CITY OF ARMADALE

M I N U T E S

OF **DEVELOPMENT SERVICES COMMITTEE** HELD IN THE **COMMITTEE ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **TUESDAY, 14 NOVEMBER 2006** AT **7:00 PM.**

PRESENT:	Cr H A Zelones JP	Chair
	Cr J Everts	
	Cr P J Hart	
	Cr J Knezevich	
	Cr R J Tizard	
	Cr L Reynolds AM JP	
APOLOGIES:	Cr C J MacDonald	(Leave of Absence)
	Cr A L Cominelli JP	(Deputy for Cr C J MacDonald)
	Mr P Meyrick	Health Services Manager
	Mr I Watt	A/Health Services Manager
OBSERVERS:	Cr G T Wallace	(7.00pm to 8.23pm)
	Cr L Scidone	
IN ATTENDANCE:	Mr I MacRae	Executive Director Development Services
	Mr P Sanders	Planning Services Manager
	Mr I Townson	Building Services Manager
	Mr R Van Delft	Project Coordinator / Snr Environmental Planner
	Mrs N Cranfield	Minute Secretary
	Public	10

DISCLAIMER

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

DECLARATION OF MEMBER'S INTERESTS

Cr Reynolds and Cr Zelones

Proposed Kelmscott Railway Station Redevelopment – Reserve 22555 ---------- Page 69

Cr Everts

Proposed Structure Plan – Lot 7 & a Portion of Lot 6 Carradine Rd, Bedfordale-----Page 137

QUESTION TIME

Nil.

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 10 October 2006, to be confirmed.

MOVED Cr Tizard
MOTION CARRIED (6/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.21/2006

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

- **Outstanding Matters & Information Items**
  Report on Outstanding Matters – Development Services Committee
  Information Item – Regulations – Town Planning & Development Act 2005

- **Health**
  Health Services Manager's Report for the month of September 2006

- **Planning**
  Planning Services Manager's Report for the month of September 2006
  Town Planning Scheme No.4 – Amendment Action Table
  Planning Applications Monthly Statistics - September 2006
  Subdivision Applications – WAPC Approvals/Refusals - September 2006
  Subdivision Applications – Report on Lots Registered for 2005/06 & 2006/07
  PAW Closure Report – Significant Actions during September 2006
  Road Naming Report 2006 & consequential action of Council Recommendation
  Compliance Officer Report for the Month of September 2006

- **Building**
  Building Services Manager's Report for the month of September 2006
  Building Applications Monthly Statistics for the month of September 2006

COMMITTEE noted the information and no additional items were raised for further report.

DEPUTATION – 7.15PM

Proposed Kelmscott Railway Station Redevelopment – Reserve 22555 ---------- *Page 69*

Mr Michael Leach (A/Manager, Infrastructure Delivery – PTA) and Mr Julian Shaw (MPS Architects) attended the meeting at 7.10pm.

Mr Leach presented to Committee, by way of PowerPoint presentation, a formal and detailed overview of the proposed redevelopment of the Kelmscott Railway Station.

Mr Leach advised that the Kelmscott Station upgrade will provide a more accessible and secure station for users. Work on the estimated $8.3million station is expected to start in the first half of 2007 and the redevelopment will include:

- *a new outer structure to protect against wind and rain;*
- *new paving finishes, platform furniture, public toilets, lighting and signage;*
- *new public address system and electronic displays for announcing next train arrival times;*
- *a Transit Guard booth near the station entry;*
- *additional bus bays and improved bus access at the bus interchange;*
- *improved pedestrian links and new principal shared paths;*
- *new drop-off shelters and car bays and public art;*
- *raising of the existing platforms, the gap between the edge of the platform and the entrance to the train will be significantly reduced to approximately 20mm; and*
- *Disability access and egress improvements.*

The new station will also involve liaison with Council in regards to a new roundabout at the entrance of the station for the Kelmscott Bus and Train interchange service.

Mr Leach presented detailed site, elevation and construction staging plans outlining the existing station and the proposed complex works for the new station.

Councillors discussed several issues regarding the redevelopment including:

- *Whether the overall proposed colour scheme of the station was appropriate. It was suggested that the colour scheme consist of light natural colours to reflect and blend in with the predominant natural colours of the surrounding area.*
- *Security and graffiti management strategies;*
- *Proposed landscaping and retention of existing trees;*
- *Rain water run-off, drainage and use of solar power for lighting.*

CHAIR thanked Mr Leach and Mr Shaw for their attendance.

Deputation retired at 7.30pm.

DEVELOPMENT SERVICES COMMITTEE

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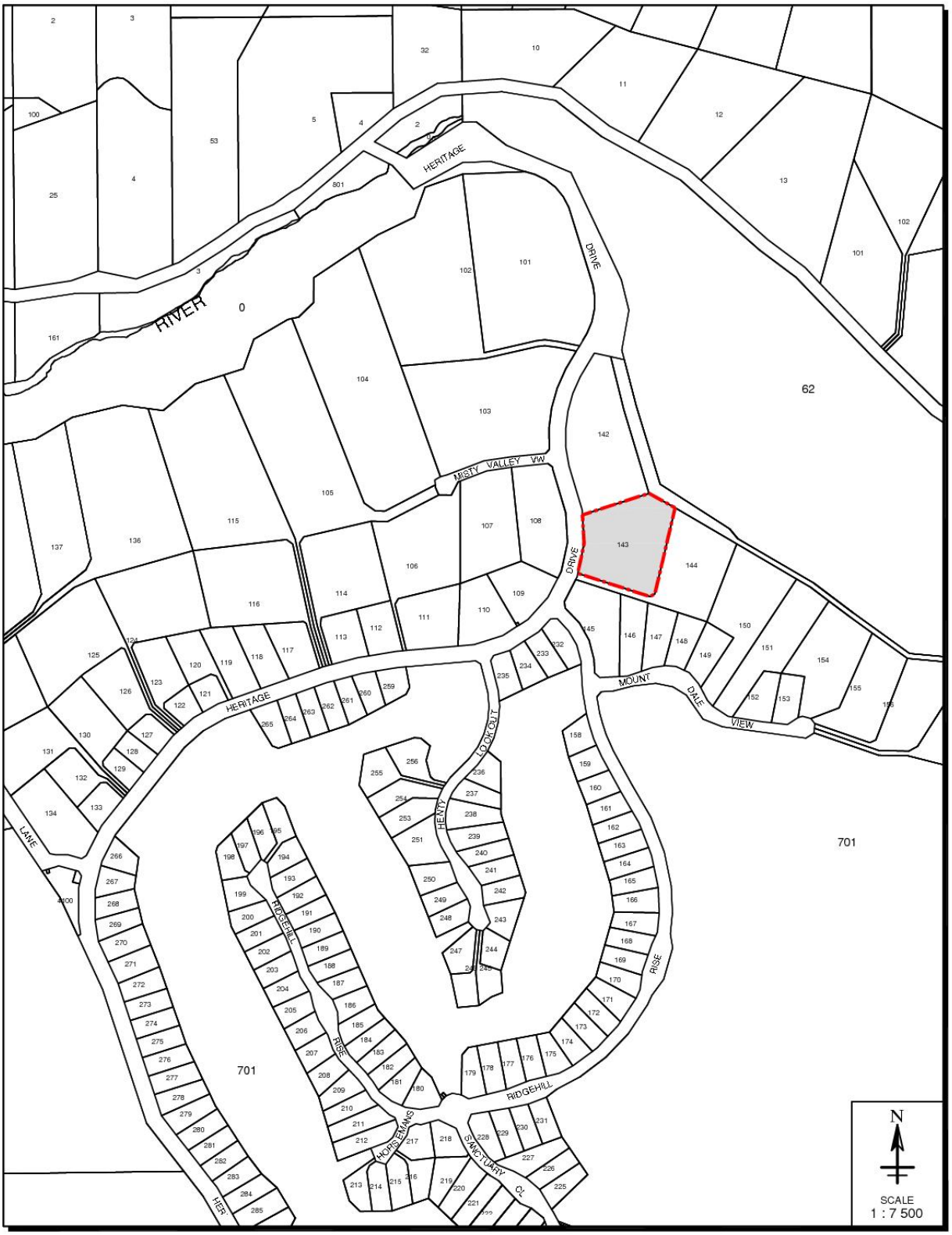


LOCATION PLAN
LOT 143 HERITAGE DRIVE, ROLEYSTONE

PROPOSED DEVELOPMENT ENVELOPE MODIFICATION AND SHED – LOT 143 (34) HERITAGE DRIVE, ROLEYSTONE

WARD	:	JARRAH
DATE	:	6 November 2006
APPLN No.	:	10.2006.367.1
REF	:	EP / PRR
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	M Cameron
LANDOWNER	:	M Cameron
SUBJECT LAND	:	Property size 1.6408ha Map 27.05
ZONING MRS / TPS No.4	:	Rural / Special Residential (Additional Use 30)

In Brief:

- The City received an application for a development envelope modification and associated shed on the subject lot on 4 August 2006.
- The proposal was advertised for public comment for 14 days, resulting in six (6) submissions.
- The application proposes variations to Policies PLN 2.1 – Establishment or Variation of Development Envelope Locations and PLN 3.7 – Araluen Residential Estate.
- Recommend that Council approve the application subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Nil.

Legislation Implications

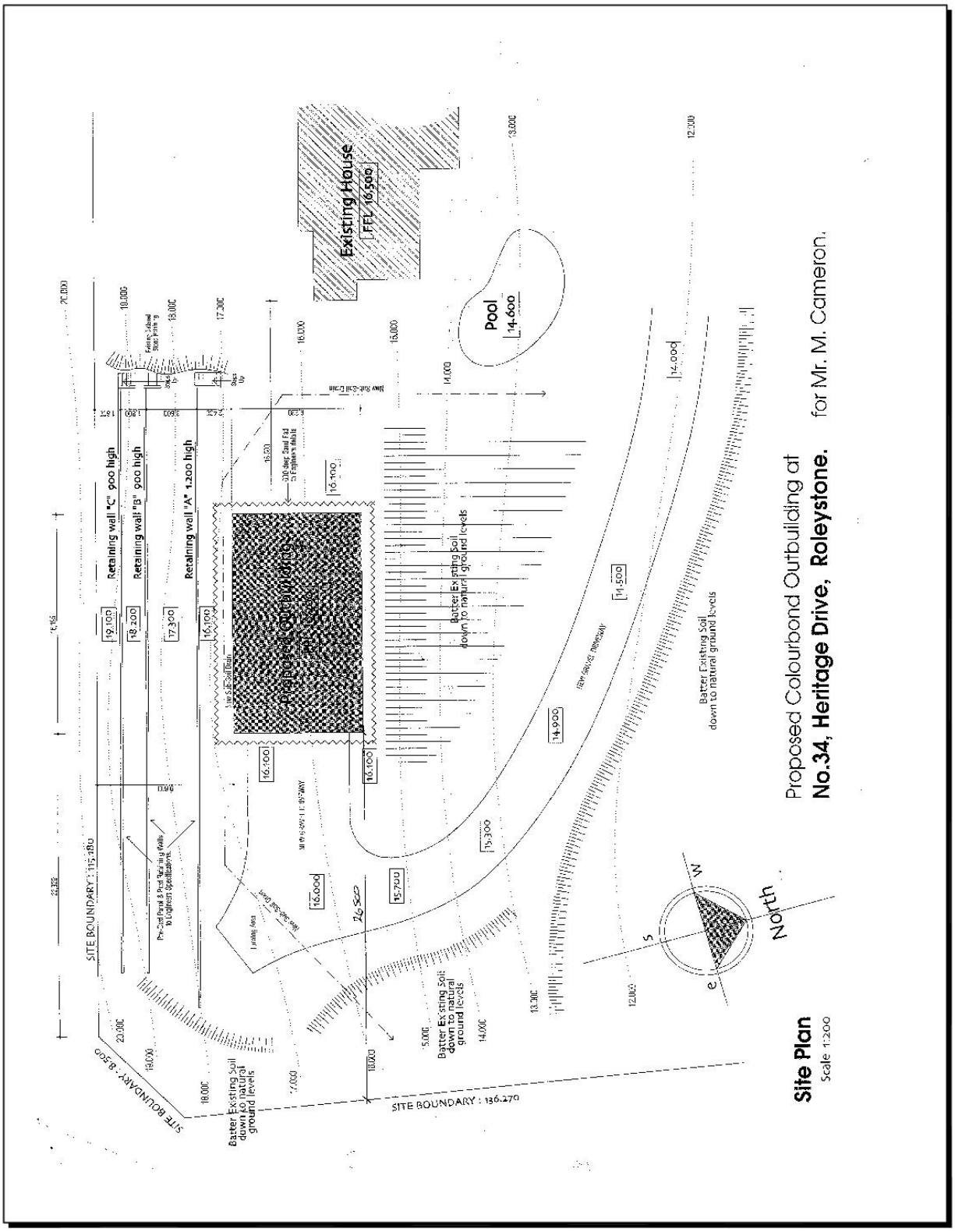
Planning and Development Act 2005
Town Planning Scheme (TPS) No.4

Council Policy / Local Law Implications

PLN 2.1 – Establishment or Variation of Development Envelope Locations
PLN 3.7 – Araluen Residential Estate

Budget / Financial Implications

Nil.



SITE PLAN
LOT 143 HERITAGE DRIVE, ROLEYSTONE

Consultation

- Surrounding landowners
- Araluen Progress Association

BACKGROUND

A planning application has been received for a shed and development envelope modification on the subject lot which is located within the Araluen estate in Roleystone. The applicant proposes to modify the existing envelope by extending it towards the eastern property boundary in order to accommodate the shed and associated earthworks.

Given that objections to the proposal have been received, the application has been referred to Council for determination.

DETAILS OF PROPOSAL

The applicant proposes to construct a "Colorbond" shed with a floor area of 144m² (16m x 9m) within a cleared area of the lot. Due to the slope of the land, substantial earthworks including cut, fill and retaining would be necessary to accommodate the shed. The shed is proposed to be set back 9.6 metres from the southern lot boundary and 29.2m from the eastern lot boundary. A wall height of 3m is proposed, with an overall height of 4.5m to the apex of the roof, which is pitched at 15 degrees. The existing development envelope is a circle with a radius of 20m (approx. 1250m²), the centre being located 45m from the western property boundary and 24.9m from the southern property boundary. The applicant proposes to extend the envelope eastward from the existing circle to accommodate the shed and associated earthworks, with the new envelope being located 1.8m from the southern boundary and 5m from the eastern boundary.

COMMENT

Development Control Unit (DCU)

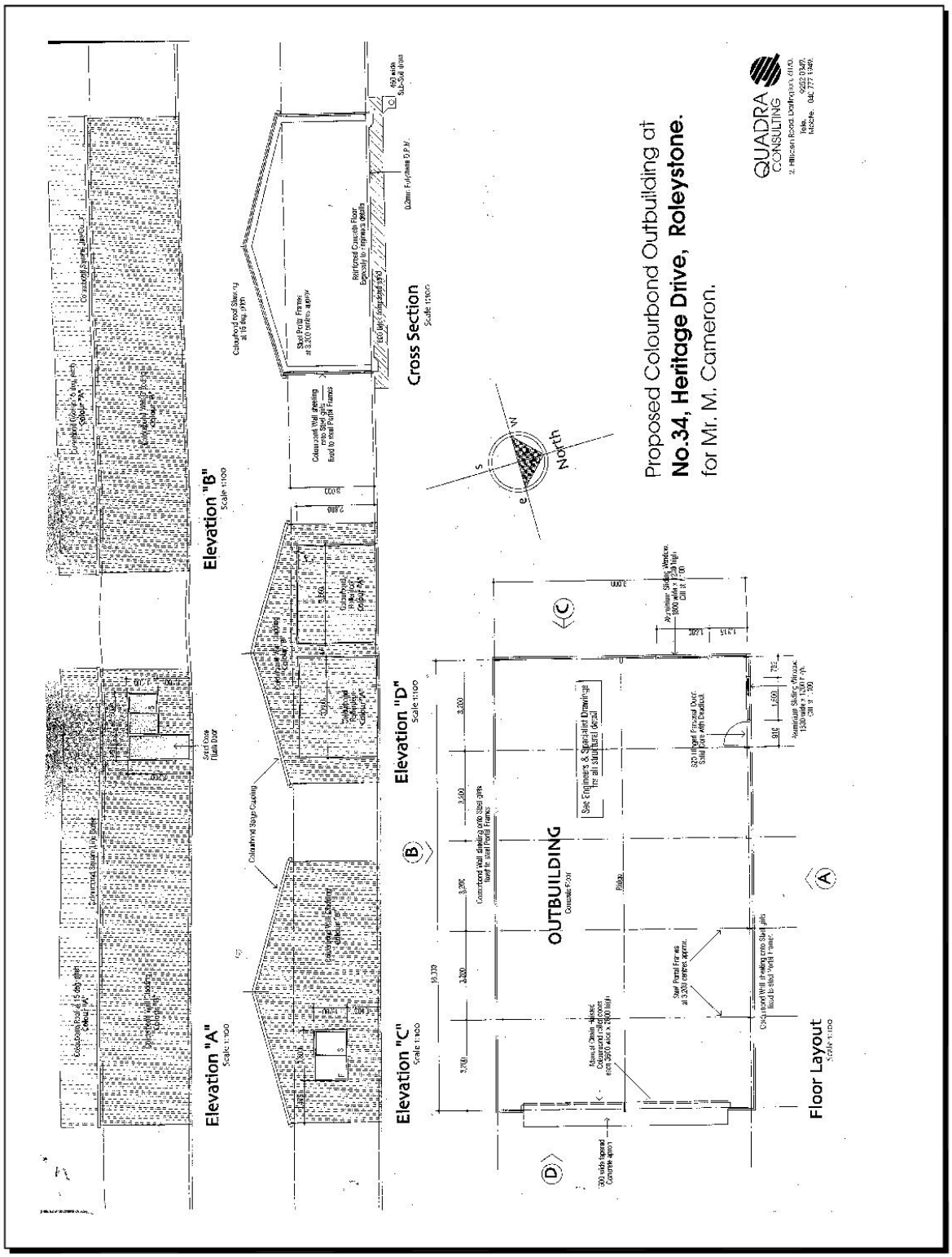
DCU considered the proposal at its meeting of 14 September 2006 and advises that the shed and envelope modification are supported subject to appropriate conditions, including screening of the shed through planting.

Public Consultation

The proposed was advertised for 14 days, closing on 6 October 2006. This advertising was carried out by way of letters to affected and nearby landowners. Refer to Confidential Attachment "B2" of the Agenda for location plan of respondents.

Total No. of submissions received	:	6
No. of submissions of support/no objection	:	1
No. of submissions of objection	:	5

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



ELEVATION PLAN
LOT 143 HERITAGE DRIVE, ROLEYSTONE

ANALYSIS

Key Issues arising from Submissions

Issue 1 – Envelope Size

Presume that envelopes were originally designated to prevent overdevelopment of lots and from the size of the envelope it appears it is being considerably extended.

Comment

Envelopes are imposed on properties to ensure vegetation retention outside of the envelope. All development must be within that envelope, with some exceptions allowed (i.e. driveways, leach drains and minor earthworks). Any landowner with an envelope on their property has the right to apply to modify that envelope if further room is necessary for development and the City will look at the number and size of trees that will be affected by the change to the envelope. In this instance, it appears that three or four trees have been removed along the southern property boundary to accommodate the cut into the hill side and normal practice would be to require the owner to replace these with suitable specimens.

Recommendation

That the issue not be supported.

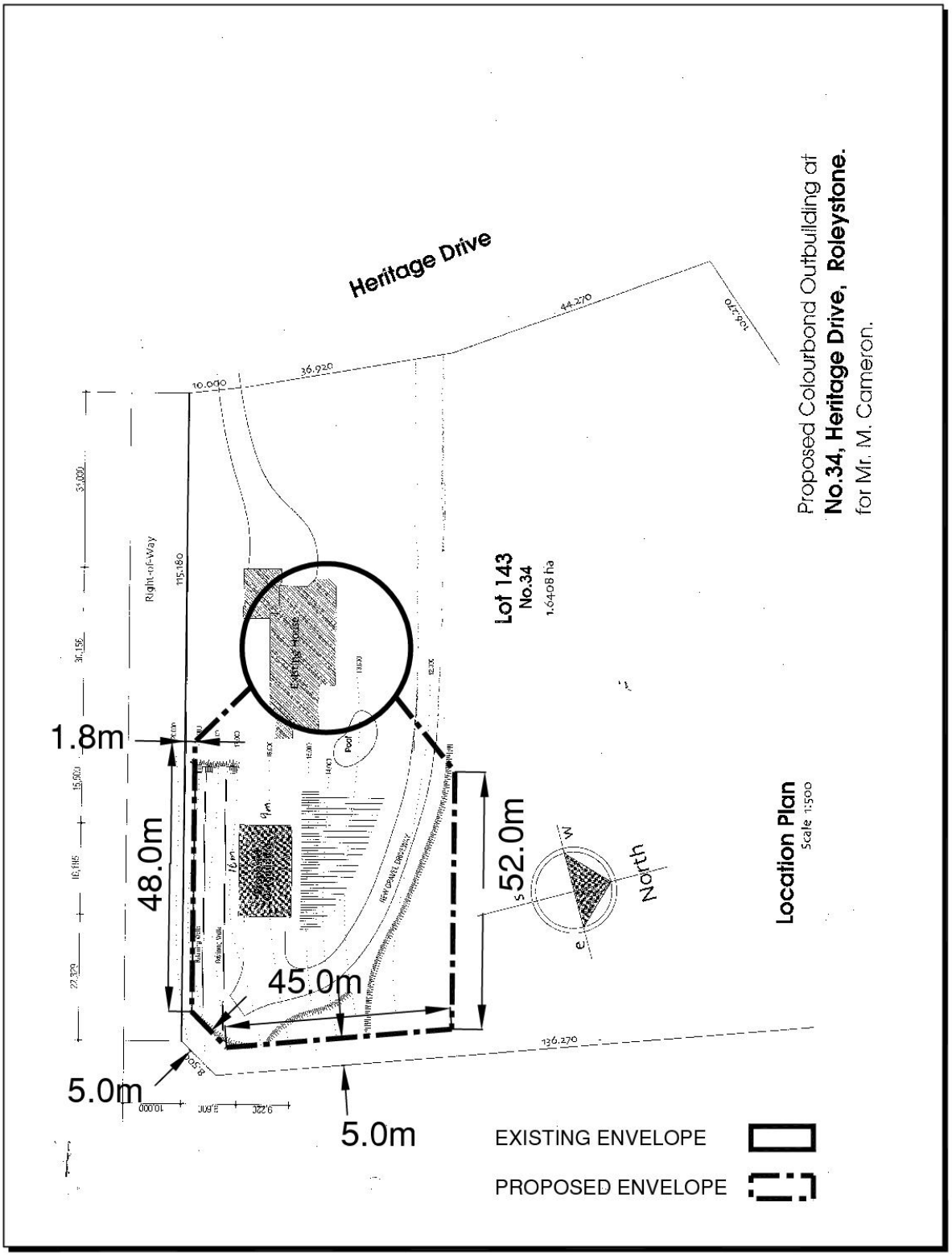
Issue 2 – Shed Size / Materials

The size is considerably larger than a household shed and is only 16m² short of the minimum house size for the estate. The size is simply too large and out of keeping with the estate / seems too large outside a farm environment. This type of development was not to be allowed under the initial covenants for the estate as all outbuildings if approved were to be constructed of similar materials to the dwelling.

Comment

The City currently has no standards relevant to shed size within the Araluen estate. The Residential Design Codes of Western Australia do not apply and Council's Policy PLN 3.4 – The Siting and Scale of Outbuildings in Residential and Rural Areas do not apply via a technicality (the policy makes reference to the zone as "Rural Residential", which does not exist, instead of "Special Residential"). The size, whilst large, is comparatively small when situated on a lot 1.6ha in size and is therefore seen as appropriate. It is noted that if Policy PLN 3.4 did apply, the provisions would allow a shed double the size to be considered.

With regard to materials, PLN 3.7 – Araluen Residential Estate, it is accepted that the provisions stipulate that *"Outbuildings shall be constructed with materials conforming to the predominant materials used in the construction of the roof and walls, respectively, of the associated dwelling"*. The residence is constructed of a light cream brick with a cream "Colorbond" roof and cream detail. This would suggest the outbuilding should be constructed with brick walls and "Colorbond" roofing to match however, the applicant has applied for an all "Colorbond" shed. This represents a variation from the policy standards which must be considered on its merit. The issue is addressed later in the report.



BUILDING ENVELOPE PLAN
LOT 143 HERITAGE DRIVE, ROLEYSTONE

Recommendation

That the issue be supported in part.

Issue 3 – Use of the Shed

Concerned that the extensive earthworks and the amount of sand and road base imported would tend to suggest that much heavier equipment would be able to use the facilities. The new owner is apparently involved in the trucking business.

Comment

If approved, the City can impose a condition relating to the use of the shed, ensuring that it is only used for domestic purposes.

Recommendation

That the issue not be supported.

Issue 4 - Landscaping

No amount of landscaping and screening will be able to disguise the shed that will be in full view of our living and entertaining areas. Scepticism is held with regard to proposed landscaping given the removal of existing trees and earthworks that have taken place and it will take 15-20 years to replace what was destroyed.

Comment

If approved, the City can impose a condition relating to landscaping, addressing issues such as requiring plant species that will provide adequate coverage in terms of density and height, plant numbers, placement, maturity and maintenance. Compliance Officers are then able to ensure that the condition is met (refer also to Issue 6 below).

Recommendation

That the issue not be supported.

Issue 5 - Precedent

Approval would set a precedent for all other landowners to erect similar buildings which would further downgrade the area to an unacceptable standard.

Comment

Precedent is a planning term that is often misinterpreted or misused. Precedent only exists where circumstances are very similar, so for anyone else within the estate to use this application as a basis in terms of precedent, it would need to involve practically the same size shed, the same material issues, the same cut and fill issues, the same distances from boundaries and neighbours, the same visibility issues etc. In this regard, all applications are assessed on individual merit.

PHOTOGRAPH 1
LOOKING SOUTH, UPHILL TO NEIGHBOURING RESIDENCES

PHOTOGRAPH 2
RETAINING WALLS PROPOSED ALONG SOUTHERN BOUNDARY, LOOKING WEST

Recommendation

That the issue not be supported.

Issue 6 – Sensitivity / Visual Amenity

The development is inconsistent with the amenity of the Araluen precinct. We chose to live here because of the beautiful environment which seemed to be protected by Council guidelines. We have spent a great deal of time and money keeping within these guidelines. The Council should not approve the development and the owner asked to improve the visual amenity of the destruction already undertaken.

Comment

The proposed shed is situated 3.8m lower than the land to the south, meaning only 0.7m of the shed (all part of the roof) would be visible from ground level at the southern property boundary. Three residences to the south are approximately a further 80m away uphill and all three sites are heavily vegetated, so the view of the part of roof that will be visible will be limited.

It is considered that the greater visual impact will be from across the valley. The shed is exposed from that direction and would be in full view. Substantial screen planting will need to be undertaken to obscure the shed, earthworks and driveway from the north. The City may impose specific landscaping conditions as outlined previously in this regard.

Recommendation

That the issue be supported in part.

Issue 7 – Site Works

The development works appear to have commenced, if not completed. Opposed to cutting and filling of the escarpment for the construction of the second driveway to service the shed.

Comment

The development works have commenced as the photos attached to this report indicate. The owner of the property verbally advised officers that having only recently moved into the City from a farming background, he was unaware that approval was necessary for site works prior to development beginning, believing an application was only necessary for the shed itself. Works ceased once the owner was informed of the necessary approval process.

The Planning Department does not require applications to be submitted for driveways and a Building Licence is only necessary for retaining walls over 500mm in height, with engineering certification required if retaining is over 1m in height.

PHOTOGRAPH 3
PROPOSED PAD FOR SHED, LOOKING WEST

PHOTOGRAPH 4
PROPOSED DRIVEWAY, LOOKING WEST

Whilst the works are extensive due to the slope of the site, this is the case with many properties within the estate. The applicant has adopted an acceptable approach to development via cut and fill, which lessens the impact on the site as opposed to utilising only fill and retaining. Further, the City may impose specific landscaping conditions as outlined previously.

Recommendation

That the issue be supported in part.

Issue 8 – Traffic

There are potential traffic issues associated with the construction of another driveway on the bend and rise of Heritage Drive. Vehicles accessing or departing these properties pose a hazard to drivers coming down the particularly steep slope at speed, unable to the vehicles until it is too late to stop with the topography of the road. With an existing driveway only metres away, this adds further risk.

Comment

The proposal would not produce a situation where cars are likely to be coming and going from both driveways at the same time. If anything, the new driveway is further from the bend in Heritage Drive, increasing sight lines and therefore safety.

Recommendation

That the issue not be supported.

Town Planning Scheme No.4

The land is zoned 'Special Residential' under TPS No.4. Clause 5.3.1(b) of TPS No.4 notes that buildings within the Special Residential zone are to accord with the provisions of R5 within the Residential Design Codes of Western Australia. The setbacks to the boundaries meet the requirements in this regard.

PLN 2.1 – Establishment or Variation of Development Envelope Locations

The proposed modification to the development envelope is necessary to accommodate the proposed development. Several aspects of the policy are directly relevant to the proposal. Vegetation clearing should be minimised and it is apparent from aerial photos that only three or four trees have been removed so far and that no more trees will need to be removed. Appropriate landscaping will replace these trees, if the development is conditionally approved.

The Policy requires that visual impact of buildings should be minimised from public areas. Given that the lot is located on the side of a hill that is easily seen from many places across the intervening valley, it is difficult to place any structure on site without it being visible. The application to have a shed on the property is reasonable and so it is recommended that this requirement be varied, but at the same time redressed through appropriate landscape screening if approved.

AERIAL PHOTOGRAPH
LOT 143 HERITAGE DRIVE, ROLEYSTONE

Policy PLN 2.1 also requires that steep slopes be avoided. Again, the subject lot slopes downward from south to north and there are no spaces on the lot that would be more ideal than that proposed. The proposed location for the shed is in close proximity to the dwelling (which is a requirement of Policy PLN 3.7) and therefore believed to be appropriate in this instance.

PLN 3.7 – Araluen Residential Estate

Policy PLN 3.7 contains several provisions that are directly relevant to the proposal. Section 4.1.6 of the policy notes that driveways must be comprised of materials complementary to the colour of the estate roads, or other earthy tones. Whilst the driveway is currently limestone, the owner has advised that compacted gravel would be the finished material and this would comply. A condition should be imposed on an approval, if issued in this regard.

Section 4.2.3 of Policy PLN 3.7 requires highly visible development to be screened by planting. The shed will be particularly visible from its northern aspect and a landscaping plan should be submitted to address screening requirements. A condition should be imposed on an approval, if issued in this regard.

Section 4.3.2 of Policy PLN 3.7 notes that roof pitch should be between 25 and 45 degrees, with shallower pitches allowed for verandahs, canopies, and small areas of skillion roof. The shed proposes a roof pitch of 15 degrees, outside the range required by the Policy. However, lowering the roof pitch does mean that the shed will have less height overall and therefore less impact on residences to the south. As such, it is believed appropriate to vary this requirement in this instance.

Section 4.4.2 of Policy PLN 3.7 requires that walls be constructed of rendered masonry, rammed earth or timber cladding. Similarly, Section 4.7.1 requires the roof and walls of outbuildings to conform to the predominant material used in the construction of the roof and walls of the dwelling respectively. In this case, that means the shed should have cream brick walls and a cream “Colorbond” roof. As such, the wall material of the shed represents a variation to the Policy and objections from neighbouring properties have been received in this regard. This notwithstanding, the shed will still match the existing residence very well and it is considered appropriate to vary the Policy requirements in this instance.

OPTIONS

1 Council could approve the shed and development envelope modification if it is satisfied that the proposal will not have a detrimental affect on the amenity of the area as the issues raised in the public submissions can be adequately addressed through appropriate conditions.

2 Council could refuse the proposal if it believes that the amenity of the area may be detrimentally affected in terms of visual impact and that the issues raised in the public submissions cannot be dealt with adequately through conditions of approval.

CONCLUSION

The proposed shed is not unreasonable in terms of size, the location is in close proximity to the residence and cut into the hillside to minimise visual impact and the use of cream "Colorbond" will match the roof of the existing residence on site. Whilst approval of the shed means granting variations to several Policy requirements, it is believed those variations are justifiable in this instance. It is therefore recommended that the application be approved in accordance with Option 1.

In addition, it is recommended that Council direct officers to conduct a review of Policy PLN 3.4 - The Siting and Scale of Outbuildings in Residential and Rural Areas, as the intent was for that Policy to apply to areas zoned 'Special Residential' as well as 'Rural Living' and 'General Rural', however this is not the case at the current time.

COMMITTEE discussed the size, height and visual impact of the proposed outbuilding and requested that an additional condition be added advising that the "Revised plans being submitted detailing an adjustment to the floor level of the proposed structure to ensure that the ridge height of the outbuilding is no higher than the existing dwelling" and advice note 2(a) be amended to read "With regard to condition 1a), the outbuildings provisions of Council's Policy PLN 3.7 Araluen Residential Estate will be taken into account to ensure that the shed is visually compatible with other development on the property".

Accordingly the recommendation was amended.

D125/11/06 RECOMMEND

That Council resolve to:

1. Approve the application for a shed and associated development envelope modification at Lot 143 Heritage Drive, Roleystone subject to the following conditions:

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

b) The proposed shed shall only be used for the purposes incidental to the residential use of the property and shall not be used for habitable, commercial or industrial purposes to the satisfaction of the Executive Director Development Services.

c) Submission of a comprehensive landscape plan to address screen planting of the driveway, retaining walls, embankments and the shed to the satisfaction of the Executive Director Technical Services. Such plan is to include mature plant species (predominantly West Australian natives), numbers, location, container size and method of irrigation of the landscaped areas. The landscape plan is to be approved and all landscaping installed and maintained, to the satisfaction of the Executive Director Development Services.

d) Driveway surface to be finished and drained to the specifications and satisfaction of the Executive Director Technical Services.

e) Revised plans being submitted detailing an adjustment to the floor level of the proposed structure to ensure that the ridge height of the outbuilding is no higher than the existing dwelling.

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

2. In addition to standard advice notes, the applicant be advised the following:

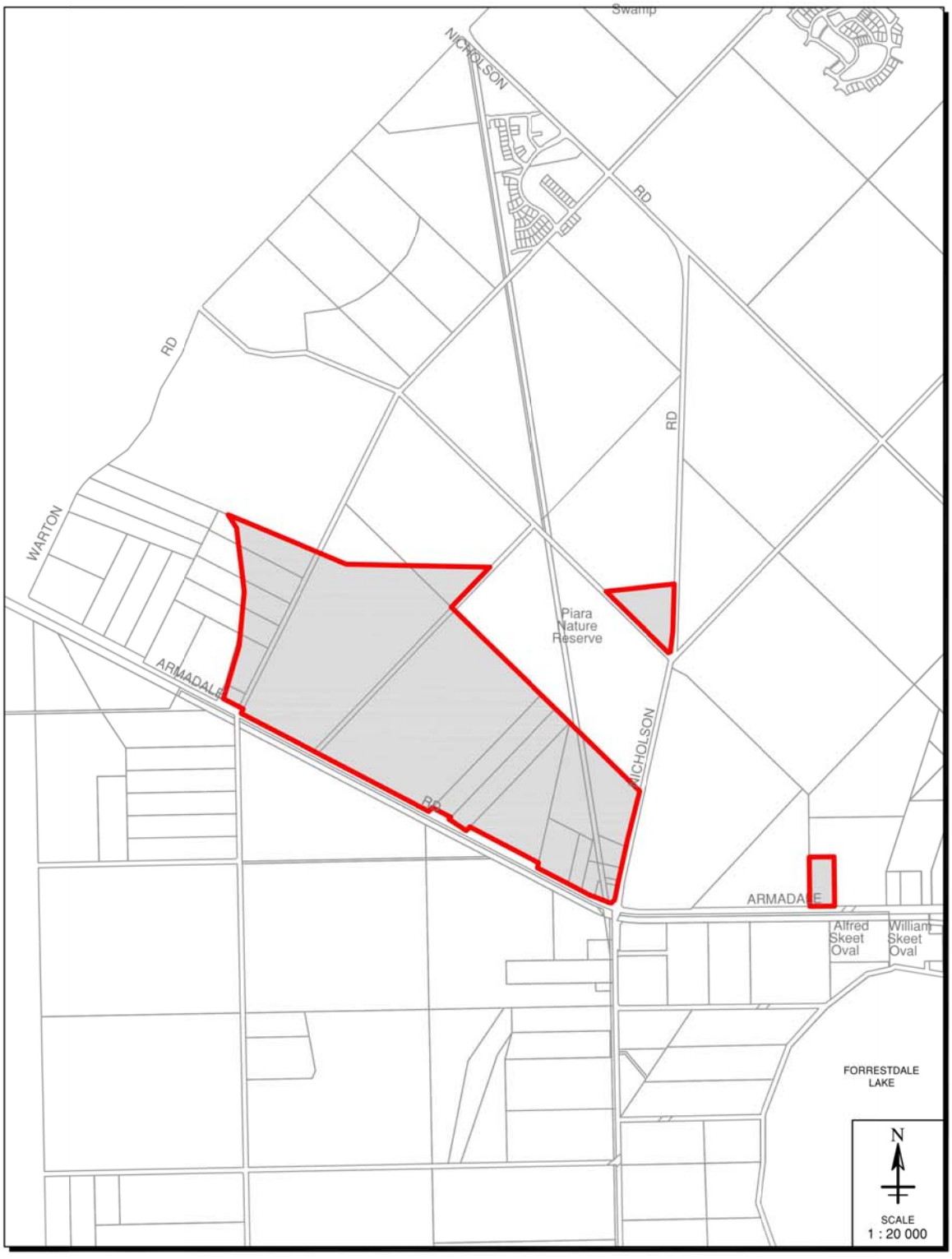
a) With regard to condition 1a), the outbuildings provisions of Council's Policy PLN 3.7 Araluen Residential Estate will be taken into account to ensure that the shed is visually compatible with other development on the property.

b) With regard to condition 1c), please find enclosed a copy of the City's Landscaping Guidelines – Screening and the Landscaping Guidelines – Plants to Avoid, to assist you to formulate a satisfactory landscaping proposal.

c) The applicant is advised that all buildings and/or structures are to be confined to the designated development envelope as shown on the enclosed plan. Due regard should also be given to setback requirements under the provisions of the Town Planning Scheme for the siting of development within the building envelope. Please note that the area of land excluded from the building envelope is not to be developed, cleared or built upon.

