontage.	
Max. height: Max. length: Max. depth: Max. height to top of sign: Min. clearance from ground: Min. distance from any other pylon sign: Other requirement:	2.0m 2.0m 300mm 6.0m 2.4m 10.0m  One pylon sign per road frontage.				

**TABLE 1**

ADVERTISING DEVICE/SIGN	ACCEPTABLE DESIGN STANDARDS	DISCRETIONARY STANDARDS AND REQUIREMENTS
REAL ESTATE SIGN (FOR SALE SIGN)	EXEMPT (SUBJECT TO "EXEMPT" PROVISIONS IN TOWN PLANNING SCHEME)	Max. height: Max. length: Other requirements:  3.0m 1.5m Not to obscure windows or have deleterious effect on streetscape.
ROOF SIGN	NO ACCEPTABLE DESIGN STANDARDS	Max. height: Max. length: Max. distance between top of sign and roof or parapet: Max. height of building: Other requirements:  750mm 4.5m 750mm 7.5m Engineers certificate required confirming that the integrity of the roof will not be adversely affected. Message on no more than two faces only. One roof sign per property. Must not be illuminated.
RURAL PRODUCER'S SIGN	EXEMPT (SUBJECT TO "EXEMPT" PROVISIONS IN TOWN PLANNING SCHEME AND LOCAL LAW)	Max. height: Max. length: Max. height to top of sign: Min. clearance from ground: Other requirements:  2.0m 2.0m 6.0m 2.4m One pylon sign per road frontage.
SUN BLIND SIGN	NO ACCEPTABLE DESIGN STANDARDS	Min. clearance from ground level: Min. distance from kerb line: Other requirements:  2.4m 450mm May be illuminated

**TABLE 1**

<b>ADVERTISING DEVICE/SIGN</b>	<b>ACCEPTABLE DESIGN STANDARDS</b>	<b>DISCRETIONARY STANDARDS AND REQUIREMENTS</b>
<b>TEMPORARY COMMUNITY SIGN</b>	NO ACCEPTABLE DESIGN STANDARDS	Other requirements:  To comply with Appendix 1
<b>TEMPORARY SIGN</b>	Max height: 400mm Max length: 400mm Max period: 2 months	Height greater than: 400mm Length greater than: 400mm Max. period: 4 months
<b>TETHERED SIGN (BALLOONS &amp; BLIMPS)</b>	NO ACCEPTABLE DESIGN STANDARDS	Max. height: 9.0m Max. diameter: 7.0m Min. height from ground: 2.7m Max. height from ground: 8.0m Min. distance from any pylon sign: 10.0m Other requirements: Located wholly within the boundaries of the subject lot. Not to be displayed for more than 30 days aggregate in any calendar year.
<b>VERTICAL PROJECTING SIGN</b>	NO ACCEPTABLE DESIGN STANDARDS	Max. height: 450mm Max. length: 300mm Min. distance from ground: 2.4m Other requirements: One sign per building. Will not be permitted if there is a horizontal projecting wall sign on the same site.
<b>WALL MURAL</b>	NO ACCEPTABLE DESIGN STANDARDS	Other requirements:  Must demonstrate its ability to convey, complete or restore an image of historical or cultural significance.

**TABLE 1**

ADVERTISING DEVICE/SIGN	ACCEPTABLE DESIGN STANDARDS		DISCRETIONARY STANDARDS AND REQUIREMENTS
<b>WALL SIGN</b>	Max. height: Max. length: Other requirements:	300mm 3.0m One sign per building.	450mm 5.0m No more than one wall sign.
<b>WINDOW SIGN</b>	EXEMPT (SUBJECT TO "EXEMPT" PROVISIONS IN LOCAL LAW)		Max. window surface area: Other requirements:  Up to 50% of surface area of window. May be located on ground floor windows.

**Notes:**

- Unless a sign is categorized as an "Exempt" in the Town Planning Scheme or Local Law, an application must be submitted to the City for approval.
- Where a sign is to be located on a place that is a Heritage Area or included in the Municipal Heritage Inventory or a Heritage List, an application for such signage must be submitted to the City for approval, notwithstanding that the sign type may be categorized as "Exempt" under the Exempted Advertisement Schedule of the Town Planning Scheme.
- Signage applications meeting Acceptable Design Standards will be considered as "permitted" ('P' use) applications. Signage applications meeting Discretionary Standards or signage for which no standards are specified, will be considered as "discretionary" applications.
- Any sign not listed in the Scheme or these policy provisions, prohibited by this Policy or not complying with the standards of the Policy, will not be permitted unless specifically approved by Council.

## 5. DEFINITIONS

“advertisement”	has the meaning given to it in Schedule 1 of the Scheme;
“applicant”	means any person who submits an application for a sign to the City;
“application fee”	means the application fee, which relates to the lodgement, assessment and determination of a sign application;
“approval”	means an approval for a sign issued under the Town Planning Scheme or local law;
“approved sign”	means a sign, which is the subject of a valid approval;
“arcade sign”	means a sign suspended from or attached to the ceiling of an internal pedestrian area;
“authorised person”	means a person authorised by the City under Section 9.10 of the <i>Local Government Act 1995</i> to perform any of the functions of an authorised person under the local law;
“awning / verandah”	includes cantilever awnings, cantilever verandahs and balconies whether in or above a street, way, footpath, public place or private property;
“awning / verandah sign”	includes a sign above an awning/ verandah fascia, on an awning/verandah fascia and under an awning/verandah;
“banner sign”	means a vertical or horizontal fabric sign attached at one or both ends;
“bill”	means : <ol style="list-style-type: none"><li>any written, printed or illustrated message on paper, plastic or similar material;</li><li>commonly produced in volume for the either or both purposes of distribution to persons or for posting or attaching to any structure or thing; and</li><li>where the message advertises or promotes an event, person or thing, which is not an exempted advertisement;</li></ol>

