

CITY OF ARMADALE

AGENDA

OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE FUNCTION ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 15 FEBRUARY 2021 AT 7.00PM.

A meal will be served at 6:15 p.m.

PRESENT:

APOLOGIES:

OBSERVERS:

IN ATTENDANCE:

PUBLIC:

“For details of Councillor Membership on this Committee, please refer to the City’s website – [www.armadale.wa.gov.au/your council/councillors](http://www.armadale.wa.gov.au/your_council/councillors).”

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

QUESTION TIME

Public Question Time is allocated for the asking of and responding to questions raised by members of the public. Minimum time to be provided - 15 minutes (unless not required). Policy and Management Practice EM 6 - Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>. It is also available in the public gallery. The public's cooperation in this regard will be appreciated.

DEPUTATION

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 18 January 2021 be confirmed.

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 2 - JAN 2021

Outstanding Matters & Information Items

Report on Outstanding Matters - Development Services Committee
Review before the State Administrative Tribunal (SAT)

Health

Health Services Manager's Report - January 2121

Planning

Planning Applications Report - January 2121

Town Planning Scheme No.4 - Amendment Action Table

Subdivision Applications - WAPC Approvals/Refusals - January 2121

Subdivision Applications - Report on Lots Registered for 2020/2021

Compliance Officer's Report - January 2121

Building

Building Services Manager's Report - January 2121

Building Health/Compliance Officer's Report - January 2121

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

CONTENTS

DEVELOPMENT SERVICES COMMITTEE

15 FEBRUARY 2021

1. STRATEGIC PLANNING	
1.1 REVIEW OF LOCAL PLANNING POLICY PLN 2.4 - TREE PRESERVATION.....	4
1.2 PROPOSED LOCAL PLANNING POLICY PLN 3.4 - DESIGNING OUT CRIME	11
2. MISCELLANEOUS	
2.1 LOCAL LAWS - HOARDING IN RESIDENTIAL AREAS (REFERRAL ITEM).....	16
2.2 LIVEABLE NEIGHBOURHOODS DOCUMENT (REFERRAL ITEM).....	18
3. COUNCILLORS' ITEMS	
NIL	20
4. EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT	
4.1 NORMALISATION OF CHAMPION DRIVE PRECINCT	21
SUMMARY OF ATTACHMENTS	22

1.1 - REVIEW OF LOCAL PLANNING POLICY PLN 2.4 – TREE PRESERVATION

WARD : ALL
FILE No. : M/70/21
DATE : 10 February 2021
REF : SF
RESPONSIBLE : EDDS
MANAGER

In Brief:

- The City's draft Corporate Business Plan, Action 2.5.2.1 identifies the need to 'develop a Local Planning Policy to increase the retention of Tree Preservation within new subdivisions and development'. The City has reviewed and included new requirements in its existing Local Planning Policy PLN 2.4 – 'Tree Preservation' which has been renamed PLN 2.4 – 'Landscape Feature and Tree Preservation'.
- Council at its meeting on 13th December 2020, adopted the amended Policy for the purposes of advertising for a period of 21 days. There were no submissions received during the advertising period.
- Recommend that Council adopt the amended Local Planning Policy PLN 2.4 'Landscape Feature and Tree Preservation Policy'.

Tabled Items

Nil.

Decision Type

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

- 2.1.1 Preserve and improve natural areas
- 2.1.3 Ensure that developments are sensitive to pre-existing environmental values
- 2.2.2 Protect and enhance the character of the City's spaces and places.
- 2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.

Legal Implications

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town Planning Scheme No.4
Local Planning Strategy 2016
WAPC's Liveable Neighbourhoods

Council Policy/Local Law Implications

PLN 2.4 - 'Tree Preservation'

Budget/Financial Implications

Nil.

Consultation

The review of Local Planning Policy PLN 2.4 'Tree Preservation' was undertaken in consultation with the following Directorates:

- Planning Services
- Environmental Services
- Engineering and Subdivision Design
- Parks Services

Following Council's decision on the 22nd November 2020 to adopt the amended Local Planning Policy PLN 2.4 'Landscape Feature and Tree Preservation', the Policy was advertised in accordance with Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 21 days.

BACKGROUND

Identified in the City's draft Corporate Business Plan is a number of actions associated with the need to increase the preservation of trees within new subdivisions and development, as well as an action to advocate for environmental offsets, such as tree planting within the City of Armadale municipal boundary. The actions are described below:

'2.1.7.4 Through planning and engineering policies and processes advocate for environmental offsets to be located within the City boundaries'

'2.5.2.1 Develop a Local Planning Policy and associated amendments to the City's engineering guidelines to increase the level of Tree Preservation within new subdivisions and developments'

As a precursor to Action 2.5.2.1 a Councillor item was raised by Cr Wielinga at the meeting of Council on the 23rd September 2019 requesting the following:

'The matter of a review of the Tree Preservation Policy be referred to the Development Services Committee.'

Whilst further details were not provided in support of the Councillor item it is understood the request related to Tree Preservation Orders in Road Reserves, which is proposed to be addressed in this report.

The City has an existing Local Planning Policy PLN 2.4 'Tree Preservation' which guides the retention of significant trees identified by the City and the community and outlines the procedures for ensuring their retention over the long term. The policy makes reference to a number of provisions in Town Planning Scheme No.4 (TPS No.4) that guide the retention of significant trees however the Policy is established for Tree Preservation Orders under Clause 80A which states the following:

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

The introduction of the Policy provides a list of the many different mechanisms to protect vegetation within the City. To enhance the preservation of significant environmental assets such as ‘Significant Trees’, the City has identified an opportunity to expand the scope of what is considered an environmental asset by considering ‘Landscape Features’. Landscape Features could include ‘groups of trees’, ‘water features’ or ‘topographical landscape features’ which may be worth retaining. By recognising ‘Landscape Features’ as an environmental asset the City can aim to preserve more of its natural environment when new structure plans, subdivisions and development is considered.

In addition to considering increasing the scope of significant environmental assets for consideration and protection, the City has also identified the need to further explore the need to provide specific guidance on identifying ‘Significant Trees’ and ‘Landscape Features’ during all phases of the planning, engineering and development processes. This is considered necessary to provide clarity on the investigations required to ensure significant environmental assets such as ‘Significant Trees’ and ‘Landscape Features’ are captured early in the planning and engineering studies phases and that there is continuity from the entire development cycle – i.e. planning, engineering to development. This approach is also seen as being aligned with the State Planning Framework, specifically the Western Australian Planning Commission’s (WAPC’s) ‘Liveable Neighbourhoods’ Policy which makes provision to consider the retention of environmental assets in the early phases of planning in predominately new growth areas. This is identified in Element 1 – Community Design under ‘Site and Context Analysis requirements’, specifically:

‘1.2 – Identify and respond to significant environmental assets such as landform, geology, areas of landscape significance, Environmental Policy Protection areas, bushlands, wetlands and foreshore reserves in the proposed urban structure’

‘1.3 – Enhance local identity by recognising and incorporating local character values, landmark, heritage, views and any other significant natural and cultural assets’

The City’s current policy also has the scope to consider introducing guidance on the issue of vegetation offsets in situations where trees may need to be removed and replacement trees provided as ‘environmental offsets’. A recent recommendation by Council to the WAPC on the Structure Plan for Lot 9006 Reilly Road and Lot 9005 Wright Road, Harrisdale (June 2020), advised the Federal Department of the Environment and Energy and the State Government Departments of Biodiversity, Conservation and Attractions, and Department of Water and Environmental Regulation of the City’s position to have *‘environmental offset funds obtained by the developers to be used to acquire land or provide environmental management of equivalent areas of Threatened Ecological Community or natural vegetation within the City of Armadale or adjoining Local Governments’*.

The City’s position on this Structure Plan and any future application can be formalised by being introduced into a Policy framework which will assist in providing guidance to developers when similar proposals come forward in the future. It is acknowledged that the City can advocate for this position to State and Federal agencies, who make most of the decisions on offsets.

The Policy does have the structure to be expanded to include provisions that aim to guide the retention of ‘Significant Trees’ and ‘Landscape Features’ throughout the entire planning and development process in addition to providing guidance on how to achieve ‘environmental offsets’ in the City’s municipal boundary. Accordingly, in place of establishing a new Local Planning Policy, the City is recommending the review of PLN 2.4 ‘Tree Preservation’ to incorporate the mentioned elements to achieve the Corporate Business Plan actions.

At its meeting on the 13th December 2020, Council resolved to adopt the amended Local Planning Policy PLN 2.4 ‘*Landscape Feature and Tree Preservation*’ (renamed) for the purposes of public consultation.

DETAILS OF PROPOSAL

The revised Local Planning Policy PLN 2.4 ‘*Landscape Feature and Tree Preservation*’ includes the following changes:

- Title of the Policy to change from ‘*Tree Preservation*’ to ‘*Landscape Feature and Tree Preservation*’;
- The need to identify significant landscape features and trees at various stages of the Planning, Engineering and Development process as reflected in the expanded ‘Policy Objectives’;
- The inclusion of definitions for ‘Landscape Feature(s)’ and ‘Significant Tree(s)’;
- Overview of when the Policy is to apply – i.e. at District Structure Plans, Local Structure Plans, Subdivision Applications, Development Applications and where individual nomination occurs for Tree Preservation Orders by the community or a Government organisation;
- Detailed overview of the information required by the City through the various planning stages – i.e. District Structure Plans, Local Structure Plans, Subdivision Applications, Development Applications, Civil Design, Earthworks and at Practical Completion (for subdivision works);
- Linking the relevance of the Policy to the State Planning Framework, specifically ‘Liveable Neighbourhoods’ which also seeks to identify and retain significant environmental assets as part of the Structure Plan and Subdivision process;
- The introduction of policy provisions to identify the preferred location of ‘environmental offsets’; and
- The Policy also includes provisions which relate to when a significant tree has been removed without the City’s authorisations.

A copy of the existing Policy with the proposed changes identified in red text and the revised Local Planning Policy PLN 2.4 ‘Landscape Feature and Tree Preservation’ is included in the Attachments.

Public Advertising of amended Local Planning Policy PLN 2.4 – ‘Landscape Feature and Tree Preservation’.