3. Request that the Development Services Directorate consider amending Policy PLN 3.4 – The Siting and Scale of Outbuildings in Residential and Rural Areas via the process outlined in Clause 2.4 of Town Planning Scheme No.4 to address its application to the 'Special Residential' zone and any other issues as appropriate.

MOVED Cr Tizard
MOTION CARRIED (5/1)



LOCATION PLAN
STAGE THREE, NORTH FORRESTDALE

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT – FOR THE 3rd STAGE URBANISATION OF NORTH FORRESTDALE - TO REZONE FROM THE RURAL ZONE TO THE URBAN ZONE

WARD	:	FORREST
DATE	:	7 November 2006
APPLN No.	:	
REF	:	JR
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Chappell Lambert ATA Environmental Parsons Brinckerhoff Cossil & Webley Riley Consulting
LANDOWNER	:	Multiple (18) Landowners – See below
SUBJECT LAND	:	Property size 127ha Map 16:04
ZONING MRS / TPS No.4	:	Rural Rural Living X

In Brief:-

- Chappell & Lambert seek the support of the City of Armadale in requesting the Western Australian Planning Commission (WAPC) to initiate the third stage MRS Amendment to zone land in North Forrestdale to the Urban zone.
- In 2001 the urban potential of the area was identified in the Southern River Forrestdale Brookdale Wungong District Structure Plan (DSP) subject to review of the Environmental Management Area (EMA).
- In 2004 the EPA subsequently endorsed the revision of the boundary of the EMA to the south to co-locate with Armadale Road and the Groundwater Protection zone to the west and this results in the subject land being entirely outside of the revised EMA.
- Recommend that Council advise the WAPC it supports the proposal to initiate an Amendment to the MRS and advise the applicant of the City's key strategic objectives for the area and matters to be addressed, which Council's continuing support is conditional upon.

Tabled Items

Nil.

Officer Interest Declaration

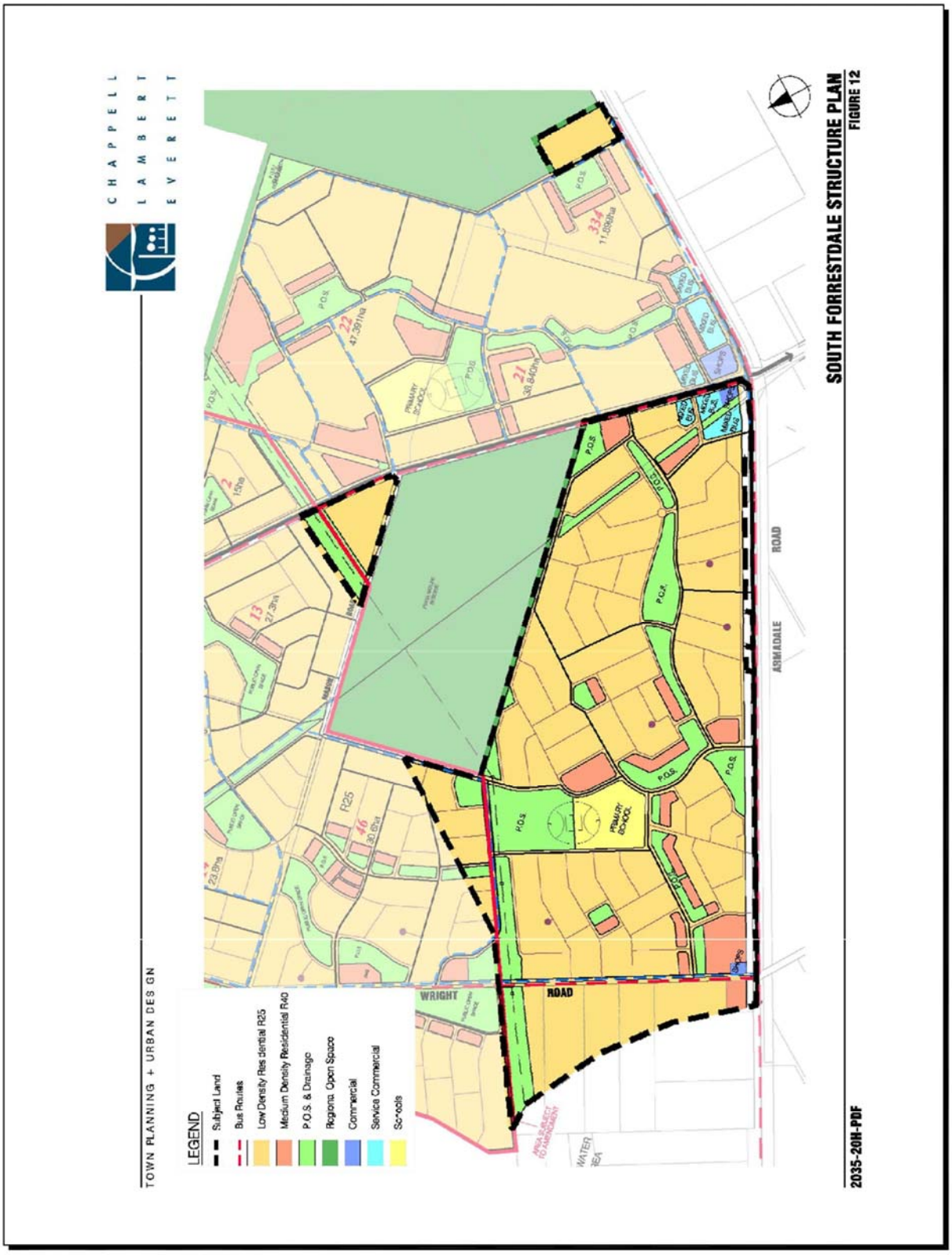
Nil.

Strategic Implications

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

Legislation Implications

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



STRUCTURE PLAN
STAGE THREE, NORTH FORRESTDALE

- Environmental Protection and Biodiversity Act (Commonwealth) 1999 - Forrestdale Lake is subject to the international Ramsar Convention
- Environmental Protection (Swan – Canning Rivers) Policy (EPP)
- Riverplan: (Comprehensive Management Plan and Implementation Strategy for the Swan-Canning Rivers EPP)
- Environmental Protection Policy for Lakes
- Local Government Act 1995

Regional Landuse Policy Implications

- Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (2001) (SRFBWDSP);
- Urban Water Management Strategy - SRFBWDSP (2002);
- Memorandum of Understanding - SRFBWDSP (2004) and Integrated Land and Water Management Plan (draft in preparation);
- Arterial Drainage Scheme for Forrestdale Main Drain (draft in preparation).

Council Policy / Local Law Implications

- Local Planning Strategy 2005;
- Water Sensitive Urban Design Policy;
- Draft Policy on Landscaping/Artificial Wetlands.

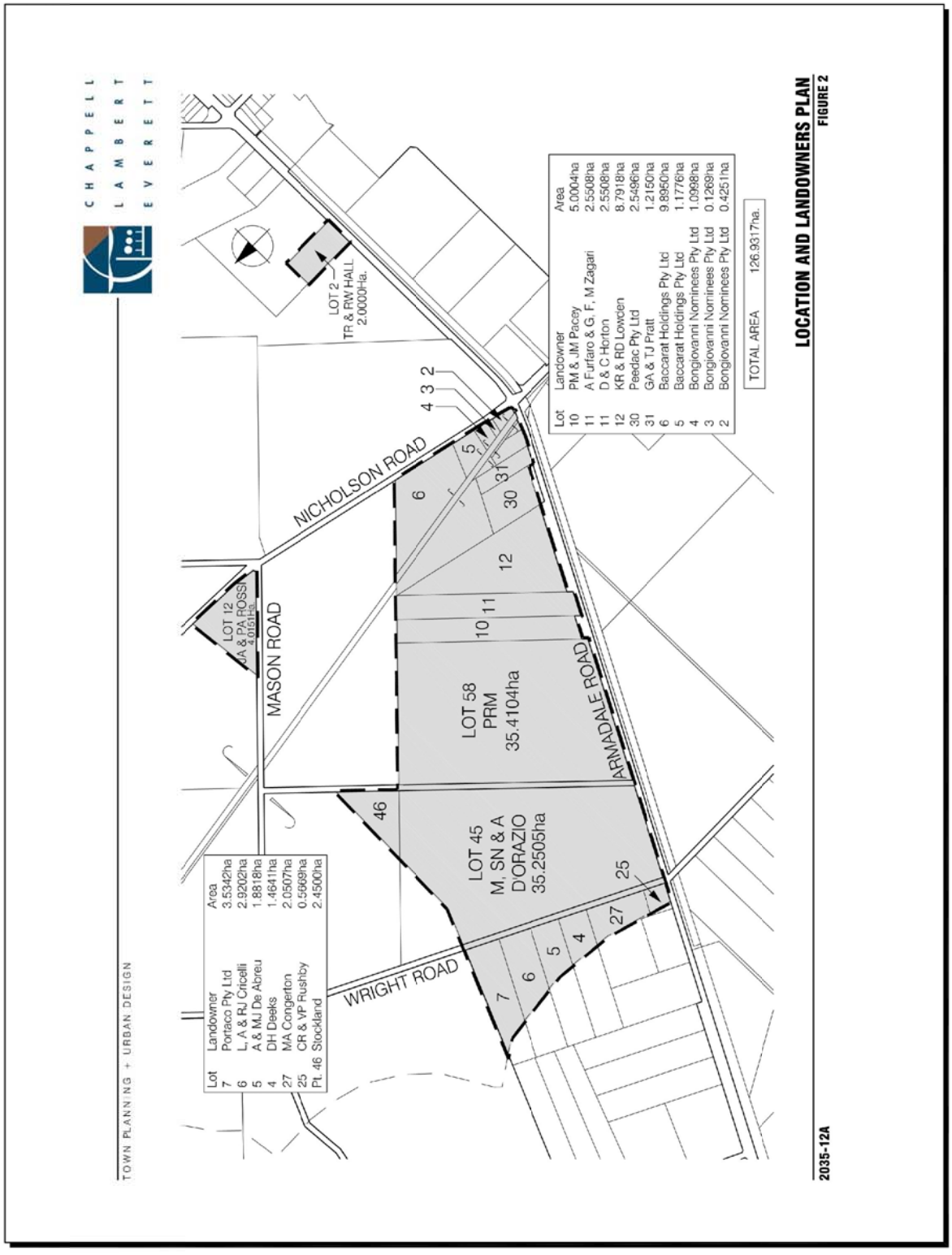
Budget / Financial Implications

While the rezoning plan itself has no direct financial implications to the City, the development of the subject land has significant financial implications arising from the additional rate base on one hand and from the need to manage infrastructure provision and provide for the maintenance of public areas and facilities on the other (under Development Contribution Plan No.3 all developers will be required to contribute towards financing the common infrastructure requirements of North Forrestdale).

In the wider context of the economic development of the City and the Armadale Town Centre, increasing the population of the City is a strategic objective which is supported by expansion of the North Forrestdale development area.

Consultation

- North Forrestdale Urban Planning Steering Group including representation from;
  - Department of Planning & Infrastructure (DPI), Education Department of WA, Public Transport Authority, Department of Environment (DOE) and Water Corporation (WC);
  - Planning consultants representing various landowners and developers;
- Officers within the City's Development Services, Technical Services and Community Services Directorates;
- If initiated, the scheme amendment will undergo a process of advertising for public submissions in accordance with the requirements of the Town Planning Regulations 1967;
- Chappell and Lambert have undertaken additional further consultation with agencies on this specific proposal particularly the DOE, DOW, CALM, DPI and Education Department.



LANDOWNERS PLAN
STAGE THREE, NORTH FORRESTDALE

BACKGROUND

At its meeting of 16th October 2006 Council recommitted the matter to allow further consideration of implications of a major financial and environmental nature (D116/10/06). The applicant's responses to a series of "Fatal Flaw" financial and environmental queries put by the City, are outlined in the Comments section below.

This proposal represents the third major stage area in the ongoing urban development of North Forrestdale. The bulk of 127 hectares of land subject to this proposal is identified as the *"SP South"* area in the *Indicative Staging Plan - North Forrestdale* (overleaf). The location is within the possible locality names of "Piara/Buchanan" being advertised for community comments to 10 November 2006 (D92/8/06).

Development of the 450ha first stage (*"SP Central"* area) is proceeding rapidly under the 2005 approved Structure Plan with approximately 2,400 lots granted subdivision approval to date. The second major stage of 100ha (*"SP South East"* area) was rezoned to Urban zone in 2005 and is currently subject to rezoning to Urban Development zone under Amendment No.24 to TPS No.4, which Council initiated in July 2006 (D81/7/06). Infrastructure costs for the first and second stages of North Forrestdale Development Contribution Area/Plan No.3 are addressed under Amendment No.12, which was recommended for gazettal at Council's meeting of July 2006 (D79/7/06).

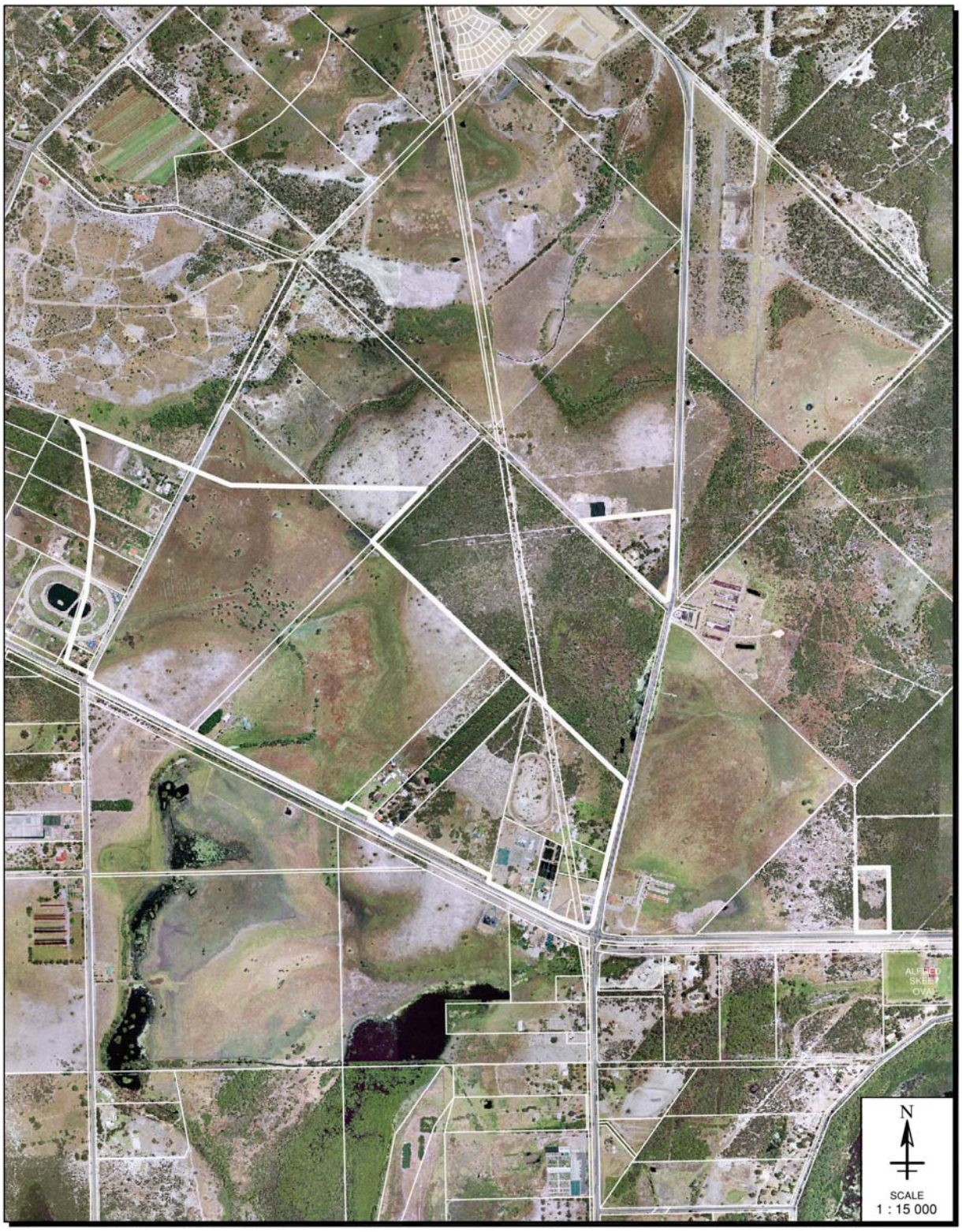
DETAILS OF PROPOSAL

On behalf of the 18 landowners, the applicant request the City of Armadale support their proposal for the WAPC to initiate an Amendment to rezone land from the Rural zone to the Urban zone (refer to Landowners Plan). The proposal would then be assessed by both the WAPC and EPA before approval to advertise is granted.

The amendment principally comprises of the *"SP South"* precinct, however, it also proposes an Urban zone for two lots to the north and east of *"SP South"* precinct, which immediately abut the first and second stages. The *"SP South"* precinct is located immediately south of first stage *"SP Central"* precinct and immediately west of the second stage *"SP South East"* precinct.

The 127ha site is described as supporting a variety of uses including predominantly rural uses, however there is also some commercial activity (refer to Aerial Photograph). The vegetation on the site is described as featuring a range of types from low dense shrubs and paperbark trees in the low lying areas to grasses, banksia trees and some pine trees on higher ground. The thin Bassendean Sand over Guildford formation with some deeper areas of Bassendean Sand are soils deemed suitable for urban development, while some smaller areas of peaty sand may require remediation as part of subdivision works.

The Chappell Lambert amendment report is accompanied by Appendix 1 – Environmental Assessment (ATA), Appendix 2 - District Water Management Strategy (Parsons Brinckerhoff) and Appendix 3 – Traffic Report (Riley Consulting).



AERIAL PHOTOGRAPH
STAGE THREE, NORTH FORRESTDALE

COMMENT

The first stage of the North Forrestdale new urban area is rapidly developing and Council has supported further local planning of the recent Urban zone land in the 2nd stage. The subject proposed 3rd stage accords with the City's strategic planning objectives of enlarging the municipal population and boosting the local economy. It could also help underpin costs associated with the new infrastructure requirements of the greater North Forrestdale area. Infrastructure funding is currently being addressed by Development Contribution Plan No.3, which shares the costs among all benefiting landowners, while also ensuring that the infrastructure needs of development do not impose a financial burden on the wider local government.

Once the MRS amendment has progressed, the applicant proposes a planning process involving preparation of a rezoning amendment to identify the site under TPS No.4 as an *"Urban Development"* zone and a *"Development (Structure Planning) Area/Development Contribution Area"*. The subject land could be included in the current North Forrestdale *Development Contribution Area/Plan No.3.*

Subsequently a local Structure Plan and associated *Local Water Management Strategy* would be prepared. Both the TPS No.4 rezoning amendment and the local Structure Plan would be required to undergo additional environmental assessments by the EPA and formal public advertising and submissions period before consideration of final adoption by Council.

The key outcome of the assessment and consultation processes for the MRS and local TPS amendments is to ensure that all environmental and servicing issues are addressed as part of the ongoing statutory planning process. Accordingly when subdivision and development occurs on the ground it is required to meet the standards and requirements endorsed by the statutory approvals process.

Strategic District Structure Plan

In the Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (DSP) the majority of the site was proposed as "*Possible Future Urban Development - Subject to Study for Refinement of Environmental Management Area*" *(EMA).*

In October 2004, the EPA accepted that planning for urbanisation could proceed and agreed that: *"conditional on and becoming effective on the date of an approved Drainage and Nutrient Management Plan, the boundary of the Lake Forrestdale Environmental Management Area be amended for the area north of Armadale Road, Forrestdale extending west from Nicholson Road (including Lot 45 Wright Road and Lot 58 Armadale Road) and terminating at the eastern boundary of the Core Area of the Jandakot Groundwater Wellhead Protection Area"*.

In its correspondence, the EPA outlined the outcomes and criteria it will require the Drainage and Nutrient Management Plan to meet. The EPA's requirement for an "*approved Drainage and Nutrient Management Plan"* would be likely to form a part of the subsequent amendment to TPS No.4 and the *Local Water Management Strategy* associated with the local Structure Plan.

METROPOLITAN REGION SCHEME AMENDMENT
CITY OF Armadale
N
GDA
SCALE
1 : 20 000
SUBJECT SITE
EXISTING ZONING
PROPOSED ZONING
RESERVED LANDS & ROADS
PARKS & RECREATION
PORT INSTALLATION
CIVIC CULTURAL
STATE FOREST
WATERWAYS
WATER CATCHMENTS
PRIMARY REGIONAL ROADS
OTHER REGIONAL ROADS
RAILWAYS
PUBLIC PURPOSE
PUBLIC PURPOSE DENOTED AS FOLLOWS
OG Commonwealth Government
TS Technical School
HS High School
CP Car Park
H Hospital
U University
WSD Water Authority of WA
SU Special Use
SEC State Energy Commission
P Prison
ZONES
URBAN
URBAN DEFERRED
CENTRAL CITY AREA
INDUSTRIAL
SPECIAL INDUSTRIAL
RURAL
PRIVATE RECREATION
RURAL - WATER PROTECTION

Once the EMA revision is completed through the statutory planning process, the proposed new Urban zone would be fully outside of the EMA, which would then be co-located with Armadale Road to as far west as the Jandakot Groundwater Protection zone.

MRS Amendment procedures

Amendments to the MRS are administered by the WAPC upon referral by the South East District Planning Committee of which, the City is a member. Where landowners are seeking a significant amendment to the MRS, the WAPC generally requires an indication of support from the local authority before it proceeds with initiation of a draft amendment.

Council can indicate that its support to a MRS Amendment proposed by landowners is conditional upon the applicants being prepared to undertake all documentation that may be required for assessment, including Environmental Reviews and Infrastructure reports and if necessary, funding of independent specialist technical advice to the City.

The MRS Amendment for the third urbanisation stage of North Forrestdale will undergo environmental assessment by the EPA prior to being advertised for public submissions (refer to MRS Amendment Plan). The documentation accompanying the MRS Amendment proposal contains key environmental assessment reports prepared for the landowners by ATA environmental and Parsons Brinckerhoff.

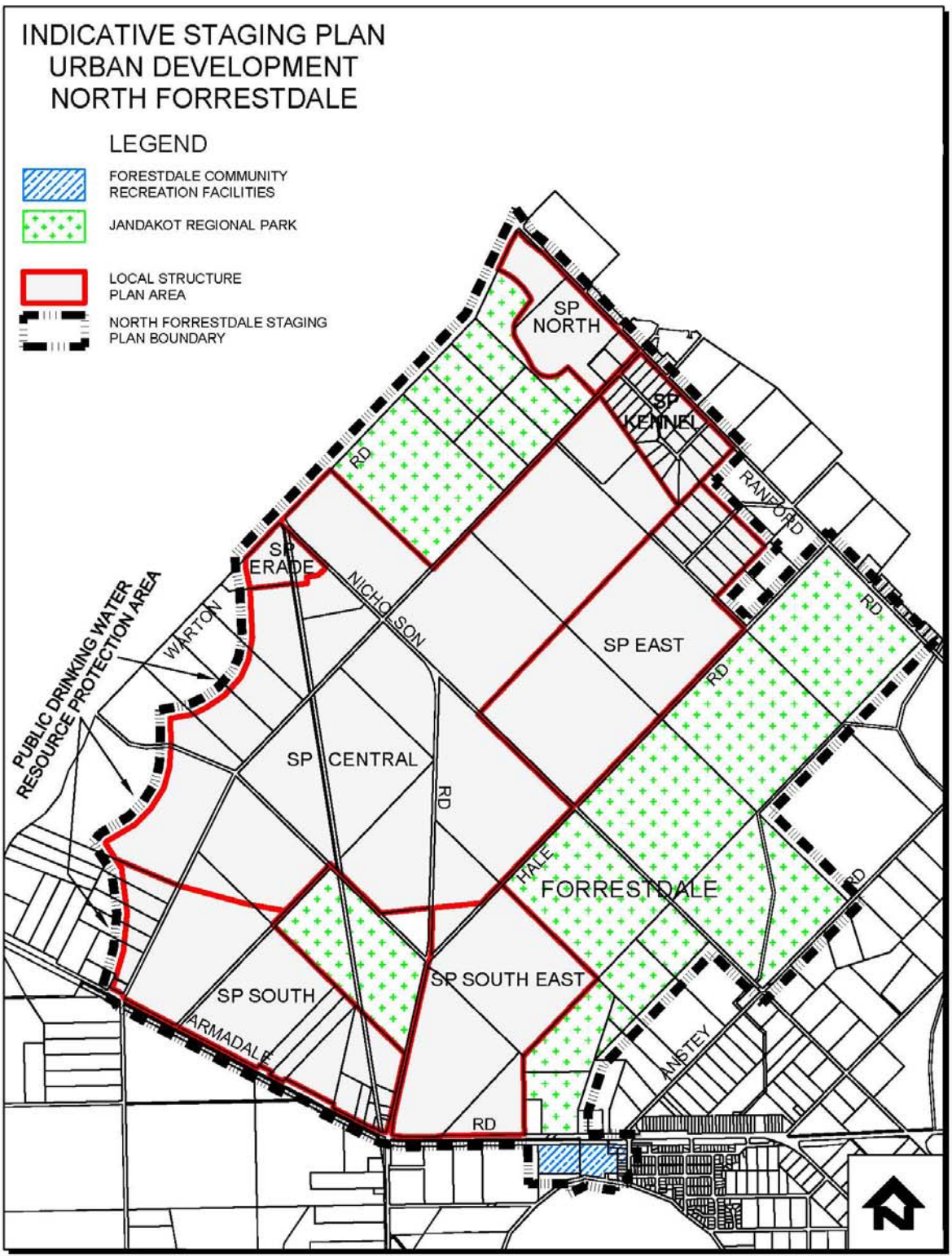
In addition to the major contiguous parcel of land comprising of the *"SP South"* precinct, the proposal also includes an Urban zoning for two small discrete areas outside of the main *"SP South"* precinct. Lot 2 (2ha) Armadale Road is located to the east of Nicholson Road and Lot 12 (4ha) Nicholson Road to the north of Piara Nature Reserve.

These lots were predominantly indicated as Rural/Rural Living/Semi Rural Living in the SRBW-DSP, however, such small areas of land are not particularly viable as separate zonings when immediately adjacent to large urban estates and therefore the proposed rationalisation of the Urban zone may well be warranted. The part of Lot 12 immediately north of Piara Nature Reserve indicated as Conservation Category Wetland, may be required to be set aside in the Local Structure Plan as Public Open Space if its "Conservation" status is confirmed by the more detailed wetland assessment that will be required prior to advertising of a Structure Plan.

Urban Water Management

While considerable drainage intervention has altered the natural drainage patterns of the North Forrestdale area, given the low-lying nature of the land and nearby sensitive ecosystems, water quality and drainage will be key environmental factors in planning urban development of the area.

Groundwater levels and major drainage events will also be critical factors in determining final site levels for urban development. A *Local Water Management Strategy (LWMS)* for the urban development of the amendment area will be prepared in association with the Structure Plan. The *LWMS* is intended to focus on major arterial drainage for flood protection and storage requirements in the Structure Plan. It will also delineate requirements for nutrient management, wetland and waterway protection and groundwater export requirements. An *Urban Water Management Plan (UWMP)* will be developed as part of the subdivision design and will provide implementation details.



INDICATIVE STAGING PLAN
NORTH FORRESTDALE

The current proposal envisages achieving finished site levels and separation to groundwater with a combination of earthworks, fill and subsoil drains set at between 0.5 and 1.0m below *Annual Average Maximum Groundwater Level (AAMGL)* (except near Groundwater Dependent Ecosystems to be protected, where the predevelopment groundwater conditions will be required to be maintained).

Integrated Land and Water Planning for the wider District Structure Plan area

Following Council's support for urbanization of the stage 2 *"SP South-East"* precinct in February 2004, the Water Corporation wrote to the City respectfully requesting Council not initiate any more urban zonings in the North Forrestdale area until the Water Corporation had completed the *Integrated Land and Water Management Plan (ILWMP)* for the wider District Structure Plan area (i.e. at the time, the *ILWMP* was tentatively set for a 9 month completion date by November 2004).

While some two years later, the *ILWMP* remains un-finalised, an interim policy document entitled *"Interim Approach for Integrating Urban Water Management with Land Use Planning within the Southern River Area"* was put in place in March 2006. The interim guidelines provide guidance for new planning proposals including MRS and local Scheme Amendments, local Structure Plans and Subdivision Plans. At each of the statutory planning stages, all urban development proposals will need to address the benchmarks contained in either the interim guidelines or when finalised, the final *ILWMP*.

Water Corporation is also currently preparing an *Arterial Drainage Scheme for Forrestdale Main Drain* (*ADS-FMD*), which is also expected to be finalised in the near future. Urban water runoff from land in the first stage "*SP Central"* precinct (north of Mason Rd) is being drained north and east into the *Forrestdale Main Drain* and ultimately to Southern River.

Water Corporation's *Arterial Drainage Scheme for Forrestdale Main Drain* (draft in preparation) has shown the Forrestdale Main Drain to be significantly undersized. As a consequence, Water Corporation has defined the area south of Mason Road as part of the *Forrestdale Lake Catchment* and accordingly land located south of Mason Rd (including the subject SP South precinct) will drain southwards into the western side of Forrestdale Lake. Forrestdale Lake itself is understood to be connected via outlet drains on the eastern side of the lake to the *Forrestdale Main Drain,* which then connects to Southern River.

The above urban catchment planning indicates that all the subject third stage "*SP South"* precinct and approximately half of the second stage "*SP South East"* precinct are located within the *Forrestdale Lake Catchment*.

The applicant indicates the existing drains on private land north of Armadale Road provide an outlet for the compensated stormwater flows, which would be generated from the site. They propose these could form the basis of a comprehensive system of urban drains. The applicant has identified drainage connections between the "*SP South"* precinct and the western side of Forrestdale Lake in the form of *"James Drain"*.

"James Drain" is described as having a catchment area of approximately 645ha including the 120ha of the *"SP South"* precinct, which drains to the north-east for most of the year, however for the winter (3-4) months, both surface and groundwater drain south to *"James Drain"*. In average rainfall years, approximately 20% of the nutrient inputs to Forrestdale Lake are sourced from the whole catchment area of *"James Drain"*.

The applicant advises that the Department of Water supports the input of more water to Forrestdale Lake, providing water quality is acceptable. The development proposal indicates an increase in water input to Forrestdale Lake with surface and sub-soil drains discharging to *"James Drain"* and with surface and groundwater quality managed to acceptable standards with Best Management Practices to be further detailed in the *LWMS* and *UWMP*.

As Forrestdale Lake is a significant ecosystem under statutory protection by both State and Commonwealth governments, the proposed drainage system and analysis of potential effects on Forrestdale Lake and adjacent wetlands will be required to undergo significant environmental scrutiny by the EPA and state land and water management agencies before statutory planning is completed and presumably before the draft boundary for the Forrestdale Lake EMA is formally revised southwards to Armadale Road. Only then will urban subdivision/development in the 3rd stage of North Forrestdale be able to proceed.

Wetlands

The applicant advises that assessment of regional level wetland data for the site indicates seven wetlands, including one Conservation Category Wetland and six Resource Enhancement Wetlands. These wetland classifications and boundaries will be subject to more detailed environmental assessment as planning of the area proceeds.

Concept Plan – Draft Structure Plan

The applicant has prepared a preliminary Concept Plan – Draft Structure Plan (overleaf) in support of the MRS Amendment proposal. This provides an indicative plan of site potentials. The development ideas contained in the concept will be refined as planning proceeds and additional technical and regulatory inputs are brought to bear through statutory assessments and public consultation procedures.

A brief overview of conceptual development is provided below, however, this report does not intend to assess indicative land-use and precinct structure issues as these will be subject to detailed assessment in the formal local Structure Plan and a separate agenda item. Accordingly, support for progressing an amendment to zone the area Urban under the MRS does not indicate Council would necessarily support all or indeed any particular aspects of the concept plan. Under the provisions of TPS No.4, a formal structure plan will be required to be prepared for the site prior to subdivision and development.

Indicative land-use concepts include residential and commercial development

The concept proposal currently envisages approximately 1000 home-sites at a range of lot sizes with 70% single residential (450 – 650m²) and 30% cottage lot and medium density sites including potential aged persons. A primary school site is identified in a central location in accordance with requirements of the Education Department of WA. Development is anticipated to be staged over a 3 to 7 year period.

The site can be provided with all normal urban residential utility services. Existing service corridors include the Serpentine (Water) Trunk Main, which is proposed as a movement/open space corridor similar to the first stage *"SP Central"* precinct. A 330kv aerial Western Power line in a 60m easement, which is also shown in the concept plan as an open space corridor, affecting Lots 7 and 45 in the western part of the precinct.

The approach envisaged for Public Open Space is to complement the existing environment as well as provide for the recreational needs of the future inhabitants. More than the standard 10% is proposed for POS plus an additional 2-3% required for drainage. POS will include a network of Multi-Use Corridors that provide for pedestrian and bicycle movements, passive recreation and a drainage function and linking school sites and residential neighbourhoods with community facilities and adjoining regional open space areas. A series of water-bodies such as landscaped lakes and detention basins are proposed as enhancement features of the MUC's, however, these will need to be considered in relation to new policy being developed for artificial wetlands.

A 3-4ha node of POS adjacent to the proposed primary school provides an opportunity for joint school/community usage for active recreation, similar to arrangements in the first stage.

The concept identifies a small Local Neighbourhood Centre on the corner of Nicholson and Armadale Roads, and accords with the 700m² of retail floorspace recommended floorspace identified in the City's Retail Hierarchy Review. The concept also proposes complementing the retail component with adjoining service commercial/mixed business type uses such as offices, medical or showrooms.

The corner of Wright and Armadale Roads is also identified as being suitable for a small convenience store.

The proposed arrangements and costs for implementation of all easements and/or works for James Drain have been particularly identified by Technical Services Directorate as requiring further clarification by the applicants.

Technical Services Directorate have also identified a range of issues to be clarified as more detailed planning proceeds, including poultry farm buffers, POS/conservation/recreation, remnant vegetation, water quality criteria, fill and 100 year flood levels, pathways, traffic volumes, road intersections and MRWA approvals. The existing Wright Road and Nicholson Road intersections with Armadale Road will be key access points and three new connections are envisaged on Armadale Road. All road layouts, particularly intersections with Armadale Road will require detailed assessment as planning proceeds.