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"bunting"	means a string of flags, streamers and the like strung in a line(s) from or otherwise attached to a building or other structure;
"business directory"	means a sign for a building in multiple tenancies, which identifies the name of the business and its location within the building and does not contain any product or other advertising;
"cabinet sign"	means a cabinet with a transparent face attached to a wall of a building or structure for the display of information within (e.g. menus);
"City"	means the City of Armadale and includes its duly appointed officers;
"Council"	means the Council of the City;
"development sign"	means a sign erected to display and advertise future development of a building or property;
"display"	in relation to a sign, includes the erection, placement, use and maintenance of the sign;
"display"	in relation to a bill, includes the posting, attachment, erection, placement use and maintenance of the bill;
"direction sign"	means a sign erected in a street or public place to indicate the direction to be taken to some other place; but does not include any such sign erected or affixed by the Local Government or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association, or union, of motorists, authorised in that regard by the Minister for the time being administering the <i>Road Traffic Act 1974</i> or relevant legislation in force at the time;
"district"	means the district of the City;
"electoral sign"	means a sign erected to encourage persons to vote for a candidate, political party or issue in a forthcoming election of the Parliament of the Commonwealth or State or Local Government or a referendum;
"estate development sign"	means a sign erected on an area of land to display and advertise future subdivision and development of the land being offered for sale;

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“exempt advertisement”	means a sign that is classified as exempt pursuant to the Local Laws or that is exempt pursuant to the provisions of the Town Planning Scheme;
“fence sign”	means a sign attached to a boundary fence, dividing fence, internal fence or dividing wall;
“flag”	means a piece of cloth displaying the natural symbol of any country, state, territory, ethnic group, the standard of a representative of a royal family or visiting dignitaries, an international institution (e.g. United Nations, Red Cross), club, organisation or government agency;
“ground base sign”	means a sign permanently attached to the ground on its own supportive structure independent of any building, but not including a pole, pylon sign, business directory, public event sign or cultural directory signage.
“hoarding”	means a detached structure, other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of Section 377 of the <i>Local Government Act 1995</i> , as amended ;
“horizontal sign”	means a sign fixed or painted on the wall of a building or structure where its largest horizontal dimension exceeds its vertical dimension;
“illuminated sign”	means a sign that is so arranged as to be capable of being illuminated, either from the inside or outside by artificial light provided for that purpose but shall not emit flashing, intermittent or sequential light;
“institutional sign”	means a sign erected or placed on land or a building used for or by an organization or establishment in connection with a public, educational, medical, charitable or other organization or establishment of a similar nature;
“interpretive sign”	provides - information for visitors, plans, historic information, location of services, features and businesses, includes artworks, which convey meaning. This type of sign can be private (i.e. placed by and for the benefit of a private business) or public (i.e. placed by a public agency in the public interest);

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“land”	includes buildings, parts of buildings and other structures and land covered with water;
“local government property”	means any thing- a) that belongs to the City; b) of which the City is the management body under the <i>Land Administration Act 1997</i> ; c) which is an otherwise unvested facility within Section 3.53 of the <i>Local Government Act 1995</i> ; and includes a thoroughfare or verge;
“moveable sign”	means a sign that can be moved and or is attached to a thing that is capable of being moved under its own power or with the assistance of another thing;
“name plate”	a single sign identifying one of the occupants of a property used for profession rooms, attached flush to the wall of a building (e.g. a traditional Doctor or Lawyer brass plate);
“person”	does not include the City;
“planning scheme”	means the City’s Town Planning Scheme made under the <i>Planning and Development Act 2005</i> , and, unless otherwise stated, refers to a Town Planning Scheme, which is in force at the time;
“policy”	includes a local planning policy made under the Scheme;
“portable sign”	means a sign not permanently fixed to the ground, building, wall, fence or structure and includes, but is not limited to, a sandwich board sign consisting of two sign boards attached to each other at the top by hinges or other means;
“projection sign”	means a sign that is made by the projection of light onto a canvas, wall or similar structure;
“public place”	means any place to which the public has access and includes, but is not limited to, car parks and verges;
“Public event and cultural directory sign”	means a structure permanently attached to the ground, designed to accommodate small bill posters or public notices, the messages of which may be changeable or variable and the sign may also have a public art function.

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“pylon sign”	means a sign supported by one or more supports and not attached to a building and includes a detached sign framework supported by one or more supports to which sign infills may be added;
“residential area”	means an area that has been so zoned under the Town Planning Scheme which is in force within the City at the time;
“roof sign”	means a sign or advertising device erected on or attached to the roof of a building;
“rural producer’s sign”	means a sign erected on land lawfully used for rural purposes that advertises commodities or produce grown, produced or lawfully manufactured within the boundaries of the land on which the sign is erected;
“real estate sign”	means a sign indicating that the property or premises whereon it is affixed is for sale or for lease or to be auctioned;
“Scheme”	means the City of Armadale Town Planning Scheme which is in force at the time;
“Scheme Area”	means the Scheme area referred to in the Scheme;
“sign”	means any message, direction or representation whatsoever displayed on or attached to any object or structure, or a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall, or flags and bunting whether they contain a written message or not and includes any display produced by way of video or electronic means and every other type or style of sign defined or referred to in this local law;
“signs regime”	means a comprehensive plan of sign types, sizes, location and restrictions prepared for the City’s approval for an entire site;
“site specific advertising”	means any display of a message or thing which only identifies the name and or principal business and or thing or service, produced, stored, displayed, sold or supplied in the principal business of an occupier of the land or building on which the message or thing appears or is proposed to appear;
“sun blind sign”	means a sign incorporated into the fabric or structure of a sunblind or canopy situated over a door or window.

“temporary community sign”	means a sign displayed by community groups and associations to advertise charitable or non-profit meetings, functions, artistic and cultural activities or other events of public interest.
“temporary sign”	means a sign displayed for a total of more than five (5) days but less than four (4) months in any given year.
“tethered sign”	means a sign which is suspended from, tethered or tied to any structure, or other object (with or without supporting framework). The term includes lighter-than-air devices, inflatables such as balloons and blimps, banners, flags and kites.
“thoroughfare”	has the same meaning given to it in section 1.4 of the <i>Local Government Act 1995</i> , and includes the verge;
“vertical sign”	means a sign fixed or painted on the wall of a building or structure where its vertical dimension exceeds its horizontal dimension;
“vehicle”	includes – a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and b) an animal being ridden, driven or led, but excludes – c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and d) a pram, stroller or similar device;
“wall panel”	means a panel displaying a posted or painted advertisement, which is fixed to the wall of a business premises or erected in the forecourt of a business premises;
“wall sign”	means a sign fixed or painted on the wall of a building or structure;
“window sign”	means a sign or signs on a transparent surface of a window or located less than 150 mm behind a transparent surface. Also includes signs on any window, which has been painted opaque.