Public consultation was undertaken over a 21 day period and concluding on the 25th January 2021. Advertising was carried out by way of advertisements in the local newspapers and inclusion on the City’s “out for comment” section of its website. No submissions were received during the advertising period.

COMMENT

The City's current Local Planning Policy PLN 2.4 '*Tree Preservation*' works with the City's Town Planning Scheme No.4 and the City's established Policies and Practices to set the framework for the retention of significant trees, providing guidance to landowners and the City on the assessment of significant trees in relation to Tree Preservation Orders under Clause 80A of Schedule A of TPS No.4.

The amendments to the Local Planning Policy aim to expand the scope of the Policy to cover 'Landscape Features' which includes the identification of landscape elements such as groups of vegetation and / or trees or water bodies for retention in future subdivision and development. The Policy also brings into focus existing WAPC Policies such as Liveable Neighbourhoods Policy which encourages the retention of significant trees and landscape features as part of the Structure Planning and Subdivision process. By linking the Local Planning Policy to the State Government's Liveable Neighbourhoods Policy, the Policy will define how landowners / developers are to investigate and retain significant environmental assets during the Planning and Development process and in turn satisfy the City's objective to investigate and protect significant environmental assets as well as responding to the objectives of the Liveable Neighbourhoods Policy. The amended Policy will also support the City's role in providing advice on the Structure Plan and Subdivision process applications to the WAPC who determines these applications.

In addition the revised PLN 2.4 - '*Landscape Feature and Tree Preservation*' has been expanded to identify the various planning phases where consideration to Landscape Features and Significant Trees should be given and defines the information that is required to be prepared by proponents and submitted to the City for assessment. This includes the preparation of Landscape Feature and Tree Retention Strategies and Plans at the District Structure Plan, Local Structure Plan, Subdivision and Development stages. The Policy also provides guidance on what information is required at the Civil Design, Earthworks and Practical Completion stage of a project so that it captures the 'entire planning and development' cycle process. In response to these inclusions, the City's Subdivision Guidelines (engineering and water management strategies) will need to be updated should the Policy be adopted by Council.

To support the protection and enhancement of 'Landscape Features' and 'Significant Trees', the amended policy introduces provisions that outline the process to be taken when significant trees have been removed with or without prior authorization from the City. The provisions provide a framework for landowners / developers to follow which encourages replacement vegetation through 'environmental offsets' with guidance on where environmental offsets are to be provided. This includes a preference for vegetation to be provided through purchase of land or through planting within existing reserves within the City's municipal boundary. This may be a negotiated outcome, however the City may still be able to, prosecute such clearing under relevant legislation.

To enable the City's Policy to expand the scope of the protection of significant trees across the City's reserves (i.e. roads), text and notations that identify that there are other mechanisms to support the protection of trees in reserves rather than the use of Clause 80A of Schedule A of TPS No.4 has been removed from the Policy. The City can now consider invoking a Tree Protection Order on its reserves to ensure greater protection over its own environmental assets.

The new content of the revised policy has been carefully reviewed by the City through a Cross-Directorate approach, covering off various aspects touching on this issues including planning, subdivision design and engineering, parks and landscaping and environmental considerations. During the advertising period, the amended policy was referred to the Department for Planning, Lands and Heritage for consideration and no objections were received.

ANALYSIS

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

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

- Review or adopt (with or without modifications) the amended policy in the light of submissions; and
- If the City resolves to adopt the policy, publishing of a notice in a newspaper circulating in the district and if the policy affects the interests of the Western Australian Planning Commission, forwarding a copy of the Policy to the Commission.

The proposed policy may affect the interests of the Commission so it is recommended that a copy be forwarded to the Commission.

OPTIONS

That Council:

1. Resolve to adopt the amended Local Planning policy PLN 2.4 *'Landscape Feature and Tree Preservation'* (with our without modification).
2. Resolve not to adopt the amended Local Planning Policy PLN 2.4 *'Landscape Feature and Tree Preservation'* and provide reasons for doing so.

CONCLUSION

No submissions on the amended policy were received during the public consultation period nor were any received from the Western Australian Planning Commission. The revised Local Planning Policy PLN 2.4 *'Landscape Feature and Tree Preservation'*, will work alongside the City's Town Planning Scheme No.4, State Government Planning Policies (i.e. Liveable Neighbourhoods) and the City's established procedures and practices to provide a comprehensive framework for the City, landowners and developers. The revised policy will encourage stakeholders to identify significant Landscape Features and Trees early in the engineering and planning processes to ensure the best possible opportunity for their retention and enhancement through the entire subdivision and development process.

It is recommended that Council resolve to adopt the amended Local Planning Policy in accordance with Option 1 above.

RECOMMEND

That Council:

- 1. In accordance with Schedule 2, Part 2, clause 4 (3) and (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt the amended Local Planning Policy PLN 2.4 – Landscape Feature and Tree Preservation.**
- 2. Publishes a notice in a newspaper circulating in the district stating the amended Local Planning Policy PLN 2.4 – Landscape Feature and Tree Preservation has been adopted.**
- 3. Forward a copy of the Policy to the Western Australian Planning Commission.**
- 4. Note that the City’s Subdivision Guidelines (engineering and water management strategies) will need to be updated to reflect the new Policy.**

ATTACHMENTS

- 1.** [↓](#) Local Planning Policy PLN 2.4 Tree Preservation (with modifications)
- 2.** [↓](#) Local Planning Policy PLN 2.4 Tree Preservation (final version)

1.2 - PROPOSED LOCAL PLANNING POLICY PLN 3.4 - DESIGNING OUT CRIME

WARD : ALL
FILE No. : M/77/21
DATE : 10 February 2021
REF : SW
RESPONSIBLE MANAGER : EDDS

In Brief:

- An action arising from Strategic Community Plan Review workshops held early in 2020 was to develop a Local Planning Policy for Crime Prevention Through Environmental Design.
- The intent is that the Local Planning Policy should require specific development to incorporate designing out crime principles.
- In December 2020 Council resolved to advertise draft Local Planning Policy PLN 3.14.
- Draft Local Planning Policy PLN 3.14 was advertised for public comment from 31 December 2020 to 21 January 2021, and no submissions were received.
- Recommend that Council adopt Local Planning Policy PLN3.14 without modification

Tabled Items

Nil.

Decision Type

Legislative

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

Executive

The decision relates to the direction setting and oversight role of Council.

Quasi-judicial

The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

1.2.3 Recognise initiatives to improve perceptions of safety.

2.5.1.1 Implement the Local Planning Strategy recommendations through amendments to TPS No.4, Structure Plans, Planning Policies and Strategies

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No.4

Council Policy/Local Law Implications

PLN 2.9 - Landscaping

ENG 16 - Graffiti

Budget/Financial Implications

Nil.

Consultation

The draft policy was advertised to the public in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Community Engagement Strategy 2018/19 – 2022/23.

BACKGROUND

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the design, planning and structure of neighbourhoods. The application of CPTED principles to built-form design seeks to reduce the real or perceived opportunities for crime, largely through the improvement and on-going maintenance of surveillance.

Local Government assesses and determines development applications and has an opportunity, through that role, to apply CPTED principles to built-form design. That is already done to some extent, through the application of the Residential Design Codes to residential development and other design considerations, however opportunities exist to broaden the application of CPTED principles.

The following action was an outcome from Strategic Community Plan Review workshops held in January 2020 - March 2020:

“Key Actions under Community Outcome - 1.2 Improve Community Wellbeing

1.1.1.5 Development a Local Planning Policy for Crime Prevention Through Environmental Design”.

Local Planning Policy PLN3.14 responds to the requirements sought under the Strategic Community Plan.

Designing Out Crime Planning Guidelines

The Western Australian Planning Commission (WAPC) document *“Designing Out Crime Planning Guidelines”* was published in June 2006. This planning guideline has been earmarked for review, however a draft has not yet been released for comment.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* provide for the preparation of Local Planning Policies, which can address matters such as neighbourhood planning and built-form design. The regulations also specify the process that should be followed in order to establish a Local Planning Policy.

DETAILS OF PROPOSAL

The draft policy would apply to a broad range of commercial, industrial and residential uses and addresses both large scale proposals, such as Structure Plans, and small to medium scale development applications. It would operate by:

- Explaining the relevant CPTED objectives and principles which are consistent with the abovementioned WAPC Guidelines; and
- Requiring that certain types of planning applications be accompanied by a CPTED statement: this statement will demonstrate, in checklist form, that the application has been prepared in accordance with the Policy principles.

Detailed assessment of the proposal will ensure that the design provides all of the required elements, as per the statements in the checklist. The submission of the CPTED Statement would become a statutory requirement in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 63(1)(d), which permits Local Authorities to request the submission of material accompanying a planning application.

CPTED statements would be provided for the following types of applications:

- New construction within areas zoned District Centre, Local Centre, Mixed Business/Residential, General Industry, Industrial Business and Strategic Regional Centre.
- Multiple Dwelling development of over 20 units;
- Development with an estimated cost exceeding \$2 million (including Development Assessment Panel determined applications); and
- Any other development which, in the view of the City of Armadale, may affect the perception of public safety.

A copy of the proposed Local Planning Policy and CPTED Statement checklist is presented in the Attachments to this report.

COMMENT

Outcomes from Public Advertising

Draft Local Planning Policy PLN 3.14 was advertised for public comment from 31 December 2020 to 21 January 2021, in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Community Engagement Strategy 2018/19 – 2022/23. No submissions were received during the advertising period.

Proposed Local Planning Policy

This proposed policy would:

- Complement the objectives of the City's Local Planning Strategy, which aims to facilitate the development of safe communities;
- Broaden and strengthen the application of CPTED principles to planning applications in the City's local context; and
- Be consistent with the intent of the WAPC's *Designing Out Crime Planning Guidelines* and the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Although the policy would establish criteria that an applicant would have to address, and the City subsequently assess and require, it is considered that the potential benefits of having a safer physical environment outweigh the costs associated with that additional work. The succinct format of the CPTED checklist is intended to be simple and easy to apply and assist in the application/assessment process as much as possible.

Modifications to CPTED Statement

The following potential improvements to the CPTED statement were noted during the advertising period, and have been incorporated into the attached version of the document:

- The addition of a column where the applicant can provide commentary on how their application addresses the relevant designing out crime requirements, or explain why their application does not address those requirements;
- Modification of the text about the carpark signage recommending that users lock their vehicle before leaving it.