ANALYSIS

Once the MRS zoning is finalised, a subsequent amendment seeking an Urban Development zone under TPS No.4 would also be subject to environmental assessment. A formal local Structure Plan will also have to be prepared and assessed against the provisions of Council's TPS No.4 for Development Areas and Development Contribution Areas and the *Local Planning Strategy - Retail Hierarchy Review.* It will also be assessed against any environmental requirements identified by the EPA and/or incorporated into the Structure Plan requirements of the subsequent TPS No.4 Amendment to Urban Development zone.

The formal local Structure Plan may be prepared and advertised concurrently with a local Scheme Amendment for an Urban Development zone or it may follow the local Scheme Amendment.

Additional Information Submitted by Applicants

Following Council's October recommittal of the item, an analysis of "fatal flaws" which could potentially result in negative financial and/or environmental outcomes was put to the applicants in a series of queries.

The applicants responded with two letters, the first being from PRM Property Group in respect to financial issues and the second from Parsons Brinckerhoff in respect to environmental/drainage issues. These are briefly summarised below with further Planning Department Comments on the applicant's responses in parenthesis. The full responses are included in ***Attachment "A2" of the Agenda.***

Additional City of Armadale Query on Financial issues:

> **Query 1. How can Council be assured that claims for compensation will not be made against the City, in the event that it supports Urban zoning and it is subsequently found that the drainage/environmental issues cannot be solved and hence the landowners cannot subdivide the land?**

PRM Property Group response to City of Armadale "fatal flaw" queries on financial issues:

PRM Point 1. The change in land use from rural to urban involves an established due process, which includes scrutiny of the drainage and environmental impacts;

> (Further City of Armadale Comments on the PRM Response - prior to WAPC initiation of the MRS Amendment, DPI liaises informally with the EPA and after WAPC initiation the EPA formally sets the "Level of Environmental Assessment". The Scheme Amendment to the MRS is not advertised until the EPA has satisfied itself that environmental implications will be identified and addressed through the planning process. The City would then be able to assess any financial implications.)

PRM Point 2. For the ongoing environmental investigations into the suitability of the change in land use to be considered by various Government agencies, it is necessary for the City to initially consider and provide support to urbanisation.

> (Further City of Armadale Comments on the PRM Response – consideration of support for major land use change to urban is the first step in a very lengthy process. While WAPC could initiate a Scheme Amendment to the MRS in the absence of Council support, it would be unlikely to do so.)

PRM Point 3. There is no precedent in WA for a Local Authority being required to compensate landowners by having supported the rezoning of their land, but who are subsequently unable to develop due to an insurmountable drainage or environmental issue.

(Further City of Armadale Comments on the PRM Response – rezoning and development processes involve multiple stages of assessment at ever-increasing levels of detail, which are then scrutinised in well regulated statutory processes. While initially there is never 100% certainty that any applicant's desired outcome of subdivision into a certain number of residential lots will ultimately be achieved at the completion of all stages of assessment, the level of confidence generally increases at each successive stage of approval (this is generally reflected in the valuation of land, which increases according to each level of statutory approval that has been obtained). It is understood that the onus would be on the landowner to satisfy conditions of environmental assessment, structure planning and subdivision approval, such as drainage and environmental conditions. However, if these conditions were unable to be filled, then the initially expected lots would not be created and the landowner would have to revise and adjust their proposal, for example to create fewer lots or provide additional land for drainage or other environmental purposes.

PRM Point 4. It is likely that any significant drainage or environmental issues affecting the land will be identified during the rezoning process, well prior to the rezoning to Urban being concluded over the land.

(Further City of Armadale Comments on the PRM Response – the EPA would assess the land's capability to support the proposed landuse at two stages of planning and at an increasing level of detail (i.e. in the MRS and in the local TPS amendments). All relevant environmental and land management agencies also assess the proposal at these stages and communicate their findings and recommendations to both the WAPC and Local Authority before final decisions are made to proceed. Accordingly if any previously unforeseen issues emerge as more detailed work is done, then usually modifications can be undertaken to scheme amendments and statutory plans before they are finalised and implemented by subdivision and development).

PRM Point 5. The significant preliminary investigations undertaken to date have not identified any drainage or environmental issues indicating the land is not capable or not suitable for urban development.

(Further City of Armadale Comments on the PRM Response – integrated urban water management is a relatively new theoretical subject area and practice discipline and management techniques are continually being reassessed. Government policy is also often lagging in its response to new situations and needs to be subjected to critical trial and scrutiny so that planning regulations and techniques can be improved over time. This has been the rationale of the "adaptive management" approach to planning in the North Forrestdale District Structure Plan area, particularly with the 2002 Urban Water Management Strategy and the 2006 interim guidelines for integrating urban water management with landuse planning in the Southern River area (ILWMP).

As indicated above, while the statutory planning process is only just commencing for this third stage, in its totality the process is lengthy and proposals for landuse change are subject to detailed scrutiny from a wide range of government agencies who have expertise in a wide range scientific and social disciplines that can be applied to the assessment process. The planning processes also contain many opportunities for agencies or the public to raise issues, concerns or objections. If substantiated, government also has the power to modify the final plans and outcomes to prevent negative impacts arising from previously unforseen issues. While there can never be "absolute certainty" for final outcomes, the "adaptive management" approach means that lessons learned from preceding trialling and testing can be applied in future stages and projects to achieve improved final outcomes.)

PRM Point 6. The applicants have met with the Department of Environment and Conservation who did not indicate they had any concerns about the suitability or capacity of the land for urban development.

(Further City of Armadale Comments on the PRM Response – it is noted there are several opportunities in the planning process for the Department of Environment and Conservation and EPA to influence the planning outcomes if any major concerns are subsequently identified.)

Parsons Brinckerhoff response to City of Armadale "fatal flaw" queries on environmental/drainage issues:

City of Armadale Query 1. - How will water quality and water balance into James Drain/Forrestdale Lake be protected – is James Drain adequate and secure in respect to ongoing management?

Parsons Brinckerhoff (PB) response to Point 1 – It is proposed to maintain the Water Quantity status quo by directing stormwater southwards into the natural/existing catchment for Forrestdale Lake. The Department of Water and the Department of Environment and Conservation are in favour of maintaining the status quo quantity of water input into Forrestdale Lake, which currently receives less water than it did in the past. In accordance with the ILWMP runoff will be attenuated on-site to meet the pre-development current flow rate limits and ensure that predevelopment flow rates for James Drain and Forrestdale Drain are not exceeded.

PB Point 2 – Nutrient loads in stormwater are likely to decrease as a result of the change from rural use to urban use and with the application of water sensitive urban design (WSUD) to treat groundwater and surface water at source (on site). The interim ILWMP sets the following design objectives for pollutant reductions as compared to a development that did not actively manage water quality;

- *a 60% reduction in suspended solids;*
- *a 80% reduction in Phosphorous;*
- *a 45% reduction in Nitrogen;*
- *a 70% reduction in gross pollutants.*

Runoff from the 3-month Average Recurrence Interval rainfall event (ARI) accounts for 95% of all rainfall and includes the critical "first flush" events, which contain the great majority of stormwater pollutants and will be treated with Best Management Practices such as bio-retention swales.

Other relevant findings are that it is estimated that:

- *90% of the nutrient load into Forrestdale Lake is from groundwater inflow and most of the year drainage from the SP South precinct is outside the groundwater catchment zone of Forrestdale Lake;*
- *during monitoring in 2003 the SP South precinct contributed only 2% of the total phosphorous loading and 1% of the total nitrogen loading of Forrestdale Lake;*
- *only 0. 2% of the total inflow to Forrestdale Lake is attributable to SP South precinct and the total drain discharge to Forrestdale Lake forms 15% of water balance into the Lake.*

PB response Point 3. Management of James Drain – The management of the James Drain can be addressed by securing an easement in favour of the City of Armadale for maintenance purposes. Given no modifications are required to James Drain, the extent of management would be to ensure the existing drain sections, profile and culverts are maintained (a plan of James Drain is attached to the Parsons Brinckerhoff response – a plan of James Drain approximate alignment and landowners affected is indicated in ***Confidential Attachment "B5" of the Agenda.*** *In that regard the major landowners along the James Drain (Diforio and Fortini) have been approached and they have indicated they would be in favour of such an easement.*

City of Armadale Query 2. Does the proposal rely on the recent drying climate and what happens if there is a reversion to a wetter period?

PB response Point 2.1 – The proposal does not rely on the recent drying climate as the pre-development flow rates will be maintained as required by the Interim ILWMP. If climate should revert to a wetter period, the development would have no adverse impact given that pre- and post-development flows to Forrestdale Lake would be the same.

City of Armadale Query 3. If the land goes to MRS Urban zone and then the development is found to not have sufficient land set aside for drainage or James Drain/Forrestdale Lake is inadequate, what are the environmental and legal outcomes that could result? (i.e. would this be similar to the problem for the first stage in respect to Water Corporation's Forrestdale Main Drain, which Water Corporation is now trying to rectify?)

PB response Point 3.1 – The developers through the structure plan and subdivision processes are required to set aside sufficient land for stormwater management (drainage). The experience with the first stage to the north (SP Central) was that the land area typically required to manage stormwater so as to maintain pre-development flow rates, ranged from 2 to 3% of the subdivisible area and this area of land proved viable (in addition to the requirement for 10% POS).

PB response Point 3.2 – The SP South precinct, predevelopment flows up to and including runoff from the 1 in 100 year ARI are being maintained and the existing capacity of James Drain does not need to change. The problems that occurred in SP Central were due to the failure of Water Corporation to adopt an arterial drainage strategy for the Forrestdale Main Drain, which was not an adequate size to deal with the flows proposed by the previous urbanisation drainage strategies. Water Corporation has since commissioned the required drainage strategy which provides for stormwater from the SP South precinct to be directed into Forrestdale Lake and this strategy also accounts for the connection between Forrestdale Lake and the Forrestdale Main Drain.

City of Armadale Query 4. How will potential water quality and water balance impacts on Forrestdale Lake be prevented and are there additional requirements/implications because Forrestdale Lake is an internationally protected Ramsar wetland?

PB response Point 4.1 – The methods of achieving water quality and water balance are described above.

PB response Point 4.2 – Forrestdale Lake is protected by a Category A Groundwater Environmentally Management Area (EMA) and this ensures water quality in the wetland is protected and that the existing hydrological regime is maintained. The EPA has endorsed the realignment of the EMA boundary to Armadale Road subject to its approval of a Drainage Management Plan for the area. In 2004 work on the catchment undertaken by Jim Davies demonstrated that the groundwater flow within the SP South precinct is towards the north east for the majority of the year and therefore it does not impact on groundwater quality entering Forrestdale Lake.

PB response Point 4.3– As Forrestdale Lake is also an Environmental Protection Policy (EPP) Lake, it is protected by the EPA. Additionally, the Interim Approach For Integrating Urban Water Management with Land Use Planning in the Southern River Area, includes the following design principals where development is associated with an ecosystem that is dependent on a particular hydrologic regime for survival:

- *Minimise the discharge of pollutants from groundwater to the receiving environments;*
- *Maintain and restore desirable environmental flows and or hydro periods, water quality and habitat in specified water sensitive environments.*

City of Armadale Query 5. If Forrestdale Lake fills up in a big wet-event and outflows to the east, what effect will this have on the ARA Wungong Urban Water Master Plan and could this problem be a barrier for approval of the development plans outlined in the ARA's Wungong Urban Water Master Plan?

PB response Point 5.1 – The majority of runoff from the Wungong Master Plan area will be directed to the Southern/Wungong River or the Birrega Main Drain. Forrestdale Lake overflows into the Forrestdale Main Drain which subsequently outfalls to Southern River some 8km downstream of both Forrestdale Lake and the Wungong Master Plan area. The Birrega Main Drain is not connected to the Forrestdale Main Drain.

PB response Point 5.2 – Less than 10% of the Wungong Master Plan area (area west of Twelfth Road) will discharge into Forrestdale Main Drain and the Water Corporation arterial drainage strategy currently directs the SP South flows into Forrestdale Lake. As it does currently without any development, Forrestdale Lake will act to attenuate these flows prior to overtopping into the Forrestdale Main Drain.

Therefore as the southward flows from SP South will be maintained at predevelopment levels and as Forrestdale Lake will attenuate the flows prior to overtopping, neither the capacity of the Forrestdale Main Drain nor the viability of the Wungong Master Plan area would be compromised by flows from the SP South precinct structure plan area.

PB response Point 5.3 – The stormwater from the SP South precinct should not be re-directed to the north because this would reduce the stormwater travel time to the Forrestdale Main Drain and it would cause a back-water condition, which would impact on the present capacity of the Forrestdale Main Drain.

<u>City of Armadale Query 6.</u> What other options/contingencies are available for water management if James Drain cannot address the water quality and water balance issues?

PB response Point 6.1 – The above explanations outline how all water quality and water balance issues will be managed within the South precinct structure plan area and therefore there is no requirement to alter James Drain post development and no other options/contingencies are required.

Parsons Brinckerhoff conclude that it is important to note the investigation and reporting to date have only been to a level of detail to support the MRS rezoning. As noted in the documentation and as required by the ILWMP, more detailed site investigations and reporting will be required to accompany the structure plan and with an even greater level of detail and reporting required at the subdivision stage.

(<u>Further City of Armadale Comments on the PB responses</u> – key queries the applicants will have to provide satisfactory answers to, if the proposal is to progress beyond the MRS stage are:

- who will pay for the establishment of the easement?
- how will the easement be implemented given it traverses at least 10 other proper ties (not party to this rezoning) in addition to the two landowners mentioned?
- how will ongoing maintenance of the drain be paid for? (a Special Area Rate may be one option to consider);
- the assumption that *"no modifications are required to James Drain"* is a critical issue that should have a full assessment undertaken by Technical Services Directorate prior to proceeding beyond the MRS zoning stage (a specialised hydrological and environmental expertise may have to be obtained to assist the City's assessment and this should be at the applicants cost).

Techniques of water quality management to be applied will also need to be detailed at subsequent stages of the local scheme amendment (Local Water Management Strategy) and subdivision stages (Local Water Management Plan).

OPTIONS

1. That Council support the WAPC initiation of a new MRS Amendment to Urban zone to provide for the sustainable urban development of a new community in the *"SP South"* precinct as identified in the *Indicative Staging Plan - North Forrestdale*. This Option will allow the statutory processes, which can be lengthy, to commence while the developers carry out research on environmental, servicing and infrastructure issues and the City liaises with the Water Corporation and the other agencies to finalise the *Integrated Land and Water Management Plan* (draft in preparation) and the *Arterial Drainage Scheme for Forrestdale Main Drain* (draft in preparation) and any requirements for James Drain and Forrestdale Lake.

2. Council could prefer support for an Urban Deferred zoning, rather than straight to Urban zone. An Urban Deferred zoning would provide the applicant with a level of certainty to enable necessary investigations and planning to be carried out, while also ensuring that the applicant addressed the outstanding issues in a Structure Plan, before statutory planning proceeded to local scheme amendment stage. If an Urban Deferred zoning was initially put in place, the transfer of the land to the Urban zone can be effected by resolution of the WAPC and this could achieved concurrently with the gazettal of a local TPS No.4 Urban Development zone and Local Structure Plan. Rezoning to Urban Deferred zone, rather than straight to Urban MRS zone, may have a regulatory advantage of curtailing opportunities to exploit and leverage conventional avenues of appeal and legal review, which could risk undermining of broad planning objectives for the area. However, an Urban Deferred zone also introduces an additional planning step into the already lengthy and well-scrutinised planning process and therefore has that inherent inefficiency.

3. That Council decline to support initiation of a new MRS Amendment to Urban zone at this time until the *Integrated Land and Water Management Plan* and *Arterial Drainage Scheme for Forrestdale Main Drain* have been completed and until greater certainty is established over the status, adequacy and requirements for additional upgrading works, easements and future maintenance of James Drain and Forrestdale Lake. However, the above Water Corporation district level projects have been inordinately slow in development and while imminent completion has been mooted, there is no guarantee of such an outcome and hence this option risks setting back and delaying the lengthy planning process for urban development, which the City otherwise supports and this also delays the wider community benefits accruing from a further consolidation of the successful new urban residential area being established in North Forrestdale.

CONCLUSION

The current proposal is to progress an Amendment to Urban zone under the MRS. In due course if the Urban rezone is gazetted, the City would be obliged to initiate an amendment to its TPS No.4 to zone the area to a zone compatible with the new MRS Urban zone. The formal MRS advertising and assessment process would normally take a minimum of 12 -18 months for gazettal to take place (i.e. early 2008 at the earliest) and approximately 6 months before it was advertised.

If at gazettal of the MRS, uncertainties remained, depending on how the applicants address the drainage/James Drain issues outlined in this report, nothing would prevent Council from introducing an amendment to Residential zone for example coded at a low density R2 (5000m² minimum lot sizes). The larger R2 lot sizes of the lower density R2 code (for example) would allow all urban water to be managed on site.

However, providing the applicants can satisfactorily resolve the drainage and any other issues that may arise in the process, the anticipated average density coding would be in the order of R25 (500m² minimum lots) upwards to a R40 density code (250m² per lot).

The City will require the applicant to provide additional assurances particularly for the water management and drainage planning issues before Council is confident that all issues will be resolved to its satisfaction in the subsequent local stages of statutory planning. In that regard, the associated Concept Structure Plan is indicative only and all issues during the MRS Amendment and public consultation period will need to undergo more detailed assessment in subsequent applications for rezoning under the Urban Development zone of TPS No.4 and a Structure Plan under Part 6 of the Scheme.

The WAPC also has the right to finalise gazettal of the Amendment with an Urban Deferred zoning if these matters are not satisfactorily resolved and the City can reserve the right to seek this change in its subsequent submission on an advertised amendment, if a framework for resolution of all the issues has not been satisfactory progressed by this time.

In conclusion, there remain a number matters to be clarified prior to advancement of changes to the TPS No.4. However, the key issues of drainage and environmental management are best resolved in liaison with and feedback from expertise within the state land and water management agencies. Accordingly the proposed MRS amendment will provide a formal process whereby all relevant agencies have to assess the proposal and provide feedback.

Land, water and environmental agency feedback on the proposed urbanisation of the 3rd stage in North Forrestdale can then be incorporated into subsequent provisions such as specifying objectives and requirements under TPS No.4 Schedule 12 – Development (Structure Plan) Areas.

It is recommended the City support the initiation of an Amendment to the MRS to include the *"SP South"* precinct and Lot 12 Nicholson Road and Lot 2 Armadale Road in the Urban zone. In the interim the City can work with the applicants to clarify requirements for James Drain, and in that respect the City should seek the applicant's assurance that the cost of all assessments the City is required to undertake in administering statutory planning changes for the area will be funded at the applicant's cost. Council can review progress in that respect when the MRS amendment is advertised and may seek a modification to an Urban Deferred Zone if progress is not satisfactory.

Chair and Planning Services Manager briefed COMMITTEE on the PRM Property Group meeting with Council representatives held on 13th November regarding development in southern North Forrestdale.

Executive Director Development Services advised that a new Part (3) "That Council request the WAPC to consider the acquisition of the land reserved for Parks and Recreation under the MRS on Gibbs Road" be included in the recommendation.

COMMITTEE requested that as "James Drain" was a significant drain, it form part of the Water Corporation's drainage system and that a new Part (5) "That in view of James Drain being a significant drain and the land being subject to drainage rates that the Water Corporation be requested to include the drain in the Corporation's arterial drainage system" be added to the recommendation.

Accordingly the recommendation was amended.

D126/11/06 RECOMMEND

1. That Council recommend to the Western Australian Planning Commission via the South East District Planning Committee that the "*SP South*" precinct, which is identified as the third stage urbanisation of North Forrestdale, in addition to Lot 12 Nicholson Road and Lot 2 Armadale Road, be rezoned from the Rural zone to the Urban zone in the Metropolitan Region Scheme.

2. That Council advise the applicants and the WAPC of the following matters, which will need to be addressed as planning for the "SP South" precinct proceeds:

a) The planning process for the "*SP South*" precinct will need to clarify the status, capacity, required works and an orderly programme to secure and manage "*James Drain*" over the longer term, prior to Council's support for finalisation of Urban zoning and subsequent initiation of an Urban Development zone under TPS No.4.

b) Council indicate that its support for the MRS Urban zone proposed by the landowners is conditional upon the applicant's being prepared and providing the City with a letter of assurance that they will:

- **undertake all documentation that may be required for assessment by the City and other agencies, including environmental reviews and infrastructure reports; and**
- **acknowledge that the applicants agree to separately fund independent technical advice to the City at the applicant's expense in respect to the requirements for James Drain to accommodate the stormwater flows associated with urbanisation of the SP South precinct.**

3. That Council request the WAPC to consider the acquisition of the land reserved for Parks and Recreation under the MRS on Gibbs Road.

4. That Council further advise the applicants that:

a) The location description of *"South Forrestdale"* is not supported and until the new proposed locality names are finalised, the terms *"Third Stage Urbanisation of North Forrestdale"* and *"SP South Precinct"* are preferable descriptions of the area for planning purposes.

b) In order to avoid potential delays to the urbanisation of the area, Council recommends the applicant prioritise resolution of all issues identified in this assessment report and/or subsequently raised in the formal MRS public submissions period. The applicant should liaise with the appropriate state agencies with a view to providing Council with adequate assurances that all issues can and will be resolved in the subsequent local stages of statutory planning.

c) Subsequent local planning for the "SP South" precinct should be mindful of the need to establish a residential area with an identifiable "character" and which has desirable qualities for family living.

d) Structure Planning and subsequent subdivision plans should include objectives and clarify mechanisms and programmes for retaining as much of the good quality existing native vegetation on the site in areas of public open space and road reserves as can practicably be achieved and for maintaining/establishing a minimum of 30% of POS area with low-maintenance retention/plantings of native vegetation.

e) The consideration of on-going maintenance and asset management/replacement costs for POS areas and other infrastructure and the likelihood of a Specified Area Rate being imposed.

f) The prospective treatments for the intersections of Wright Road with Armadale/Taylor Roads need to be considered, particularly whether a partial road realignment should be programmed as part of the structure plan to meet safety standards acceptable to the City.

5. **That in view of James Drain being a significant drain and the land being subject to drainage rates that the Water Corporation be requested to include the drain in the Corporation's arterial drainage system.**

6. **That the Development Services and Technical Services Directorates provide the applicants with further technical and planning advice to assist in the applicants addressing the requirements for James Drain and in the preparation of subsequent documentation for Council's consideration of local statutory planning, including an Urban Development zone and a local Structure Plan.**

MOVED Cr Knezevich
MOTION CARRIED (6/0)

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

The proposed application to rezone Lot 202 Canns Road, Bedfordale was withdrawn at the applicant's request and will be recommitted to the next Development Services Committee meeting pending further information from the applicant.

Cr Wallace left the meeting at 8.23pm and did not return.

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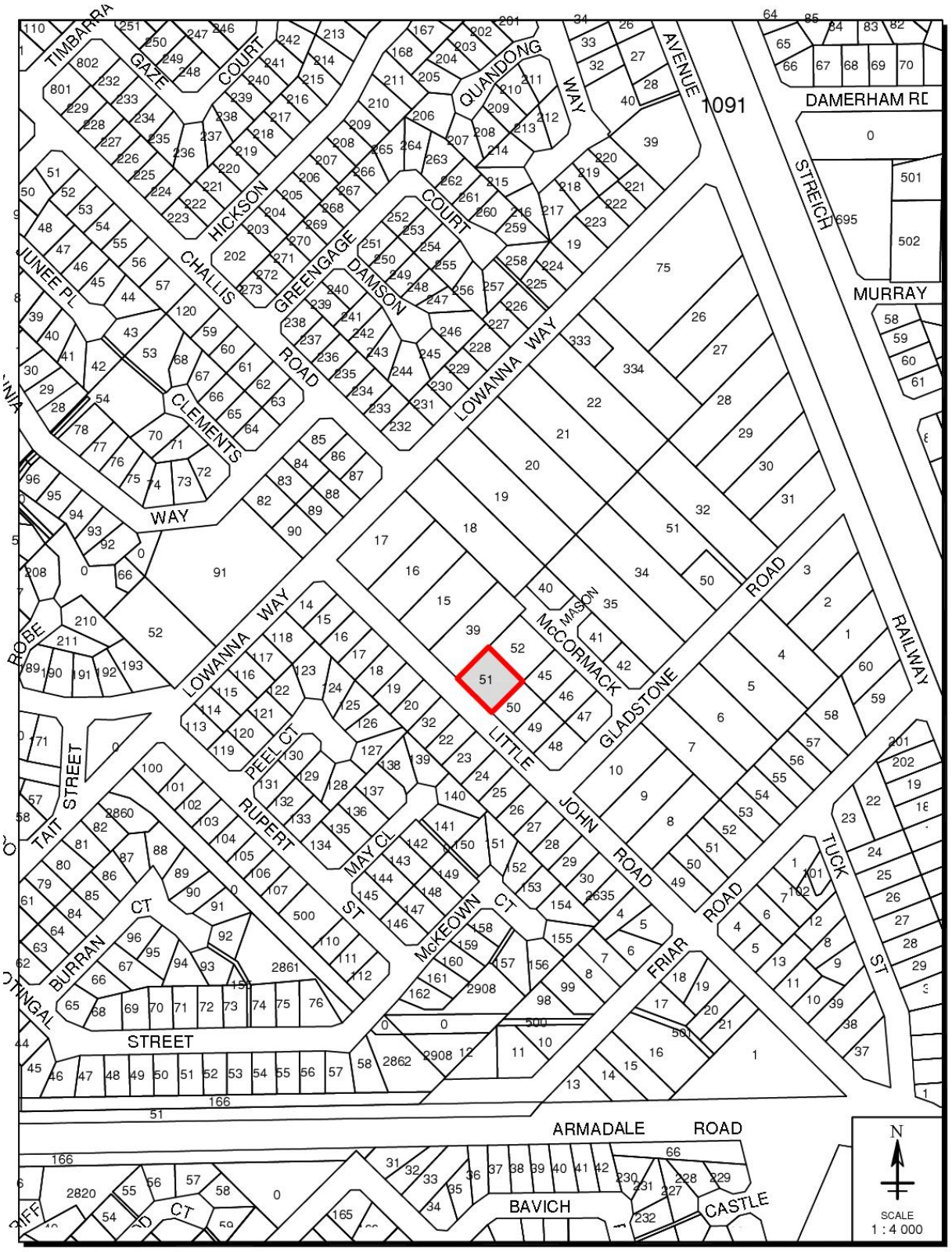


LOCATION PLAN - OVERSIZE OUTBUILDING
LOT 51 LITTLE JOHN ROAD, ARMADALE

VARIATION OF THE RESIDENTIAL DESIGN CODES TO ALLOW FOR A 108m² OUTBUILDING TO BE CONSTRUCTED ON LOT 51 LITTLE JOHN ROAD, ARMADALE

WARD	:	MINNAWARRA
FILE REF	:	A194007
DATE	:	1 November 2006
REF	:	IT
RESPONSIBLE MANAGER	:	BSM
APPLICANT	:	MR WATKINS
LAND OWNER	:	P & D WATKINS
SUBJECT LAND	:	Property size 1458m² Map 22-04
ZONING MRS/TPS No.2	:	Urban / Residential 15/40

In Brief:-

- A request for a variation of the Residential Design Codes to allow for a 108m^2 outbuilding to be constructed on Lot 51 (No.55) Little John Road, Armadale.
- A recommendation that the application be refused, on the basis of its likely adverse impact on surrounding properties.
- A further recommendation that the applicants be invited to submit an amended application proposing an outbuilding constructed of Colorbond materials, of no more than 90m^2.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

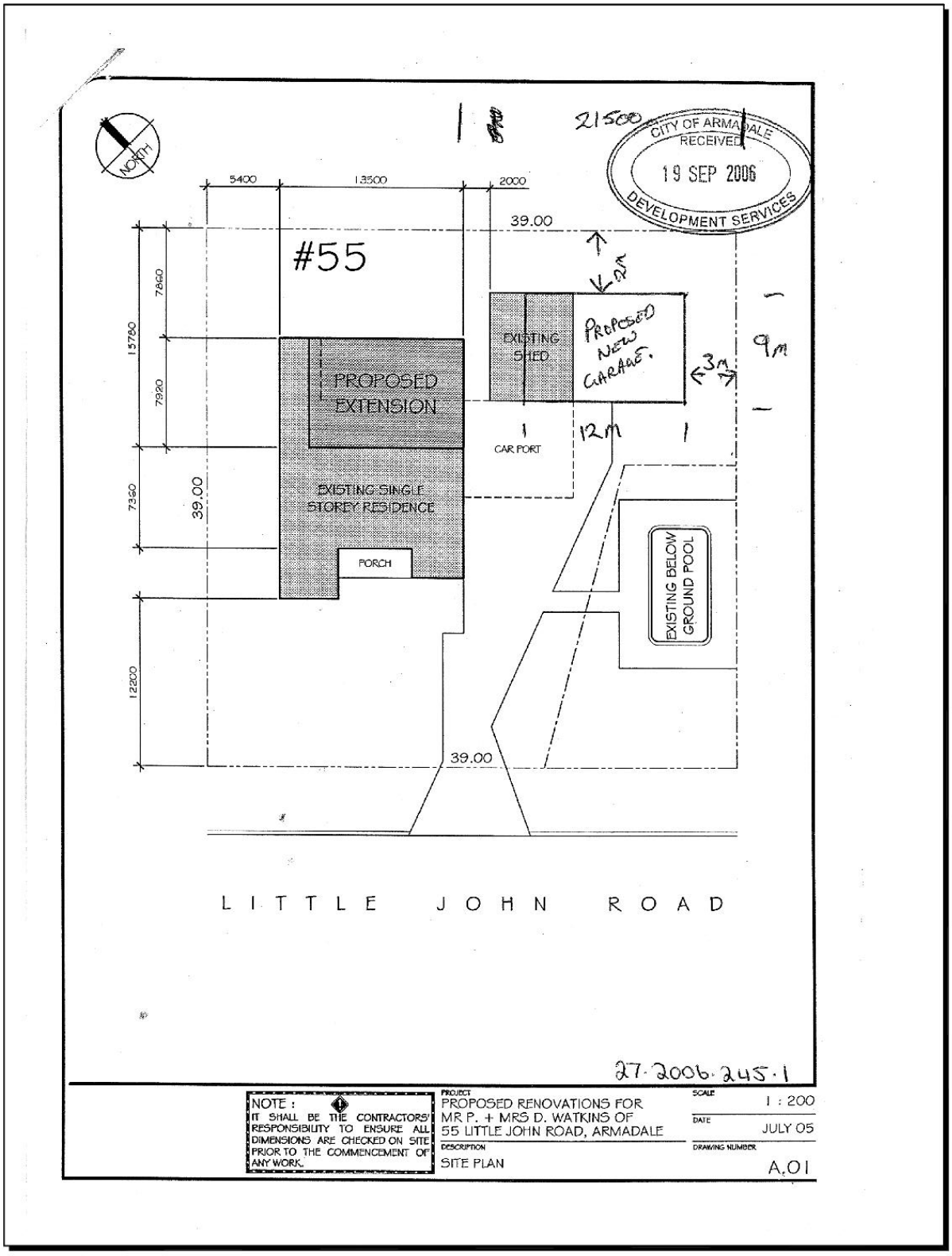
Planning and Development Act 2005
Residential Design Codes

Council Policy / Local Law Implications

PLN 3.4 The Siting and Scale of Outbuildings in Residential and Rural Areas.
Page 146 of Policy Manual

Budget / Financial Implications

Nil.



SITE PLAN
LOT 51 LITTLE JOHN ROAD, ARMADALE

Consultation

- Affected landowners
- The Senior Liaison and Compliance Officer

DETAILS OF PROPOSAL

The applicant proposes to construct an outbuilding of 108m² to replace an existing smaller shed existing on the lot.

The applicant has listed a need for the larger sized outbuilding to store and secure a boat, two off-road vehicles and four recreational vehicles (Quad Bikes).

COMMENT

The Residential Design Codes prescribe a maximum outbuilding size for all lots zoned for Residential purposes of 60m². The Codes have a discretionary mechanism for a Local Government to consider an outbuilding exceeding the "Acceptable Development" size. The discretion involves consultation with affected residents.

Council Policy PLN 3.4 (The Siting and Scale of Outbuildings in Residential and Rural Areas) provides guidance when land owners request Council's discretion to allow an outbuilding greater than 60m². This policy contemplates an outbuilding of approximately 90m² on the applicant's lot of 1458m².

Consultation with adjacent landowners identified that a number of concerns are held by residents surrounding the applicant's property. Most comments relate to a fear that a larger building will be used for commercial purposes. ***Refer to Confidential Attachment "B1" of the Agenda for location plan of respondents.***

The Senior Liaison and Compliance Officer has been consulted and advises that the applicant's lot has not been the focus of any long term concern in regard to inappropriate use of the residential site.

On the basis of the above, officers are of the view that a modest increase in floor area could be approved without adversely impacting on the surrounding community.

OPTIONS

1. Refuse the request to vary the "Acceptable Development" provisions of the Residential Design Codes to allow a larger outbuilding on the basis of the likely adverse impact of the proposal on the surrounding residents.

2. Refuse the request, but invite the applicant to amend the size of the outbuilding to parameters considered reasonable by Council and submit the application for reconsideration.

3. Approve the request as submitted.

AERIAL PHOTOGRAPH
LOT 51 LITTLE JOHN ROAD, ARMADALE

CONCLUSION

On the basis of the above, Option 2 is considered to be the most appropriate course of action in the circumstances.

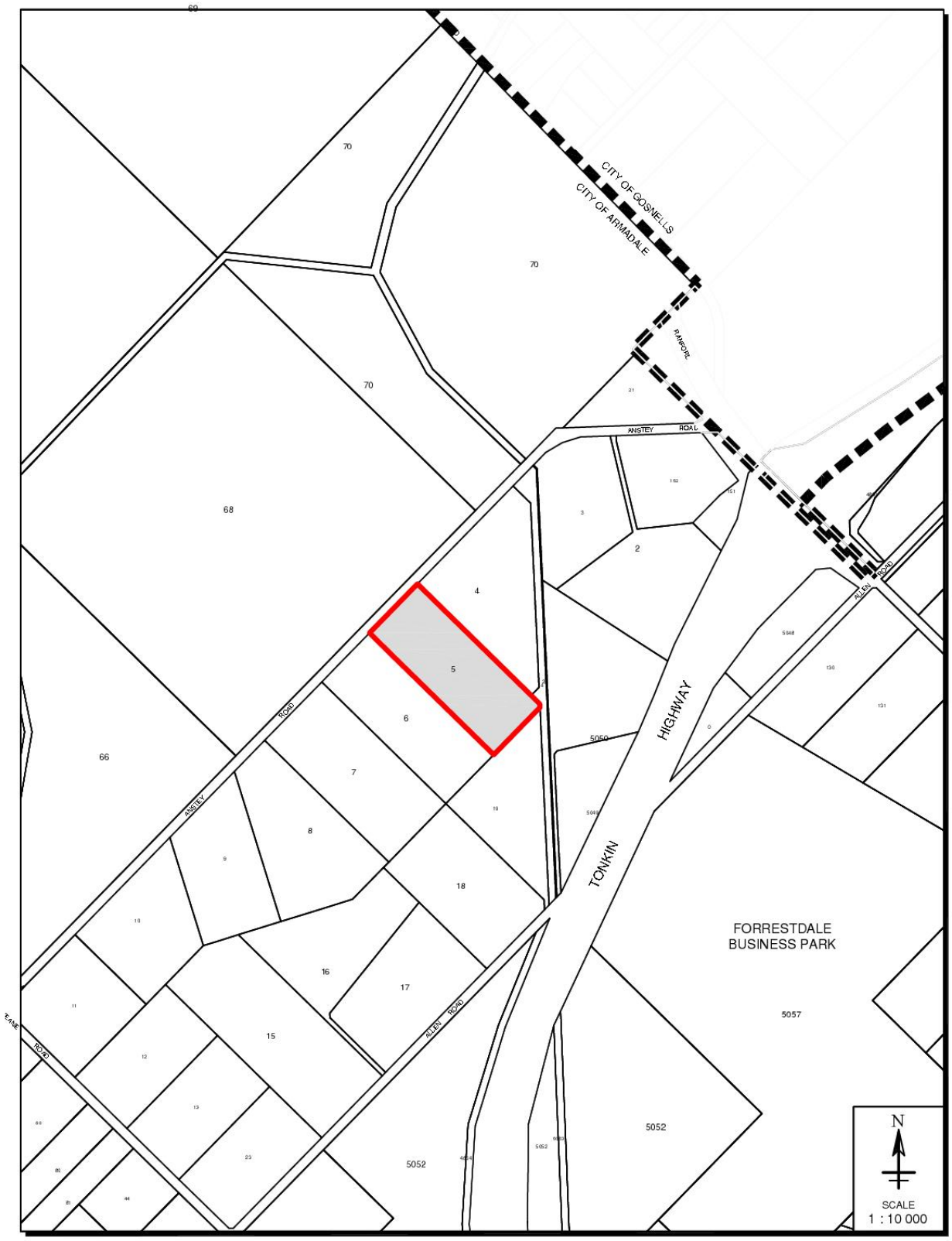
D127/11/06 RECOMMEND

That Council resolve:

1. **That the application for a variation of the "Acceptable Development" provisions of the Residential Design Codes to allow for a 108m² outbuilding to be located on Lot 51 (No.55) Little John Road, Armadale be refused, on the basis of its likely adverse impact on surrounding properties.**

2. **That the applicants be invited to submit an amended application for consideration by officers under delegation from Council proposing an outbuilding constructed of Colorbond materials, of no more than 90m².**

MOVED Cr Knezevich
MOTION CARRIED (6/0)



LOCATION PLAN
LOT 5 ANSTEY ROAD, FORRESTDALE

PROPOSED CHANGE OF USE TO PLACE OF WORSHIP – LOT 5 (No.226) ANSTEY ROAD, FORRESTDALE

WARD	:	LAKE
FILE REF	:	A186595
DATE	:	8 November 2006
REF	:	IG
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Peck Kui Kwang
LAND OWNER	:	Chinese Methodist Church In Australia INC – Willetton
SUBJECT LAND	:	Lot 5 (No.226) Anstey Road, Forrestdale
ZONING		
MRS	:	Rural
TPS No.4	:	Rural Living - 4

In Brief:-

- The application is for a "Change of Use" to allow Lot 5 Anstey Road, Forrestdale to be used as a "Place of Worship". A temporary three (3) year approval is sought.
- The proposal was advertised to nearby landowners. Four (4) submissions were received.
- The potential impacts of the proposal can be managed through conditions.
- Recommend that Council approve the application, subject to appropriate conditions, including additional parking, a noise management plan and a three (3) year approval period.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Nil.