**Note:** Also see Table 1, and Appendix 1 for requirements for and illustrations of various signs. Figure 3 provides an illustration of some of the signs referred to in the Policy.

**APPENDIX 1**  
**ADDITIONAL SIGN REQUIREMENTS**

**1. Illuminated Directional Signs**

**1.1 Colour Scheme**

Dark green border, lettering and pole(s), cream face, red scroll.

**1.2 Form**

Generally rectangular 2m length by 1.3m depth with curved corners and crest circle protruding above. Dimensions variable to suit location. Signs to be low in profile subject to practical safety standards.

**1.3 Symbol**

City crest

**1.4 Message**

- a) Name of Centre
- b) Services as applicable
- c) Direction/distance symbol
- d) Road / street name

**1.5 Restrictions**

- a) Only to be located subject to Council approval on Council controlled roadways, reserves etc.
- b) Design and specifications to meet Australian Standards and requirements of the Technical Services Directorate.
- c) Signage should be of a comprehensive generic description of a centre and avoid promotion of individual businesses and brand names.
- d) The placement of these signs to be selective at strategic locations to avoid general signage clutter and confusion.
- e) The sign must be set back at least 4.5m from the back of the kerb and located to the satisfaction of the Technical Services Directorate and Main Roads WA (where appropriate).
- f) Signs are not to interfere with the use of any pathway, cycleway, crossover or line of sight for vehicles.
- g) Attachment of road/finger signs to be restricted to specific locations approved by Council.

**1.6 Cost**

- a) The cost of establishing/erecting and maintaining the signs in good order to be borne by the applicants.
- b) In the event of non-compliance with approval and maintenance conditions, the City may, within 14 days of a notice, remove the sign and charge the applicants for removal and disposal.
- c) Annual rental to be paid to the City as specified by the City.
- d) Electricity costs to be paid to Western Power.

**1.7 Written agreement and Public Liability Insurance**

- a) A written agreement is to be provided to the City prior to the erection of the sign, stating that the applicant/sign company will be responsible for all maintenance, removal (within 24 hours should the sign be damaged), replacement as well as informing the City should any of the above be carried out, and relocate the sign if any road works is required in the future.
- b) A copy of a public liability Insurance Policy to the value of \$10 000 000 being provided to the City and such a policy remaining current for the life of the sign.

**2. Illuminated signs**

**2.1 Requirements**

- a) Boxing, casing or framing to be constructed of incombustible material;
- b) Electrical installation to be to the satisfaction of the appropriate electrical supply company and in accordance with AS3000-1991;
- c) Sign is to be maintenance to operate as an illuminated sign;
- d) Light emission is not to be of such intensity or colour as to cause annoyance to the public, constitute a traffic hazard or interfere with traffic lights;

**3. Direction signs**

**3.1 Requirements**

- a) Signs shall be securely affixed to and supported by one or more columns of sufficient size and strength to support the sign under all conditions;
- b) Signs are not to interfere with the use of any pathway, cycleway, crossover or line of sight for vehicles.

**4. Temporary community signs**

**4.1 Requirement**

- a) Signs shall not be erected earlier than 2 weeks before the event and shall be removed by the applicant no later than 2 days after the conclusion of the event;

**5. Public Event and Cultural Directory Signage**

**5.1 Requirements**

- a) Should provide for adequate recognition and access to view information and direction;
- b) Should be capable of forming an integral part of streetscape without being dominant;
- c) Should not detract from the character of the surrounding space;
- c) Should be robust and resistant to vandalism whilst ensuring pedestrian and vehicle safety is not compromised;
- d) Art work or embellishment shall be secondary to and not detract by way of colours, motifs or design from the function of the structure.