These changes to the CPTED statement are not substantial and do not require re-advertising of the Policy.

ANALYSIS

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

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

- Review or adopt (with or without modifications) the amended policy in the light of submissions; and
- If Council resolves to adopt the policy, publishing of a notice in a newspaper circulating in the district and if the policy affects the interests of the Western Australian Planning Commission, forwarding a copy of the Policy to the Commission.

The proposed policy is considered unlikely to affect the interests of the Commission, therefore there is no need to refer the Policy to the Commission.

OPTIONS

1. Council could resolve to adopt the Local Planning Policy PLN 3.14 Designing Out Crime with or without modifications.
2. Council could resolve not to adopt Local Planning Policy PLN 3.14 Designing Out Crime.

CONCLUSION

The draft Local Planning Policy would facilitate development that would assist in reducing the likelihood of crime and anti-social behaviour. In this regard, Option 1 is recommended.

RECOMMEND

That Council:

- 1. In accordance with Schedule 2, Part 2, clause 4 (3) and (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt Local Planning Policy PLN 3.14 - Designing Out Crime as attached.**
- 2. Publishes a notice in a newspaper circulating in the district stating that Local Planning Policy PLN 3.14 - Designing Out Crime has been adopted without modifications.**

ATTACHMENTS

- [1.↓](#) Local Planning Policy PLN 3.14 - Designing Out Crime Draft Version
- [2.↓](#) Crime Prevention Through Environmental Design Statement checklist

2.1 - LOCAL LAWS - HOARDING IN RESIDENTIAL AREAS (REFERRAL ITEM)

At the Council meeting held on 25th January 2021, Cr Munn referred the following matter to the Development Services Committee.

That the matter of a report on local laws to deal with hoarding in residential areas be referred to the Development Services Committee.

Comment from Cr Munn

Over the years there has been to my knowledge 4-5 cases of residents hoarding rubbish from miles around in their back and front gardens and often spilling out on the street verges. This has been to the disadvantage to their neighbours in continuing unsightliness, destruction of a pleasant street scape and making it almost impossible for them to sell their properties, without taking a huge loss.

Can we investigate eg. a Local Law which can deal with this problem? How do other Councils deal with this problem in a residential area?

Officer Comment

The City has dealt with over 20 hoarding properties in recent years under the various pieces of legislation. Hoarding continues to be a difficult and time consuming matter to resolve, particularly where individuals have health conditions.

The relevant legislation includes:

- The City's *Removal of Refuse, Rubbish and Disused Materials Local Laws* contains provisions to enable the City to issue Notices, undertake removal of rubbish and commence legal action to potentially recuperate costs.
- The City is able to issue a Directions Notice under Section 218 of the *Planning and Development Act 2005* for the unauthorised storage of household rubbish and items on a property to be removed within 60 days.
- In respect to the rubbish located inside a residence, the City has power to issue a Section 139 Notice under the *Health (Miscellaneous Provision) Act 1911*.
- The City's *Activities and Trading in Thoroughfares and Public Places Local Law and Litter Act 1979* contains provision to enable the City to issue notices for materials, rubbish and obstructions located on the verge.

The City is able to commence legal action against any landowner that fails to comply with any Notice issued under the respective legislation.

Whilst the legal framework is in place to prosecute and issue fines, unfortunately legal action is not always effective at resolving the problem of hoarding or removing rubbish. Specific details of the subject property and the City's actions to resolve the matter will be provided as part of a separate Memo to Councillors. The City has trialled a number of initiatives to resolve hoarding with the success often depending on the cooperation of the individuals involved and their personal circumstances.

RECOMMEND

That Council note a report will be provided at a future Development Services Committee Meeting.

ATTACHMENTS

There are no attachments for this report.

2.2 - LIVEABLE NEIGHBOURHOODS DOCUMENT (REFERRAL ITEM)

At the Council meeting held on 25th January 2021, Cr Peter referred the following matter to the Development Services Committee.

That the matter of a report on the status of the State Government's Liveable Neighbourhoods document (version 2015) and also enquiring with WALGA to write to the WAPC seeking an update and requesting to progress the document to its adoption be referred to the Development Services Committee.

Comment from Cr Peter

Liveable Neighbourhoods (version 2015) form the policy has undergone a format restructure based on six elements to improve the application of its objectives and requirements. The new version resolves the policy conflict and duplication, particularly with the key provisions of existing WAPC development control policies related to road planning, school sites, and public open space.

As per the TSC report (T72/1/21), there were 14 footpath broken complaints in the 2019/20 period, but the actual damage may be far more than reported cases. Even though the real reason for the most reported cases is not directly connected to verge trees, there is a high chance of increasing the footpath damage caused by verge trees very soon because of the lack of verge reserve. It may cause financial and reputational damage and affect the safety of the pedestrians of the city.

I believe the real reason for the footpath damage caused by the verge trees is because of a lack of verge reserve under the current planning policy. I acknowledge the verge trees as a green asset to the City, and their vital role in stormwater flood mitigation, protection of road systems, reduction of wind speed and storm-related damage, urban shade and reduction of a heat island effect, improved air quality.

One of the vital benefits of the current version of Liveable Neighbourhoods is, it could provide more space for the verge trees to grow without causing damage to footpaths or roads.

Officer Comment

The Liveable Neighbourhoods Policy replaces the current Western Australian Planning Commission's (WAPC's) development control policies. The WAPC initiated a review of Liveable Neighbourhoods and released a document in 2015. To date, the WAPC has not progressed this Policy document to finalisation or an update. In November 2020, the WAPC advised that the review will be considered and finalised as part of the Design WA Project, which to date has involved review of the Residential Design Codes and the preparation of a Precinct Design Policy.

RECOMMEND

That Council:

- 1. To be considered.**

ATTACHMENTS

There are no attachments for this report.

COUNCILLORS' ITEMS

Nil.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

4.1 - NORMALISATION OF CHAMPION DRIVE PRECINCT

On the 24th December 2020, planning authority for the Champion Drive Precinct within the former Armadale Redevelopment Authority Area (now DevelopmentWA) was formally transferred from DevelopmentWA to the City of Armadale and Western Australian Planning Commission through an amendment to the *Metropolitan Redevelopment Authority Regulations Amendment (No.2) 2020* published in the Government Gazette.

Amendments to the Metropolitan Region Scheme and City of Armadale Town Planning Scheme No.4 to support the transfer of the planning framework have also been gazetted, with these amendments having becoming operational at the point of normalisation on 24th December 2020.

The Development Contribution Plan (DCP) which applied to the Champion Drive Precinct was formally rescinded at the point of normalisation. Rescinding of DevelopmentWA's DCP was previously supported by Council given that most of the infrastructure identified in the DCP had already been delivered or would normally be delivered by developers through normal subdivision and development requirements.

Upon the Champion Drive DCP being rescinded, DevelopmentWA transferred a total of \$260,156.52 to the City which represented the balance of funds that remain in the DCP at the point of normalisation. These funds may now be used on the provision of DCP works (including environmental requirements) in the Precinct area. A report will be presented to Council for consideration of proposals for the expenditure of these funds.

ATTACHMENTS

There are no attachments for this report.

MEETING DECLARED CLOSED AT _____

DEVELOPMENT SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
15 FEBRUARY 2021		
ATT NO.	SUBJECT	PAGE
1.1 REVIEW OF LOCAL PLANNING POLICY PLN 2.4 – TREE PRESERVATION		
1.1.1	Local Planning Policy PLN 2.4 Tree Preservation (with modifications)	23
1.1.2	Local Planning Policy PLN 2.4 Tree Preservation (final version)	36
1.2 PROPOSED LOCAL PLANNING POLICY PLN 3.4 - DESIGNING OUT CRIME		
1.2.1	Local Planning Policy PLN 3.14 - Designing Out Crime Draft Version	49
1.2.2	Crime Prevention Through Environmental Design Statement checklist	55

PLN 2.4	LANDSCAPE FEATURE AND TREE PRESERVATION
----------------	--

1. INTRODUCTION

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

- a) the use of development envelopes (Clause 4.7 and Policy PLN 2.1);
- b) a requirement for permission to clear remnant vegetation in the Special Rural and Rural Living zones (Clause 4B.7);
- c) a requirement for permission to remove, lop, top, chop, ringbark or otherwise trim or destroy a certain size of tree within any of the City's Strategic Regional Centre, District Centre, Local Centre and Mixed Business / Residential zones. (Clause 4C.9);
- d) identification of areas as landscape and bushland protection areas on Special Control Area Map 1 which can serve to protect groups of trees (Clause 5.5);
- e) listing on the heritage list where those trees are of cultural heritage significance and worthy of conservation;
- f) serving of a notice requiring landholders to preserve a tree or group of trees (Clause 80A of Schedule A – Tree Preservation Orders); and
- g) retention of trees and landscape features in public open space, drainage corridors and road reserves (e.g. through the Structure Planning and subdivision process); and
- h) the identification of vegetation retention as part of the State Government's 'Liveable Neighbourhoods (i.e. Element 1 – Community Design)'.

This policy provides guidance on the application and administration of circumstance where Clause 80A of Schedule A may be applied (item (f) above) which reads as follows:

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

The policy also focuses on guidance and administration on the retention of Groups of Trees and Landscape Features (item (g) and (h) above) that are deemed significant by the community and identifies mechanisms for their protection through the planning and development process.

1.1 DEFINITIONS

"Landscape feature" is defined in section 3.2.2 of this policy.

"Registered tree" is a tree or group of trees subject to a notice under Clause 80A of Schedule A of Town Planning Scheme No.4.

"Significant tree" is defined in section 3.2.1 of this policy.

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

2. POLICY OBJECTIVES

- a) To provide guidance on the criteria that shall be used when considering whether or not a tree is significant enough to warrant issuing of a notice under Clause 80A of Schedule A of TPS No.4.
- b) To provide guidance on the review of a registered tree and guidance on administrative processes associated with the protection of a registered tree.
- c) To provide guidance on the level of information required by the City when considering significant trees and landscape features at each stage of the planning framework.
- d) To aim for the retention of significant trees and other landscape features through the strategic and statutory planning framework to retain the character of the area.
- e) To provide referral advice and / or advocate to the Western Australian Planning Commission and DevelopmentWA, the retention of trees and other landscape features when considering Structure Plans and Subdivision Plans.
- f) Advocate for the achievement of 'environmental offsets' in the City's municipal boundary.