Legislation Implications

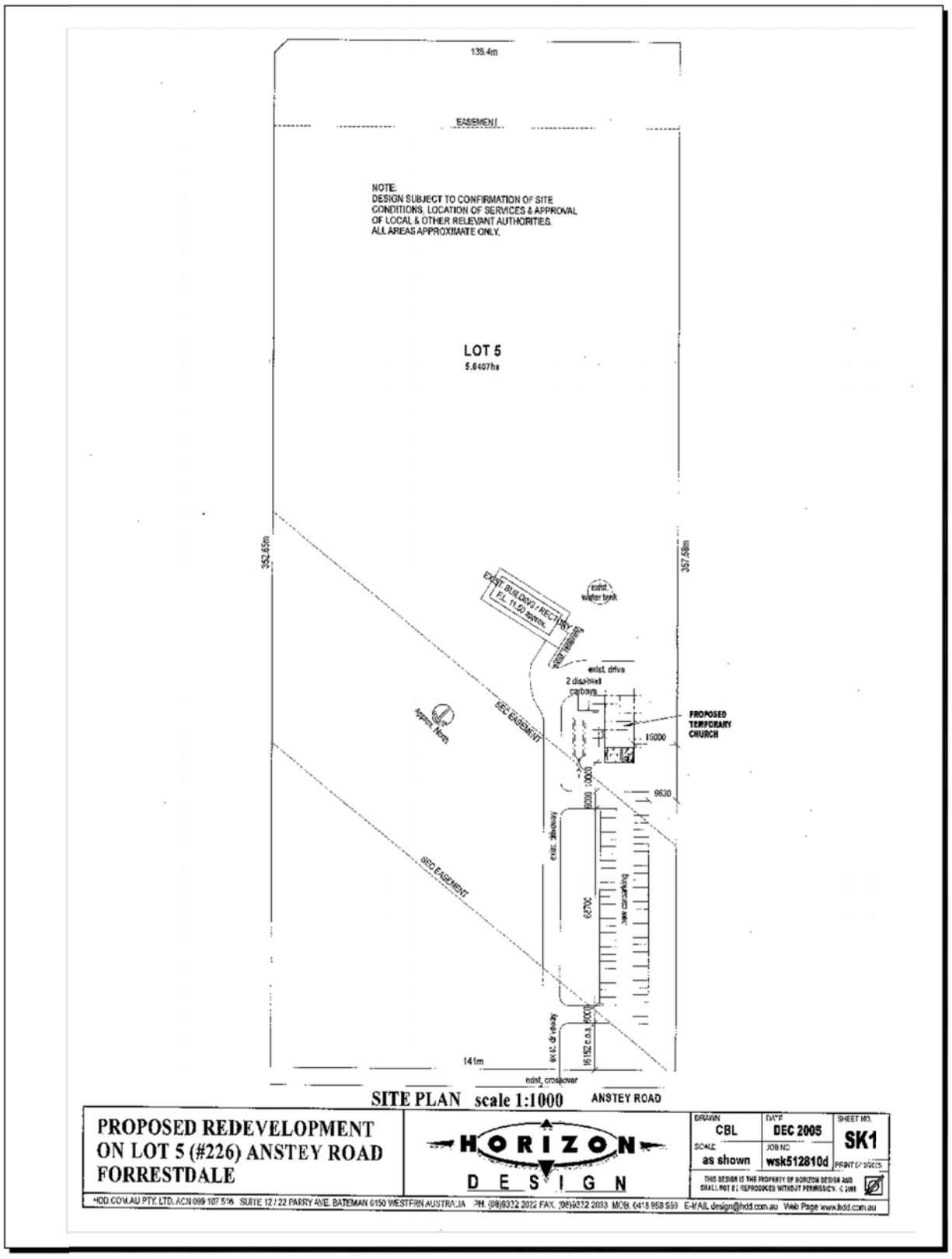
Metropolitan Region Scheme
Town Planning Scheme No.4
Planning and Development Act 2005

Council Policy / Local Law Implications

Local Planning Strategy 2005
Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (2001) (SRFBWDSP)

Budget / Financial Implications

Nil.



SITE PLAN
LOT 5 ANSTEY ROAD, FORRESTDALE

Consultation

- Development Control Unit
- Surrounding Landowners

BACKGROUND

Lot 5 (No.226) Anstey Road is a 5.04 ha lot zoned 'Rural Living - 4' under Town Planning Scheme No.4 and 'Rural' under Metropolitan Region Scheme. Currently, there is a single dwelling, a shed and rain water tank situated on the lot.

Council has received an application for a 'Change of Use' to operate a 'Place of Worship' from the above property.

DETAILS OF PROPOSAL

The applicant proposes to utilise the existing shed at the subject lot as a place of worship (Chinese Methodist Church) for a temporary period of 3 years.

The proposal includes the following:

- Maximum attendance of 120 people;
- Operating hours from 7.00pm to 10.00 pm on Friday and 8.00am to 2.00pm on Sunday;
- Religious activities include prayers and children and youth programs; and
- 59 parking bays on site with associated landscaping.

Although not part of this application, the applicant has provided details of their future aspirations for this site as follows:

Within the next three years:

- Properly constructed church to accommodate 250 – 300 congregations.
- Sunday school classes & offices in close proximity to Anstey Road to facilitate the larger congregation.

Within the next five to eight years:

- A theological school to accommodate up to 100 students.

Within the next ten to fifteen years:

- Expand the church to cater for one thousand congregations per one service.
- Half of the property for retirement homes when rezoning of the land occurs.

AERIAL PHOTOGRAPH
LOT 5 ANSTEY ROAD, FORRESTDALE

COMMENT

Development Control Unit (DCU)

At its meeting held on 18 July 2006, DCU supported the proposed change of use and recommended that the item be referred to Council for approval subject to appropriate conditions. The Health Department of the City recommended that the applicant submits and implements a Noise Management Plan to confirm that there will be no adverse noise impact on the neighbouring properties.

Surrounding Landowners

The proposal was referred to surrounding landowners for comment for a period of two (2) weeks. 2 submissions of support and 2 submissions of objection were received.

Key Issues arising from Submissions

Issue 1 – Noise

Comment

The neighbours on either side of the subject lot have provided letters of no objection to the proposal. All other lots on Anstey Road are a minimum of 150m from the subject lot and the chances of noise generated by a place of worship as proposed in this application is unlikely to have an adverse impact at this distance. It is recommended that the applicant submits and implements a Noise Management Plan. The lots at the rear of the subject lot are a minimum of 200m from the proposed temporary place of worship and also directly abutting Tonkin Highway. These lots would be affected by noise generated by the traffic on Tonkin Highway.

Recommendation

That the issue be supported in part. A Noise Management Plan should be required.

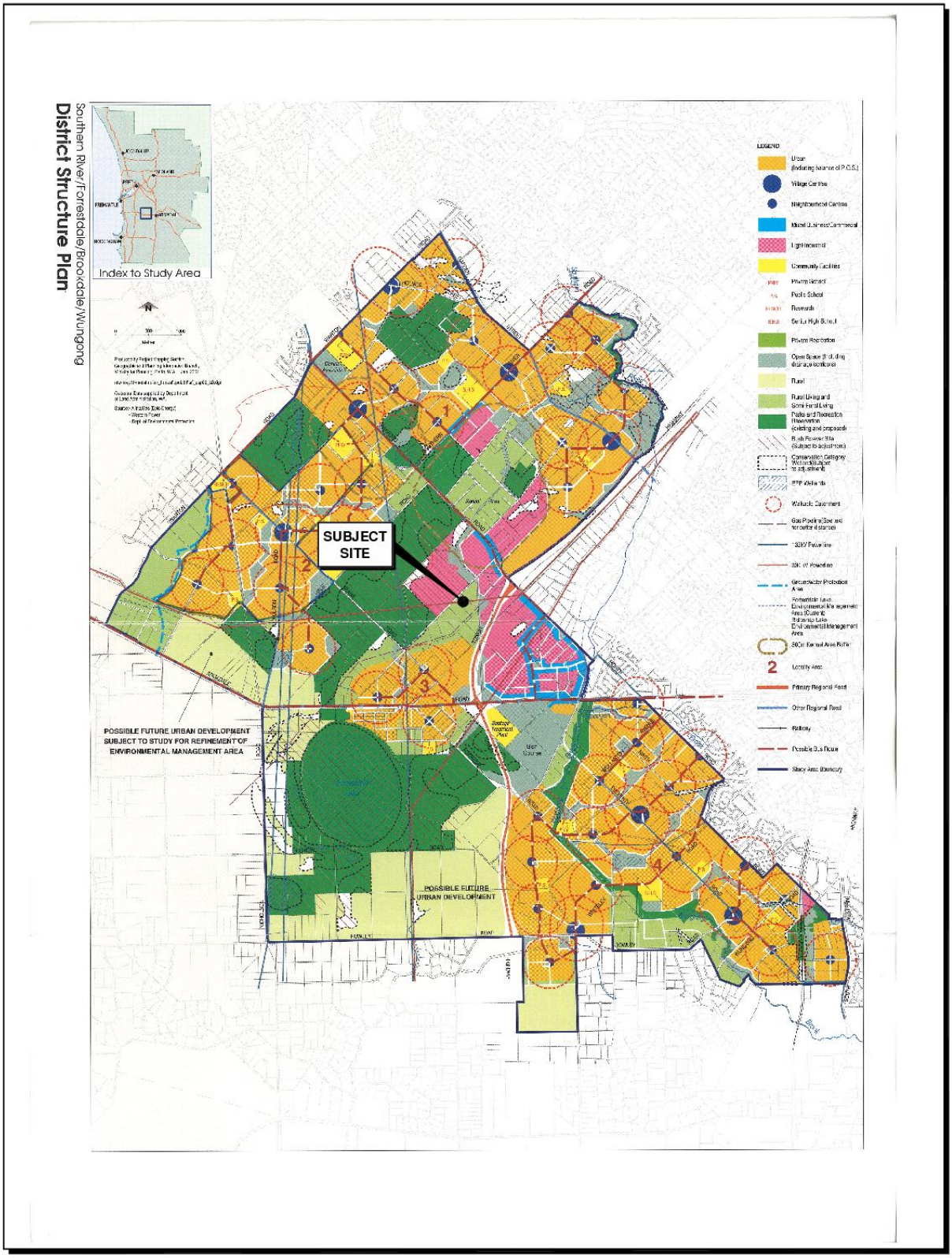
Issue 2 - Increased car parking and traffic issues generated by the use

Comment

All parking is proposed to be on site and the church operation as currently proposed is limited to a few hours during 2 days of the week. Although the increase in traffic volume is acknowledged, because of the large sizes of the surrounding rural properties the impact is unlikely to cause a major concern. However, the future uses of the site are likely to have a significant impact on the locality, therefore traffic impact and management plans would be required with several of the future uses.

Recommendation

That the issue not be supported.



DISTRICT STRUCTURE PLAN
SOUTHERN RIVER / FORRESTDALE / BROOKDALE / WUNGONG

Issue 3 – Conducting a place of worship within the rural aspect of the property will decrease sale options of the adjoining properties.

Comment

No evidence is provided to justify devaluation of nearby property due to a church operation within a Rural area. Furthermore, this issue is not a relevant planning consideration.

Recommendation

That the issue not be supported.

Issue 4 - Allowing one church will set a precedent and more will follow.

Comment

As assessments of applications are based on their merits and compliance with the TPS requirements, it is not likely that a church approval will set a precedent in this instance. Each proposal should be determined on their merits.

Recommendation

That the issue not be supported.

ANALYSIS

Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (DSP)

The subject site is earmarked as Rural Living / Semi Rural Living under the Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (DSP). The area to the north is identified as Light Industrial. Whilst the proposed land use is considered to be generally consistent with the intent of the Rural Living zoning identified under the DSP, the future uses (such as retirement village, etc.) may not be consistent.

Town Planning Scheme (TPS) No.4

Lot 5 Anstey Road is zoned Rural Living 4 under Town Planning Scheme No.4. A "Place of Worship" is a discretionary (A) use under TPS No.4 (i.e. *"means that the use is not permitted unless the City has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4"*).

Clause 4.2.3 specifies the objectives of the Rural Living zone including:

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

The proposed use of the shed for a place of worship is consistent with the objectives of the Rural Living zone, however future expansion of uses to include a school and retirement homes and a significant church to cater for one thousand congregations per one service is unlikely to be consistent the objectives of the Rural Living zone and would require an amendment to TPS No.4.

Land Use Compatibility

The proposed use on the subject lot is considered acceptable as the activities proposed are primarily conducted indoors and at times on a Friday night and Sunday morning. Uses surrounding the proposed lot are mainly rural-residential. The proposed use is not considered to pose a major impact on these surrounding land uses as all the parking will be accommodated on site.

All premises are required to comply with the Environmental Protection (Noise) Regulations 1997. As it is the responsibility of the operators to supervise activities appropriately, the applicant should be advised of the need to comply with the regulations if the proposal is approved.

The City's Environmental Health Department requested the applicant submit and implement a Noise Management Plan to comply with the Environmental Protection Authorities Noise Management Regulations. If the applicant is unable to satisfactorily demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 during particular times, then the proposed operating hours may need to be restricted through the noise management plan.

Parking

Parking provisions for the proposed land use under the TPS No.4 requires one (1) space for every 2.5m² of seating area plus one (1) space for every staff member present during peak operation. The proposed land use requires 75 parking bays for the shed to be used as a place of worship. The proposed car parking area only includes 59 bays, a shortfall of 16 parking bays. The property will be capable of accommodating the required parking bays and a condition could be applied for the required 75 parking bays to be provided.

Landscaping

Landscaping for the proposal may be controlled through an appropriate landscaping condition. The applicant has agreed to landscape areas indicated by the City to improve the visual amenity of the site.

Future Aspirations

The future plans for the subject site are considered to be too intense for Rural Living zoned land and will raise a number of significant issues (including drainage, noise, amenity impacts, traffic, landscape impacts, etc.). The applicant should be advised that the City's approval of the use of the shed for a 3 year period as a place of worship should not be construed as an approval or support for the future plans for the site. The applicant's future use and development proposals for the land will require justification and assessment, which is likely to include the rezoning of the land via a scheme amendment.

OPTIONS

1. Council may approve the application with appropriate conditions on the grounds that the proposal is consistent with the objectives and purposes of the Rural Living 4 zoning, the shed already exists and that it is a temporary approval.

2. Council may refuse the application if it is of the view that the proposed development is not consistent with the objectives of the Rural Living zone, may impact on surrounding land uses and any other reason the Council considers appropriate.

CONCLUSION

The proposed use is considered to be compatible with surrounding land uses and is unlikely to have a detrimental impact on the amenity and function of the surrounding area. Although parking is not adequate, it is considered that there is ample space to provide the required number of parking spaces on site. The proposed hours of usage are acceptable and are not expected to result in traffic or amenity concerns in the vicinity. In this regard, it is recommended that Council adopt Option 1 above and approve the application for a three (3) year period.

D128/11/06 RECOMMEND

That Council resolve to:

1. Approve the application for a 'Place of Worship' at Lot 5 Anstey Road, Forrestdale, subject to the following conditions:

a) This temporary approval is valid for a period of three (3) years from the date of this approval, after which time, the use shall cease and all associated equipment shall be removed and the site reinstated within 60 days to the satisfaction of the Executive Director Development Services.

b) Submission and implementation of a Noise Management Plan to demonstrate proposed operating hours and activities on site comply with the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the Executive Director Development Services.

c) Operating hours to be in accordance with the approved Noise Management Plan, to the satisfaction of the Executive Director Development Services.

d) Attendance capacity of the proposed shed to be restricted to a maximum of 120 persons.

e) Submission of a landscape plan for the site to include car park shade trees to the satisfaction of the Executive Director Development Services and such landscaping to be installed and maintained thereafter in accordance with the approved plan.

f) All hard standing areas including car-parking areas, crossovers, driveways and vehicle manoeuvring areas shall be constructed, drained, sealed, kerbed, marked and continuously maintained to the satisfaction of the Executive Director Technical Services.

g) Submission of a revised site plan indicating 75 car parking bays in a configuration to the satisfaction of Executive Director Technical Services.

2. Advise the applicant that this temporary approval should not be construed as an approval or support for the future plans for the site. Such uses and development proposals for the land will require justification and assessment, which is likely to include the rezoning of the land via a scheme amendment.

MOVED Cr Everts
MOTION CARRIED (6/0)

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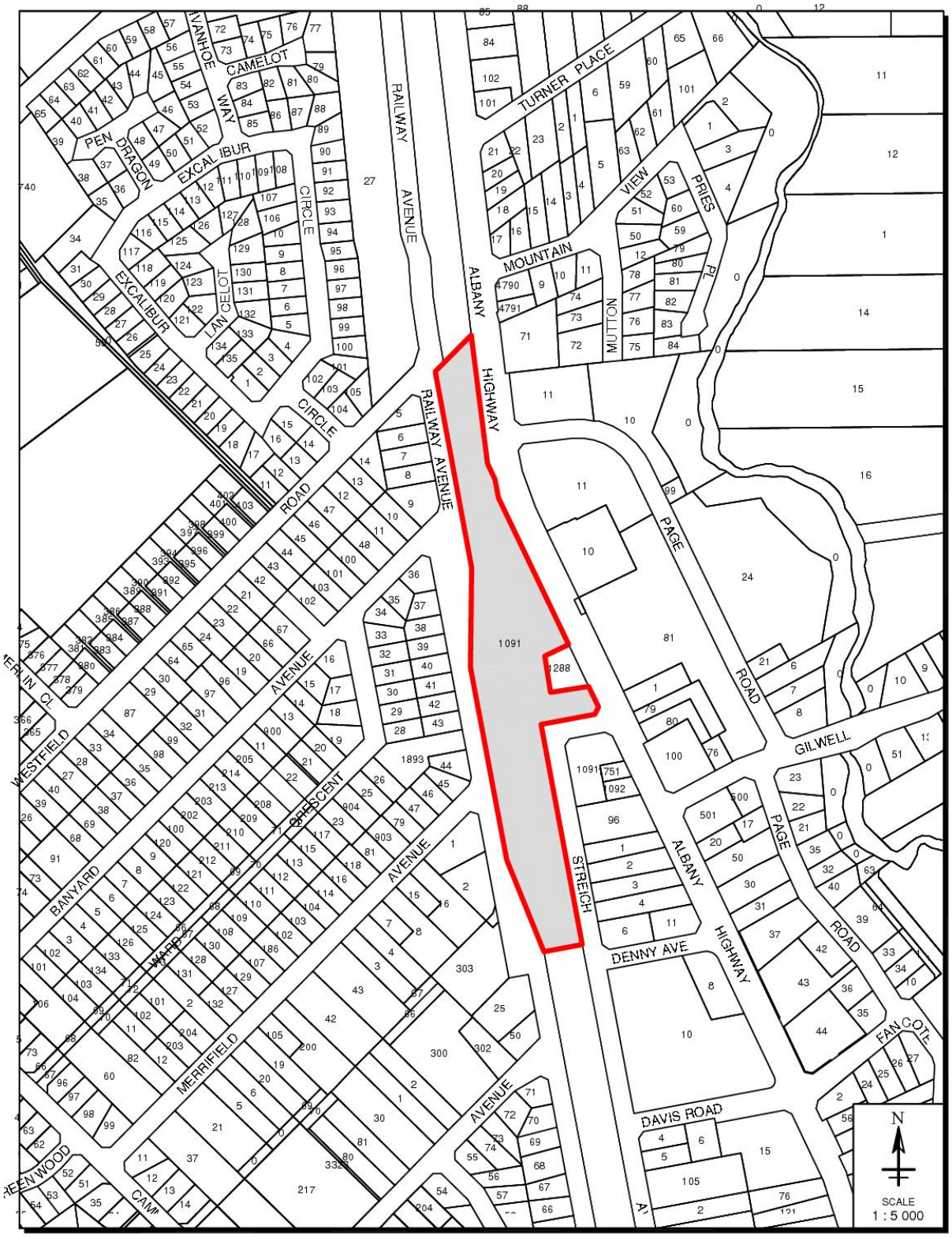


LOCATION PLAN
KELMSCOTT TRAIN STATION

Cr Reynolds and Cr Zelones advised Committee that they are members of the Armadale Redevelopment Authority Board. However, as they are not members of the ARA Planning Committee they will have no input to that body decision making process relating to this proposal.

PROPOSED KELMSCOTT RAILWAY STATION REDEVELOPMENT – RESERVE 22555

WARD	:	RIVER
DATE	:	3 November 2006
APPLN No.	:	37.2006.58.1
REF	:	GW
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Public Transport Authority (PTA)
LANDOWNER	:	Public Transport Authority (PTA)
SUBJECT LAND	:	Reserve 22555
ZONING	:	Armadale Redevelopment Scheme Area

In Brief:

- The Armadale Redevelopment Authority has received an application to redevelop the Kelmscott Railway Station.
- The application has been referred to the City for comment in accordance with Section 47 of the Armadale Redevelopment Authority Act 2001 and a response is required by 20th November 2006.
- Council support the proposal, provide additional comments with respect to the design of the station and note Council officers are to conduct a further detailed assessment of the proposal and formulate recommended conditions to the ARA.

Tabled Items

Design Plans

Officer Interest Declaration

Nil.

Strategic Implications

Nil.

Legislation Implications

Planning and Development Act 2005
Armadale Redevelopment Act 2001

Council Policy / Local Law Implications

Nil.

AERIAL PHOTOGRAPH
KELMSCOTT TRAIN STATION

Budget / Financial Implications

To be determined.

Consultation

Internal Departments currently being consulted.

OVERVIEW

The purpose of this report is to provide a brief synopsis of the proposal as submitted and provide Council with an opportunity to comment on the proposal. In order to meet the 30 day statutory time period (being the 20th November 2006) to provide formal comments to the ARA, Council officers will be undertaking a detailed assessment of the proposal and formulate recommended conditions to accompany the outcome of Council's deliberation on the proposal.

A formal deputation will be made at the Development Services Committee meeting by the Public Transport Authority (PTA) to provide a more detailed review of the proposal.

BACKGROUND

The ARA referred a development application for the redevelopment of the Kelmscott Railway Station to the City for comment on 20 October 2006 pursuant to Section 47 of the Armadale Redevelopment Act 2001, as the subject land is located within the Armadale Redevelopment Scheme Area.

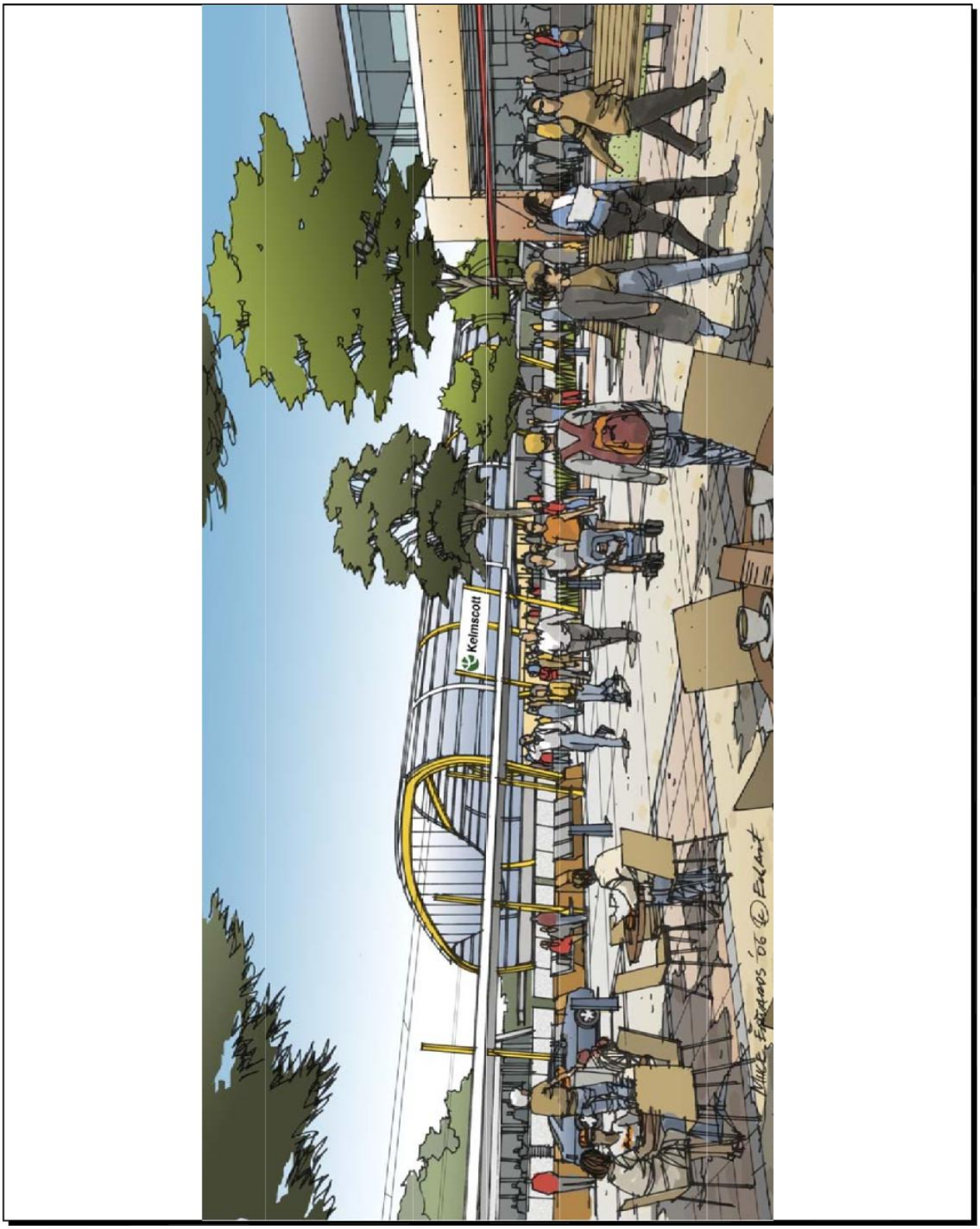
As the ARA is the determining authority in this instance, the City is only required to provide a recommendation to the ARA in this regard.

DETAILS OF PROPOSAL

The proposal involves redevelopment of the existing Kelmscott Railway Station site. Details pertaining to the application include the following:

Redevelopment Works

- Refurbishment and redesign of the existing platform;
- New platform and shelter (main entrance);
- New transit guard booth and public toilets;
- New passenger drop-off bays along the west (main car park) and east (Streich Avenue) side of the station;
- Expansion of the existing car parking facilities from 211 bays to 290 bays;
- Provision for public art;
- Pedestrian zebra crossing across Streich Avenue;
- Minor demolition of existing platform, toilets and redesign of existing car parking areas;



KELMSCOTT STATION UPGRADE
CONCEPT DRAWING

Colours & Materials

- Exposed structural steel to be painted in a yellow and white colour scheme;
- Roof to be constructed of colorbond material in an "off white" colour scheme;
- Walls to be constructed of "translucent polycarbonate (Danpalon)" material in a light blue colour scheme and perforated stainless steel material incorporating art panels;
- Paving to be a selection of masonry materials of natural colour schemes (including "laterite" to reflect the natural earth colours);
- Car parking areas and busway to be constructed of black bitumen or red bitumen in feature areas.

COMMENT

Development Control Unit (DCU)

The application has been referred to other internal departments (Engineering, Building & Health) for further assessment and consideration of appropriate recommended conditions is currently being prepared.

Public Consultation

The ARA has undergone public consultation for a period of two weeks in the "Comment News" and "Examiner" newspapers between 23 October 2006 and 3 November 2006.

ANALYSIS

Traffic Study

The applicant (PTA) advises that relevant traffic matters will be addressed during the design process in consultation with the City of Armadale, ARA and Main Roads WA. The works currently proposed include a new/relocated entry for the main car park and provision of a new exit point (for buses only) off a proposed roundabout along Railway Avenue.

The City's Technical Services is currently reviewing traffic layout / design issues at this stage and further changes may be required to improve access to the parking areas via utilisation of the new roundabout. These issues will need to be addressed following a more detailed assessment of the proposal from the City's Technical Services Directorate.

Heritage

There are no known heritage matters affecting the proposal. The existing station was assessed as part of the Municipal Heritage Inventory (MHI) in 2006, however it was determined that the station had no significant heritage value. The station has therefore not been included within the current draft MHI.

Station Building Design

The proposed design is dominated by a curved roof structure to shelter the main platform. The roofing material and colour scheme is highly reflective and has the potential to impact on residential properties situated within Kelmscott and surrounding suburbs. It is also questionable as to whether the overall proposed colour scheme of the station (white, blue and yellow) is appropriate as this does not reflect the predominant natural colours of Kelmscott.

Additional information would be required to demonstrate the merit of the colour scheme proposed such as detailed coloured elevation plans and perspectives. Notwithstanding, it is anticipated that such additional information will be made available through the deputation and Council will be provided with an opportunity to comment on design aspects at this meeting.

Other Matters

In addition to the above matters and following a detailed assessment of the proposal, the City will need to give further consideration to the following issues:

1. Design and layout of car parking areas and traffic movements;

2. Lighting and seating arrangements;

3. Detailed schedule of colours and textures of materials (to reflect Council's comments with respect to building design);

4. Pedestrian, cyclist and disabled access; and

5. Landscaping.

OPTIONS

1. Council may resolve to support the proposal, provide additional conditions and note that Council officers are conducting a further detailed assessment of the proposal and will formulate recommended conditions to the ARA.

2. Council may resolve to advise the ARA that it does not support the proposal as submitted and give reasons to the ARA.

CONCLUSION

The station site and building is a prominent structure that will be a significant landmark for the Kelmscott Town Centre and surrounding area. In this regard, it is considered appropriate that Council be given an opportunity to review and provide feedback with respect to the architectural merit of the building. Council's deliberation on the design would be forwarded to the ARA along with officer's technical comments and recommended conditions to address traffic issues and "other matters" as outlined above. In this regard, Option 1 above is recommended.

COMMITTEE discussed issues relating to the colour scheme, car parking design layout, landscaping and retention of existing trees.

D129/11/06 RECOMMEND

Council resolve to:

1. **Advise the ARA that the Council supports the proposal, subject to the following advice:**

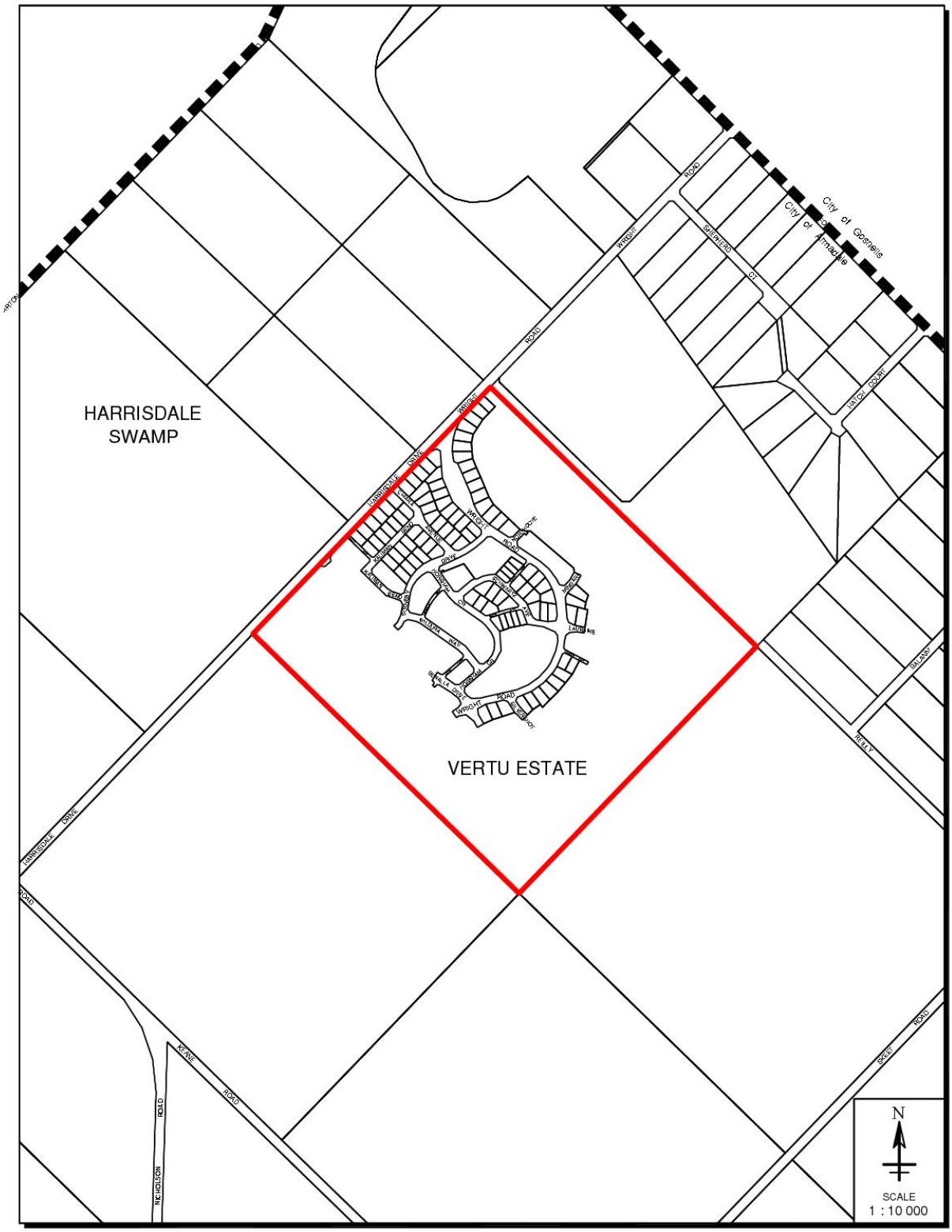
   a) **muted colours which will blend in with the surroundings should be used;**

   b) **it would be appropriate to reinstate car park No.5 at the earliest opportunity;**

   c) **the reuse of stormwater and other sustainability initiatives should be considered.**

2. **Note that Council officers are to conduct a further detailed assessment of the proposal and will formulate additional recommended conditions to the satisfaction of the Executive Director Development Services and advise the ARA.**

MOVED Cr Knezevich
MOTION CARRIED (6/0)



LOCATION PLAN
VERTU ESTATE, FORRESTDALE

ROAD NAMING – LOT 50 WRIGHT ROAD, FORRESTDALE (VERTU ESTATE SUBDIVISION)

WARD	:	LAKE
FILE REF	:	NAM/2
DATE	:	31 October 2006
REF	:	SEN
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	McMullen Nolan and Partners Surveyors Pty Ltd
LAND OWNER	:	Stockland WA Development Pty Ltd
SUBJECT LAND	:	Property size 53.85ha approx. Map 17-07
ZONING MRS	:	Urban
TPS No.4	:	Urban Development

In Brief:-

- Council has received a proposal to name the balance of new road reserves within the Vertu Estate on Lot 50 Wright Road, Forrestdale.
- Proposed road names have a cultural theme which acknowledges art galleries throughout Australia and complies with the Geographic Names Committee (GNC) criteria.
- Recommend that Council approach the Geographic Names Committee seeking approval for the following new road names in the Vertu Estate: Delmar Avenue, Falkner Road, Global Avenue, Kudos Circuit, Malop Link, Minton Bend, Olsen Bend, Snell Way, Solander Street, Stills Avenue and Nikon Road.