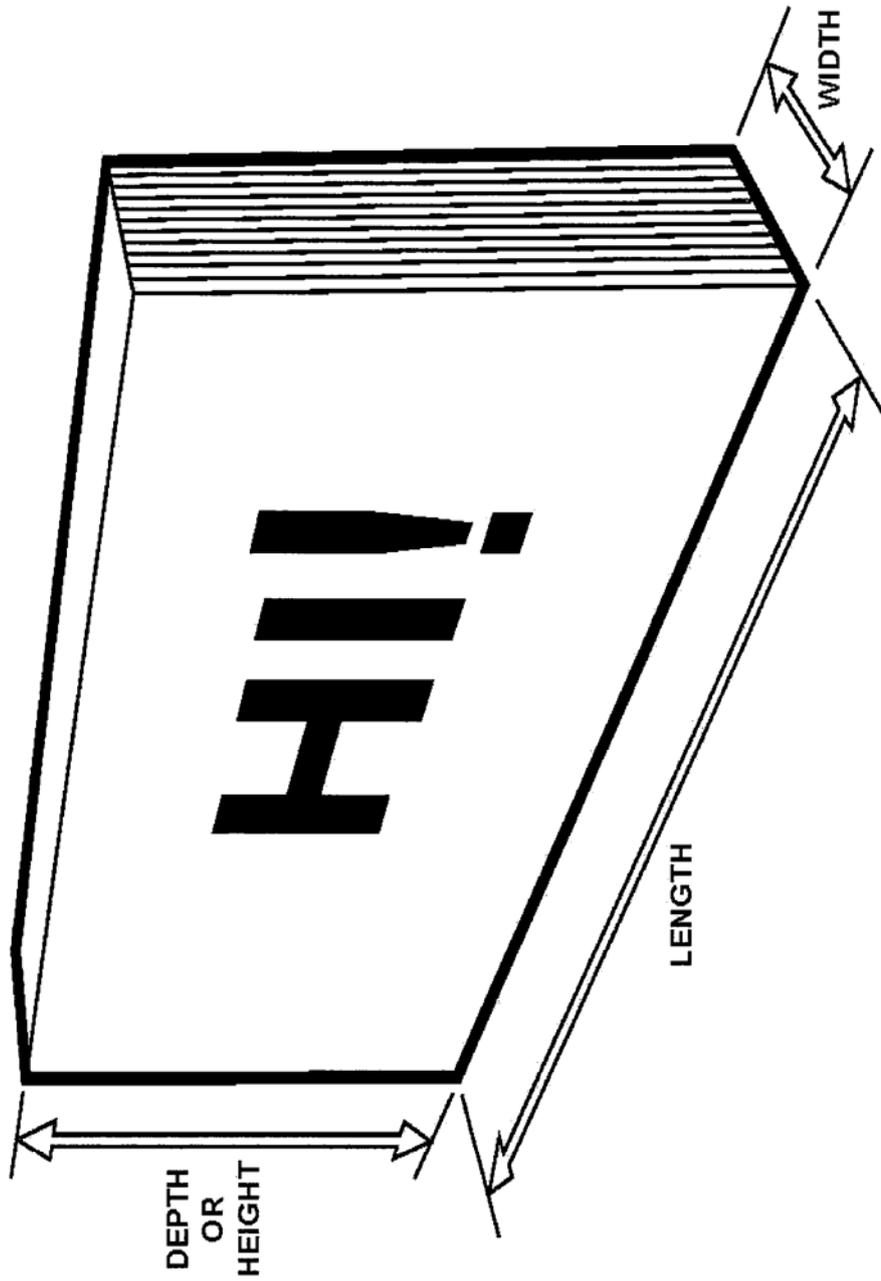
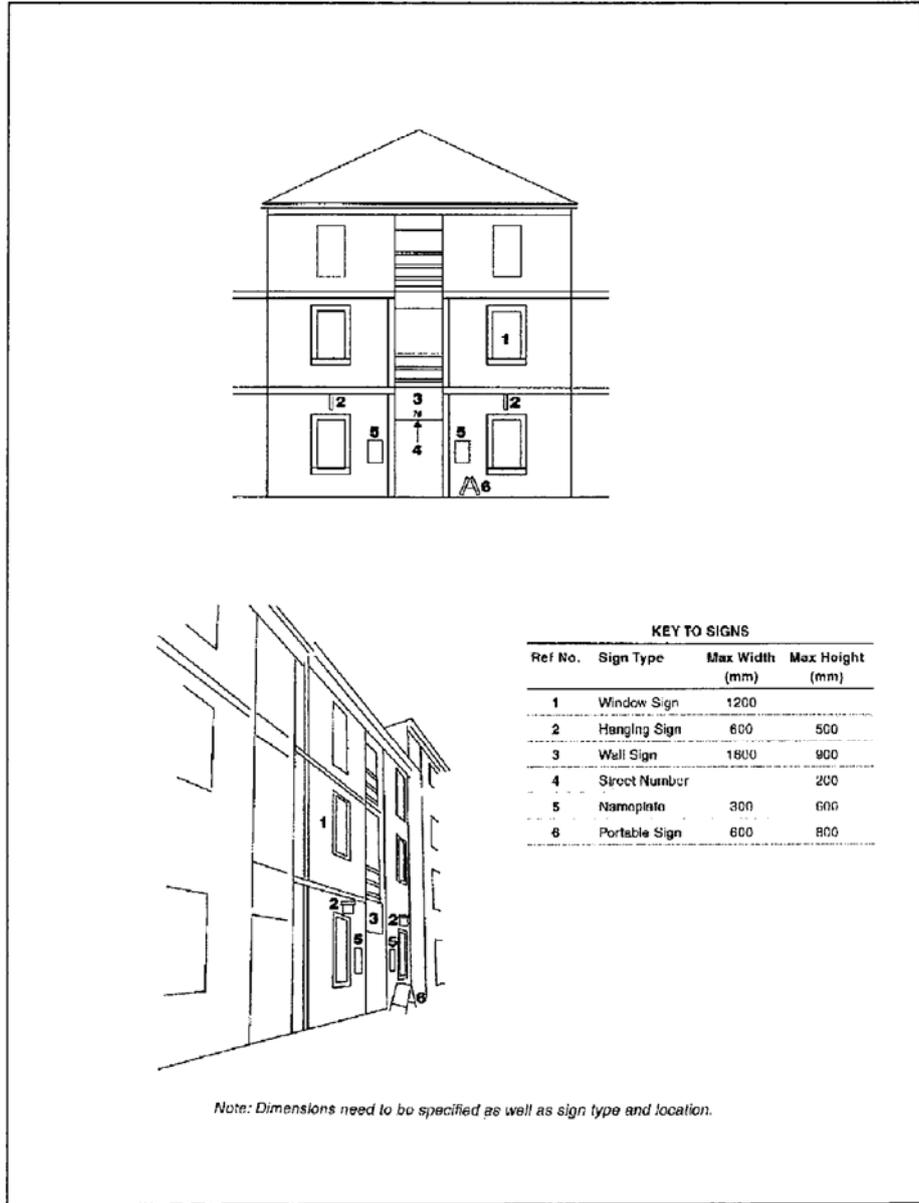