3. POLICY STATEMENT

3.1 How the Policy is to be applied

This policy applies to all land within the City of Armadale Town Planning Scheme No.4 and, areas where the City does not have planning control and instead provides referral advice, during the following planning phases and circumstances described below:

- District Structure Plans;
- Local Structure Plans;
- Subdivision applications (10 or more lots);
- Development Applications; and
- Individual selection of significant trees (only) for protection via community or Government nomination.

This policy is to be read in conjunction with Town Planning Scheme No 4 (i.e. Clause 80A of Schedule A) and other relevant strategies and policies and is intended to complement and be used in conjunction with relevant State Government legislation, policies and guidelines, specifically Liveable Neighbourhoods – Element 1 'Community Design' under 'Site and Context Analysis requirements' as follows:

'1.2 – Identify and respond to significant environmental assets such as landform, geology, areas of landscape significance, Environmental Policy Protection areas, bushlands, wetlands and foreshore reserves in the proposed urban structure'

'1.3 – Enhance local identity by recognising and incorporating local character values, landmark, heritage, views and any other significant natural and cultural assets'

3.2 What is considered a Significant Tree(s) and Landscape Feature

The criteria and process used to determine the significance of a tree and landscape feature is discussed in this section.

In respect to the application of Clause 80A of Schedule A, only trees deemed to be significant as assessed against the criteria below will warrant notice under Clause 80A or retention during the Structure Plan, Subdivision and / or Development process.

3.2.1 Significance Criteria – Trees

In terms of determining what is a Significant Tree(s) that is worthy of retention, a tree or trees will need to meet at least one of the first three criteria listed below (“a”, “b” or “c”) to be considered worthy of issuing of a notice under Clause 80A of Schedule A, or retention through the Structure Plan and Subdivision process in addition to being deemed acceptable under criteria “d” (i.e. a tree must meet criteria “d” but only needs to meet at least one of the first three criteria).

a) *Heritage Significance*

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

Heritage significance should be determined by the City with due regard to the advice of the City’s Community Heritage Advisory Group, or in the case of Aboriginal significance with due regard to the advice of the Department of Planning, Lands and Heritage.

b) *Species Significance*

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

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

Horticultural significance should be assessed by the City’s Parks and Reserves Services using the species significance factors noted above and horticultural advice.

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

In undertaking assessments under this policy the habitat value of a tree is deemed significant if it provides a breeding, feeding or roosting site regularly used by fauna protected under state or federal legislation or international treaties or is a mature tree with a diameter at breast height of 50cm or greater. The City's Environmental Services should provide advice on habitat value.

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

Curious growth forms include abnormal outgrowths, fused branches or unusual root structures, and should be assessed by the City's Parks and Reserves Services.

c) *Location, Landscape and Landmark Significance*

Some trees acquire significance due to their context in and contribution to the landscape and are sometimes identified as landmarks by the community. Assessment of location, landscape and landmark significance is primarily subjective, yet many people can share the same perception. Such significance should therefore only be ascribed where there appears to be general agreement by the community.

Location, landscape and landmark significance should be assessed by the City's Planning Services, who may consult with the Community Heritage Advisory Group.

d) *Tree Condition and Impacts*

If a tree is deemed as significant under one or more of the above Criteria, the condition of the tree and its existing and potential impacts will also need to be assessed. Such an assessment, which may take the form of a "*Quantified Risk Assessment*", will be undertaken by the City's Parks and Reserves Services and should consider the following matters:

- a) Usual Life expectancy;
- b) Health condition (vitality) and structural integrity;
- c) Evidence of existing impacts a tree is having on buildings and/or structures;
- d) Future growth habits and their potential impacts;
- e) Potential size at maturity;
- f) Safety Risks (or Risk of Harm);
- g) Amenity and Lifestyle Impacts; and
- h) If applicable, evidence from a relevant and qualified medical professional that a tree is causing medical problems to a member/s of the community.

The tree condition and impact assessment will be the final matter that is considered in deciding if a notice under Clause 80A should be issued or the trees recommended to be retained as part of the District and Local Structure Plan process or Subdivision and Development Stages. With consideration of the advice received from the City's Parks and Reserves Services (and other advice where applicable), the City's Planning Services will make the final recommendation or decision on the appropriateness of issuing a notice under Clause 80A and/or recommending to the Western Australian Planning Commission that the tree(s) be retained as part of the District and Local Structure Plan process and Subdivision and decision on Development Application process.

If the condition or impacts of a tree are deemed unacceptable by the City, it may be recommended or decided that a notice issued under Clause 80A is not issued or the trees are not retained as part of the District or Local Structure Plan process, Subdivision or Development Application process.

3.2.2 Significance criteria – Landscape Features

A Landscape Feature is to be considered a unique or identifiable feature of the landscape including ridgelines, rocky outcrops, vegetation, creek lines and wetlands.

Landscape Features can be identified in the District and Local Structure Planning phase of the planning and development process and subdivision phase of the planning and development process.

In the case of a 'group' of trees being identified as a significant Landscape feature, the retention of individual trees will be undertaken in accordance with criteria identified in Section 3.2.1 of this policy.

3.3 Information required by the City for Assessment

This section sets out the City's expectations on the minimum information required for investigation and management of significant trees and landscape features that may be identified during the various stages of the planning framework including District and Local Structure Planning stage, Subdivision stage, Development stage or when individually nominated by the City, Government organisation or Member of the Community.

The City may at its discretion, waive or modify any of the requirements where it is satisfied that the information provided by the applicant is appropriate for the City to consider Landscape Features and Significant Trees.

The City's requirements in relation to Significant Trees and Landscape Feature retention at each stage of the planning framework or via individual nomination is detailed below:

District Structure Planning

The following information is required to be prepared and submitted to the City for approval at District Structure Planning stage to assist in satisfying Items '1.2 and 1.3' of the 'Site and Context Analysis' requirements under Element 1 'Community Design' of Liveable Neighbourhoods:

A District Landscape Feature and Tree Retention Strategy is to be submitted to the City as part of the District Structure Plan in accordance with Schedule 2 Clause 16(1)(c)(i) of the *Planning and Development (local planning schemes) Regulations 2015*. A District Landscape Feature and Tree Retention Strategy should be prepared in consultation with the City and include the following:

- Identification of all Landscape Features and Significant Trees (or groups of significant trees where appropriate) overlaid on the District Structure Plan and recent aerial image;
- Statement of how the District Structure Plan has considered and responded to Element 1 (Community Design) of Liveable Neighbourhoods; and
- Description of the process for retaining Significant Trees and Landscape Features during subsequent stages of the planning framework in accordance with this policy.

Local Structure Plans

The following information is required to be prepared and submitted to the City for approval at Local Structure Planning stage to assist in satisfying Items '1.2 and 1.3' of the 'Site and Context Analysis' requirements under Element 1 'Community Design' of Liveable Neighbourhoods: :

Local Landscape Feature and Tree Retention Strategy

A Local Landscape Feature and Tree Retention Strategy is to be submitted to the City as part of a Local Structure Plan in accordance with Schedule 2, Clause 16(1)(c)(i) of the *Planning and Development Regulations 2015*. A Local Landscape Feature and Tree Retention Strategy should be prepared in consultation with the City and include the following:

- A description and map prepared by a suitable qualified professional (to the satisfaction of the City) showing the location, species, size and structural health of Significant trees on site;
- A map showing which Significant Trees are proposed to be retained and which Significant Trees are to be removed;
- A description of methods to avoid impacts on trees that are to be retained;
- A description of ongoing management and maintenance;
- A map and description of all landscape Features on site;
- A map of the Landscape Features that are proposed to be retained, modified or removed; and
- Statement of how the District Structure Plan has considered and responded to Element 1 (Community Design) of Liveable Neighbourhoods.

The Local Landscape Feature and Tree Retention Strategy must give due consideration to Element 1 'Community Design' of Liveable Neighbourhoods. Structure Plan is to outline how Element 1 of Liveable Neighbourhoods has been achieved and identify mechanism for implementation at subdivision stage.

a) **Subdivision Applications**

In order for the City to provide advice to the Western Australian Planning Commission for the assessment of subdivision applications where 10 or more lots are proposed, or where an existing Landscape Feature and Tree Retention Plan exists (i.e. for District and / or Local Structure Plan), the City will require the following:

b) **Landscape Feature and Tree Retention Plan**

A Landscape Feature and Tree Retention Plan is to be prepared in consultation with the City prior to the submission of a Subdivision Application to the Western Australian Planning Commission with the intention of resolving any inconsistencies between:

- The retention of the Significant Trees and Landscape Features and the location of services, driveways, garage locations and retaining walls; and
- Preliminary engineering designs / water management plans, and the retention of Significant Trees and Landscape Features to be retained.

The Landscape Feature and Tree Retention Plan should be consistent with the Local Landscape Strategy and/or approved Local Structure Plan and should identify (where applicable):

- A map prepared by a suitable qualified professional (as determined by the City) showing the location, species, size and structural health of Significant Trees to be retained;
- A description of methods to avoid impact of Significant Trees that are to be retained;
- Cut and fill levels where Significant Trees are to be retained;
- Buffer distances around Significant Trees in accordance with AS4970-2009 – Protection of Trees on development sites (or as amended);
- A description of ongoing management and maintenance of Landscape Features and Significant trees; and
- A map of the Landscape Features that are proposed to be retained.