Tabled Items

Nil. **Officer Interest Declaration**

Nil.

Strategic Implications

Relates to the aim for developing our City to:

- Sustain and maintain the distinctive character of the City; and
- Maintain Armadale as a special place.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

PROPOSED ROAD NAMES
VERTU ESTATE, FORRESTDALE

Consultation

- Geographic Names Committee.

DETAILS OF PROPOSAL

Council has previously approved the cultural theme derived from art galleries located throughout Australia for Vertu estate (D49/5/06). The developer has now submitted a proposal for the naming of the balance of the road reserves throughout the Vertu estate at Lot 50 Wright Road, Forrestdale (SUB/127155).

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

- Delmar Avenue
- Kudos Circuit
- Olsen Bend
- Stills Avenue
- Falkner Road
- Malop Link
- Snell Way
- Nikon Road
- Global Avenue
- Minton Bend
- Solander Street

COMMENT

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

The proposed road names are taken from word associations with Australian Galleries as follows:

- **Delmar Avenue** – named after *Delmar* Gallery
- **Falkner Road** – named after *Falkner* Gallery
- **Global Avenue** – named after *Global* Gallery
- **Kudos Circuit** – named after *Kudos* Gallery
- **Malop Link** – named after Little *Malop* Gallery
- **Minton Bend** – named after Damien *Minton* Gallery
- **Olsen Bend** – named after Tim *Olsen* Gallery
- **Snell Way** – named after Ann *Snell* Gallery
- **Solander Street** – named after *Solander* Gallery
- **Stills Avenue** – named after *Stills* Gallery
- **Nikon Road** – named after *Nikon* Gallery

OPTIONS

Council could –

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

CONCLUSION

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

D130/11/06 RECOMMEND

That Council resolve to approach the Geographic Names Committee (GNC) seeking approval for the following new road names (or suitable road types acceptable to the GNC) in the Vertu Estate subdivision on Lot 50 Wright Road, Forrestdale:

- **Delmar Avenue;**
- **Falkner Road;**
- **Global Avenue;**
- **Kudos Circuit;**
- **Malop Link;**
- **Minton Bend;**
- **Olsen Bend;**
- **Snell Way;**
- **Solander Street;**
- **Stills Avenue; and**
- **Nikon Road.**

MOVED Cr Tizard
MOTION CARRIED (6/0)

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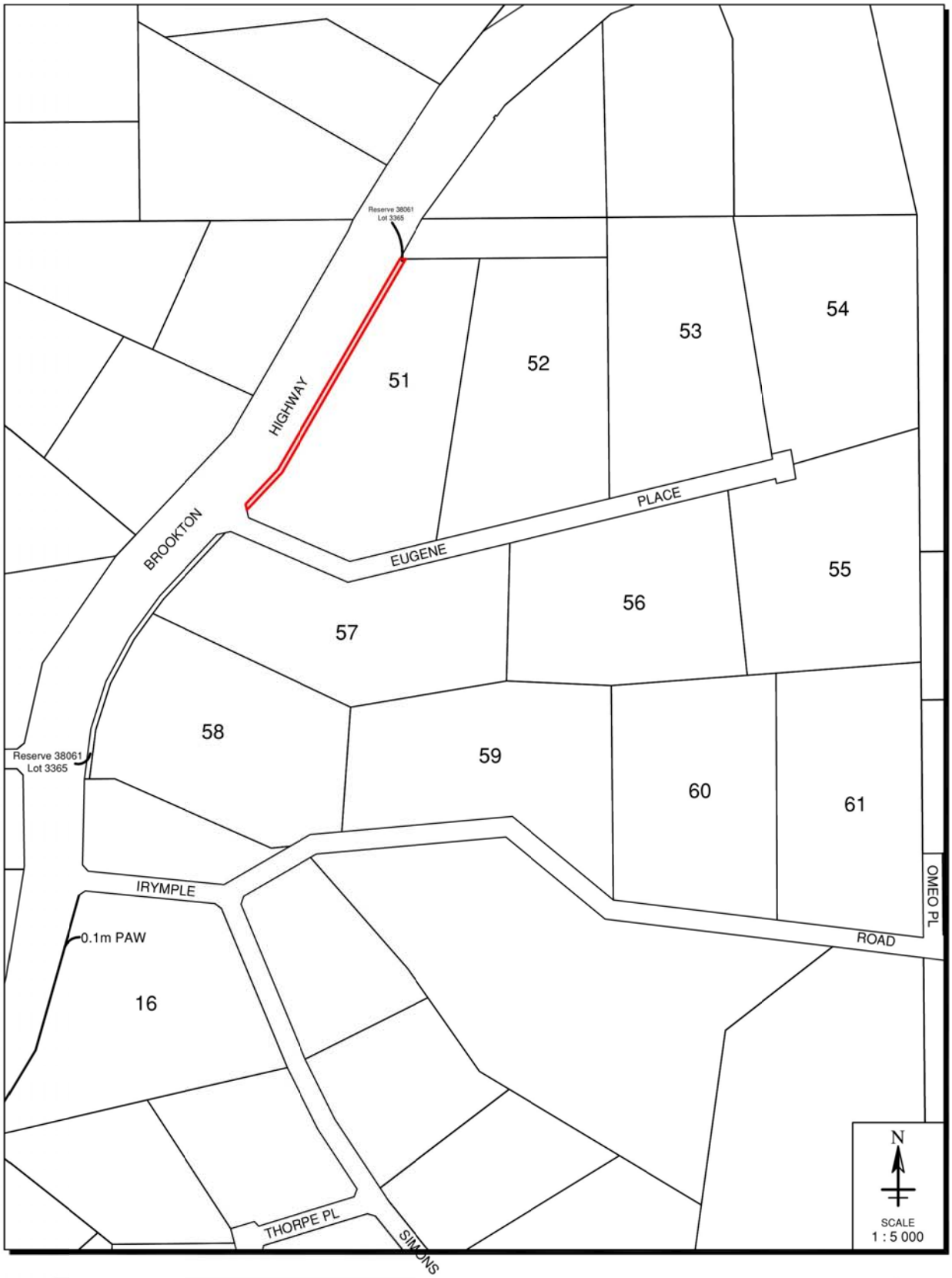


LOCATION PLAN
RESERVE 38061 ABUTTING BROOKTON HIGHWAY AND
LOT 51 EUGENE PLACE, KARRAGULLEN

FINAL ADOPTION OF AMENDMENT NO.23 TO TPS NO.4 - PUBLIC RECREATION RESERVE 38061 ABUTTING BROOKTON HIGHWAY AND ADJOINING LOT 51 EUGENE PLACE, KARRAGULLEN

WARD	:	JARRAH
REF NO.	:	Amendment 23
DATE	:	18 October 2006
REF	:	PS
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	G W & T L Savage
LAND OWNER	:	Crown
SUBJECT LAND	:	Property size 2,934m² Map 27-08
ZONING		
MRS	:	Rural
TPS No.4	:	Parks & Recreation (Local)

In Brief:-

- At its 19 June 2006 meeting, Council resolved to initiate Amendment No.23 which proposes to rezone the above Reserve from "Parks & Recreation (Local)" to "Rural Living 2" and to advertise the closure of a portion of Reserve 38061.
- The amendment was advertised for public comment for 42 days and attracted two submissions of support/no objection from Government agencies. No public submissions were received during advertising period.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption.
- Recommend that Council adopt the amendment without modification and request that the Hon Minister for Planning & Infrastructure grant final approval to the amendment and resolve to take the necessary steps to cancel and dispose of the portion of Reserve 38061.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

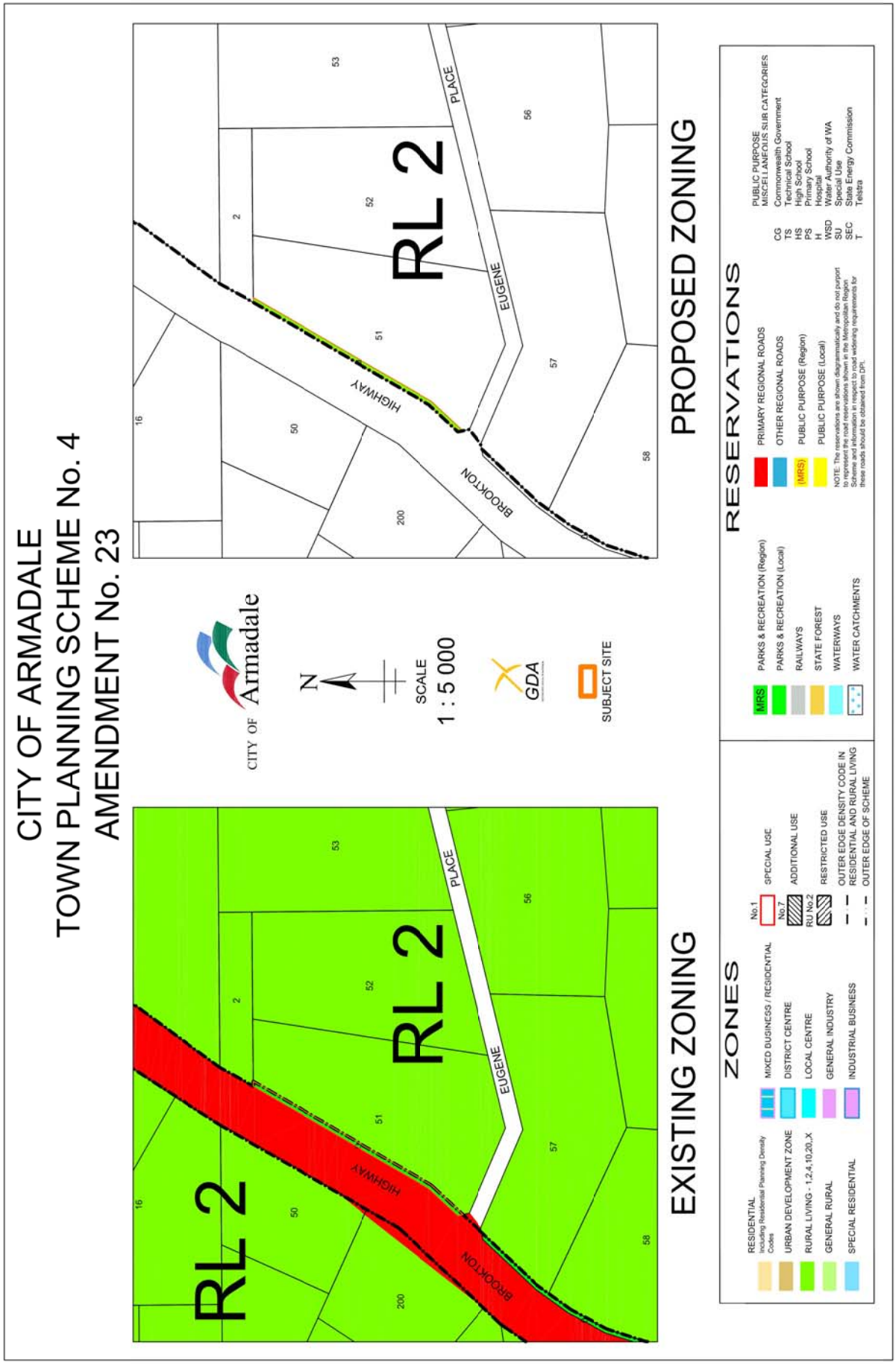
Development – "To balance the needs of development with sustainable economic, social and environmental objectives".

Legislation Implications

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

Council Policy / Local Law Implications

Local Planning Strategy 2005


CITY OF ARMADALE
TOWN PLANNING SCHEME No. 4
AMENDMENT No. 23
PROPOSED ZONING
EXISTING ZONING
CITY OF Armadale
N
SCALE
1 : 5 000
GDA
SUBJECT SITE
RL 2
HIGHWAY
EUGENE
PLACE
BROOKTON
ZONES
RESERVATIONS
RESIDENTIAL
MIXED BUSINESS / RESIDENTIAL
DISTRICT CENTRE
LOCAL CENTRE
GENERAL INDUSTRY
INDUSTRIAL BUSINESS
URBAN DEVELOPMENT ZONE
RURAL LIVING - 1,2,4,10,20,..X
GENERAL RURAL
SPECIAL RESIDENTIAL
SPECIAL USE
ADDITIONAL USE
RESTRICTED USE
OUTER EDGE DENSITY CODE IN RESIDENTIAL AND RURAL LIVING
OUTER EDGE OF SCHEME
PARKS & RECREATION (Region)
PARKS & RECREATION (Local)
RAILWAYS
STATE FOREST
WATERWAYS
WATER CATCHMENTS
PRIMARY REGIONAL ROADS
OTHER REGIONAL ROADS
PUBLIC PURPOSE (Region)
PUBLIC PURPOSE (Local)
PUBLIC PURPOSE MISCELLANEOUS SUB CATEGORIES
Commonwealth Government
Technical School
High School
Primary School
Hospital
Water Authority of WA
Special Use
State Energy Commission
Telstra

Budget / Financial Implications

The City will need to pay $500 or 5% of the market value of the reserve land (whichever is greater) to purchase the reserve land from the Crown/Department for Planning and Infrastructure, if the proposal is finally adopted. Any funds from the subsequent sale of the reserve will be deposited in Council's POS Trust Funds for the improvement of other POS reserves. In addition, the City will no longer be responsible for the management of the portion of the reserve to be disposed of.

Consultation

- The Development Control Unit (DCU) and Technical Services Directorate have raised no objection to the proposal.
- The Environmental Protection Authority (EPA) advised that the amendment did not warrant an environmental assessment.
- The WAPC's consent to advertise was not required in this case.
- Advertised for public comment for 42 days.

BACKGROUND

In 1976/77, the applicant's parents, being the landowners of Lot 1 and Pt Lot 2, Brookton Highway cnr Irymple Road, Karragullen applied for and successfully obtained approval to subdivide Lot 1 and Pt Lot 2 to create 11 lots (now Lots 51 to 61 inclusive).

One of the conditions of subdivision at that time was that a strip of land, approximately five metres wide and having an area of 2934m², abutting Brookton Highway, Karragullen and adjoining Lots 51 and 57 Eugene Place, Karragullen and Lot 58 Irymple Road, Karragullen was required to be ceded to the Crown under Section 20A of the *Town Planning and Development Act 1928* as a "Reserve for Public Recreation". It is understood that this practice was widely used as a way of restricting access to and from lots to adjoining roads.

On 9 January 2003, the Minister for Lands placed the Care, Control and Management of this Reserve 38061 with the City of Armadale for the purpose of "Recreation".

In 2005, the applicant submitted an application to the Western Australian Planning Commission (WAPC) to subdivide Lot 51 to create two lots of 2 hectares (ha) and 1.96ha, respectively. The WAPC refused the subdivision application for the following reasons:

- The proposed subdivision does not accord with the subdivision standards of the Rural Living 2 zones under the City of Armadale Town Planning Scheme No.4 which stipulates an average lot size of 2ha.

- The lot(s) proposed are smaller than the prevailing lot size in the locality and approval to the subdivision would set an undesirable precedent for other nearby and surrounding subdivisions.

AERIAL PHOTOGRAPH
RESERVE 38061 ABUTTING BROOKTON HIGHWAY AND
LOT 51 EUGENE PLACE, KARRAGULLEN

The subdivision refusal by the WAPC has prompted the applicant to submit a request to acquire the five metre wide strip of recreation reserve previously ceded to the Crown to allow Lot 51 to be subdivided into two (2) lots.

Council, at its meeting on 19 June 2006, resolved to initiate Amendment No.23 to TPS No.4 to rezone a portion of the Reserve from "Parks & Recreation (Local)" to "Rural Living 2" and to advertise the amendment and the closure of a portion of Reserve 38061 for a period of 42 days.

Public Advertising of Amendment No.23

The proposed amendment was advertised for 42 days, closing on 27 September 2006. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, advertisements in the "West Australian" newspaper and local community newspaper and letters to affected and nearby landowners.

Total No. of submissions received	:	2
No. of submissions of support/no objection	:	2
No. of submissions of objection	:	0

No submissions were received from the public. Two (2) submissions of support/no objection were received from Government agencies and were as follows:

Water Corporation – No Objection. No services within reserve.

Main Roads WA – No comments.

No response was received from Alinta, Western Power and Telstra.

COMMENT

The applicant has submitted a request for Council to consider the offer from the applicant to buy back the five metre wide strip of land (Reserve 38061) having an area of 1486m², abutting Lot 51 Brookton Highway, Karragullen and to amalgamate the strip of land with the applicant's property at Lot 51 Eugene Place, Karragullen.

The applicant has also requested Council's support to initiate an amendment to Town Planning Scheme No.4 to rezone the five metre strip of land abutting Lot 51 from "Parks and Recreation (Local)" to "Rural Living 2", which is required to allow the amalgamation of the land with Lot 51 Eugene Road, Karragullen. The combined total area will then meet the criteria for the subdivisional standards of the "Rural Living 2" zone (2 hectare minimum lot size), so that a future subdivision application will be successful. The applicant's reason for the request stems from his desire to provide residential accommodation for two of his children.

The applicant's sister had also similarly submitted a request to retrieve and amalgamate the portion of the five metre wide strip of POS reserve fronting Brookton Highway and abutting her properties at Lot 57 Eugene Place and Lot 58 Irymple Road, Karragullen. However, this request has been withdrawn, as these two properties currently comply with the subdivision standards for "Rural Living 2" and the landowner does not wish to purchase the land at market value.

The reserve does not contain any significant vegetation and is not being used for recreational purposes. The City currently has responsibility for managing the POS Reserve, however only minimal works would be undertaken by the City, due to the shape of the reserve and its limited usability. If a portion of the POS reserve is cancelled, then the City will no longer be responsible for the management of the cancelled portion of the reserve.

The *Planning and Development Act 2005* now provides for statutory covenants to restrict access to and from lots to adjoining roads. The statutory covenants are intended to replace the standard 0.1 metre public access way (PAW) condition which has in the past been used to restrict access to adjoining and/or regional roads.

ANALYSIS

Since the new *Planning and Development Act 2005* now provides for statutory covenants to restrict access to regional roads, there would not appear to be any necessity for retaining the five metre wide POS reserve. However, since this reserve is currently vested in Council, any proposal to change its status will require the City to surrender the Management Order and request cancellation of a portion of the reserve.

Allocation of Funds

If the rezoning and cancellation of the portion of Reserve38061 is approved, the Council could acquire the land from the Crown at $500 or 5% of its current market value (whichever is greater) and then dispose of the land under the provisions of the *Local Government Act 1995* (Section 3.58), by either public auction, public tender or private treaty. Adequate funds are available for the purchase of the reserve at $500 or 5% of its current market value (whichever is greater).

Under the Department for Planning and Infrastructure's (DPI) Section 20A Crown Reserve Guidelines, when a reserve is disposed of, the proceeds are to be applied by the Local Government in purchasing new areas of public open space, on the consolidation of existing small reserves or constructing capital works on other reserves in the general locality. Once funds generated through the sale of public open space areas are obtained by the City of Armadale, the exact allocation of funds to projects that enhance public open space within the locality will be dealt with through the budgetary and/or reporting processes.

Future Sale of Land

It would be desirable to include in this item recommendations that permit the City to finally dispose of the land in accordance with the requirements of the *Local Government Act 1995* without further reference to Council. However, amongst other things, the Act requires that Council specify a minimum and maximum amount that the land can be sold for. With the current volatility in prices, it is considered more appropriate that such amounts be set once Council owns the land as a freehold lot. Accordingly, once the land is owned by the City another item will need to be presented to Council to enable sale of the land by private treaty.

OPTIONS

1. Council may resolve to cancel a portion of the POS Reserve and adopt the amendment without modifications and request that the Hon Minister for Planning and Infrastructure grant final approval to the amendment.

2. Council may resolve to decline the request to cancel the POS reserve and not adopt the amendment giving reasons and request that the Hon Minister for Planning and Infrastructure refuse to approve the amendment.

CONCLUSION

The new *Planning and Development Act 2005* now provides for statutory covenants to restrict access to and from a regional road, as such the POS reserve is no longer required for this purpose. The reserve does not contain any significant vegetation and is not being used for recreational purposes, as such no objection is raised to the proposal. No submissions of objection were received during the advertising period. It is recommended that Council resolve to cancel a portion of the POS Reserve and adopt the amendment without modification in accordance with Option 1 above.

D131/11/06 RECOMMEND

That Council:

1. **Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, without modification, Amendment No.23 to Town Planning Scheme No.4 to rezone the portion of Reserve 38061 abutting Lot 51 Eugene Place, Karragullen from "Parks & Recreation (Local)" to "Rural Living 2" and amend the Scheme Maps accordingly.**

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

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

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

5. **Advise the submittors and the applicant of its decision and that the City will require the replacement of the access restriction with a statutory covenant when the property is subject to an application for the amalgamation of the land.**

6. Agree to cancel and dispose of the portion of Reserve 38061 abutting Lot 51 Eugene Place, Karragullen, following the Hon Minister for Planning and Infrastructure granting final approval to Amendment No.23.

7. Authorise the surrender of the Management Order for Reserve 38061 to allow the disposal of the subject portion of Reserve 38061.

8. Authorise the payment to the State of Western Australia of an amount of $500 or five (5%) per cent of the market value of the portion of Reserve 38061 (whichever is greater) to be acquired by the City, as determined by the Valuers General's Office, plus documentation and registration fees, in exchange for a certificate of title in the name of the City of Armadale.

9. Authorise the Chief Executive Officer to sign and lodge an application for the amalgamation of the reserve land with Lot 51 Eugene Place, when required.

MOVED Cr Hart
MOTION CARRIED (6/0)

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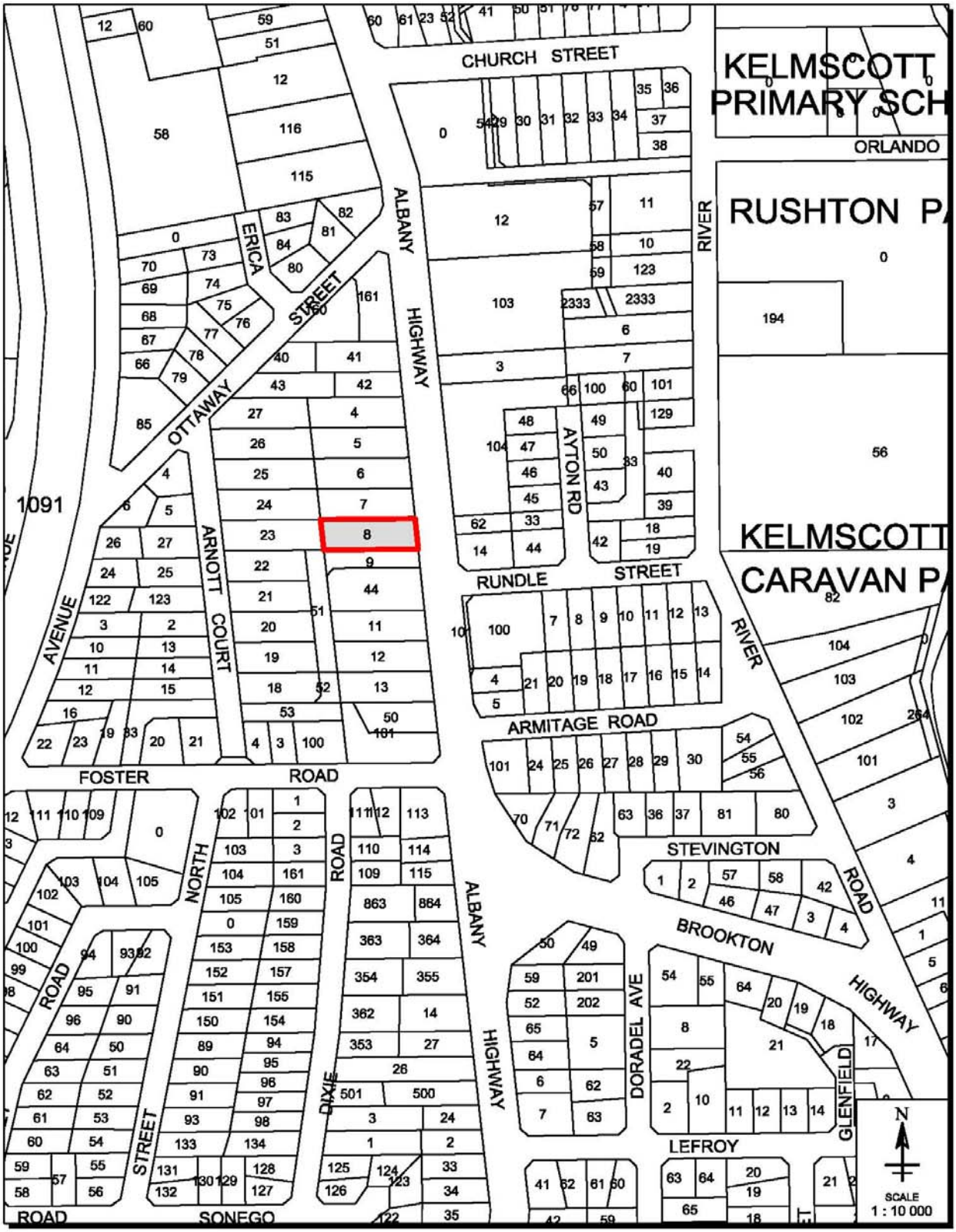


LOCATION PLAN
LOT 8 ALBANY HIGHWAY, KELMSCOTT

FINAL ADOPTION OF AMENDMENT No.25 TO TOWN PLANNING SCHEME No.4 – REZONING OF Pt LOT 8 ALBANY HIGHWAY, KELMSCOTT FOR AN "ADDITIONAL USE – OFFICE & CONSULTING ROOMS"

WARD	:	RIVER
DATE	:	3 November 2006
APPLN No.	:	34.2006.12.1
REF	:	JR
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Dykstra Planning
LANDOWNER	:	A.S. O'Neill (Dykstra Planning is contracted to purchase the land)
SUBJECT LAND	:	Property size 1913m^2 Map 22.06
ZONING		
MRS	:	Urban
TPS No.4	:	Residential R15/40

In Brief:

- At its August 2006 meeting, Council initiated Amendment No.25 which proposes to rezone Pt Lot 8 (No.2953) Albany Highway Kelmscott from "Residential" to "Residential/Additional Use" for "Office" and "Consulting Rooms".
- The amendment was advertised for public comment for 42 days and attracted no submissions of objection and 2 submissions of support/no objection.
- Council is required to consider the submissions received during the advertising period and the amendment for final adoption.
- The proposal should be supported as it is consistent with the draft Municipal Heritage Inventory Review (2006) and facilitating the retention and restoration of an existing character building (residence) as office premises.
- Recommend that Council adopt the amendment without modification and request that the Hon Minister for Planning & Infrastructure grant final approval to the amendment.

Tabled Items

Nil.

Officer Interest Declaration

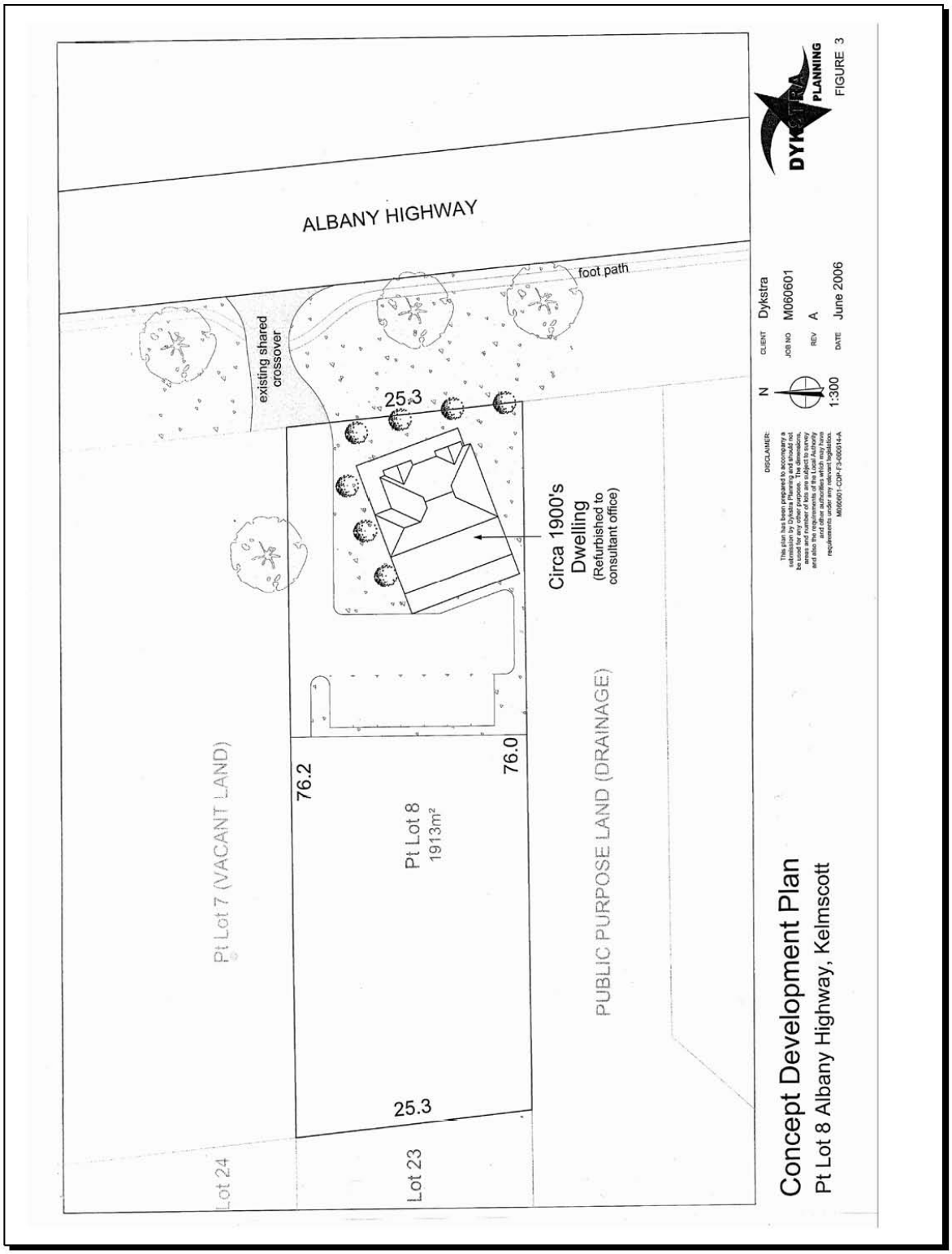
Nil.

Strategic Implications

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

Legislation Implications

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



CONCEPT DEVELOPMENT PLAN
LOT 8 ALBANY HIGHWAY, KELMSCOTT

Council Policy / Local Law Implications

Local Planning Strategy 2005
Municipal Heritage Inventory (1995) and draft review of 2006
Highway Development Policy (PLN5.1)

Budget / Financial Implications

Nil.

Consultation

- Development Control Unit.
- The EPA advised that the amendment did not warrant an environmental assessment.
- Advertised for public comment for 42 days.

BACKGROUND

At its August 2006 meeting, Council initiated Amendment No.25 which proposes to rezone Pt Lot 8 (No.2953) Albany Highway Kelmscott from "Residential" to "Residential/Additional Use" site for "Office" and "Consulting Rooms" (D95/8/06).

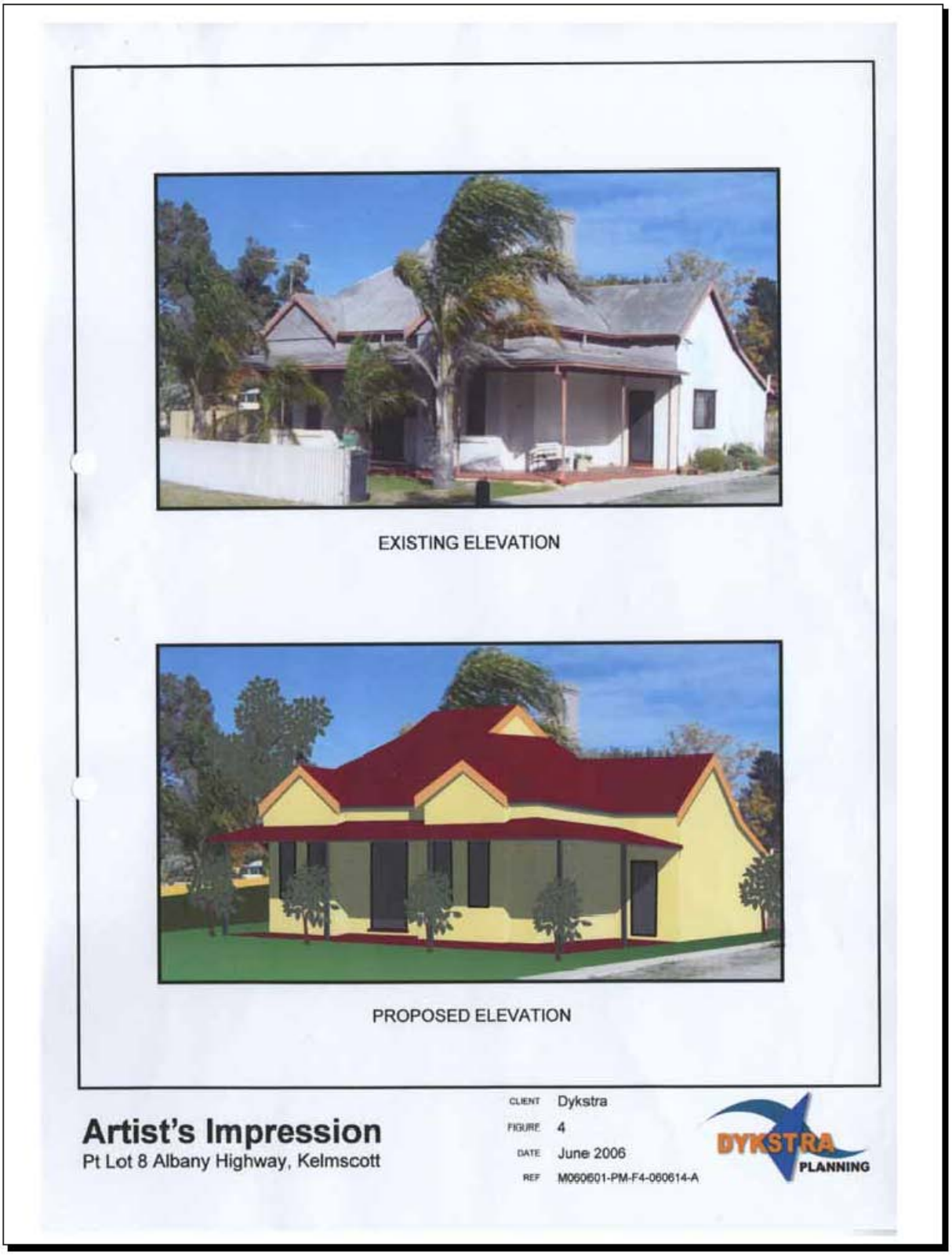
The prefabricated corrugated iron clad "Nissen Hut", which was located on the site has since been placed in temporary storage prior to relocation as part of the Migrant Camp heritage project (addressed by Council in July 2006 (D85/7/06)).