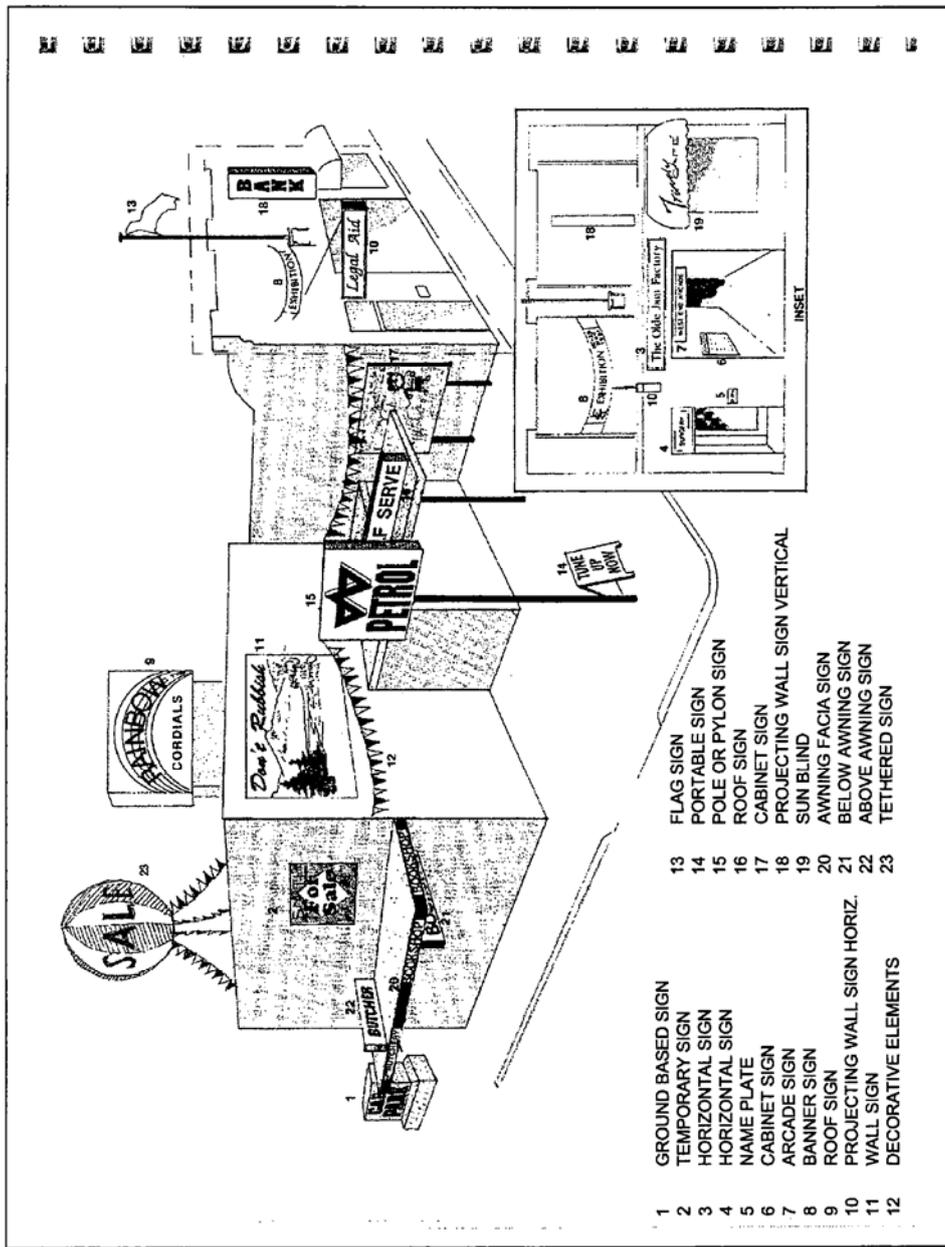
Figure 1: Sign Dimensions

Figure 2. (Appendix 2 from ARA Guidelines)



**FIGURE 2**  
EXAMPLE OF SIGNS REGIME

Figure 3. (Figure 2 of ARA Guidelines)



**FIGURE 3**  
SIGN TYPES

***Proposed amendments are highlighted in bold italics:***

<b>PLN 3.1</b>	<b>RESIDENTIAL DENSITY DEVELOPMENT</b>
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## 1. INTRODUCTION

The Clause 5.2.4 of the City's Town Planning Scheme No.4 allows Council general discretion in residential zoned areas to approve development of Grouped Housing on dual coded lots coded R10/25, R12.5/25, R15/25, R17.5/25 and R25/40. In addition Clause 5.2.5 provides that, in areas ~~are~~ dual coded R15/40 and R25/40, ~~to~~ other forms of residential development may be allowed ~~for~~ at the higher density where certain additional requirements defined in the Scheme Text are met.

Council encourages high quality medium density housing in selected areas of the City of Armadale. This form of housing allows for more efficient use of existing services such as sewerage, roads, water supply, electricity etc while providing a choice of housing types to meet the different requirements of people living in Armadale.

Council's intention in regulating more intensive development in the residential areas of the City is to encourage an integration of higher density housing into the City after taking account of the objectives of the zones, their primary incidental densities and the potential impact of increased residential density on the established urban infrastructure

The following policy and performance criteria guidelines have been developed to assist Council in determining Grouped Dwelling proposals and proposals to develop dual coded areas, and assist applicants to achieve the desired quality of site development anticipated by the City.

*This policy supersedes Policies D160/95 and D159/95 adopted by Council on 19 April 1995, which are hereby revoked.*

## 2. APPLICATION OF POLICY

- This policy is supplementary to and is to be read in conjunction with the appropriate provisions of the City of Armadale Town Planning Scheme No.4 and the *Residential Design Codes*.
- The policy will be applied by Council in the exercise of its discretion in respect of applications to develop Grouped Dwellings **in general** and **specifically to** proposed medium density residential development subject to dual coding.
- The policy will be taken into account by Council in making recommendations to the Western Australian Planning Commission for the development and subdivision of land subject to dual coding.

## 3. POLICY OBJECTIVES

- (a) To locate Group Dwelling development and higher density development in residential areas where it can successfully integrate into the surrounding environment and where existing access arrangements, open space, shopping, public transport, community services, drainage and sewerage facilities are capable of accommodating more intensive development.
- (b) To promote the use of Outline Development Concept Plans to co-ordinate the development of medium density housing in "super blocks" where land is dual coded.
- (c) To encourage an attractive streetscape setting which enhances and complements the visual character, bulk and scale of the surrounding built form.
- (d) To achieve a high quality building development in relation to architectural design, site layout, materials, colour, tone, texture and fencing.

- (e) To provide safe, functional and attractive access arrangements in and out of the site, which contribute to the overall aesthetics of the development.
- (f) To provide for safe and convenient placement and storage of waste to the development's future residents.
- (g) To provide for the safe and convenient collection of rubbish bins by the City's waste disposal vehicles.

#### **4. POLICY STATEMENT**

##### **4.1 Grouped Dwellings in Areas Coded R10/25 - R17.5/25.**

4.1.1 Grouped Dwelling applications will be assessed and determined based on the prevailing density code of the site and the extent to which the Design Guidelines for Medium Density Housing outlined in Clause 4.3 of this policy are met.

4.1.2 Development for Grouped Dwellings will not be approved in areas where reticulated sewerage is not available or where adequate drainage is not available or planned suitable to accommodate group dwelling densities to the satisfaction of the Manager, Technical Services.

4.1.3 The City must be satisfied, and the applicant is to demonstrate, that a Grouped Dwelling proposal is located in close proximity to:

- Public transport
- Recreational open space
- A footpath/cycleway system
- Shopping
- Community facilities.