When subdivision applications are assessed under this Policy, the City may recommend conditions to the Western Australian Planning Commission requiring Landscape Features and/or Significant Trees to be retained in accordance with a Landscape and Tree Retention Plan that has been approved by the City.

c) Civil Design

Following subdivision approval by the WAPC, where a Landscape and Tree Retention Plan is in place following previous phases of the approval framework, at the Civil Design stage the following information is required:

- Civil drawings submitted to the City (including for retaining walls, drainage and POS, roads, services and footpaths) shall be consistent with the Landscape and Tree Retention Plan adopted by the City. Requirements of the adopted plan need to be incorporated into the Civil drawings;
- The proponent will be required to engage with the City to undertake a site visit to demonstrate how the Landscape and Tree Retention Plan is to be followed; and
- Plans of the location, approximate height, diameter, species and condition of the Significant Trees and Landscape Feature shall be provided to the City with the civil drawings.

d) Prior to Earthworks / Engineering Approval

Following subdivision approval by the WAPC, where a Landscape and Tree Retention Plan is in place following previous phases of the approval framework, the following is required prior to the issue of earthworks / engineering approval by the City:

- Construction drawings to be provided in the appropriate format showing the location, species, approximate height, DBH and canopy of all retained trees and landscape features;
- Ground truth public open space and road reserves prior to clearing, with a representative from the City to ensure Significant Trees and Landscape Features are to be protected, are surveyed and clearly identified on site;
- Service installation in the proximity of Significant Trees and / or Landscape Features shall be undertaken using methods other than excavation which comply with AS 4970-2009; and
- Where services conflict with a Significant Tree or Landscape Feature, the City may require service alignments to be altered to minimise impact on the Significant Tree and Landscape Feature, in agreement with the service provider.

e) Requirements at Practical Completion of Subdivision

Following the completion of civil and landscape works in a stage of subdivision the following is required:

- A representative from the City will undertake an inspection of the subdivision works to determine if the Significant Trees and Landscape Features have been retained in accordance with the Landscape Feature and Tree Retention Plan;
- Any Significant Trees with damage may require review by an independent arborist to determine if the tree is viable. Trees that are not viable will be removed and replaced with a tree of the same species at the full expense of the proponent and to the satisfaction of the City.

f) **Development Applications**

Development application approvals may also be conditioned requiring Landscape Features and / or Significant trees to be retained in accordance with a Landscape Feature and Tree Retention Plan that has been approved by the City.

If a Landscape Feature and Tree Retention Plan does not apply to a Development Application the City can undertake its own assessment using the criteria established in clause 3.2.1 and 3.2.2 and if necessary issue a Tree Preservation Notice via Clause 80A of TPS No.4 or alternatively apply a condition of Development Approval for the Tree Retention and / or Landscape Feature.

g) **Nomination of Significant Tree by Government or Community**

It is possible that either a Government entity or Member of the Community can identify and seek the approval of the City to retain a Significant Tree on a property or road reserve.

In these circumstances the City will undertake an assessment in accordance with Clause 3.2.1 and if warranted will consider the best mechanism for protecting the tree. In general Clause 80A should only be used:

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

Trees of cultural significance that qualify for heritage listing under Schedule 2, Part 3 of the *Planning & Development (Local Planning Schemes) Regulations 2015* should also be protected by a notice issued under Clause 80A of the Scheme.

In the course of processing an application for planning approval, the City may require an owner to submit a site plan identifying trees likely to be deemed significant under this Policy that are affected by the proposed development. Details will also need to be submitted of proposed measures to protect trees identified on the site plan as outlined in the Australian Standard 4970-2009: Protection of trees on development sites (or superseding Australian Standard).

3.4 Process for requesting the City to issue a notice

In circumstances where 3.3 (f) applies in this policy, requests should be prepared using the form provided (attached).

Once received the request will be processed by the City's officers by undertaking an assessment using the framework provided by Clause 3.2.1 of this policy.

3.5 Administrative mechanisms for the protection of registered trees

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

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

To assist owners with registered trees the City offers:

- a standard plinth and plaque for the base of a significant tree at cost; and
- advice to approved contractors on tree pruning as outlined in the Australian Standard 4373-2007: Pruning of amenity trees (or superseding Australian Standard).

Subject to availability of resources, the City will undertake regular inspections when development works are approved in the vicinity of a registered tree, with development works to be undertaken as outlined in the Australian Standard 4970-2009: Protection of trees on development sites (or superseding Australian Standard).

If a registered tree is on public land (e.g. road reserve) the City will install a plaque or sign except where it is decided that erection of a sign next to the tree will increase threats to the tree (e.g. increased likelihood of theft or damage due to the advertisement of its importance).

3.6 Review of Registered Trees

The City's Parks and Reserves Services will reinspect all registered trees at least every five years.

As part of a reinspection, the City's Parks and Reserves Services will consider Significance Criteria **as per Clause 3.2.1** above to help determine the appropriateness of a tree remaining registered or to determine what action is required to ameliorate the impacts and improve the condition of a registered tree.

If in between inspections a landowner identifies that the condition of a registered tree on private land or on public land has deteriorated and its impacts are becoming a risk, they can provide evidence and request the City's Parks and Reserves Services to inspect the tree to determine if remedial action is necessary. There is therefore a duty of care placed on a landowner in this regard, as outside of the City's inspections that occur every five years, the City will only inspect a registered tree when requested in writing.

The City's Planning Services will make the final recommendation or decision on the appropriateness of a tree remaining registered or what action is required to ameliorate the impacts and/or improve the condition of a registered tree.

3.7 Protection of Registered Trees and Landscape Features within Future Developments and Subdivisions

Proposed development, strata titling and/or subdivision of private land shall be designed to account for **Registered Tree and /or identified Landscape Features** with consideration to the potential impacts and growth habits of a tree throughout its life cycle to the City's satisfaction, with all works adjacent to significant trees to be undertaken as outlined in the Australian Standard 4970-2009: Protection of trees on development sites (or superseding Australian Standard).

The City shall require a Section 70A notification to be placed on the Certificate of Title of private property affected by a Registered Tree as part of a development, strata titling and/or subdivision approval.

3.8 Removal of a Significant Tree identified for retention without appropriate authorisation

Should a landowner wish to remove a Significant Tree that has been identified in a Landscape Feature and Tree Retention Plan or via another mechanism identified in this Policy, the express permission of the City and / or formal approval is required before undertaking any site works. The City will undertake its investigation in accordance with Clause 3.6 above.

In the event that a Significant Tree that is identified for retention is part of a Landscape Feature or is identified in a Tree Retention Plan, or is identified in the City's register of protected trees and has been removed without authorisation from the City, the following may result:

- If the tree relates to a Structure Plan and / or Subdivision application, the City may withhold the issue of subdivision clearance until such time as a suitable replacement has been agreed with the City (where a subdivision condition requesting a Landscape Feature and Tree Retention Plan applies); and
- If the tree relates to a Development Application or tree on the City's Tree Register, a suitable replacement may be sought to the City's satisfaction or alternatively the City may take compliance action under the *Planning and Development Act 2005*.

3.9 Environmental Offsets

There may be circumstances where a landowner and/or developer is granted permission to remove 'significant trees' for a proposal such as in the scenarios below:

- Removal of Significant Trees without authorisation (Section 3.8); and
- Removal of Significant Trees and / or Vegetation in accordance with the *Environmental, Protection and Biodiversity Conservation Act 1999*;

Where the above circumstances apply, it will be the City's Policy to request the landowner / developer to provide environmental offsets within the project area or suburb as the first priority. If this is not possible the City can request the following:

- The landowner / developer to purchase land in the City to be protected for environmental purposes to the City's satisfaction; or
- The landowner / developer come to an agreement with the City to plant new trees within existing reserves within the City of Armadale to the City's satisfaction.

In the case where the above options are not possible, the City reserves the right to advocate to the relevant Federal or State Government body for the environmental offsets to be provided within the City of Armadale.

Town Planning Scheme No.4 - Tree Register Nomination Form

Address or location of tree (or group of trees)

Owner's Name and address (if known)

Common name and/ or botanical name

Reason for nominating the tree (please tick the box)

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

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

Photographs attached?	Yes / No
What is the general condition of the tree?	Good / Fair / Poor

Nominator's details

Name

Address

Phone No & e-mail

Signed and dated
Nomination forms should be sent to the Chief Executive Officer, City of Armadale, Locked Bag No 2, Armadale WA 6992 or via email on info@armadale.wa.gov.au

- D106/6/03** Development Services Committee 9 June 2003 - Adopted by Council 16 June 2003
- D160/9/04** Development Services Committee 13 Sept 2004 - Adopted by Council 20 Sept 2004
- D113/9/07** Development Services Committee 11 Sept 2007 - Adopted by Council 17 Sept 2007
- D65/9/12** Development Services Committee 17 Sept 2012 - Adopted by Council 24 Sept 2012
- D32/8/16** Development Services Committee 16 Aug 2016 - Adopted by Council 22 Aug 2016
- Revised September 2017 & April 2018 (as per Amendment 86)
- D32/5/20** Development Services Committee 19 May 2020 – Adopted by Council 25 May 2020

PLN 2.4

LANDSCAPE FEATURE AND TREE PRESERVATION

1. INTRODUCTION

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

- a) the use of development envelopes (Clause 4.7 and Policy PLN 2.1);
- b) a requirement for permission to clear remnant vegetation in the Special Rural and Rural Living zones (Clause 4B.7);
- c) a requirement for permission to remove, lop, top, chop, ringbark or otherwise trim or destroy a certain size of tree within any of the City's Strategic Regional Centre, District Centre, Local Centre and Mixed Business / Residential zones. (Clause 4C.9);
- d) identification of areas as landscape and bushland protection areas on Special Control Area Map 1 which can serve to protect groups of trees (Clause 5.5);
- e) listing on the heritage list where those trees are of cultural heritage significance and worthy of conservation;
- f) serving of a notice requiring landholders to preserve a tree or group of trees (Clause 80A of Schedule A – Tree Preservation Orders); and
- g) retention of trees and landscape features in public open space, drainage corridors and road reserves (e.g. through the Structure Planning and subdivision process); and
- h) the identification of vegetation retention as part of the State Government's *'Liveable Neighbourhoods (i.e. Element 1 – Community Design)'*.

This policy provides guidance on the application and administration of circumstance where Clause 80A of Schedule A may be applied (item (f) above) which reads as follows:

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

The policy also focuses on guidance and administration on the retention of Groups of Trees and Landscape Features (item (g) and (h) above) that are deemed significant by the community and identifies mechanisms for their protection through the planning and development process.

1.1 DEFINITIONS

"Landscape feature" is defined in section 3.2.2 of this policy.

"Registered tree" is a tree or group of trees subject to a notice under Clause 80A of Schedule A of Town Planning Scheme No.4.

"Significant tree" is defined in section 3.2.1 of this policy.