DETAILS OF PROPOSAL

The Plan ***(see Concept Development Plan and Elevations in Artist's Impression)*** submitted by Dykstra Planning shows the refurbished house to be used as a consultant's office and associated car parking located on the front half of the lot and therefore well setback from the residential property at the rear ***(see Aerial Photograph)***. There is currently no proposal for the rear half of the lot, however, the applicant has advised that providing access issues can be satisfactorily resolved in association with an Outline Development Plan for the wider precinct, group housing may be an option.

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

(i) the building has heritage values and the change of use proposed will make it feasible to upgrade the character building (without the change in use it is possible demolition could be sought to allow development of group housing);
(ii) the building is suitable for an "Office" and/or "Consulting Rooms";
(iii) the site has adequate services including sewer;
(iv) the site is located in reasonable proximity to town centre facilities at Kelmscott and there are other non-residential uses nearby (including medical centre, bed and breakfast, childcare centre and physiotherapy centre);
(v) the contract of sale includes an arrangement for the "Nissen Hut" on the site, which is of interest to a number of heritage community groups and the City, to be relocated by the current owner in conjunction with the Kelmscott Migrant Camp Group and the City.



ARTIST'S IMPRESSION
LOT 8 ALBANY HIGHWAY, KELMSCOTT

The WAPC's consent to advertise was not required in this case and the EPA did not require assessment, nor advice or recommendations under the Environmental Protection Act.

COMMENT

Public Advertising of Amendment No.25

The proposed amendment was advertised for 42 days, closing on 1st November 2006. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, an advertisement in the "Western Australian" newspaper and letters to adjacent landowners.

Total No. of submissions received	:	2
No. of submissions of support/no objection	:	2
No. of submissions of objection	:	0

The issues raised by the submissions have been summarised in Attachment "A1" of the Minutes and responded to as described under the analysis below.

The main issues raised in the submissions, together with a comment on each issue are outlined below. The submissions of support/no objection included 2 submissions from Government agencies.

Key Issues arising from Submissions

Issue 1 **- "Access to Albany Highway"**

MRWA has no comment on the amendment, however, advises that Albany Highway is a Category 2 Road where subject to approval, MRWA may allow frontage access. Development proposals will require referral to MRWA for comment and access will be either prevented or limited.

Comment

The site has an existing crossover to Albany Highway and this can be shared with the adjoining property to the north, which would be a sensible rationalisation to protect the highway function. The existing access is adequate to service the limited floorspace of the building and the low key nature of the proposed consultancy use.

Under Council's Highway Development Policy ***(PLN 5.1)*** alternative vehicular access is usually preferred on sites fronting Primary Distributor Roads such as Albany Highway. However, the policy also acknowledges that where no alternative access is available, developments such as the proposed Office and Consulting Room use can be approved where the land use is permitted "P" under TPS No.4, such as would be effected by Amendment No.25.

An application for Development Approval will be required prior to approval of the Development Plan which is required for the site. Accordingly at receipt of the detailed development plans, MRWA can be consulted for their further consideration of any access issues. The issue therefore only requires noting for the detailed design stage.

AERIAL PHOTOGRAPH
LOT 8 ALBANY HIGHWAY, KELMSCOT

Recommendation

That the issue be noted.

Issue 2 **- "Declared Drainage Area"**

Water Corporation has no objections however, advises that:

- *the lot is in a Declared Drainage Area, in which drainage flows to the Canning River and therefore design is to conform to the Corporation's scheme plan;*
- *the proponent may be required to fund new works or the upgrading of existing works to provide for the increased demand resulting from the rezoning;*
- *the developers are strongly recommended to liaise with the Water Corporation at an early stage fro comprehensive infrastructure and planning advice.*

Comment

The submission is only in respect to advising the applicant on drainage considerations at the detailed design stage and is of no import to the current rezoning.

Recommendation

That the issue be noted.

COMMENT

The change in land use proposed under Amendment No.25 is minor in nature. It also provides an opportunity for Council to support retention and restoration of a part of the City's heritage, justifying Council's support for final adoption of the Amendment.

Any further proposals for additional development above that envisaged in the applicant's Concept Development Plan would require further assessment. Any new proposal would be assessed in consultation with MRWA, particularly issues of access and car parking.

OPTIONS

1. Council may resolve to adopt the amendment with or without modifications and request that the Hon Minister for Planning and Infrastructure grant final approval to the amendment.

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

CONCLUSION

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

COMMITTEE requested that the following additional advice note, Part 6(iv) "The future landscaping of the site be in keeping with of the recognised heritage value of the existing dwelling." be added to the recommendation.

Accordingly the recommendation was amended.

D143/11/06 RECOMMEND

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005* adopts, without modification, Amendment No.25 to Town Planning Scheme No.4 to rezone:

a) Pt Lot 8 (No.2953) Albany Highway Kelmscott from "Residential" to "Residential/Additional Use" site for "Office" and "Consulting Rooms"; and

b) Amend Schedule 2 – "Additional uses" – to include the following new entry in appropriate numerical order:

No.	Description of land	Additional use	Conditions and requirements (See Note 1)
37*.	**Pt Lot 8 Albany Highway, Kelmscott**	**Permitted (P) Uses:** ▪ **Office;** ▪ **Consulting Rooms;**	**37.1 All permissible use classes listed for the base Residential zone shall be D (discretionary).** **37.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.** **37.3 The existing heritage character building at the front of the lot shall only be used for the Additional Uses following the completion of development in accordance with a planning approval issued under Parts 8 and 9 of the Scheme and which details the proposed upgrading and refurbishment of the building and the development of landscaping, access and car parking on the site.** **37.4 All development shall generally be in accordance with the approved Development Plan.**

*(*Notes - "37" at gazettal, this number will be checked that it still reflects appropriate numerical order of Additional Uses under the gazetted Scheme and numbering may require updating to that effect)*

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

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

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

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

6. Advise the applicant that:

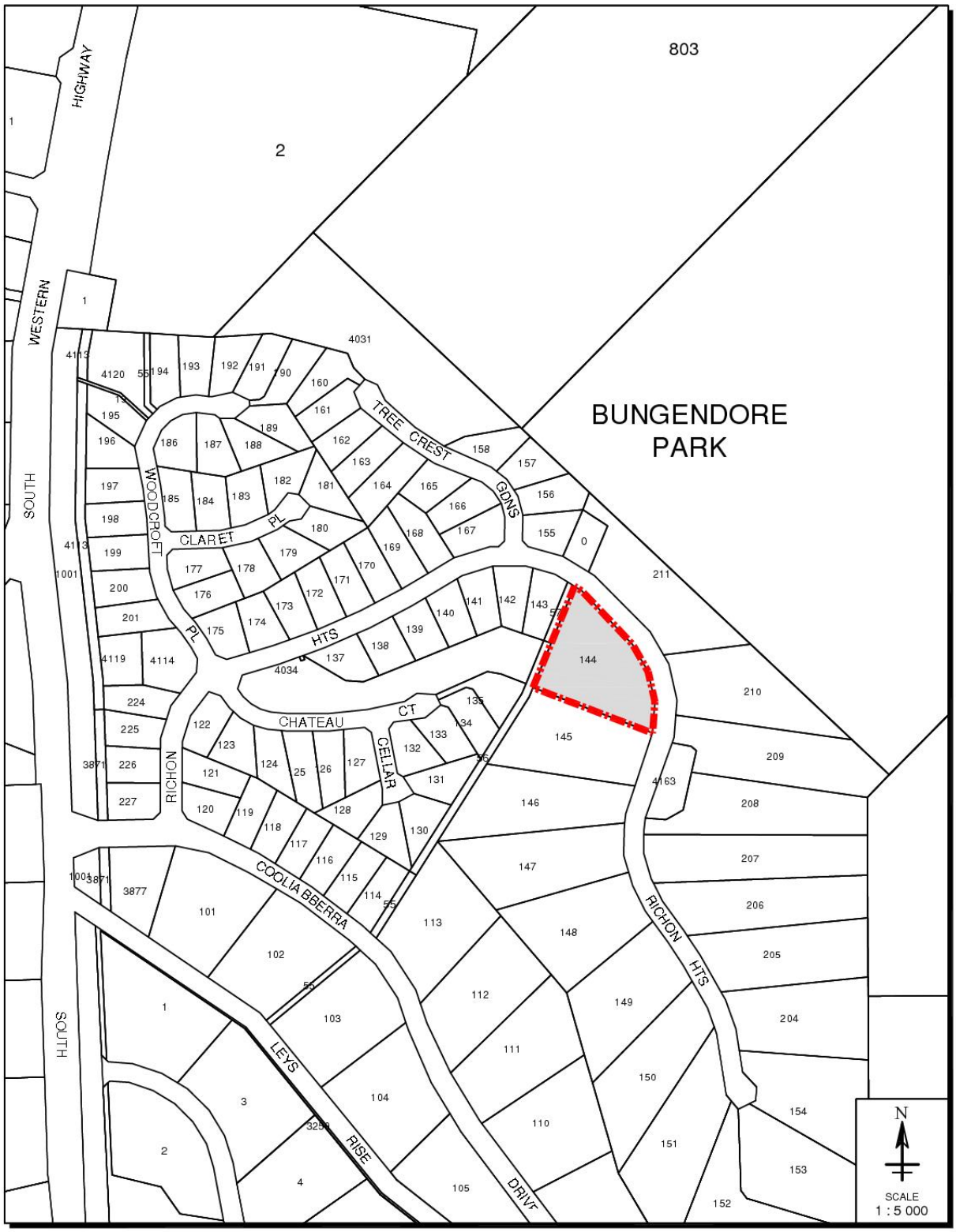
i) Prior to commencement of the change in land use, an application for a planning approval under the Scheme will need to be submitted for approval detailing the proposed building upgrading and refurbishment, landscaping, access, car parking and signage;

ii) It is recommended that the applicant consult with Main Roads Department of WA and Water Corporation in respect to the detailed design stage; and

iii) Any application for Council's discretion in regard to additional development of the site will be subject to further assessment, including adequacy of car parking and site access arrangements and will be referred to Main Roads Department of WA.

iv) The future landscaping of the site be in keeping with of the recognised heritage value of the existing dwelling.

MOVED Cr Zelones
MOTION CARRIED (6/0)



LOCATION PLAN
LOT 144 RICHON HEIGHTS, MOUNT RICHON

PROPOSED AMENDMENT No.28 TO TOWN PLANNING SCHEME No.4 – REZONING OF LOT 144 (35) RICHON HEIGHTS, MOUNT RICHON

WARD	:	NEERIGEN
DATE	:	6 November 2006
APPLN No.	:	34.2006.15.1
REF	:	PRR
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Dykstra & Associates
LANDOWNER	:	J G Versluis
SUBJECT LAND	:	Lot 144 (35) Richon Heights, Mount Richon Property size 1 ha
ZONING		
MRS	:	Rural
TPS No.4	:	Rural Living 1

In Brief:

- Council has received a request to initiate an amendment to rezone Lot 144 (35) Richon Heights, Mount Richon from "Rural Living 1" to "Special Residential" and "Parks and Recreation (local)".
- The proposal would allow the subject lot to be divided into three lots and includes an east west Public Open Space link from the intersection of Richon Heights / Chateau Court and Woodcroft Place returning to Richon Heights.
- Recommend that Council resolve to advise the applicant that it is not prepared to initiate Amendment No.28.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Local Planning Strategy 2005

STRUCTURE PLAN
LOT 144 RICHON HEIGHTS, MOUNT RICHON

Budget / Financial Implications

Nil.

Consultation

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

BACKGROUND

The City received a request to initiate an amendment over Lot 144 Richon Heights, Mount Richon on 16 August 2006. The proposal involves rezoning Lot 144 from 'Rural Living 1' to a combination of 'Special Residential' and 'Parks and Recreation (Local)' to allow further subdivision.

DETAILS OF PROPOSAL

Lot 144 Richon Heights is a 1ha parcel of land situated on the southern side of the east – west section of that road. Its western boundary is the demarcation between the Residential and Rural zones under both the Metropolitan Region Scheme (MRS) and Town Planning Scheme No.4 (TPS No.4). The area is characterised by single residential development and larger lot sizes (approximately 2000m² in the 'Residential' zone to 1ha in the 'Rural Living' zone). Bungendore Park, a Regional Parks and Recreation Reserve, is situated approximately 80m to the north east.

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

a) The two additional dwellings that would result adjoin existing residential built form;
b) The new residence would be on lower, flatter land so as not to detract from the landscape;
c) Provides opportunity to extend the existing POS corridor back to the road;
d) Protects steeper, vegetated parts of the land from development by placing them in POS;
e) Provides for a graduation of lot sizes from the adjoining 'Residential' zone;
f) Takes advantage of a well established area in terms of servicing; and
g) Would not create a precedent for inappropriate re-subdivision.

COMMENT

Development Control Unit (DCU)

At its meeting on 10 October 2006, DCU discussed the proposal and some concern was expressed as to the limited nature of the rezoning being only a single lot, not taking into account the wider precinct. The necessity of acquiring the remaining portion of open space was also discussed, as due to the slope and proximity of the Richon Heights road reserve, it is unlikely to be used and would be difficult to maintain. On balance, DCU believed the amendment should not be supported.

AERIAL PHOTOGRAPH
LOT 144 RICHON HEIGHTS, MOUNT RICHON

ANALYSIS

Town Planning Scheme No.4

The subject site is zoned 'Rural Living 1' under TPS No.4, the '1' meaning a minimum 1ha lot size is required. The objectives of the 'Rural Living' zone are:

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

These objectives would change with the zoning if it were altered. The 'Special Residential' zone would still be rural by nature in terms of the current Metropolitan Region Scheme zoning, but allows lots at a minimum size of 2000m² (and a maximum of 1ha) in line with the WAPC's Development Control Policy 2.5. The objectives of the 'Special Residential' zone

- To provide for low density residential development in a rural setting, in which natural environmental values are conserved as far as possible for the enjoyment of residents as well as maintenance of ecological and landscape values; and
- To ensure development is sited and designed to achieve an integrated and harmonious character within each of the estates.

Local Planning Strategy (LPS)

The LPS identifies the subject lot as falling within the Wungong Rural Planning Area and indicates that the scarp has a fair capability for Rural Residential development. The LPS reinforces the TPS in that it highlights the importance of preserving landscape quality in areas identified to have significance.

Development Control Policy 3.7 –Fire Planning

The WAPC's Policy DC 3.7 – Fire Planning (Policy 3.7) sets out guidelines to minimise fire risk for new development in association with a document titled Planning for Bush Fire Protection (PFBFP). PFBFP outlines that a 100m separation distance should be maintained between development and nearby high risk bush fire areas. Bungendore Park is approximately 80m to the north east and as such development on the new lots should be setback 20m from the front boundary or further assessed as part of a fire management plan. This could be enforced through a Scheme provision should the amendment proceed as development envelopes alone could be modified. The applicant would also be required to prepare a fire management plan.

Development Control Policy 2.5 – Special Residential Zones

The WAPC's Development Control Policy 2.5 – Special Residential Zones (Policy 2.5) outlines several matters that need to be considered in making a decision regarding the initiation of this proposed amendment including location, design and servicing requirements. The objectives of the Policy are:

- *"To provide for the creation of lots of between 2000m² and one hectare in suitable locations;*
- *To ensure that the use and development of such lots are subject to appropriate standards and controls;*
- *To protect the character and amenity of adjacent rural areas".*

Location Requirements

The Policy outlines that 'Special Residential' zones should generally be located within areas zoned 'Urban' under the Metropolitan Region Scheme (MRS). This is not the case for Lot 144, however the Policy indicates that exceptions to this situation may be acceptable where:

- *"The proposal is for a rural residential themed development in a rural setting;*
- *The proposal relates to land that will be in the 'Rural' zone under the MRS for the long term and is unlikely to be required for future urban purposes;*
- *Provision is made for land use and management controls to ensure development is consistent with the predominantly rural character of the area".*

The proposal complies with these three (3) criteria. Some of the more general location criteria of the Policy include:

- *"Consideration of the topography, soil, climate and impact on the environment;*
- *The site being adjacent to land zoned 'Residential' with good access to schools and community facilities;*
- *Avoidance of agricultural land, water catchment areas, State forests and mineral or stone deposits;*
- *Landscapes worthy of protection and / or which is clearly visible from roads of regional or national importance is to be avoided".*

Whilst the proposal complies with the first, second and third criteria above, the subject land is on the scarp, which is an area worthy of landscape protection. It is possible that the additional built form resultant from the proposal could be viewed from the coastal plain.

Design and Servicing Requirements

Some of the design and servicing criteria of the policy include:

- *"Lots in the Special Residential zone should have a range of sizes;*
- *Lot sizes should reflect topographical and environmental characteristics of the land concerned;*
- *Special Residential zones should be provided with the type and standard of services typical of normal Residential zones;*
- *Land for public open space will be required when recreational open space is considered desirable;*
- *Road networks should take account of the topography and long cul-de-sacs should be avoided;*
- *Lots should be designed to capitalise on the topography of the area;*
- *As far as practicable, direct access to a major road should not be permitted;*
- *Building setbacks to main frontage and subdivisional roads should be varied to create a more interesting environment;*
- *Connection to underground power will normally be required".*

The proposal seems to meet the majority of the requirements of the WAPC's Policy. If Council resolved to initiate the amendment, it is noted that it would require the WAPC's consent to advertise, therefore further examination of the WAPC's policies will be undertaken by the WAPC prior to the proposal being advertised for public comment.

Area Context

The proposal requests rezoning of one lot, with the applicant arguing that Lot 144 has attributes that lend the land to a rezoning to a greater degree than neighbouring properties. Firstly, the ability to finish off a POS corridor, fire separation issues other lots have from Bungendore Park and that the uniqueness of Lot 144 means that a precedent will not be established.

As a generality, the City rarely supports one lot rezonings of this kind and would normally request that the opportunities and constraints of all Rural Living lots on Richon Heights be assessed to form a defined precinct. However this site is unique in one aspect, in that it affords the opportunity to complete a POS corridor. The issue therefore being whether or not that POS is necessary. This is addressed in the following section.

Impact on Visual Amenity

The proposal would result in an additional two residences for a total of three on a property that would have originally allowed for one. The applicant argues that the continuation of the existing situation (i.e. the adjacent residential lots) would not have a negative impact upon amenity. Further it is stated that through the use of a Structure Plan and development envelopes the landscape will be protected and enhanced. The applicant notes that the residences would not be visible from the South Western Highway, but would be partly visible from Wungong Road, Wungong, approximately 1.5km away. The fact that the additional residences are visible at all means there will be some impact on visual amenity, albeit minor.

The location on the scarp is one that sits within a 'Prime Landscape Quality' area under Special Control Area Map No.1. These areas are identified to highlight the importance of quality landscapes and bushland resources and to provide a basis for the avoidance and/or minimisation of degradation associated with development in these areas. It is the opinion of the City that further development of the site (i.e. three residences instead of one) would detract from these objectives.

To offset this, the applicant is willing to give up 2894m² of the 1 ha site as Public Open Space (POS) to return a corridor of POS that currently runs from the intersection of Richon Heights, Chateau Court and Wood Croft Place through to a Public Access Way (PAW) back to Richon Heights. Despite being part of a 'Prime Landscape Quality' area however, the necessity of the City acquiring that portion of POS is questionable. People using the POS can already return to Richon Heights via the existing PAW and the land has a substantial gradient that makes it unusable as active POS and will be difficult to manage. Finally, given the location of nearby Bungendore Park, there is no POS shortfall in the area that requires attention. As such, the POS is believed to be surplus to the requirements of the local community and the City.

Drainage Control

Drainage would be required to be retained on site to water sensitive design principles. No drainage information has been provided by the applicant other than to say that there is a drainage corridor to the west of the subject lot and that drainage will be consistent with surrounding lots.

Services

The applicant has advised that the subject land is adequately serviced with roads, water, drainage, power and telecommunications. This is noted.

OPTIONS

1. Council may resolve to initiate the Scheme Amendment as proposed.

2. Council may decline the initiation of the Scheme Amendment if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area.

CONCLUSION

The amendment proposes to alter one lot from Rural Living 1 to a combination of Special Residential and Parks and Recreation (local). The proposal is limited in that it only encompasses one lot, but at the same time it is fairly unique in addressing the POS issue. In this respect the City believes that the POS is not critical due to its slope and the adjoining PAW that completes the corridor at any rate. This coupled with the identification of the site as being within a 'Prime Landscape Quality' area under Special Control Area Map No.1 leads the City to believe the amendment should not be initiated.

Given the above, Option 2 is recommended.

D132/11/06 RECOMMEND

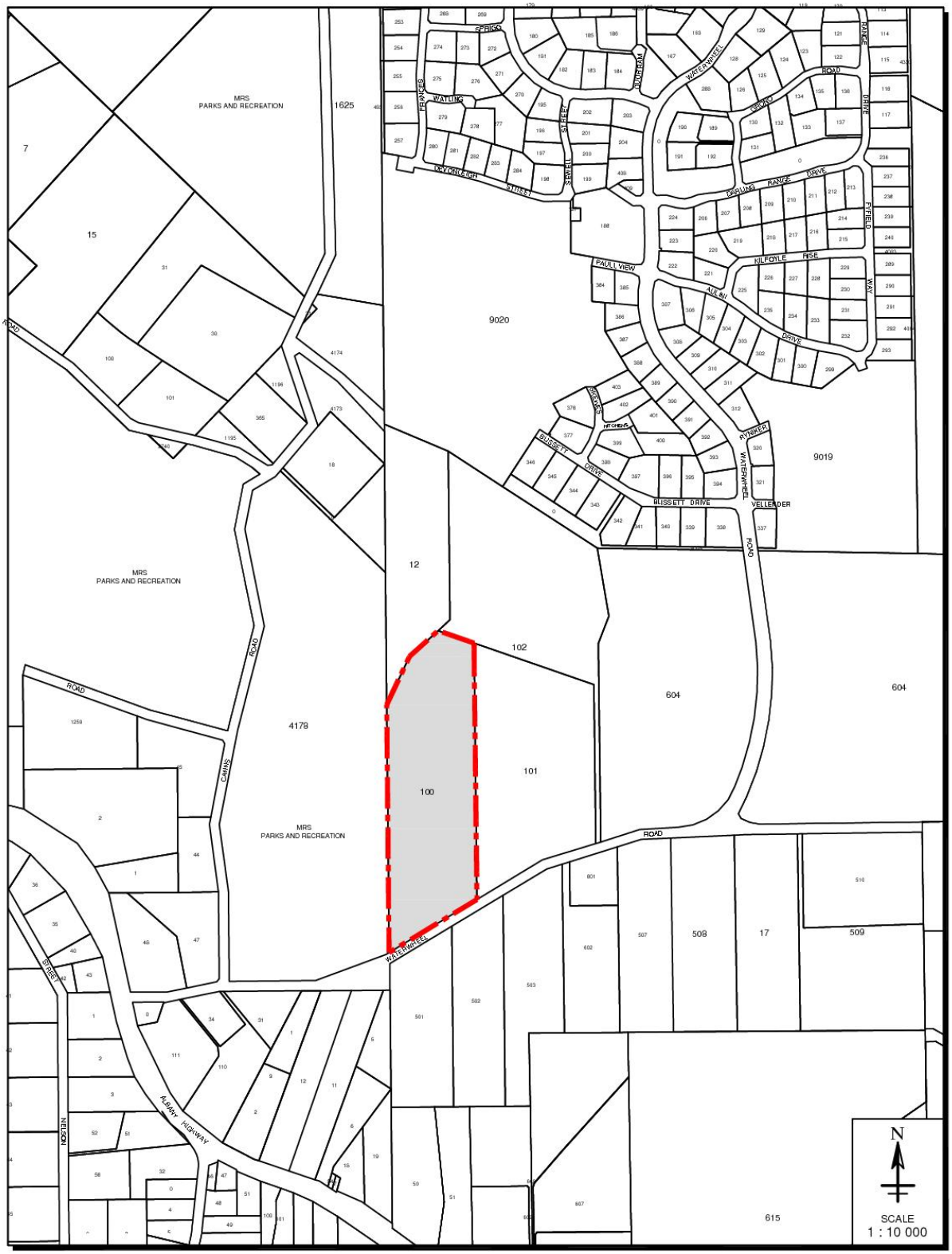
That Council resolve to advise the applicant that it is not prepared to initiate an amendment (No.28) to Town Planning Scheme No.4 to rezone Lot 144 (35) Richon Heights, Mount Richon from "Rural Living 1" to "Special Residential" and "Parks and Recreation (Local)" for the following reasons:

1. **The proposal will compromise the objectives of the Landscape Protection Area of the Town Planning Scheme and Local Planning Strategy.**

2. **The proposal will have a detrimental impact on visual amenity through potential building bulk and clearing of vegetation on the site.**

3. **The proposal is ad-hoc and could compromise orderly and proper planning within this area.**

MOVED Cr Tizard
MOTION CARRIED (6/0)



LOCATION PLAN
LOT 100 WATERWHEEL ROAD, BEDFORDALE

PROPOSED AMENDMENT TO DEVELOPMENT (STRUCTURE PLAN) AREA No.11 (CHURCHMAN BROOK STRUCTURE PLAN) – LOT 100 WATERWHEEL ROAD, BEDFORDALE

WARD	:	NEERIGEN
DATE	:	6 November 2006
APPLN No.	:	35.2006.7.1
REF	:	PRR
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Dykstra & Associates
LANDOWNER	:	Authority Holdings P/L
SUBJECT LAND	:	Lot 100 Waterwheel Road, Bedfordale Property size 9.9914ha Map 25.01
ZONING MRS / TPS No.4	:	Rural / Special Residential

In Brief:

- The City received an application to modify the Structure Plan over Lot 100 Waterwheel Road, Bedfordale on 9 March 2006.
- The proposed changes involve an increase in the number of lots from 18 to 22 and a deletion of a road reserve and its replacement with a battleaxe leg.
- The proposal was advertised to surrounding landowners for 21 days. One late submission was received objecting to the proposal.
- Recommend that Council approve the proposed modification to the Structure Plan subject to changes and appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

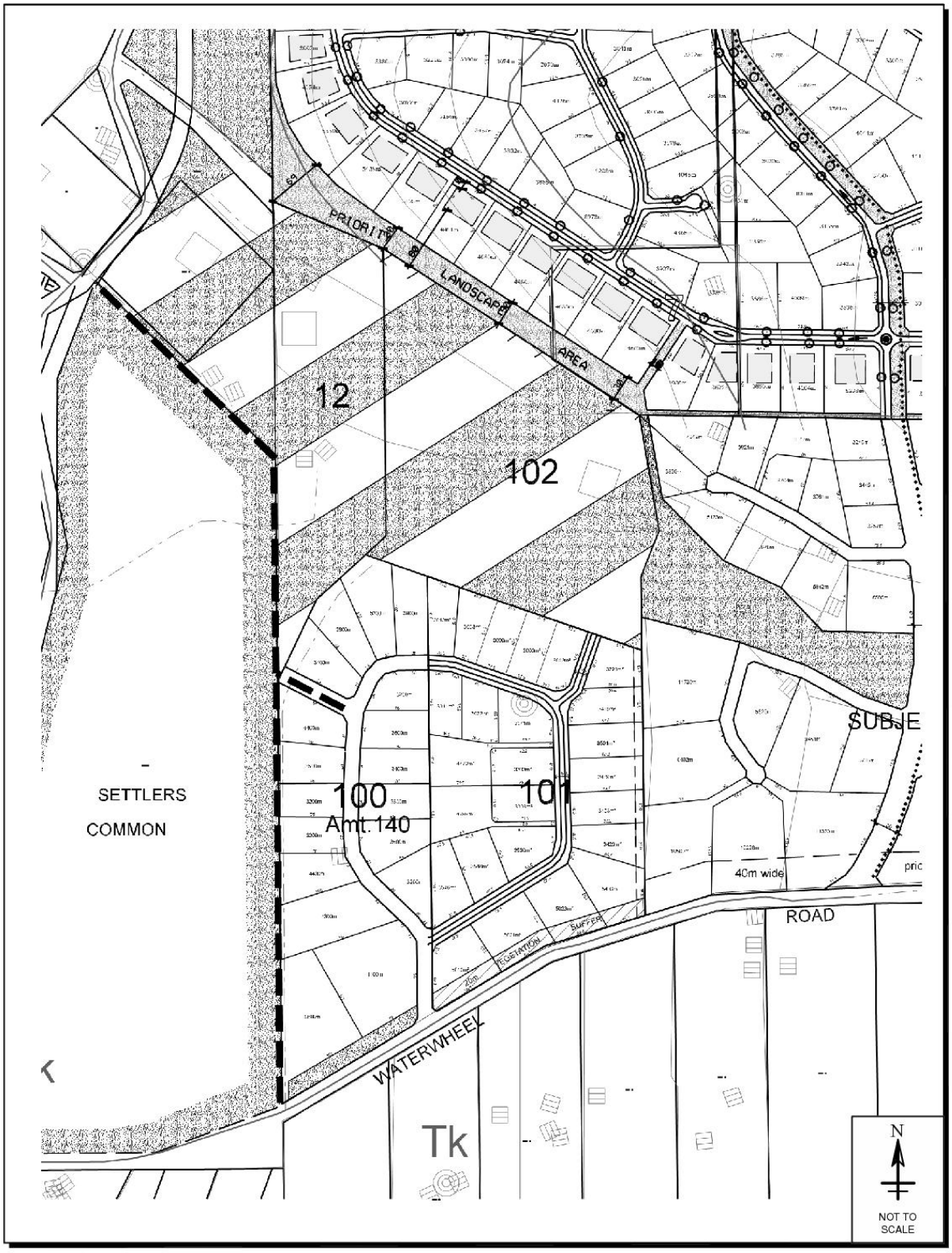
Nil.

Strategic Implications

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

Legislation Implications

Planning and Development Act 2005
Town Planning Scheme No.4



PORTION OF EXISTING STRUCTURE PLAN
CHURCHMAN BROOK ESTATE

Council Policy / Local Law Implications

Local Planning Strategy 2005
Development Control Policy 2.5 – Special Residential Zones (WAPC)
Development Control Policy 3.7 – Fire Planning (WAPC)
Statement of Planning Policy 2.5 – Agriculture and Rural Land Use Planning (WAPC)

Budget / Financial Implications

Nil.

Consultation

- Development Control Unit
- Various Government Authorities
- Surrounding Landowners

BACKGROUND

In 1994, Amendment No.92 to Town Planning Scheme No.2 (TPS No.2) rezoned several large lots from 'Rural X' to 'Special Use: Rural / Residential' and included a Structure Plan to guide subdivision of the land to create the Churchman Brook Estate. In 1996, Council resolved to adopt an amended Structure Plan for this estate that included Lots 100 and 101 Waterwheel Road due to issues associated with the location of the main north/south spine road for the estate. However, these lots were not rezoned at that time.

In 1998 Lot 100 was rezoned through Amendment No.140 to TPS No.2 from 'Rural B' to 'Special Use No.81 – Rural Residential'. The City received an application to amend the Structure Plan over Lot 100 on 9 March 2006.

DETAILS OF PROPOSAL

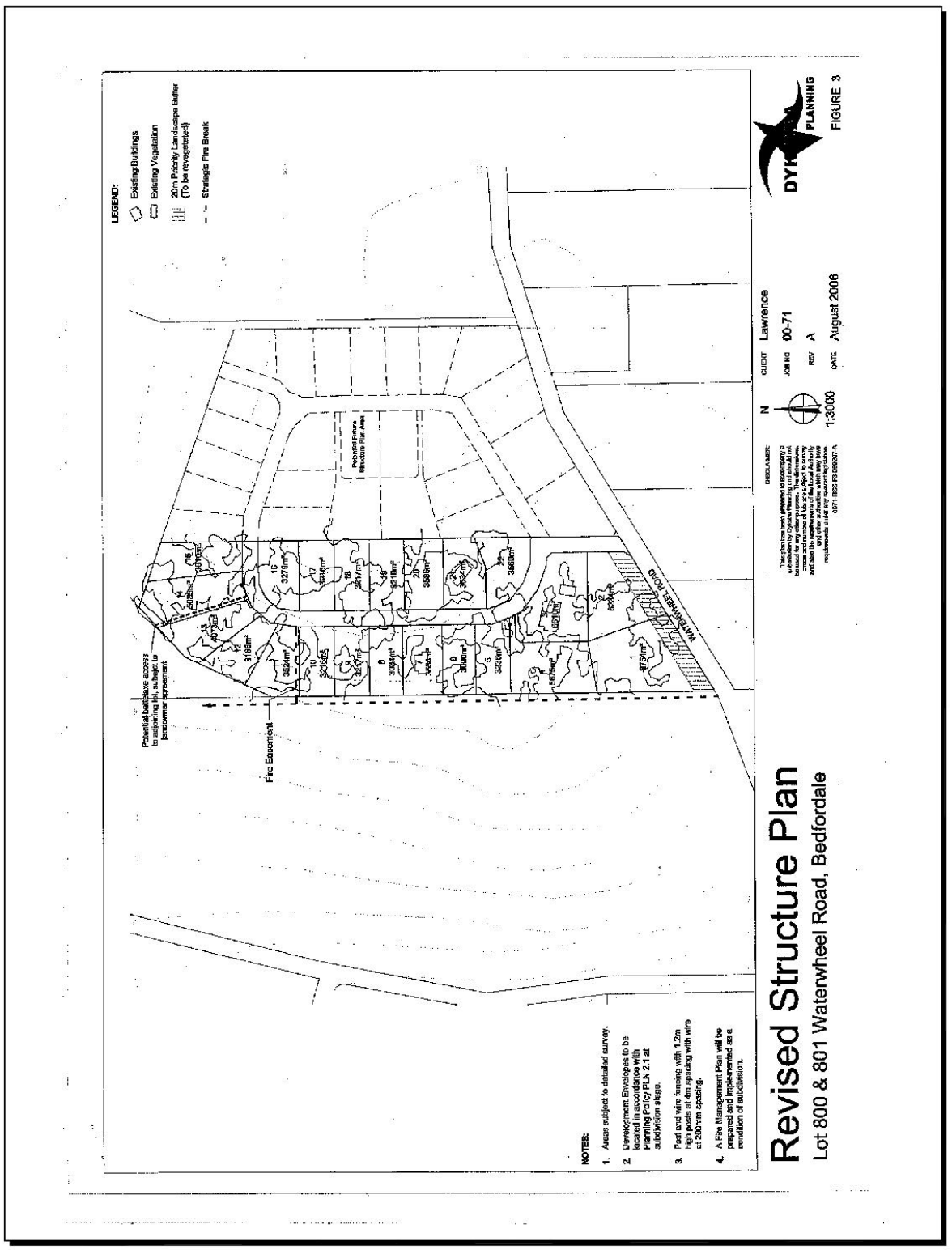
The applicant proposes to modify a portion of Development (Structure Plan) Area No.11 (Churchman Brook Structure Plan) over Lot 100 Waterwheel Road, Bedfordale, increasing the lot yield from 18 to 22, with lots ranging in size from 3000m² to 8764m². The proposal also includes the removal of a road reserve in the north-western corner of Lot 100 and its replacement with a battleaxe leg to access Lot 12 to the north.

COMMENT

Development Control Unit (DCU)

At its meeting of 16 May 2006, the DCU noted the following regarding the proposed amendment to the Structure Plan:

- Road reserve widths need to be indicated;
- Intersection angle needs to be confirmed in terms of the Australian Standards; and,
- Details of outlet drainage provisions should be provided.



STRUCTURE PLAN
LOT 100 WATERWHEEL ROAD, BEDFORDALE

Government Agencies

Telstra, Western Power, Alinta, the Water Corporation, the Department for Conservation and Land Management and the Department for Environment were notified of the proposal. Submissions of no objection were received from Western Power, Alinta and the Water Corporation. The Water Corporation outlined that a supply of reticulated water is available and that the developer should be required to connect to that supply at their own cost. In this regard, the Water Corporation advises the developer will need to enter into an agreement with the Churchman Brook Development Group for a cost contribution and restriction on the eventual number of lots.

The applicant notes that there is already a Deed of Agreement in place covering cost sharing with respect to the reticulated water supply.

Public Submissions

The proposal was advertised to 11 surrounding landowners for a period of three (3) weeks. One late public submission was received objecting to the proposal. The issues raised are outlined and responded to below. ***Refer to Confidential Attachment "B3" of the Agenda for location plan of respondents.***

Key Issues arising from Submissions

Issue 1 – Access to Adjoining Property

Do not object to the principles of the Structure Plan for Lot 100 but are concerned that a potential road access to Lot 12 has been deleted. The preferred option of the owners of Lot 12 is for the road reserve that touches the north-western corner of the lot to be swapped for a new road reserve along the course of their current access through the Settlers Common, however should this not be possible, removal of the road reserve that touches the southern boundary of Lot 12 removes the alternate option.