##### **4.2 Dual Code Areas Coded R15/40 and Areas Coded R25/40**

Land coded R15/40 and areas coded R25/40 may be suitable for development in accordance with the R40 Code where the Council is satisfied that the following matters are addressed:

- Footpaths are constructed within the road reserve to which the site abuts;
- The proposal complies with the Design Guidelines for Medium Density Housing set out in Clause 4.3;
- The site is adequately drained to the satisfaction of the Manager Technical Services;
- Access arrangements ensure that traffic generated by the proposal can be accommodated by the existing street network;
- Adequate parking is available on-site without detriment to the streetscape.
- Adequate provision is made for the safe and convenient collection of rubbish and recycling bins.

##### **4.3 Grouped Dwellings and Higher Density Housing Requirements**

These Guidelines have been prepared to specify building design requirements where the City is required to exercise its discretion under the Town Planning Scheme for the approval of grouped dwellings under Clause 5.2.4 and where approval is sought for approval of a dwelling at a higher density than R15 in areas coded R15/40 or at higher density than R25 in areas coded R25/40. Where no specific policy provisions are identified, the Acceptable Development requirements and Performance Criteria of the *Residential Design Codes* will be applied.

### 4.3.1 Building Design

- 4.3.1.1 The provision of roofs with a pitch of 25% or greater is encouraged to provide a distinctive streetscape character, unless this is likely to compromise an existing streetscape character.
- 4.3.1.2 Colour schemes and use of materials will be required to achieve a high standard of visual amenity to be consistent with the desired appearance of the streetscape. Materials should complement the "natural" tones associated with the Armadale landscape.
- 4.3.1.3 Generally reflective materials ~~with an absorption value of less than .6~~ are not encouraged unless specifically approved by Council where it retains a particular existing character of a streetscape. In making its determination Council shall have particular regard to, and may impose conditions to, minimize the reflective impact on adjoining properties.
- 4.3.1.4 To create a high visual standard and enhance the aesthetics of the streetscape, architectural detail and trim will be considered as an integral component of the overall appearance of the colour and material combination and should be designed and coloured to complement the overall building (i.e. details such as gutters, fascias, capping, brackets, window frames, posts, louvers etc).
- 4.3.1.5 Rear dwelling(s) should be designed and sited to ensure that the front elevation (preferably to include a window to a habitable room) is visible from and provides an outlook to the street.
- 4.3.1.6 Buildings should be designed to include sufficient eaves and verandahs to provide protection for openings from summer sun.

**4.3.1.7** *The design of grouped and multiple dwelling development should avoid uniformity by providing a degree of variety in the range of house designs, colours and fenestrations (windows and openings). Development including two storey dwellings or dwellings with lofts is encouraged.*

**4.3.1.8** *Designs with eaves of at least 300mm or awnings is encouraged.*

### 4.3.2 Streetscape

**4.3.2.1** *In the case of those dwellings within a grouped dwelling complex with frontage to a Primary Street, the entrance and a major opening of the dwelling should be orientated towards the Primary Street.*

**4.3.2.2** *In the case of grouped and multiple dwellings:*

- *A clear view of the proposed development from the Primary Street should be provided by staggering some of the dwelling units, breaking up of roof areas and the appropriate use of site landscaping;*
- *Surveillance from two or more of the individual units to the Primary Street;*
- *Garages should be setback 0.5m behind the building line;*
- *Blank walls or solid fences viewed from the Primary Street should be avoided. The end of Communal Streets should not include horizontal windowless areas unless adjacent dwellings are two storey.*
- *Blank walls and fencing should be provided with an anti-graffiti finish or be similarly treated.*
- *Dwellings should not be designed to include blank walls facing the Primary or Communal Street;*
- *Communal Streets should be central within a development;*
- *Where access is from a Communal Street, entrances to dwellings should be visible from the Communal Street.*

### 4.3.3 Fencing Design

4.3.3.1 Front walls and fences shall not be constructed in fibro cement (super six) where visible from a street or accessway or public space.

4.3.3.2 The height, texture, colour and style of walls and fences exposed to public spaces shall be compatible with the streetscape and existing buildings.

**4.3.3.3 *In the case of corner lots and front units in a grouped dwelling complex, walls and fences abutting a Secondary Street should be visually permeable 1.2m above natural ground level in the area in front of the building setback line to the Primary Street.***

**4.3.3.4 *Unless otherwise approved, fencing abutting public open space should be visually permeable when higher than 1.2m above natural ground level.***

### 4.3.4 Retention of Existing Dwellings

4.3.4.1 Council shall encourage the retention of existing houses as part of a redevelopment proposal where the building:

- Is in good condition and of good architectural quality (Council may require an architectural report detailing building and architectural specifications and quality of the building);
- Is located on the block to provide a sufficient and usable area for additional units;
- Will retain and enhance the amenity and streetscape quality of an area;
- Is of heritage significance.

4.3.4.2 Where Council is not satisfied that the retention of a dwelling is appropriate Council may require the dwelling to be demolished.

4.3.4.3 Where Council considers a building worthy of retention but is not of a suitable condition, it may require the building to be upgraded to a standard satisfactory to Council in accordance with Clause 3.2.9 of the *Residential Design Codes*. Council will consider the following works to complement the proposed new development:

- Nature and quality of roof cladding finishes;
- External wall finishes;
- External colour scheme;
- Window treatments;
- Architectural detail and trim; and
- Other matters as detailed by Council.

4.3.4.4 New developments are to be designed so as to be compatible with an existing dwelling and constructed with;

- Compatible materials and colour scheme;
- Similar wall, window treatments and roof shapes (pitch), sizes, height and textures;
- Common architectural design features, if considered appropriate by Council. This may include the duplication of distinctive building details of the existing house to the satisfaction of Council;
- Where possible, new floor levels at the same floor level or the existing building.