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

2. POLICY OBJECTIVES

- a) To provide guidance on the criteria that shall be used when considering whether or not a tree is significant enough to warrant issuing of a notice under Clause 80A of Schedule A of TPS No.4.
- b) To provide guidance on the review of a registered tree and guidance on administrative processes associated with the protection of a registered tree.
- c) To provide guidance on the level of information required by the City when considering significant trees and landscape features at each stage of the planning framework.
- d) To aim for the retention of significant trees and other landscape features through the strategic and statutory planning framework to retain the character of the area.
- e) To provide referral advice and / or advocate to the Western Australian Planning Commission and DevelopmentWA, the retention of trees and other landscape features when considering Structure Plans and Subdivision Plans.
- f) Advocate for the achievement of 'environmental offsets' in the City's municipal boundary.

3. POLICY STATEMENT

3.1 How the Policy is to be applied

This policy applies to all land within the City of Armadale Town Planning Scheme No.4 and, areas where the City does not have planning control and instead provides referral advice, during the following planning phases and circumstances described below:

- District Structure Plans;
- Local Structure Plans;
- Subdivision applications (10 or more lots);
- Development Applications; and
- Individual selection of significant trees (only) for protection via community or Government nomination.

This policy is to be read in conjunction with Town Planning Scheme No 4 (i.e. Clause 80A of Schedule A) and other relevant strategies and policies and is intended to complement and be used in conjunction with relevant State Government legislation, policies and guidelines, specifically Liveable Neighbourhoods – Element 1 'Community Design' under 'Site and Context Analysis requirements' as follows:

'1.2 – Identify and respond to significant environmental assets such as landform, geology, areas of landscape significance, Environmental Policy Protection areas, bushlands, wetlands and foreshore reserves in the proposed urban structure'

'1.3 – Enhance local identity by recognising and incorporating local character values, landmark, heritage, views and any other significant natural and cultural assets'

3.2 What is considered a Significant Tree(s) and Landscape Feature

The criteria and process used to determine the significance of a tree and landscape feature is discussed in this section.

In respect to the application of Clause 80A of Schedule A, only trees deemed to be significant as assessed against the criteria below will warrant notice under Clause 80A or retention during the Structure Plan, Subdivision and / or Development process.

3.2.1 Significance Criteria – Trees

In terms of determining what is a Significant Tree(s) that is worthy of retention, a tree or trees will need to meet at least one of the first three criteria listed below (“a”, “b” or “c”) to be considered worthy of issuing of a notice under Clause 80A of Schedule A, or retention through the Structure Plan and Subdivision process in addition to being deemed acceptable under criteria “d” (i.e. a tree must meet criteria “d” but only needs to meet at least one of the first three criteria).

a) *Heritage Significance*

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

Heritage significance should be determined by the City with due regard to the advice of the City’s Community Heritage Advisory Group, or in the case of Aboriginal significance with due regard to the advice of the Department of Planning, Lands and Heritage.

b) *Species Significance*

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

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

Horticultural significance should be assessed by the City’s Parks and Reserves Services using the species significance factors noted above and horticultural advice.

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

In undertaking assessments under this policy the habitat value of a tree is deemed significant if it provides a breeding, feeding or roosting site regularly used by fauna protected under state or federal legislation or international treaties or is a mature tree with a diameter at breast height of 50cm or greater. The City's Environmental Services should provide advice on habitat value.

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

Curious growth forms include abnormal outgrowths, fused branches or unusual root structures, and should be assessed by the City's Parks and Reserves Services.

c) *Location, Landscape and Landmark Significance*

Some trees acquire significance due to their context in and contribution to the landscape and are sometimes identified as landmarks by the community. Assessment of location, landscape and landmark significance is primarily subjective, yet many people can share the same perception. Such significance should therefore only be ascribed where there appears to be general agreement by the community.

Location, landscape and landmark significance should be assessed by the City's Planning Services, who may consult with the Community Heritage Advisory Group.

d) *Tree Condition and Impacts*

If a tree is deemed as significant under one or more of the above Criteria, the condition of the tree and its existing and potential impacts will also need to be assessed. Such an assessment, which may take the form of a "*Quantified Risk Assessment*", will be undertaken by the City's Parks and Reserves Services and should consider the following matters:

- a) Usual Life expectancy;
- b) Health condition (vitality) and structural integrity;
- c) Evidence of existing impacts a tree is having on buildings and/or structures;
- d) Future growth habits and their potential impacts;
- e) Potential size at maturity;
- f) Safety Risks (or Risk of Harm);
- g) Amenity and Lifestyle Impacts; and
- h) If applicable, evidence from a relevant and qualified medical professional that a tree is causing medical problems to a member/s of the community.

The tree condition and impact assessment will be the final matter that is considered in deciding if a notice under Clause 80A should be issued or the trees recommended to be retained as part of the District and Local Structure Plan process or Subdivision and Development Stages. With consideration of the advice received from the City's Parks and Reserves Services (and other advice where applicable), the City's Planning Services will make the final recommendation or decision on the appropriateness of issuing a notice under Clause 80A and / or recommending to the Western Australian Planning Commission that the tree(s) be retained as part of the District and Local Structure Plan process and Subdivision and decision on Development Application process.

If the condition or impacts of a tree are deemed unacceptable by the City, it may be recommended or decided that a notice issued under Clause 80A is not issued or the trees are not retained as part of the District or Local Structure Plan process, Subdivision or Development Application process.

3.2.2 Significance criteria – Landscape Features

A Landscape Feature is to be considered a unique or identifiable feature of the landscape including ridgelines, rocky outcrops, vegetation, creek lines and wetlands.

Landscape Features can be identified in the District and Local Structure Planning phase of the planning and development process and subdivision phase of the planning and development process.

In the case of a 'group' of trees being identified as a significant Landscape feature, the retention of individual trees will be undertaken in accordance with criteria identified in Section 3.2.1 of this policy.

3.3 Information required by the City for Assessment

This section sets out the City's expectations on the minimum information required for investigation and management of significant trees and landscape features that may be identified during the various stages of the planning framework including District and Local Structure Planning stage, Subdivision stage, Development stage or when individually nominated by the City, Government organisation or Member of the Community.

The City may at its discretion, waive or modify any of the requirements where it is satisfied that the information provided by the applicant is appropriate for the City to consider Landscape Features and Significant Trees.

The City's requirements in relation to Significant Trees and Landscape Feature retention at each stage of the planning framework or via individual nomination is detailed below:

District Structure Planning

The following information is required to be prepared and submitted to the City for approval at District Structure Planning stage to assist in satisfying Items '1.2 and 1.3' of the 'Site and Context Analysis' requirements under Element 1 'Community Design' of Liveable Neighbourhoods:

A District Landscape Feature and Tree Retention Strategy is to be submitted to the City as part of the District Structure Plan in accordance with Schedule 2 Clause 16(1)(c)(i) of the *Planning and Development (local planning schemes) Regulations 2015*. A District Landscape Feature and Tree Retention Strategy should be prepared in consultation with the City and include the following:

- Identification of all Landscape Features and Significant Trees (or groups of significant trees where appropriate) overlaid on the District Structure Plan and recent aerial image;
- Statement of how the District Structure Plan has considered and responded to Element 1 (Community Design) of Liveable Neighbourhoods; and
- Description of the process for retaining Significant Trees and Landscape Features during subsequent stages of the planning framework in accordance with this policy.

Local Structure Plans

The following information is required to be prepared and submitted to the City for approval at Local Structure Planning stage to assist in satisfying Items '1.2 and 1.3' of the 'Site and Context Analysis' requirements under Element 1 'Community Design' of Liveable Neighbourhoods: :

Local Landscape Feature and Tree Retention Strategy

A Local Landscape Feature and Tree Retention Strategy is to be submitted to the City as part of a Local Structure Plan in accordance with Schedule 2, Clause 16(1)(c)(i) of the *Planning and Development Regulations 2015*. A Local Landscape Feature and Tree Retention Strategy should be prepared in consultation with the City and include the following:

- A description and map prepared by a suitable qualified professional (to the satisfaction of the City) showing the location, species, size and structural health of Significant trees on site;
- A map showing which Significant Trees are proposed to be retained and which Significant Trees are to be removed;
- A description of methods to avoid impacts on trees that are to be retained;
- A description of ongoing management and maintenance;
- A map and description of all landscape Features on site;
- A map of the Landscape Features that are proposed to be retained, modified or removed; and
- Statement of how the District Structure Plan has considered and responded to Element 1 (Community Design) of Liveable Neighbourhoods.

The Local Landscape Feature and Tree Retention Strategy must give due consideration to Element 1 'Community Design' of Liveable Neighbourhoods. Structure Plan is to outline how Element 1 of Liveable Neighbourhoods has been achieved and identify mechanism for implementation at subdivision stage.

a) **Subdivision Applications**

In order for the City to provide advice to the Western Australian Planning Commission for the assessment of subdivision applications where 10 or more lots are proposed, or where an existing Landscape Feature and Tree Retention Plan exists (i.e. for District and / or Local Structure Plan), the City will require the following:

b) **Landscape Feature and Tree Retention Plan**

A Landscape Feature and Tree Retention Plan is to be prepared in consultation with the City prior to the submission of a Subdivision Application to the Western Australian Planning Commission with the intention of resolving any inconsistencies between:

- The retention of the Significant Trees and Landscape Features and the location of services, driveways, garage locations and retaining walls; and
- Preliminary engineering designs / water management plans, and the retention of Significant Trees and Landscape Features to be retained.

The Landscape Feature and Tree Retention Plan should be consistent with the Local Landscape Strategy and/or approved Local Structure Plan and should identify (where applicable):

- A map prepared by a suitable qualified professional (as determined by the City) showing the location, species, size and structural health of Significant Trees to be retained;
- A description of methods to avoid impact of Significant Trees that are to be retained;
- Cut and fill levels where Significant Trees are to be retained;
- Buffer distances around Significant Trees in accordance with AS4970-2009 – Protection of Trees on development sites (or as amended);
- A description of ongoing management and maintenance of Landscape Features and Significant trees; and
- A map of the Landscape Features that are proposed to be retained.