Comment

The issue is a valid one as Lot 12 is effectively land locked, with the owners currently having an agreement with the Settlers Common Committee to access their land across the reserve. Whilst this is a separate issue that is not being considered as part of this application, Technical Services have advised that construction of the road within the reserve that currently touches the north-western corner of lot 12 would be prohibitively expensive and neither the City nor the landowner of Lot 12 should be expected to meet the costs. As such, future access to Lot 12 needs to be considered.

The applicant argues that a full road reserve is too wide and that the land owner stands to lose too much land, making lot frontages narrower. The applicant also claims that Lot 12 already has access and therefore their client should not be obliged to provide access. Finally it is contended by the applicant that a battleaxe leg is all that is necessary, as Lot 12 can only accommodate one or two extra houses. However, this argument does not take into account future possibility of rezoning and further development of Lot 12.

AERIAL PHOTOGRAPH
LOT 100 WATERWHEEL ROAD, BEDFORDALE

The applicant's comments that the road reserve will result in the lots being too narrow and that the landowner loses too much land for the road reserve cannot be sustained, as a road connection already exists in the Structure Plan and an increase in lot yield is proposed by the applicant, which would have a more significant effect on the width of lots. The road reserve should be relocated however, to a position approximating the current location of the battleaxe leg to facilitate future access to Lot 12. The road reserve should be constructed by the owner of Lot 12, when they require the road. The applicant or the City should be responsible for the construction of the road.

Recommendation

That the issue be supported by modifying the Structure Plan to include a road reserve of appropriate width to access Lot 12, as provided in the adopted Structure Plan.

ANALYSIS

WAPC Policy DC 2.5 – Special Residential Zones

The Commission's Policy DC 2.5 requires all lots to be greater than 2000m² and below 1ha in size for special residential areas and the proposed Structure Plan modification achieves lot sizes within this range. The policy also expects a residential standard with respect to servicing. The applicant notes that underground power, water and telecommunications are nearby and therefore the zoning objectives and standards are met in this regard. It is noted that there is no requirement for a Public Open Space contribution under the previous Structure Plan.

WAPC Policy DC 3.7 – Fire Planning and 'Planning for Bush Fire Protection'

Fire protection standards have been introduced since the Structure Plan was originally considered. A 100m separation is now required from fire risk areas and half (eleven) of the proposed lots cannot achieve this distance from the adjacent Settlers Common reserve. The applicant maintains that a Fire Management Plan could be required as a condition of subdivision.

As the site will be developed regardless of whether it is under the current Structure Plan or the amended Structure Plan, it is recommended that the separation requirement be varied. As part of the subdivision, development envelopes should be required and these envelopes should be situated on the eastern side of the lots as far as TPS requirements will allow. Cleared building protection zones should also be required around these development envelopes in-accordance with Planning for Bush Fire Protection standards. Notifications should also be placed on titles, in respect of the eleven lots that cannot meet the 100m separation distance, advising land owners that the properties are considered a fire risk and that buildings should be built in-accordance with Australian Standard 3959, Construction of Buildings in Bushfire-Prone Areas.

SPP2.5 – Agriculture and Rural Land Use Planning

SPP2.5 requires a reticulated potable water supply to be provided. Such a supply is available via the Churchman Brook estate and a Deed of Agreement is in place to ensure its connection. This condition would be imposed as part of a subdivision approval.

Local Planning Strategy (LPS)

The LPS has little bearing on the proposal. The subject lot does not fall within any Rural Planning Areas and is simply shown as rural land on the Strategic Plan. As such, the proposal does not compromise the LPS.

Schedule 12 – Development (Structure Planning) Area No.11 / Churchman Brook Structure Plan

The subject lot falls within Development (Structure Planning) Area No.11 under TPS No.4, which covers all of the Churchman Brook estate, from Waterwheel Road in the south to Churchman Brook Road in the north. As such, any changes proposed must consider the impact on other lots also subject to Development (Structure Planning) Area No.11.

The proposed layout considers Lot 101 to the east, matching road reserves along the common boundary, but takes a potential access point away from Lot 12 to the north. As outlined in the consideration of the public submissions, this link should be left in place to ensure that Lot 12 has access if it decides to pursue a rezoning at a later point in time, as the land is included within Development (Structure Planning) Area No.11.

Impact on Amenity

The lots abutting Waterwheel Road are proposed to be larger, so as to have less visual impact on that public space, in terms of potential building bulk. In addition, a 20m wide landscape buffer has been indicated along Waterwheel Road. This will assist in screening future residences to be located at the southern end of Lot 100. Neerigen Brook is approximately 500m from the southern boundary of the site. It is not anticipated that the proposal will have any impact on the brook.

Soil Capability

The applicant has supplied a land capability report that analysed nutrients, salinity, drainage, hydrology, flood risk and wind erosion. The study recommends that lot sizes of 5000m² to 2ha are sustainable and that Lot 100 could be subdivided into 10 lots. It is acknowledged however that these figures appear to be based on the assumption that no reticulated water would be available. The site is characterised by two main soil types, Dwellingup (D2) and Yarragil (Yg1). Both soil types have a “high capability” for rural residential development and the City accepts that this, coupled with the availability of reticulated water, demonstrates the number of lots is appropriate.

Drainage Control

The applicant notes that drainage will be installed at the subdivider's cost in accordance with water sensitive design principles. The applicant indicates that on site drainage will be catered for via soakwells, with road drainage directed into road side table drains with surge arresters and soakwells as applicable. As requested by DCU, further details of outlet drainage provisions should be provided at the subdivision stage.

OPTIONS

1. Council may approve the proposed modification to the Structure Plan over Lot 100 Waterwheel Road, Bedfordale as proposed, subject to appropriate conditions.

2 Council may approve the proposed modification to the Structure Plan over Lot 100 Waterwheel Road, Bedfordale as proposed, subject to appropriate conditions, including modification of the plan to reinstate the road reserve to facilitate access to Lot 12 in a more suitable location.

3 Council may refuse the proposed modification to the Structure Plan over Lot 100 Waterwheel Road, Bedfordale on the basis that the current lot yield and access arrangements are considered to be a better result in terms of orderly and proper planning of the locality.

CONCLUSION

The proposed changes to the Structure Plan raise two important issues, fire separation and future access arrangements to an adjoining lot. It is believed that both these issues can be addressed satisfactorily through appropriate changes and conditions as outlined in the report above. It is therefore believed that Option 2 should be adopted.

COMMITTEE was of the view that the reducing the number of lots to 20 would maintain the same number of lots along the western boundary with Settlers Common and better meet the fire safety requirements.

COMMITTEE requested that an additional note be included on the Structure Plan to require the subdivider to provide Dieback brochures to prospective purchasers.

Accordingly the recommendation was amended.

D133/11/06 RECOMMEND

That Council:

1. Pursuant to Clauses 6A.4 and 6A.3.7(a) of Town Planning Scheme No.4, adopt the proposed modification to the Structure Plan over Lot 100 Waterwheel Road, Bedfordale subject to the following conditions:

a) The Structure Plan is to be amended to the satisfaction of the Executive Director Development Services as follows:

i) Replacing the proposed battleaxe leg with a 16 metre wide road reserve from the internal subdivisional road to the southern boundary of Lot 12, in the approximate location of the former battleaxe leg;

ii) Reducing the number of lots to 20 to maintain the same number of lots along the western boundary with Settlers Common to better meet the fire safety requirements.

iii) Specifically identifying all lots that are unable to site development outside of the 100 metre bushfire separation distance from the adjoining Reserve and an additional note is to be added to the Structure Plan as follows – "Lots specifically identified on this plan are subject to Notifications on the Titles specifying that buildings should be built in-accordance with Australian Standard 3959, Construction of Buildings in Bushfire-Prone Areas.";

iv) Note 4 on the Structure Plan is to be amended to state "A Fire Management Plan has been adopted as part of this Structure Plan";

v) Road reserve widths to be indicated on plan;

vi) Intersection angle needs to be confirmed in terms of the Australian Standards.

vii) An additional note being included on the Structure Plan to require the subdivider to provide Dieback brochures to prospective purchasers.

b) A Fire Management Plan is to be prepared and submitted to the satisfaction of the Executive Director Technical Services.

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

3. Endorse the comments made in this report regarding the submission received on the proposed modification to the Structure Plan for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission and advises the submitter and applicant of its decision.

MOVED Cr Tizard
MOTION CARRIED (6/0)

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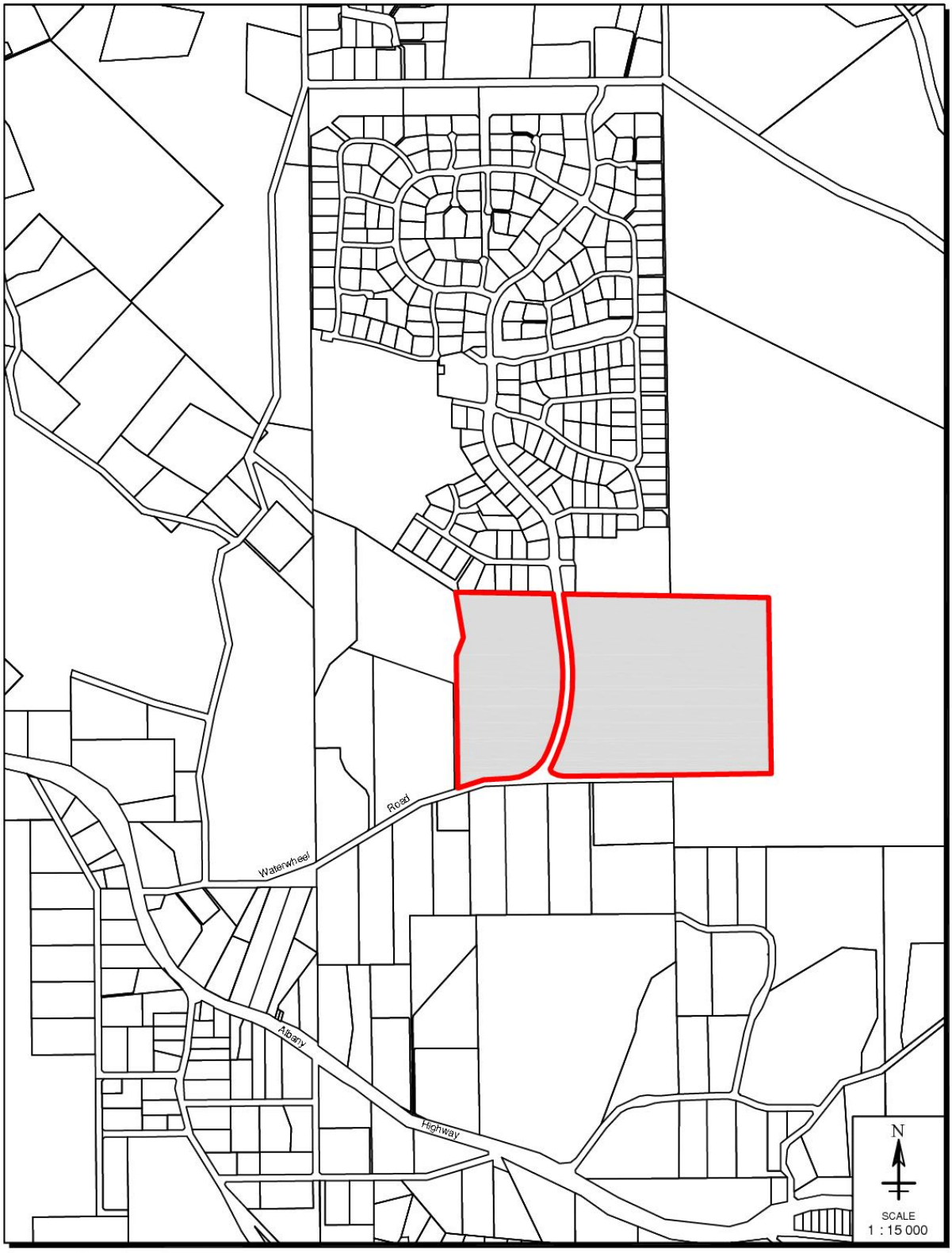


LOCATION PLAN
LOT 604 WATERWHEEL ROAD, BEDFORDALE

PROPOSED AMENDMENT TO DEVELOPMENT (STRUCTURE PLAN) AREA No.11 : CHURCHMAN BROOK STRUCTURE PLAN - LOT 604 WATERWHEEL ROAD, BEDFORDALE

WARD	:	NEERIGEN
DATE	:	2 November 2006
APPLN No.	:	35.2006.7.1
REF	:	EP
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Dykstra Planning
LANDOWNER	:	Mary Donald Nominees P/L
SUBJECT LAND	:	Property size 50.45ha Map 25-01
ZONING MRS / TPS No.4	:	Urban/Special Residential

In Brief:

- The City has received an application to modify the Structure Plan over Lot 604 Waterwheel Road, Bedfordale.
- The proposed changes involve an increase in the number of lots from 87 to 106.
- The proposal was advertised to surrounding landowners for 21 days and attracted 3 submissions.
- Recommend that Council approve the proposed modification to the Structure Plan subject to one condition.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

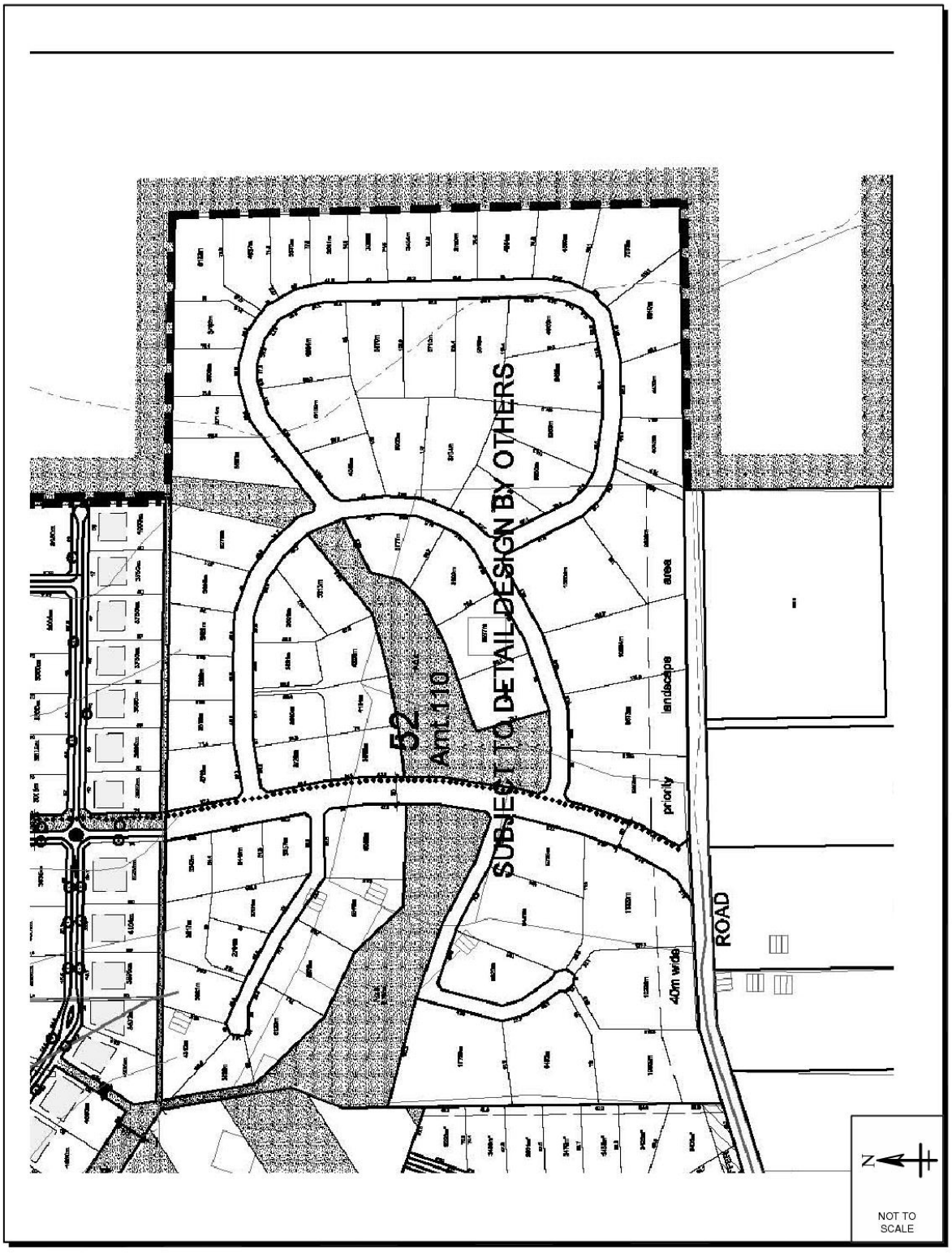
Planning and Development Act 2005
Town Planning Scheme (TPS) No.4

Council Policy / Local Law Implications

Local Planning Strategy 2005
Development Control Policy 2.5 – Special Residential Zones (WAPC)
Development Control Policy 3.7 – Fire Planning (WAPC)
Statement of Planning Policy 2.5 – Agriculture and Rural Land Use Planning (WAPC)

Budget / Financial Implications

Nil.



PORTION OF EXISTING STRUCTURE PLAN
CHURCHMAN BROOK ESTATE

Consultation

- Development Control Unit
- Various Government Authorities
- Surrounding Landowners

BACKGROUND

In November 1995 Council rezoned Lot 604 (then Lot 52) Waterwheel Road, Bedfordale from "Rural B" to "Special Use-Rural Residential" with an associated Subdivision Guide Plan that proposed 74 lots. The City approved a Subdivision Guide Plan to create 87 lots for the above property in February 2005 and subsequently the Western Australian Planning Commission (WAPC) granted conditional approval for the proposal in April 2005. The City in April 2006 received a revised Structure Plan for the site with modifications to increase the number of lots from 87 to 112.

The City was concerned about creating smaller lots within the heavily vegetated areas and the visual impact along Waterwheel Road. The applicant agreed to modify the Structure Plan to create larger lots in vegetated areas, revegetate areas, smaller lots in cleared areas and reduce the lot yield in order to maximise the retention of existing vegetation and visual amenity.

DETAILS OF PROPOSAL

The Revised Structure Plan proposes:

- The creation of 106 lots ranging from approximately 3,000m² to 5,000 m²;
- Establishing development envelopes on all properties to protect existing trees on new lots;
- Planting a substantial number of native trees at a number of strategic locations to improve visual amenity;
- Provision of a Public Open Space area that is centrally located;
- Maintaining a 40m vegetation buffer along Waterwheel Road; and
- All internal roads servicing the lots obtaining access from Waterwheel Road.

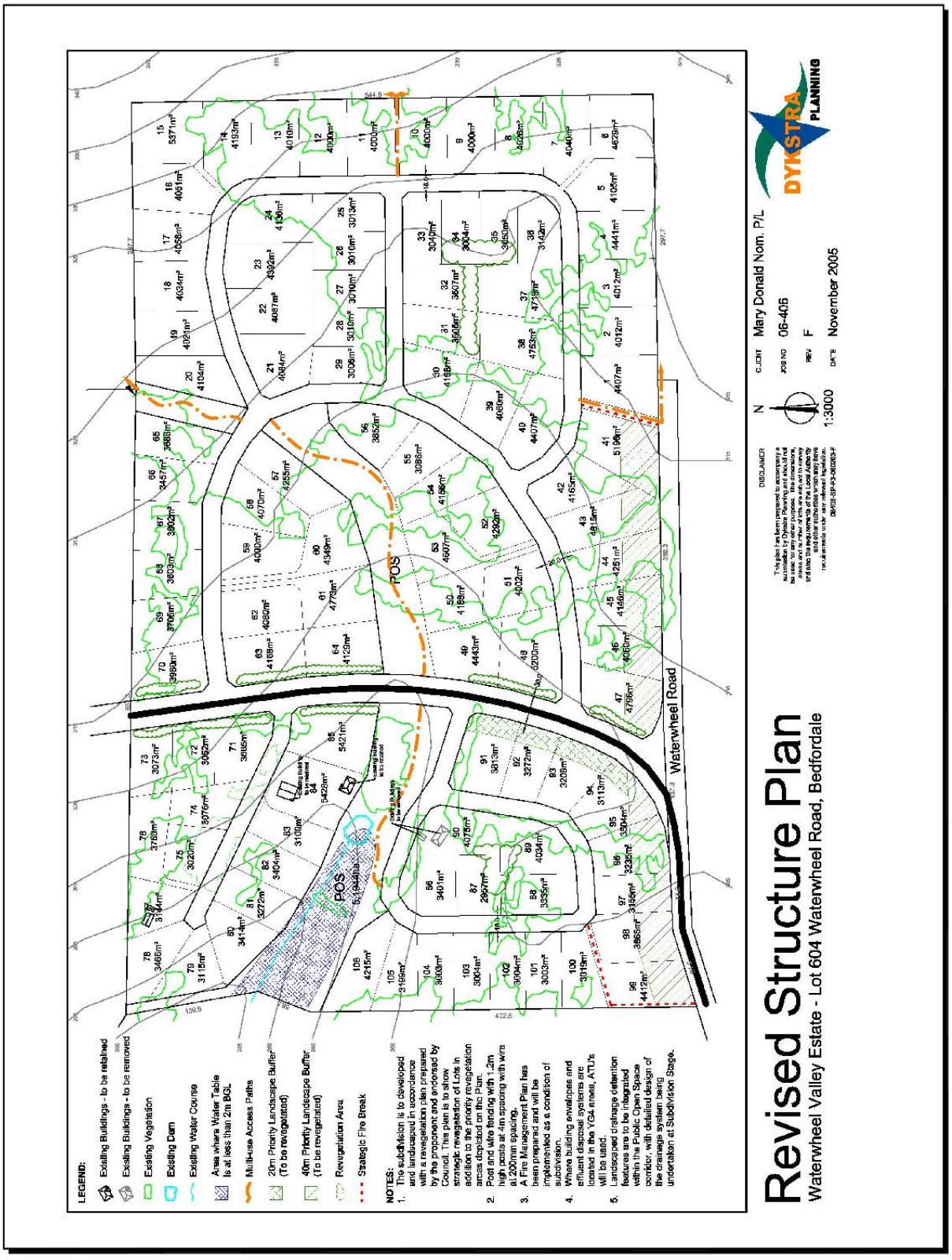
COMMENT

Development Control Unit (DCU)

DCU considered the proposal and issues raised in the submissions at its meeting on 2 November 2006 and advises that the modification to the Structure Plan can be supported subject to resolution of drainage issues raised by the Technical Services Department.

Government Agencies

The Structure Plan was advertised to a number of relevant Government Agencies for comment. Only one submission of no objection from the Water Corporation was received, advising that the subject area is within a Special Developer Contribution Area for water provision. The current level of contribution is $496 per single residential equivalent up to 31 December 2006, in addition to the standard headworks contribution. The applicant has been advised of this requirement and it is believed that relevant measures are in place to address the matter.



REVISED STRUCTURE PLAN
LOT 604 WATERWHEEL ROAD, BEDFORDALE

Public Consultation

The proposal was advertised to 22 surrounding landowners for a period of three weeks. ***Refer to Confidential Attachment "B4" of the Agenda for location plan of respondents.***

Total No. of submissions received	:	3 (including government agencies)
No. of submissions of concerns	:	1
No. of submissions of objection	:	1
No. of no objections	:	1 (Water Corporation)

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

Key Issues arising from Submissions

Issue 1 – Lot Sizes

Continually increasing the lot yield (via decreasing the lot sizes) diminishes the general amenity of other residents in the locality.

Comment

The proposed lot sizes maintain the consistency of special residential lot sizes in the immediate area, particularly in the context of the subdivision of the Churchman Brook estate to the north. Therefore it is not seen as a radical change and not out of context with the established settlement pattern of this locality.

Recommendation

That the issue not be supported.

Issue 2 - Fill

Large quantities of fill were placed on this lot when Albany Highway was constructed. The submittor asks what measures will the City take to ensure there is no potential liability of it if possible foundation problems are not advised to potential buyers.

Comment

For each stage of construction of the subdivision, the City would require a geotechnical report to ensure the land is physically capable of development.

Recommendation

That the issue be noted.

AERIAL PHOTOGRAPH
LOT 604 WATERWHEEL ROAD, BEDFORDALE

Issue 3 – Keeping of Animals

Are current restrictions on the keeping of cats, poultry etc to be applied?

Comment

Under Clause 38 (1) of the City's Environment, Animal and Nuisance Local Laws 2002, keeping of cats, poultry or farm animals are prohibited within this area.

Recommendation

That the issue be noted.

Issue 4 - Roads

Concerned about inadequacy of Waterwheel Road as far as sight lines etc, which applicant suggests has previously been drawn to Council's attention. The surface of this road (and Carradine Road) is deteriorating under present traffic. What plans does the City have to complete an upgrade and will they seek some recompense from the developer.

Comment

Waterwheel Road was reconstructed a few years ago with a single coat seal. However, as each stage of development progresses along this road the developer will be required to kerb, drain and apply an asphalt overlay (as was the case with the first stage of this subdivision). Waterwheel Road already exists, the increase in lot yield will not have a significant impact.

Recommendation

That the issue not be supported.

Issue 5 – Stormwater Runoff

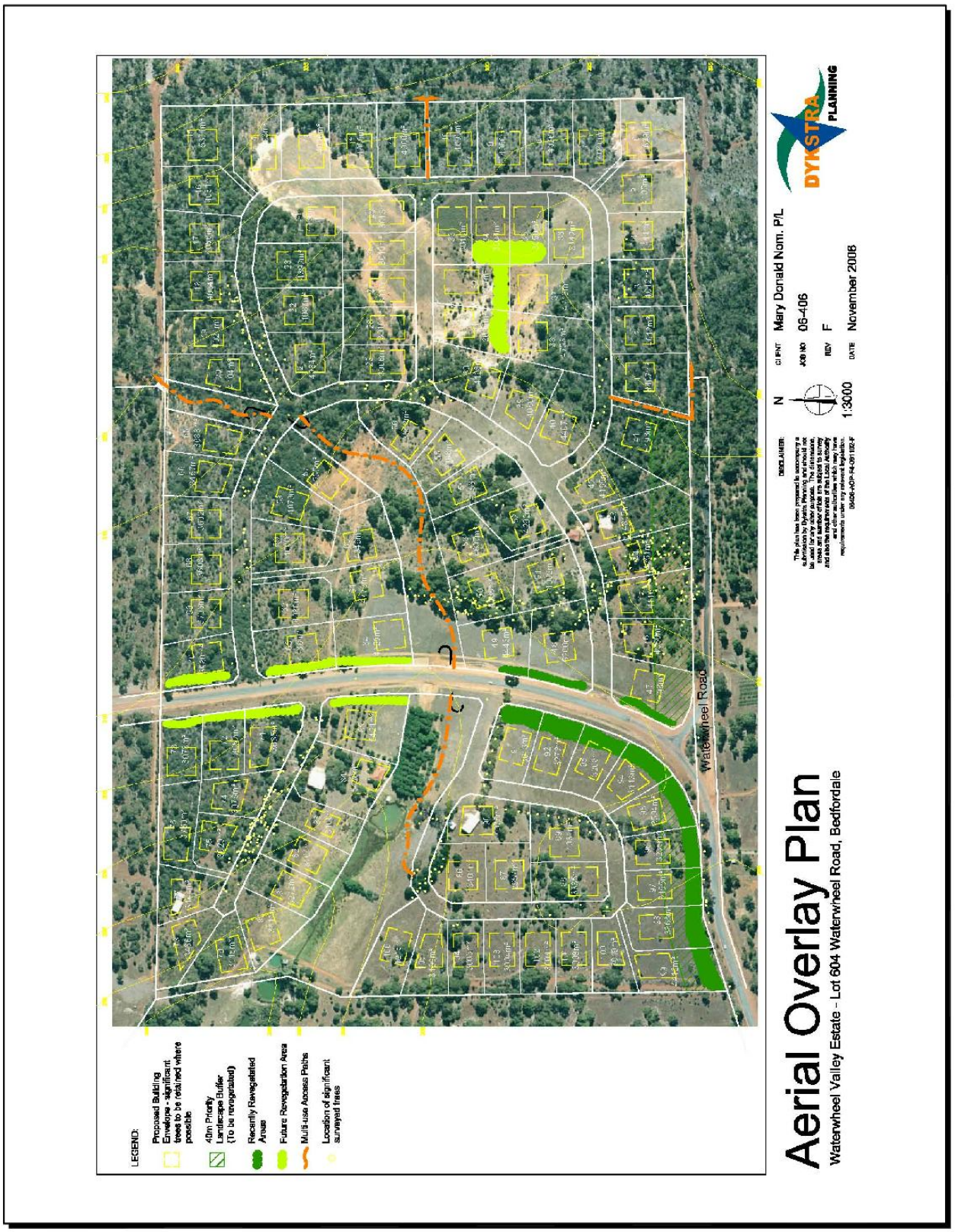
City's Technical Services is already aware of the mud pollution that occurred in Carradine Creek caused by heavy machinery breaking through the old culvert and stormwater running down the vehicle tracks into the creek. While the submittor appreciates that any earthworks carried out in the winter can cause problems, they believe inadequate care was taken in the initial stage of this subdivision. This area will become part of the POS and thus should be treated with care.

Comment

The developers have put in place measures (i.e. hay bails) to stop nutrients from entering Carradine Creek. This area will eventually be included in the POS area with a series of detention basins, nutrient stripping vegetation, etc. Design plans are currently being finalised for this POS area.

Recommendation

That the issue be noted.



AERIAL OVERLAY PLAN PLAN
LOT 604 WATERWHEEL ROAD, BEDFORDALE

ANALYSIS

Town Planning Scheme No.4

The subject land is zoned "Special Residential" under the City's Town Planning Scheme No.4. This land falls within the Development (Structure Planning) Area No.11: Churchman Brook Special Residential Development Area being the area bounded by Part Lots 1 and 12 Canns Road, adjacent Reservations for Parks and Recreation, Beeloo Close and Waterwheel Road. Any changes proposed in terms of lot sizes must take into consideration the impact on other areas within this Development (Structure Planning) Area.

The proposed modification to the Structure Plan is considered to be in keeping with the originally approved Subdivision Guide Plan framework and minor modifications to the road layout to the southwest portion of the land.

It should be noted that the applicant has already commenced subdivision of the northern portion of the land (Lot 57-59, 62, 63 and 65-78) in accordance with the previously approved Subdivision Guide Plan which has not altered as a result of this current modifications proposed.

Policy No.DC 2.5 – Special Residential Zones

DC 2.5 requires special residential zones to have a range of lot sizes between 2000m² and 1ha and reflect the topographical and environmental characteristics of the land concerned. The proposed Structure Plan modification achieves lot sizes within this range and takes into consideration the existing characteristics of the site. The policy also requires provision of service standards typical of normal residential zones. The applicant has noted that underground power, water and telecommunications are supplied in the vicinity. It is therefore considered that the proposal meets the zoning objectives and standards.

SPP 2.5 – Agriculture and Rural Land Use Planning

In accordance with SPP 2.5, a reticulated water supply is required for this proposal. Although there is no reticulated water supply available to the subject land, the applicant notes that there is a deed of agreement in place between the landowners of the subject land and the nearby Churchman Brook Developers, for the provision of a reticulated water supply to service the land. This however, could be imposed as a condition of subdivision approval.

Commission's Policy No.DC 3.7 – Fire Planning

The applicant advises that the revised Structure Plan has been prepared with regard to the above Policy and incorporates strategic fire access easements through the POS and other critical links, providing fire services access. A Fire Management Plan (FMP) for the site has been submitted and approved by the City's Ranger Services. The FMP states that "*individual dwellings on each lot shall be designed and built to conform with Australian Standards AS3959"*.

Notifications should be placed on titles, in respect of the effected lots, advising land owners that the properties are considered a fire risk and that buildings shall be built in-accordance with Australian Standard 3959, Construction of Buildings in Bushfire-Prone Areas. The Structure Plan should be modified to include this requirement.

Land Capability

The applicant has submitted a land capability report that analyses the geology, hydrology, nutrient management, soils and effluent disposal of the site. It is advised that the findings of these reports have been incorporated within the Revised Structure Plan.

The soils in the area are predominantly Lateritic Uplands consisting of Dwellingup and Yarragil type. Both soil types indicate a "high capability" rating for rural residential land use activities. The City's Environmental Health officers have assessed the Land Capability report and advised that lots within the Yg4b require alternative treatment units (as suggested by the consultant's report) and where possible these units should be placed outside the Yg4b area. This could be addressed as a condition of approval at the subdivision application stage.

Public Open Space (POS)

The POS areas are centrally located and comprise 10% of the total area of the development, at 5.19ha. The POS area has been located on land considered least suitable for residential development and attractive for open space and passive recreation uses. The Structure Plan layout also incorporates a number of additional POS links facilitating continuous pedestrian access to the nearby recreation reserves and fire management.

Drainage

The applicant advises that drainage will be managed in accordance with water sensitive design principles. It is noted that on-site drainage for individual lots will be catered for via soak wells, while road drainage will be dispelled into road side table drains with surge arresters built where necessary and soak wells if applicable. City engineers have generally accepted the proposal at this stage however, a drainage strategy including the outlet structures within the POS area will need to be submitted and approved prior to subdivision.

Retention of Existing Vegetation/Revegetation

As a result of site meetings and discussions held between the applicant, landowners and Council officers regarding concerns over vegetation clearing, the applicant has incorporated a number of modifications in order to maximise retention of existing vegetation on the land. The applicant notes that the lot yield has been reduced from initially proposed 112 to 106 lots in order to further protect areas of significant vegetation. The developers have undertaken a tree survey along all roads and visible parts of the subdivision with the flexibility to align services around significant trees. Allotments along Waterwheel Road North have been enlarged to allow setbacks and a 10m wide vegetated buffer to improve the visual amenity from vantage points such as the road intersection. Lot sizes have been increased in areas with significant vegetation cover. Boundaries and building envelopes have been realigned to maximise tree protection.

A revegetation programme has already been commenced. This will incorporate the planting of a large amount of native trees and shrubs at a number of strategic locations within Lot 604 as indicated on the Structure Plan.

OPTIONS

1. Council may approve the proposed modification to the Structure Plan for Lot 604 Waterwheel Road, Bedfordale with or without modifications.

2. Council may refuse the proposed modification to the Structure Plan for Lot 604 Waterwheel Road, Bedfordale on the basis that the increased lot yield may have a detrimental impact on the land and the amenity of the area or any other reason.

CONCLUSION

Lot 604 Waterwheel Road, Bedfordale has a subdivision approval to create 87 lots which will remain valid until April 2008. The lot sizes proposed in the modified Structure Plan to increase the lot yield are not considered a radical change or out of context with the established settlement pattern of the nearby Churchman Brook Estate Development. Provided the drainage and effluent disposal issues can be addressed satisfactorily through appropriate conditions and at the subdivision stage as outlined in the above report, the proposed modifications are considered acceptable. It is therefore, recommended that Option 1 be adopted.