**4.3.4.5** *Where an existing older dwelling is to be retained in a proposed grouped dwelling development, improvements to the existing building should include at least one of the following:*

- *Restoration of the existing roof*
- *Reclading or rendering of walls*
- *Repainting of the dwelling*

*Where an existing older dwelling is to be retained in a proposed grouped dwelling development, improvements to the streetscape should include at least one of the following:*

- *New front open style fencing*
- *Re-landscaping within the front setback*
- *New paving and kerbing in the driveway and crossover*

*The City may apply more than one of the above criteria, where appropriate.*

**4.3.4.6** *In the case of rear battleaxe proposals, at least one Major Opening of the rear dwelling should have a clear view to the public street.*

#### **4.3.5 Open Space and Landscaping**

4.3.5.1 A 0.5m vegetated buffer strip should be provided between accessways and side property boundaries.

4.3.5.2 Landscaping and maintenance proposals should where possible combine front garden or open space areas with adjoining verges to create an integrated appearance.

4.3.5.3 In accordance with Clause 3.4.5 of the *Residential Design Codes* applications for development of grouped dwellings are to specify details of the landscape works proposed through the preparation of a landscape plan. The landscape plan is to demonstrate:

- A strong landscaping theme incorporating feature planting in common areas;
- Details of plant species and hard landscape materials;
- Planting to soften and screen hard surfaces;
- Planting for solar control;
- Ongoing maintenance proposals including automated reticulation;
- A vegetation survey of the site and identification of significant trees with maximum vegetation retained.

(Refer to Council's Landscape Handout for assistance).

4.3.5.4 Principal areas of private open space should be located at the rear of the dwelling.

**4.3.5.5** *In the case of proposals including 12 or more grouped or multiple dwellings, the applicant shall demonstrate the way in which the design will make provision for a community focus or communal meeting place, possibly with casual seating, or a landscaped feature.*

**4.3.5.6** *Existing trees on a site, especially mature trees, should be preserved wherever possible.*

**4.3.5.7** *In the case of sites including six or more units, planting of, or retention of, individual mature trees at strategic locations should be provided.*

#### 4.3.6 Access and Car Parking

- 4.3.6.1 Garages and carports should be designed to complement abutting dwellings by utilising consistent material types, colour schemes and design.
- 4.3.6.2 Other than for two unit development, to ensure the visual streetscape quality and character is maintained, car parking within the front setback is only appropriate where sited under the curtilage of a carport where the carport is designed to integrate with the principle dwelling in terms of roof pitch, building materials and colour.
- 4.3.6.3 Where in Council's opinion, car parking adjacent to a side boundary will impact in terms of noise or headlight glare on the habitable rooms of an adjoining property, provision of an adequate landscaped buffer with mature/fast growing trees will be required, sufficient to provide an adequate visual and acoustic barrier between the two properties.
- 4.3.6.4 In addition to the requirements of Clause 3.5.4 of the *Residential Design Codes*, the design of the pavement within a driveway should take account of the need to:
- Meander the pavement;
  - Provide embayments to facilitate vehicle parking;
  - Depending on the length of the accessway, limit width to 3 metres at appropriate locations to minimize the effect of its dominance.

The above considerations will be dependent upon detailed design and circumstances relating to the dimensions of the block.

- 4.3.6.5 The manoeuvring area shall be large enough to allow a medium sized car to enter and exit a garage/carport from the accessway without difficulty. Generally this may be achieved with a turning circles radius of 5.5 metres.
- 4.3.6.6 To achieve a high visual standard which contributes to the overall amenity of an area, Council requires accessways to be constructed of block/brick paving or similar high quality material. The use of alternative paving materials will only be considered for two unit developments, where in the opinion of Council, special circumstances apply.

#### 4.4 Provision for rubbish collection

4.4.1 In determining applications for grouped dwellings consideration will be given to the adequacy of the provision for the safe and convenient collection of rubbish and recycling bins by the City's waste disposal vehicles. The application for planning approval is required to identify the collection points (bin pads) and the City needs to be satisfied that their placement will be adequate to facilitate easy collection and not jeopardise the safety of pedestrians on footpaths or users of the road system. Where this cannot be satisfactorily demonstrated alternative access arrangements will need to be provided by the applicant.

4.4.2 The following criteria shall be applied to the placement of bin pads:

- Sufficient space is required to accommodate two bins for each unit within a proposed development plus adequate separation space to enable manoeuvring by mechanical arms without encroachment onto the frontage of adjoining properties. Generally a space of 1.8m per unit will be required to be clearly marked and available for bin placement. Bin pads should not be separated from the street by a public footpath. Bin pads should generally be located 0.8m behind the kerb;
- There is a presumption against the siting of bin pads near intersections, bus stops, median islands, roundabouts, slow points, along busy arterial roads or where their location will impact on traffic sightlines or safety;

- Bin pads should not be located further than 75m from the respective residential dwelling. The intervening distance should have a gradient no greater than 10% with no stairs;
- The design should provide for access between the bin storage area to the bin placement area without passing through living areas.

4.4.3 Where the criteria set out in clause 4.3.6.2 cannot be met in its entirety, management for bin pick-ups either on-site or via alternative access, will be required.

4.4.4 Where alternative arrangements are required, conditions may be placed on development to ensure that:

- Land is given up free of cost where the site can be connected to an existing or future rear lane way or road (of at least 5m width);
- Provision is made for the construction of a portion of a rear lane way or road;
- Provision is made within a grouped dwelling or multiple dwelling development to provide for adequate internal turning and movement of waste collection vehicles and adequate hardstand for the placement of bins; and
- The pavement to be designed to accommodate a 25 tonne dual axle vehicle.

4.4.5 Where the City requires the preparation of a waste management plan prior to the City determining an application or as a condition of development approval the plan shall take into account;

- Possible future developments in the area;
- Convenience for waste generators;
- Convenience for waste collectors;
- Impact on future roadside pedestrian movements;
- Impact on future road vehicle traffic.

#### **4.5 Footpaths**

*To facilitate improvements to the City's footpath network, development taking advantage of the higher code in dual coded areas and development within areas Coded R40 will be required as a condition of development to make a contribution to the City's footpath fund on the basis of the estimated cost of constructing 5m of footpath for every additional unit proposed for the site.*

#### **4.6 Boundary Walls – R17.5 areas**

*In areas coded R17.5, walls to garages may be built up to one side boundary where not higher than 3.0m with an average height of 2.7m and up to 9m in length.*

#### **4.7 Outline Development Concept Plans**

To ensure that development in accordance with the R40 Code is undertaken in an orderly and co-ordinated manner, Council may require as a prerequisite for such development the preparation of and adoption by the Council of an Outline Development Concept (ODC) Plan for the whole area or a wider area than the land the subject of the proposal.