When subdivision applications are assessed under this Policy, the City may recommend conditions to the Western Australian Planning Commission requiring Landscape Features and/or Significant Trees to be retained in accordance with a Landscape and Tree Retention Plan that has been approved by the City.

c) **Civil Design**

Following subdivision approval by the WAPC, where a Landscape and Tree Retention Plan is in place following previous phases of the approval framework, at the Civil Design stage the following information is required:

- Civil drawings submitted to the City (including for retaining walls, drainage and POS, roads, services and footpaths) shall be consistent with the Landscape and Tree Retention Plan adopted by the City. Requirements of the adopted plan need to be incorporated into the Civil drawings;
- The proponent will be required to engage with the City to undertake a site visit to demonstrate how the Landscape and Tree Retention Plan is to be followed; and
- Plans of the location, approximate height, diameter, species and condition of the Significant Trees and Landscape Feature shall be provided to the City with the civil drawings.

d) **Prior to Earthworks / Engineering Approval**

Following subdivision approval by the WAPC, where a Landscape and Tree Retention Plan is in place following previous phases of the approval framework, the following is required prior to the issue of earthworks / engineering approval by the City:

- Construction drawings to be provided in the appropriate format showing the location, species, approximate height, DBH and canopy of all retained trees and landscape features;
- Ground truth public open space and road reserves prior to clearing, with a representative from the City to ensure Significant Trees and Landscape Features are to be protected, are surveyed and clearly identified on site;
- Service installation in the proximity of Significant Trees and / or Landscape Features shall be undertaken using methods other than excavation which comply with AS 4970-2009; and
- Where services conflict with a Significant Tree or Landscape Feature, the City may require service alignments to be altered to minimise impact on the Significant Tree and Landscape Feature, in agreement with the service provider.

e) **Requirements at Practical Completion of Subdivision**

Following the completion of civil and landscape works in a stage of subdivision the following is required:

- A representative from the City will undertake an inspection of the subdivision works to determine if the Significant Trees and Landscape Features have been retained in accordance with the Landscape Feature and Tree Retention Plan;
- Any Significant Trees with damage may require review by an independent arborist to determine if the tree is viable. Trees that are not viable will be removed and replaced with a tree of the same species at the full expense of the proponent and to the satisfaction of the City.

f) **Development Applications**

Development application approvals may also be conditioned requiring Landscape Features and / or Significant trees to be retained in accordance with a Landscape Feature and Tree Retention Plan that has been approved by the City.

If a Landscape Feature and Tree Retention Plan does not apply to a Development Application the City can undertake its own assessment using the criteria established in clause 3.2.1 and 3.2.2 and if necessary issue a Tree Preservation Notice via Clause 80A of TPS No.4 or alternatively apply a condition of Development Approval for the Tree Retention and / or Landscape Feature.

g) **Nomination of Significant Tree by Government or Community**

It is possible that either a Government entity or Member of the Community can identify and seek the approval of the City to retain a Significant Tree on a property or road reserve.

In these circumstances the City will undertake an assessment in accordance with Clause 3.2.1 and if warranted will consider the best mechanism for protecting the tree. In general Clause 80A should only be used:

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

Trees of cultural significance that qualify for heritage listing under Schedule 2, Part 3 of *Planning & Development (Local Planning Schemes) Regulations 2015* should also be protected by a notice issued under Clause 80A of the Scheme.

In the course of processing an application for planning approval, the City may require an owner to submit a site plan identifying trees likely to be deemed significant under this Policy that are affected by the proposed development. Details will also need to be submitted of proposed measures to protect trees identified on the site plan as outlined in the Australian Standard 4970-2009: Protection of trees on development sites (or superseding Australian Standard).

3.4 Process for requesting the City to issue a notice

In circumstances where 3.3 (f) applies in this policy, requests should be prepared using the form provided (attached).

Once received the request will be processed by the City's officers by undertaking an assessment using the framework provided by Clause 3.2.1 of this policy.

3.5 Administrative mechanisms for the protection of registered trees

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

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

To assist owners with registered trees the City offers:

- a standard plinth and plaque for the base of a significant tree at cost; and
- advice to approved contractors on tree pruning as outlined in the Australian Standard 4373-2007: Pruning of amenity trees (or superseding Australian Standard).

Subject to availability of resources, the City will undertake regular inspections when development works are approved in the vicinity of a registered tree, with development works to be undertaken as outlined in the Australian Standard 4970-2009: Protection of trees on development sites (or superseding Australian Standard).

If a registered tree is on public land (e.g. road reserve) the City will install a plaque or sign except where it is decided that erection of a sign next to the tree will increase threats to the tree (e.g. increased likelihood of theft or damage due to the advertisement of its importance).

3.6 Review of Registered Trees

The City's Parks and Reserves Services will reinspect all registered trees at least every five years.

As part of a reinspection, the City's Parks and Reserves Services will consider Significance Criteria as per Clause 3.2.1 above to help determine the appropriateness of a tree remaining registered or to determine what action is required to ameliorate the impacts and improve the condition of a registered tree.

If in between inspections a landowner identifies that the condition of a registered tree on private land or on public land has deteriorated and its impacts are becoming a risk, they can provide evidence and request the City's Parks and Reserves Services to inspect the tree to determine if remedial action is necessary. There is therefore a duty of care placed on a landowner in this regard, as outside of the City's inspections that occur every five years, the City will only inspect a registered tree when requested in writing.

The City's Planning Services will make the final recommendation or decision on the appropriateness of a tree remaining registered or what action is required to ameliorate the impacts and/or improve the condition of a registered tree.

3.7 Protection of Registered Trees and Landscape Features within Future Developments and Subdivisions

Proposed development, strata titling and/or subdivision of private land shall be designed to account for Registered Tree and /or identified Landscape Features with consideration to the potential impacts and growth habits of a tree throughout its life cycle to the City's satisfaction, with all works adjacent to significant trees to be undertaken as outlined in the Australian Standard 4970-2009: Protection of trees on development sites (or superseding Australian Standard).

The City shall require a Section 70A notification to be placed on the Certificate of Title of private property affected by a Registered Tree as part of a development, strata titling and/or subdivision approval.

3.8 Removal of a Significant Tree identified for retention without appropriate authorisation

Should a landowner wish to remove a Significant Tree that has been identified in a Landscape Feature and Tree Retention Plan or via another mechanism identified in this Policy, the express permission of the City and / or formal approval is required before undertaking any site works. The City will undertake its investigation in accordance with Clause 3.6 above.

In the event that a Significant Tree that is identified for retention is part of a Landscape Feature or is identified in a Tree Retention Plan, or is identified in the City's register of protected trees and has been removed without authorisation from the City, the following may result:

- If the tree relates to a Structure Plan and / or Subdivision application, the City may withhold the issue of subdivision clearance until such time as a suitable replacement has been agreed with the City (where a subdivision condition requesting a Landscape Feature and Tree Retention Plan applies); and
- If the tree relates to a Development Application or tree on the City's Tree Register, a suitable replacement may be sought to the City's satisfaction or alternatively the City may take compliance action under the *Planning and Development Act 2005*.

3.9 Environmental Offsets

There may be circumstances where a landowner and/or developer is granted permission to remove 'significant trees' for a proposal such as in the scenarios below:

- Removal of Significant Trees without authorisation (Section 3.8); and
- Removal of Significant Trees and / or Vegetation in accordance with the *Environmental, Protection and Biodiversity Conservation Act 1999*;

Where the above circumstances apply, it will be the City's Policy to request the landowner / developer to provide environmental offsets within the project area or suburb as the first priority. If this is not possible the City can request the following:

- The landowner / developer to purchase land in the City to be protected for environmental purposes to the City's satisfaction; or
- The landowner / developer come to an agreement with the City to plant new trees within existing reserves within the City of Armadale to the City's satisfaction.

In the case where the above options are not possible, the City reserves the right to advocate to the relevant Federal or State Government body for the environmental offsets to be provided within the City of Armadale.

Town Planning Scheme No.4 - Tree Register Nomination Form

Address or location of tree (or group of trees)

Owner's Name and address (if known)

Common name and/ or botanical name

Reason for nominating the tree (please tick the box)

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

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

Photographs attached?	Yes / No
What is the general condition of the tree?	Good / Fair / Poor

Nominator's details

Name

Address

Phone No & e-mail

Signed and dated

Nomination forms should be sent to the Chief Executive Officer, City of Armadale, Locked Bag No 2, Armadale WA 6992 or via email on info@armadale.wa.gov.au

- D106/6/03** Development Services Committee 9 June 2003 - Adopted by Council 16 June 2003
- D160/9/04** Development Services Committee 13 Sept 2004 - Adopted by Council 20 Sept 2004
- D113/9/07** Development Services Committee 11 Sept 2007 - Adopted by Council 17 Sept 2007
- D65/9/12** Development Services Committee 17 Sept 2012 - Adopted by Council 24 Sept 2012
- D32/8/16** Development Services Committee 16 Aug 2016 - Adopted by Council 22 Aug 2016
- Revised September 2017 & April 2018 (as per Amendment 86)
- D32/5/20** Development Services Committee 19 May 2020 – Adopted by Council 25 May 2020

PLN 3.14 DESIGNING OUT CRIME – LOCAL PLANNING POLICY

1. INTRODUCTION

This Policy sets out design guidelines for development to assist in reducing the likelihood of crime and anti-social behaviour in the City of Armadale.

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the design, planning and structure of neighbourhoods. The effective design of building and plans using CPTED principles can assist with reducing crime and the opportunity for suatch activities.

There is no prescriptive method to designing out crime and as such, each planning proposal will be dealt with on a case by case basis. There are however, five key principles which inform CPTED in all instances. These are:

- Surveillance.
- Access control.
- Territorial reinforcement.
- Target hardening (security measures).
- Management and maintenance.

The use of terminology within this policy shall have the same meaning as the Western Australian Planning Commission's 'Designing Out Crime Planning Guidelines'.

2. APPLICATION OF POLICY

When an applicable planning proposal is made to the City, the proposal shall take into consideration the five principles of crime prevention through environmental design.

The City will require the submission of a CPTED Statement Checklist for development applications and in the following instances, the submission of a CPTED statement as part of the application:

- District and Local Structure Plans and Precinct Plans;
- New commercial construction within areas zoned District Centre, Local Centre, Mixed Business/Residential, General Industry, Industrial Business and Strategic Regional Centre.
- Multiple dwelling development of over 20 units;
- Development with an estimated cost exceeding \$2 million; and
- Any other development which, in the view of the City of Armadale, may affect the perception of public safety.

The Policy divides proposals into two categories. These are:

Large scale – District Structure Plans, Local Structure Plans and Precinct Plans

Designing out crime considerations include:

- Land Uses;
- Local Movement Networks; and
- Location of Public Open Space.

Small to Medium Scale – Development Applications

Designing out crime considerations include:

- Building Orientation;
- Built Form;
- Materials;
- Fencing; and
- Landscaping.

3. POLICY OBJECTIVES

The Policy Objectives are:

- a) Encourage development within the City to incorporate designing out crime principles;
- b) Provide guidance in relation to built outcomes that assist in supporting the reduction in actual and perceived crime and anti-social behaviour; and
- c) Provide guidance on the design and assessment of planning proposals.

4. POLICY STATEMENT

4.1. Surveillance

Surveillance is one of the most simple and effective principles of crime prevention. In this regard, when people perceive that they can be seen, they are less likely to engage in anti-social behaviour and crime. Most development can be designed to have opportunities for natural surveillance whereby clear sightlines are created.

4.1.1 Large Scale

- a) Lots should be located and orientated to ensure adequate surveillance of adjoining public realm spaces.
- b) Land uses should be compatible with neighbouring uses.
- c) Streets, footpaths and cycle ways to be in view of adjacent land uses.
- d) 'Big box uses' should be designed to have no public access to the sides of buildings.
- e) Avoid over use of buffer and security zones which push land uses apart to the point of isolation.

- f) Design out unwanted congregation areas and entrapment spots.
- g) Where possible, avoid location of car parks in one area. Where unavoidable, mitigate large expansive areas with landscaping or other features.
- h) Provide overlooking opportunities for power line easements.
- i) Landscaping is designed to maximise sightlines with lighting to prevent opportunity.

4.1.2 Small to Medium Scale

- a) Locate uses that can provide natural surveillance wherever possible.
- b) Where public buildings and park facilities are being located on large sites or reserves, they should be close enough to street to ensure surveillance, and building access points should face the street.
- c) Avoid concave building footprints that create concealed areas away from public view by having adequate setbacks between buildings.
- d) Ensure, where possible, clear sightlines with a direct line of sight, from all windows and entrances to public realm area from adjacent buildings.
- e) Illuminate primary pedestrian routes and demonstrate effective lighting of communal areas. This provision shall be demonstrated by the submission of a lighting plan or alternatively, shall be a condition of approval.
- f) Consider existing topography of site, by ensuring level changes do not obscure communal areas and level changes of greater than 1 metre will need to demonstrate how visibility to communal spaces is achieved.
- g) Front boundary fencing should be visually permeable.

4.2. Access Control Considerations

Natural and built access control involves the use of the environment and built form to clearly mark borders and transitional zones to physically and psychologically deter movement of illegitimate users into protected spaces.

Access control is important to provide wayfinding and directional guidance for visitors during business hours, and limiting access/egress outside of business hours.

4.2.1 Large Scale

- a) Create places and streets that support active uses in full view of the community.
- b) Limit the use of cul-de-sacs linked by pedestrian routes, unless part of a wider open space connection with surveillance.
- c) Delineation and alignment of public access routes away from adverse environments.
- d) Link all bicycle and pedestrian paths within staged development.
- e) Design of public spaces to attract people into the area (eg lighting).

4.2.2 Small to Medium Scale

- a) Fencing and gates, if proposed, are to be visually permeable.
- b) Where level differences are proposed between buildings, the subject site and/or the public realm, consider utilising ramps and steps to create effective local access control.
- c) Consider restricting access to internal areas by fences, gates, doors, bollards and vegetation.
- d) Consider integrating security screens and bars as design elements at design phase rather than post development.
- e) Consider the design of fences to reduce scalability.
- f) Where proposed as part of an application, public spaces on private land should be designed to encourage pedestrian / passive use through the provisions of elements like lighting, seating, shade and all-weather protection. Placement of public art via PLN3.12 Percent for Public Art would be appropriate in these areas, where applicable.

4.3. Territorial Reinforcement

People are more likely to take pride in a space they have a level of ownership over. It is therefore important to identify private and public land through the use of appropriate territorial reinforcement measures.

Territorial reinforcement is the use of physical features designed to express ownership and control of the environment and delineate, semi-private and public spaces. Territorial reinforcement reduces the ambiguity of space ownership.

People usually maintain territory that they feel is their own and have a certain respect for the territory of others. Identifying intruders is much easier in a well defined space. An area that looks protected and maintained gives the impression that greater effort is required to commit a crime.

4.3.1 Large Scale

- a) Create sub-neighbourhoods to engender local character areas.
- b) Define public and private land use areas and ownership boundaries clearly.
- c) Align major transport infrastructure to minimise land take.
- d) Plan and design communities with supporting facilities and land uses.

4.3.2 Small to Medium Scale

- a) Consider defining boundaries of private ownership by structures, vegetation or other design elements.
- b) Avoid ambiguity of ownership and responsibility between private and public property.

4.4 Target Hardening (Security Measures)

Target Hardening is often provided for at the detailed planning stage and usually includes security doors, roller shutter, security camera and security fencing. The objective of this Principle is to ensure that buildings are secure and access is denied to unauthorised persons.

By incorporating these elements into the urban form, it can actively discourage antisocial behaviour. It is important to strike a balance between designing out crime principles and other outcomes to ensure the amenity of an area is not adversely affected.

If required, target hardening elements including fencing and roller shutters should be utilised as sparingly as possible, be visually permeable and sympathetic to the built form design.

Target hardening should be the last approach taken, after all other designing out crime measures have been utilised.

4.4.1 General Provisions

- a) Consider the installation of traffic management elements such as bollards or speed humps to avoid vehicle-enhanced crimes to commercial premises.
- b) Consider installation of video surveillance, including Closed Circuit Television (CCTV) where natural surveillance is poor: refer to the Office of Crime Prevention's CCTV Guidelines.
- c) Consider the specific needs and characteristics of the site relative to the provision of target hardening elements.
- d) Consider incorporating shutters and bars as design elements where openings are susceptible to break-ins and concealed exits.

4.4 Management and Maintenance

Good management and consistent maintenance of a space can be a deterrent to anti-social behaviour. If areas are run down and subject to graffiti and vandalism it is likely they will be less visited by the community and generally more intimidating to those users. Management and maintenance seeks to remove indicators of crime and the use of lighting, painting and vegetation management creates a cared for environment that can reduce the fear of crime and induce legitimate behaviour.

4.5.1 Large Scale

- a) Establish effective maintenance plans for public spaces.
- b) Consider durability, adaptive re-use and robustness of built form and open spaces in the design and decision making process.

4.5.2 Small to Medium Scale

- a) Incorporate management conditions such as shopping trolley collection points where practical in planning approvals.
- b) Ensure spatial management responsibility is clear between public and private sector organisations through the submission of an operational management plan.
- c) Establish systems for reporting of problems and fixing them.
- d) Remove graffiti as soon as possible after occurrences.
- e) Establish maintenance plans for communal spaces.
- f) Train maintenance staff to identify and report potential problems.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) CHECKLIST

The purpose of this checklist is to assist landowners, developers and the City of Armadale to ensure that designing out crime principles are incorporated within the design of planning proposals. It should be read and used in conjunction with the City’s Local Planning Policy 3.14 – Designing Out Crime.

Please ensure this completed checklist accompanies your CPTED Statement when submitting an applicable Development Application.

DESIGN	Criteria met (✓)	Applicant’s Comments
The design encourages natural surveillance by people and activities		
The design allows clear sightlines and visibility		
Adequate security lighting is provided		
The design achieves an aesthetically pleasing environment which addresses safety and security concerns		
Are there any entrapment spots, can they be eliminated or closed after hours?		
Are design elements (eg down pipes, bin storage, balconies, fences etc) placed in such a way that they prevent access to windows or upper storeys)?		
Shop front security bars, shutters and doors allow observation of the street (ie visually permeable)		
OPEN AND PUBLIC SPACE		
The area is designed to encourage natural surveillance		
If there is more than one entry point, are these visible from nearby streets and footpaths?		
Signage is provided for easy identification of nearby amenities, parking areas and the intended uses of the space.		
FOOTPATHS/WALKWAYS		
Safe pedestrian routes are adequately lit after dark		

DESIGN	Criteria met (✓)	Applicant's Comments
Footpaths and walkways are visible from nearby residences/buildings, parking areas and the street		
Sharp corners or sudden changes that reduce sight lines are avoided or modified		
Barriers along paths are visually permeable		
LANDSCAPING		
The design and landscaping encourages solutions which maintain natural surveillance		
The landscaping clearly defines public and private space		
The landscaping is designed to reduce spaces where unauthorised persons can hide		
The landscaping allows for entrances/exits that are clearly visible from the street and from parking areas		
CAR PARKING		
The most commonly used car parking area is visible from the main entrance		
The parking area is adequately lit		
Parking is satisfactorily integrated with the building and landscaping		
LIGHTING		
If the premises is intended to be used at night – does the lighting allow adequate visibility		
A sensor or automated lighting is installed near entrances/exit and walkways to provide safety after hours		
Lighting provides uniform spread and reduces contrast between shadow and illuminated areas		
The location of lighting fixtures illuminates pedestrian routes, entrapment areas or other areas requiring visibility		

DESIGN	Criteria met (✓)	Applicant's Comments
Lighting is protected against vandalism or uses vandal resistant materials		
SIGNAGE		
Entrance, car parking and other significant uses have been identified with a suitable sign		
Signage is clearly visible, easy to read and simple to understand		
Signage in the parking area recommending users lock their cars		
If exits are closed after hours – does signage provide this information at the car parking entrance?		
BUILDING IDENTIFICATION		
The building/address number is clearly visible from the street by both pedestrians and vehicles		
Street numbers are made of durable materials, preferably reflective or luminous		
FENCING		
The fencing allows natural surveillance from the street to the building		
ENTRANCE/EXITS		
The main entrances/exits are clearly visible from the street and nearby parking areas		
MAINTENANCE/MANAGEMENT		
The design allows for easy maintenance		
The signage in the public domain displays how maintenance issues are reported		
Rubbish bins and recycling bins are adequately located and sufficient lighting is installed		