The Outline Development Concept Plan should be comprised of the following:

(a) Existing Information

- Existing lot layout, showing dimensions and areas;
- Outline of existing buildings indicating type of dwelling its age and condition and other structures;
- Location of sewer and drainage lines and associated easements;
- Location of significant trees and/or shrubs;
- Location and extent of crossovers and accessways/driveways.

(b) Future Planning Proposals

In all cases:

- Diagrams of development options which may be achieved for particular lots within the Plan area;
- The preferred subdivisional design;
- Provision and co-ordination of services to lots especially drainage and sewerage;
- Landscaping and streetscaping proposals;
- The method of access to individual lots;
- Assessment of the method and practicality of implementing the Plan including estimates of costs and benefits.

In addition the following may be required:

- The retention of existing dwellings and trees which are of sufficient quality and character to warrant preservation;
- Traffic management measures;
- The provision, location and treatment of communal open space;
- The provision of service roads or the use of secondary side streets to avoid accessways to busy streets;
- Other matters as determined by Council.

Council will encourage the following matters to be incorporated in the Outline Development Concept Plan:

- The provision of an alternative internal road pattern, possibly including rear laneways for access for vehicle garage parking;
- The use of joint accessways to adjoining lots rather than separate accessways side by side and the consequential proliferation of crossovers;
- The adoption of a common set of design principles such as roof pitch, building materials, fencing, window heights, landscaping, front setback arrangements, the circumstances where zero lot line development may be allowed, and siting requirements to take account of privacy, energy conservation and climate control.

(c) Advertising

The Outline Development Concept Plan shall be advertised for public comment in accordance with Clause 9.4 of Town Planning Scheme No.4 prior to final consideration of Council.

(d) Availability of Plan

The Outline Development Concept Plan shall be formally adopted by Council, and kept and made available for public inspection at the Council offices.

**5. PROCEDURAL REQUIREMENTS AND DELEGATION**

5.1 Before determining applications other than an application for a two unit development, or where development complies with the *Residential Design Codes*, Council shall advertise the proposal for community comment by utilising all or any of the following methods:

- (a) By notifying surrounding residents and/or landowners;
- (b) By having the applicant erect a suitable sign in a conspicuous position on the site, advertising the proposal and inviting any comments to be forwarded to Council;
- (c) By advertising in a locally circulating newspaper, inviting public comment - if Council considers the nature of the development, its scale and density requires extra advertising compared to the avenues provided above.

**D57/4/03 Development Services Committee 14 April 2003**

**Adopted by Council 21 April 2003**

**D106/6/03 Development Services Committee 9 June 2003**

**Adopted by Council 16 June 2003**

**D160/9/04 Development Services Committee 13 September 2005**

**Adopted by Council 20 September 2005**

**D97/7/05 Development Services Committee 13 September 2005**

**Adopted by Council 19 September 2005**

**D56/5/06 Development Services Committee 9 May 2006**

**Adopted by Council 15 May 2006**

**D83/7/06 Development Services Committee 11 July 2006**

**Adopted by Council 17 July 2006**

### Grouped Dwellings

BC-1 A schedule of external colours and materials is to be submitted to and approved by the Executive Director Development Services. The development to be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.

**OR**

BC-2 A schedule of external colours and materials is to be submitted to and approved by the Executive Director Development Services. Alternative colour tones and materials are to be used for each dwelling to demonstrate a high standard of visual amenity and attractive streetscape. The development is to be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.

L-1 Submission of a comprehensive landscape plan (including the verge) to the satisfaction of the Executive Director Technical Services. Such plan is to include plant species (predominantly West Australian natives), numbers, location, container size and method of irrigation of the landscaped areas. The landscape plan is to be approved and all landscaping installed and maintained, to the satisfaction of the Executive Director Development Services.

F-1 With the exception of fencing within the front setback area, internal fencing and other property boundary fencing is to be 1.8m high measured from the new ground level / top of retaining walls and constructed to a minimum standard of masonry, "Colorbond" or fibro cement painted in a colour to complement the proposed development, to the satisfaction of the Executive Director Development Services.

F-2 Details of fencing within the front setback area or fronting the public realm (i.e. ) demonstrating permeable visibility are to be submitted. The fencing is to be completed and maintained in accordance with the approved plan to the satisfaction of the Executive Director Development Services.

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

D-1 Submission and implementation of a stormwater management plan in accordance with water sensitive design principles to the satisfaction of the Executive Director Technical Services.

P-1 Crossovers, driveway, car parking and vehicle manoeuvring spaces shall be constructed, drained, sealed, kerbed, marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.

P-4 Driveways to be brick paved to the specifications and satisfaction of the Executive Director Technical Services.

P-8 A cash-in-lieu payment for footpath construction being paid to the City at the rate of 5 metres of footpath per unit to the satisfaction of the Executive Director Technical Services.

P-9 Existing crossovers to be removed and all kerbing / footpaths to be reinstated to the specifications and satisfaction of the Executive Director Technical Services.

*Advice Notes*

- FL-2 With regard to condition No.[L-1], please find enclosed a copy of the City’s Landscaping Guidelines –Grouped Dwellings and the Landscaping Guidelines – Plants to Avoid, to assist you to formulate a satisfactory landscaping proposal.
- F-AN1 With regard to Condition No. [F1/F2], fencing within the front setback area is to be visually permeable above 1.2m in accordance with the Residential Design Codes. Please also note the requirements of Clause 7, Part 2 of the City’s “Local Laws Relating to Fencing” regarding truncation requirements for fences (above 1.2m) adjacent to driveways.

**Streetscape / Screening**

- SS-1 Submission of an amended site and elevation plan that addresses the following criteria to the satisfaction of the Executive Director Development Services:
- i) Unit No. being redesigned to incorporate major openings / habitable rooms facing to provide for surveillance of the street (in accordance with Clause 3.2.4 of the Residential Design Codes) and an attractive streetscape.
  - ii) To comply with Clause 3.8.1 A1 of the Residential Design Codes of Western Australia, privacy screening is required in respect of the dining and family rooms and the alfresco area, to the north-eastern property boundary. Details of the screening are to be submitted to the City to the satisfaction of the Executive Director Development Services.