D134/11/06 RECOMMEND

That Council:

1. Pursuant to Clauses 6A.4 and 6A.3.7(a) of Town Planning Scheme No.4 adopt the proposed modification to the Structure Plan over Lot 604 Waterwheel Road, Bedfordale, subject to the following condition:

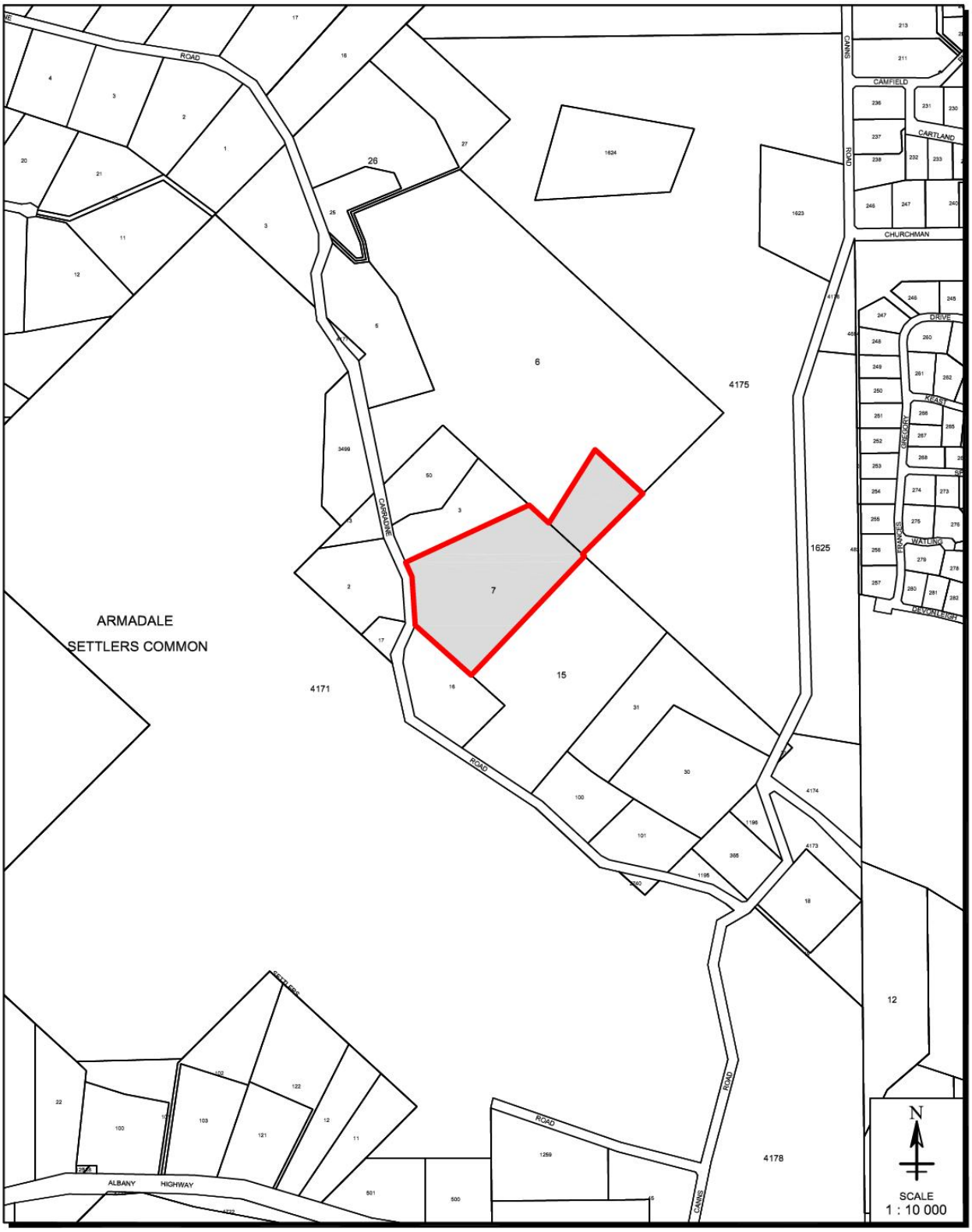
a) An additional note is to be added to the Structure Plan as follows – "Lots specifically identified on this plan are subject to Notifications on the Titles specifying that buildings shall be built in-accordance with Australian Standard 3959, Construction of Buildings in Bushfire-Prone Areas".

2. Pursuant to Clauses 6A.4 and 6A.3.9 of Town Planning Scheme No.4 to forward the proposed modification of the Structure Plan to the Western Australian Planning Commission for approval under Clauses 6A.4 and 6A.3.10.

3. Endorse the comments made in this report regarding the submission received on the proposed modification to the Structure Plan for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission and advises the submittees of its decision.

4. Advise the applicant of its decision and that the City will require the submission of a drainage strategy for the land that includes the outlet structures within the POS area at the subdivision stage.

MOVED Cr Tizard
MOTION CARRIED (6/0)



LOCATION PLAN

LOT 7 AND PART LOT 6 CARRADINE ROAD, BEDFORDALE

Cr Everts declared an interest in this item on the basis that a family member is a landowner of the subject site and left the meeting at 9.13pm.

PROPOSED STRUCTURE PLAN – LOT 7 AND A PORTION OF LOT 6 CARRADINE ROAD, BEDFORDALE

WARD	:	NEERIGEN
DATE	:	3 November 2006
APPLN No.	:	10.2006.4.1
REF	:	EP
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Dykstra & Associates
LANDOWNER	:	G D Heys
SUBJECT LAND	:	Lot 7 and a portion of Pt Lot 6 Carradine Road, Bedfordale Property size 8.0ha Map 22-04
ZONING		
MRS	:	Rural
TPS No.4	:	Rural Living 4 & Rural Living 10

In Brief:

- Council considered an application for Lot 7 and a portion of Pt Lot 6 Carradine Road, Bedfordale at its meeting on 18 April 2006 and resolved that the proposed Structure Plan requires modification, prior to being advertised and initiated Amendment No.14.
- The applicant has suggested an alternative to modifying the Structure Plan design to achieve Council's Policy objective of minimising water usage of Neerigen Brook.
- It is recommended that Council resolve to modify Modification (a) in Point (5) of its 18 April 2006 resolution on the proposed Structure Plan to require a notification on the Structure Plan.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

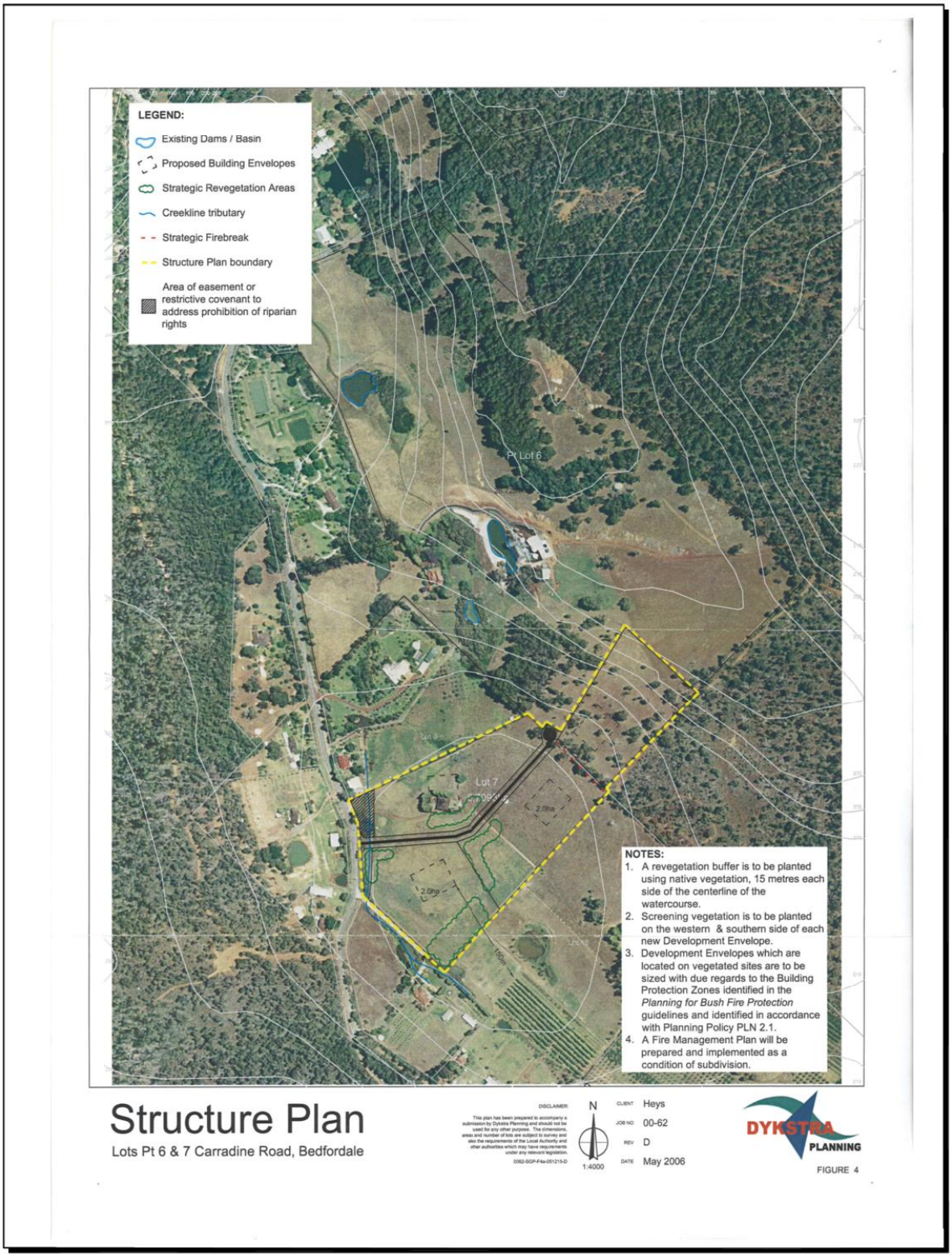
Development – "To balance the needs of development with sustainable economic, social and environmental objectives".

Legislation Implications

Planning and Development Act 2005
Metropolitan Region Scheme
Town Planning Scheme No.4
Right in Water and Irrigation Act 1914

Council Policy / Local Law Implications

Local Planning Strategy 2005
Policy – "Subdivision and Structure Planning for Lots with Watercourses in Rural Living and General Rural zones"



STRUCTURE PLAN
LOT 7 AND PART LOT 6 CARRADINE ROAD, BEDFORDALE

Budget / Financial Implications

Nil.

Consultation

- Development Control Unit
- Council Solicitors

BACKGROUND

Council considered this application at its meeting on 20 March 2006 and resolved as follows:

"that Recommendation(D27/3/06) be not adopted and be recommitted to a future meeting of the Development Services Committee following further investigation and clarification as to the location of the referred watercourse".

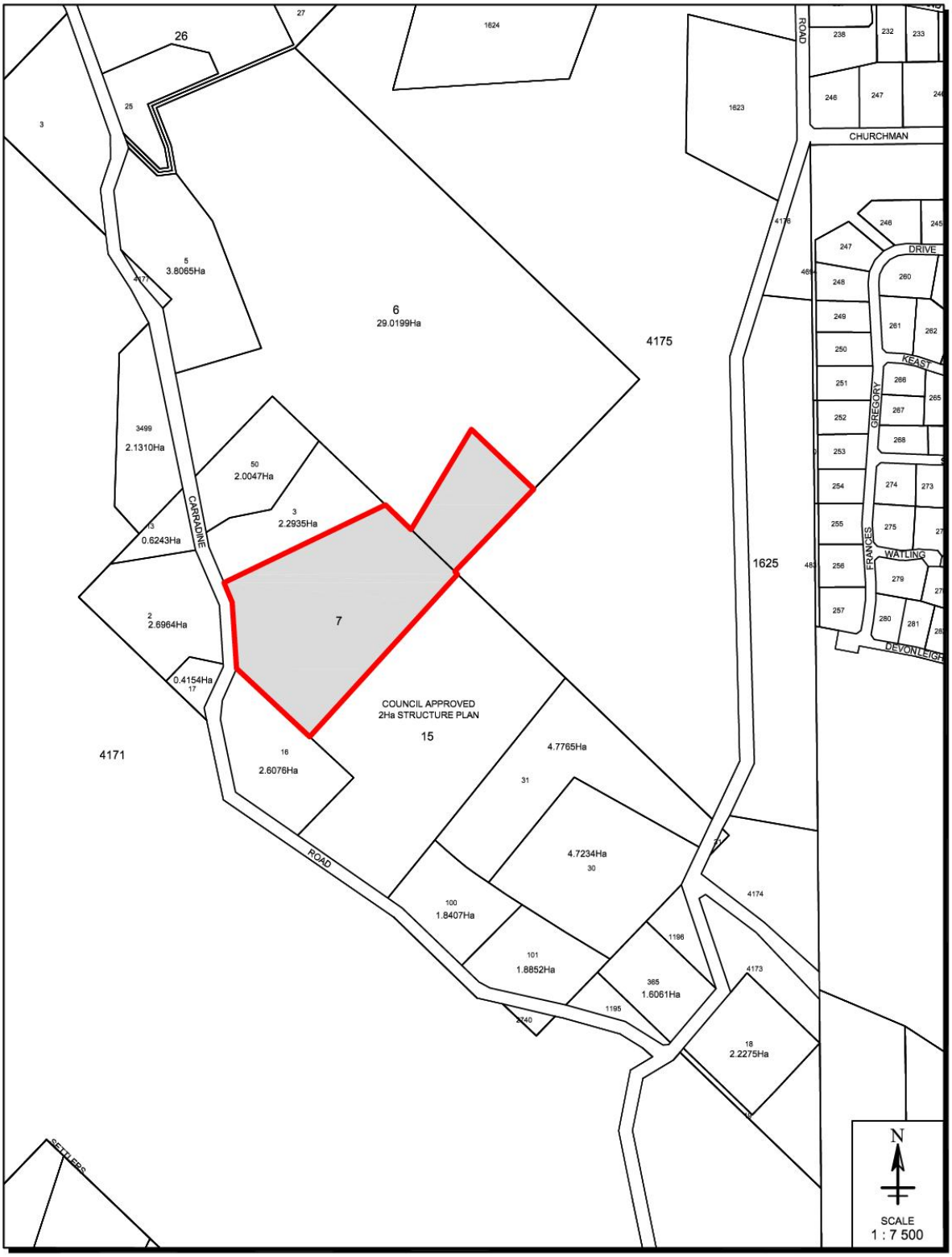
Subsequent to further investigations and obtaining verbal advice from the Department of Environment, Council considered the application at its meeting on 18 April 2006 and resolved to initiate the amendment subject to the Structure Plan being modified as follows prior to being advertised:

a) The proposed subdivision layout being designed to restrict multiple owner access to the watercourse;
b) The Structure Plan being modified to include text to require the provision of screening vegetation on the western and southern sides of each new Development Envelope;
c) The Structure Plan being modified to include text to require revegetation 15 metres each side of the centreline of the watercourse using local native vegetation to the satisfaction of the City;
d) The proposed road reserve on the Structure Plan being 15 metres in width and the cul-de-sac bulb having a 9 metre radius.
e) The preparation of a Fire Management Plan.

The applicant was advised of Council's resolution and in response the City received an amended plan that addresses the above requirements, except "(a)" above. The applicant in a covering letter argues in favour of retaining the structure plan design over the land. Rather than a design change, the applicant proposes a restrictive covenant "in Gross" to be created on the Certificate of Title of the land in favour of the City under section 147 of the *Land Administration Act 1997.*

DETAILS OF PROPOSAL

The applicant has lodged a proposed Structure Plan over the land included in the rezoning, which proposes the subdivision of Lot 7 and a portion of Pt Lot 6 into four (4) "Rural Living" lots of 2.0 hectares (ha) each. The request was accompanied by a report that included discussion of the planning and site context, land capability information and the rationale for the proposal. The report also included a Structure Plan showing the subdivision pattern and development envelopes for sites where new dwellings could be constructed. The subdivision design on the Structure Plan follows the physical landform, whilst taking into account the existing dwelling located on Lot 7.



LOT SIZES IN VICINITY OF SUBJECT LAND
LOT 7 AND PART LOT 6 CARRADINE ROAD, BEDFORDALE

The applicant advises that another primary objective of the rezoning and subdivision proposal is to provide Pt Lot 6 with an alternative and more practical road access. This cul-de-sac road could be extended, if the balance of Pt Lot 6 is rezoned and subdivided in the future.

COMMENT

Development Control Unit (DCU)

At its meeting on 2 November 2006, DCU discussed the proposal and no objection to the proposal was raised. However, it was suggested that a notation should be placed on the Structure Plan documentation advising the restriction of accessing waters of Neerigen Brook. The road width and size of the cul-de-sac will be addressed at the subdivision stage.

ANALYSIS

Legal Advice

The City has obtained legal advice, at the applicant's cost, on the enforceability of a Restrictive Covenant "in gross" on the Certificate of Title over land to restrict access to the watercourse in these circumstances. The advice received states as follows:

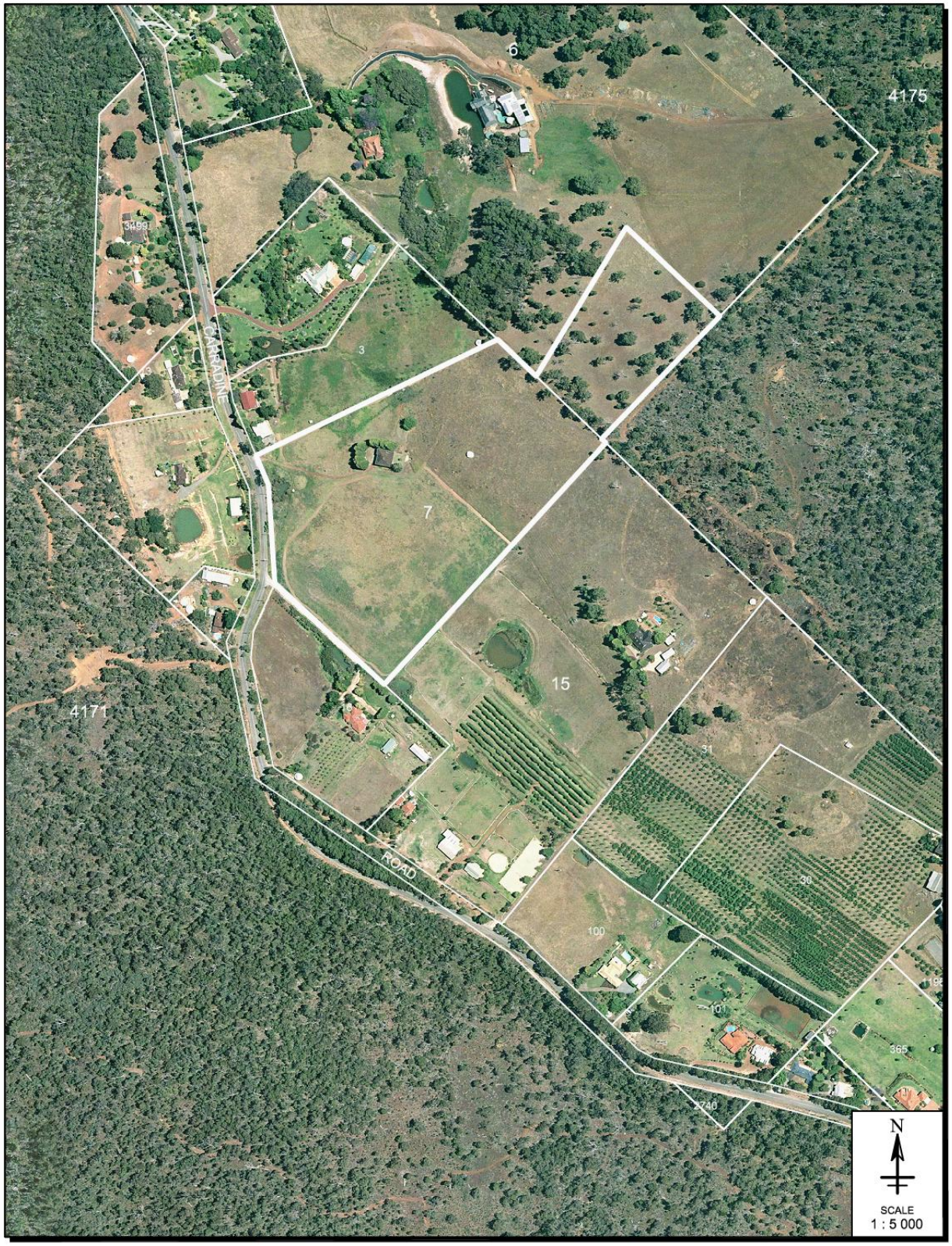
"Instead of a design change, Dykstra Planning proposes a restrictive covenant "in gross" to be created on the Certificate of Title of the land in favour of the City under Section 147 of the Land Administration Act 1997. Section 147 provides that an easement may be granted under Section 144. Section 144, however, applies only to Crown land. Hence the Land Administration Act 1997 proposal has no application in the current circumstances to the land. Section 147 of the Land Administration Act 1997 will not satisfy the City's Policy objective in this matter.

Section 129BA of the Transfer of Land Act 1893 permits the creation of a restrictive covenant for the benefit of the Local Government in whose district the land is situated. A restrictive covenant under Section 129BA shall be in an approved form that is lodged with the Registrar of Titles and must be accompanied by the written consent of each person who has a registered interest in any land that the restrictive covenant would burden.

The restrictive covenant must be negative in nature. This means that the restrictive covenant must be drafted to:

- *prevent adjoining lot owners from drawing water from the Neerigen Brook; and*
- *prevent persons from constructing a dam or a weir or interfering with the flow of the water in the Brook."*

In light of the above advice, the Policy objective of "*controlling the development of new lots to ensure that water draw from rural properties along the tributaries of watercourses such as Neerigen Brook is minimised"* could be achieved through such a covenant.



AERIAL PHOTOGRAPH
LOT 7 AND PART 6 CARRADINE ROAD, BEDFORDALE

OPTIONS

1. Council may determine that the subdivision layout on the Structure Plan does not need to be modified and include a notation on the Structure Plan (i.e. replace (a) in Part (5) of its previous resolution on the Structure Plan).
2. Council may reiterate its previous decision that the Structure Plan should be modified to restrict multiple owner access to the watercourse.

CONCLUSION

The lot sizes proposed in the Structure Plan are consistent with existing and proposed lot sizes on nearby land. In light of the legal advice and information provided in this report with regard to 'restricting access' to the watercourse, it is suggested that the Structure Plan could be advertised for public comment, subject to such a notation regarding the covenant on the Structure Plan.

Following the closure of the advertising periods, a report will be prepared on the proposed Amendment No.14 and Structure Plan and any submissions received during the advertising period for Council's consideration for final adoption. Given the above, Option 1 is recommended.

D135/11/06 RECOMMEND

That Council resolve to:

1. Modify modification (a) in Part (5) of its 18 April 2006 resolution on the proposed Structure Plan for Lot 7 and a portion of Pt Lot 6 Carradine Road, Bedfordale to read as follows:

a) The Structure Plan being modified to include text to require placement of a Restrictive Covenant, pursuant to Section 129BA of the *Transfer of Land Act 1893 (as amended)* on the Certificate of Title of the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the Deposited Plan. The restrictive covenant must be drafted to:

- **prevent adjoining lot owners from drawing water from the Neerigen Brook; and**
- **prevent persons from constructing a dam or a weir or interfering with the flow of the water in the Brook.**

2. That upon the matters specified in Part (1) above and Part (5) of Council's 18 April 2006 resolution on the proposed Structure Plan, being included in the Structure Plan documentation, that Council authorises the proposed Structure Plan to be advertised under the provision of Clause 6A.3.5 of Town Planning Scheme No.4 for a period of 42 days, concurrently with Amendment No.14.

MOVED Cr Tizard
MOTION CARRIED (6/0)

Cr Everts returned to the meeting at 9.19pm.

ENCOURAGEMENT OF HIGH QUALITY DESIGN IN RESIDENTIAL DEVELOPMENT

WARD : ALL

DATE : 19 October 2006

REF : IM

RESPONSIBLE MANAGER : EDDS

In Brief:-

- On 18th September 2006 Council resolved to request officers to investigate and report back on methods to encourage innovative architectural designs in City developments. This report provides a broad review of the issues associated with the design issues arising from redevelopment and higher density development in the City.
- With the assistance of the Residential Density Development policy and various initiatives being taken by the City and the ARA, improved designs are being promoted, although the adopting of a universal standard of design would be difficult to achieve or agree on.
- Recommend that Council note the strategies employed by the City in addressing the challenges created by the increasing demand for medium density development.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Nil.

Council Policy / Local Law Implications

PLN 3.1 Residential Density Design Policy

Budget / Financial Implications

Nil.

Consultation

- Officers in the City's Planning and Building Departments

BACKGROUND

At its meeting on 18th September 2006 Council resolved to request officers to investigate and report back on methods to encourage innovative architectural designs in City developments. This report responds to this request and provides a broad review of the issues associated with the pressures arising from redevelopment and higher density development in the City.

The emphasis in the report is on residential areas in view of this presenting the City with most of its challenges at the moment and the fact that the main commercial areas are under the planning control of the Armadale Redevelopment Authority. It should however be noted that the City has shown itself as receptive to original and innovative design as illustrated by its approval in 2005 of a colourful child care facility in Seville Grove.

The focus of this report is also on grouped dwelling development – rather than single dwellings, although the latter are more numerous. This is because there is a higher level of potential control on these dwellings and they have greater potential to have an impact.

COMMENT

In 2005 a Councillor tour of density development was undertaken. This tour focussed on the problems that could arise with higher density development with examples drawn from the Cities of Canning and Gosnells as well as this City.

In November 2005 TPS No.4 was introduced. The Scheme provided a number of areas with higher density coding, in particular with split coding. Because of the provisions of TPS No.2 which allowed grouped dwellings at a higher density than the prevailing Code, TPS No.4 generally also allowed in a number of areas grouped dwellings to a higher density than the general code. The intention was for the R10, R15, and R17.5 areas to have the potential to develop to R25 for grouped dwellings and for R25 areas to develop to R40 with grouped dwellings and provisions were written into the Scheme to this effect. However in the finalisation of the Scheme the Minister required that this information was placed on the Scheme Map as a split code (ie R15/25 and R25/40). This has lead to some confusion as it was originally intended that only the R15/40 areas would be identified on the Scheme Map and in these cases the higher code would not be restricted to grouped development but would enable subdivision.

Since the introduction of the new scheme there has been a considerable increase in interest in redevelopment of the established areas to take advantage of the higher codings and the split codings as indicated in the table below.

Table 1 - Grouped dwellings approved (planning applications and building approvals)

		Grouped Dwellings (DAs)	Grouped Dwellings (BAs)
2005	September	30	7
	October	6	10
	November	4	21
	December	37	4
2006	January	19	6
	February	57	18
	March	6	-
	April	58	1
	May	61	17
	June	26	12
	July	41	24
	August	37	4
	September	50	33

Access to the higher codings is restricted to developers who meet the requirements of Local Planning Policy PLN 3.1 Residential Density Development.

Policy PLN 3.1 was revised and adopted by Council on 17 July 2006.
The key provisions of the Planning Policy are:

- Grouped dwellings in split coded areas up to R25 need to be located near to public transport, open space, a footpath system, shopping and community facilities;
- Development in split codes up to R40 needs to abut footpaths, meet the density guidelines, and be properly serviced in terms of drainage, access and rubbish collection;
- Development in split codes up to R40 may require the provision of an Outline Development Plan for a wider area to demonstrate that orderly and co-ordinated development can occur;
- Proposals for development of over R25 are required to meet design standards relating to building design, fencing, open space and landscaping, access and car parking, provision for rubbish collection and, where appropriate, the retention of the existing dwelling.

In addition to the design requirements of the Residential Design Codes the Policy specifies that buildings should:

- Have a roof pitch of 25% or greater;
- Be comprised of colours and materials consistent with the desired appearance of the streetscape;
- Not include reflective materials;
- Include architectural detail and trim;
- Be visible from the street (in the case of rear dwellings);
- Have eaves and verandahs to protect openings from summer sun;
- Not include fibro cement front fences; and
- Provide attractive fencing abutting public spaces.

Access and parking requirements are also set out in the policy to ensure that the streetscape is not impacted on by poorly designed garages or the use of poor paving materials or that car parking results in detriment to neighbouring properties. The additional requirements added by amendment to the policy to ensure that developments adequately provide for rubbish collection by appropriate bin pad spaces and manoeuvring arrangements.

Altogether the policy provisions should enable the City to manage the demand for higher density development without quality being compromised. In addition it would be appropriate to ensure that proponents of grouped dwelling developments make contributions towards the completion of the City's footpath network – conditions to this effect are now being imposed.

Earlier this year the Council received a report arguing for the need to undertake structure planning for six areas subject to development pressure as a result of the increased R Codings. These areas have been progressed generally by Planning Department staff, although an area north of Kelmscott (Centre Road) has been pursued with consultant assistance.

The Armadale Redevelopment Authority is aware of the need to raise design standards and has set aside land adjacent to the Armadale station for the development of innovative demonstration apartments. As the result of the tender process the R100 site will now be developed by Australand for 59 units. The triangle of land west of the station is also proposed to be developed at medium density guided by development guidelines to secure high quality design.

The area subject to the Wungong Urban Water Master Plan is proposed to be developed using a somewhat novel approach based on the design of particular areas rather than R Code standards. Under the proposed scheme for the Wungong Urban Water Master Plan area it is proposed that a Form Based Code be developed to place greater emphasis on the design of buildings than their particular use. This is a new approach which may have merit, although there will be considerable more administrative effort employed in setting out policies and guidelines in the first place and subsequently assessing the applications.

ANALYSIS OF THE MAIN ISSUES

Challenge:

Development not addressing the street

Particularly where long narrow lots are being developed there is a tendency for proposed development to be side on to the street and fence up outdoor living areas to achieve privacy. This creates a poor streetscape without overlooking windows and with solid walls and fences. There is an increasing awareness of the need for development to address the street and thereby secure surveillance and therefore reduce opportunities for crime.

Strategies:

Development is required to address the street under the R Codes and Council's Policy. Approvals should not be given without conditions that protect against the development of solid walls facing public spaces and where possible the front unit should have the front door and windows fronting the street.

Challenge:

Developers seeking to maximise development potential.

The introduction of the split coding was to enable the City to place additional design requirements on developers who sought to take advantage of the bonus density code. The higher code was not a right – but it was a potential which could be achieved provided the community gained something in return. However, in many cases owners/developers see the upper Code as a right and resent any suggestion that they cannot develop to the maximum theoretical potential. The consequence has at least initially been the submission of applications that show small one storey three bedroom units with the minimum setbacks, outdoor living areas and standards of amenity. Part of the problem arises due to the reluctance to develop two storey units, these tend to create better development at the R40 density.

Strategies:

While the R Codes were intended to be applied as a performance based Code, there is a risk that developers would use this facility to compromise standards to the detriment of adjoining neighbours and the streetscape. Accordingly, while the City could be criticised for being too "standards driven" it is applying the Acceptable Development provisions of the R Codes because the alternative could result in a growing negative reaction from neighbours affected by imposing adjacent development. In addition officers will continue to advise developers that there is no right to develop to the maximum density indicated by the R Code and that a lesser number of units with greater amenity and higher quality design would be preferred.

Challenge:

The development of small units on one level.

The desire of developers to maximise return on medium density development (arising in part from high land prices and construction costs) has resulted in applications for the development of units on small R40 sized (average 220m²) lots. Where developing at only one storey such development has limitations because after providing for all the side setbacks, the minimum outdoor living area, front setbacks two parking spaces and the 55% maximum site coverage, there is relatively little space for a three bedroom two bathroom unit. Accordingly the units being designed have been described as "dog boxes" by some. Fortunately some developers are seeing the merit of building two storey housing on R40 lots as evidenced by a recent application for 12 two storey units on Lot 154 Westfield Road, Kelmscott.

Strategies:

The City's officers continue to advocate two storey development and the employment of creative designers. In addition, at the risk of attracting appeals, officers have not compromised on the amenity standards where to do so would be of detriment to neighbours and streetscape. It is hoped that gradually developers will see the merit of moving to two storey development in view of the increasing land values being achieved within the City.

Challenge:

The development of long narrow lots with relatively narrow frontage.

The City has a number of long narrow lots which are ripe for development, but if developed to the limit would result in a series of units facing out to a laneway abutting a fence. In cases where a lot is little more than 20m in width it is difficult to achieve attractive unit development, particularly at one storey.

Strategies:

Landowners are encouraged to amalgamate with adjacent properties to secure the possibility of developing with a central driveway or a loop road. The development of concept plans for some of the developing areas indicates that in many cases this is feasible. The need as set out in the revised Policy for development to accommodate rubbish collection requirements has forced landowners to address the access issue and thereby also solve the amenity issue created by long narrow lots.

Challenge:

Higher density development with inadequate services.

Development at higher density is required to have access to sewer, water, power and other basic services. Some areas being redeveloped do not have a completed footpath system, or at least the locality footpath system is incomplete.

Strategies:

A footpath condition is being applied to recent development to provide funding for the upgrading of footpaths in the locality, even where footpaths are available at the front of the property. The condition is based on the provision of an area of footpath per unit.

Challenge:

Landscaping/street trees

Some of the design issues associated with redevelopment can be ameliorated by the careful provision of landscaping. The City's Policy PLN 3.1 provides guidance on the need for landscaping (in addition to the requirements of the R Codes). Frequently redevelopment to a higher density involves the clearing of all trees from a site and the nature of the resulting development leaves little space for trees to be replanted.

Strategies:

In view of the loss of trees from the development sites it is more important that upon completion of development mature street trees be planted and landscaping on-site be of a high quality with ongoing maintenance of common areas being secured through the strata company.

Challenge:

Design for sustainable living

The community is becoming increasingly aware of the need to design housing with a view to sustainable development. Within ARA areas sustainable development requirements are specified. Within the City's areas provisions within Policy PLN 3.1 require the provision of eves and verandahs.

Strategies:

That the City's officers diligently impose conditions on development to ensure that sufficient eves and verandahs are provided for protection for openings from summer sun.

Challenge:

Good quality design

Often the quality of a design is in the eye of the beholder and it can be difficult to provide standards to secure universal high quality. However, there are provisions within the City's Policy PLN 3.1 which could be used to restrain the excesses of poor quality design by specifying colour schemes and use of materials and architectural detail and trim. In addition Detailed Area Plans (DAPs) are being employed in growth areas to ensure that the design of dwellings is undertaken with care particularly where lots are small and overlooking public areas.

Strategies:

That the City's officers diligently impose conditions on development to ensure that colour schemes and selection of materials complement the natural tones associated with the Armadale landscape and details such as gutters, facias, capping, brackets, window frames etc. complement the overall building. In addition, DAPs should be used for lots exposed to public areas to enhance design and secure surveillance.

Challenge:

Housing developed at differing floor levels creating inconsistent streetscapes

It has been traditional for builders since the concrete "slab on ground" design became common in the seventies to respond to the City's cohesive soils by placing sand pads of between 300mm to 600mm on flat lots to protect the residence from the expansion and contraction of the City's volatile clay soils.

Unfortunately not all lots in a subdivision are seen by the builder's Design Engineer to require the same amount of filling material, thereby creating an inconsistent floor level on land that is basically flat. This situation created retaining wall problems and privacy issues for residents, while also contributing to a less attractive streetscape.

Strategies:

In the last two to three years the City has been limiting the amount of filling material that a builder can place under a residence on these "flat land" subdivisions to a maximum of approximately 200mm. A note is placed on the plan advising the builder that the restriction is intended to provide a more consistent streetscape, as well as to reduce retaining wall and privacy issues. The note also advises builders that excavation of the existing clay soils may be required to ensure that the restriction in sand pad height does not endanger the structure of the residence. The best examples of this strategy can be seen in recent Seville Grove subdivisions.

To compliment a strategy whereby a consistent streetscape can be achieved in the above circumstances the City must also continue to pursue subdividers to undertake high quality earthworks at the time of developing the land. There are examples of poor subdivisional earthworks in the City. Subdivisions where volatile clay soils are left close to the surface of the completed lot often create significant problems for the builder and can lead to building failure in the years to follow.

OPTIONS

Council could:

1. Note the report and the manner in which the challenges relating to the design of new development is being addressed.

2. Seek further information regarding certain aspects of the report.

CONCLUSION

The City has embarked on a development phase in response to market conditions being favourable to development in the South East Corridor and the development opportunities available through the town planning scheme. More intensive development is in many cases appropriate in the context of falling occupancy rates and the need to better use public facilities. However, there needs to be a clear understanding from developers that in return for development the City expects a higher quality of design. This said, there is always a careful balance to be struck between the need to encourage development and the need to improve design standards.

A number of strategies are already in place, as outlined in the report, to ensure that development meets certain standards and delivers benefits to the City in terms of design, landscaping and infrastructure.

Executive Director Development Services briefed COMMITTEE on this report which provides a broad review of the issues associated with the pressures arising from redevelopment and higher density development and the need to encourage and improve design standards in the City.

D136/11/06 RECOMMEND

That Council resolve to note the strategies employed by the City in addressing the challenges created by the increasing demand for medium density development within the City.

MOVED Cr Zelones
MOTION CARRIED (6/0)

** *REVIEW OF DELEGATIONS OF AUTHORITY RELEVANT TO THE DEVELOPMENT SERVICES DIRECTORATE*

WARD : ALL

FILE REF : PCY/2

DATE : 7 November 2006

REF : PMS / PS

RESPONSIBLE MANAGER : EDDS/PSM/BSM/HSM

In Brief:-

- Council has granted Delegation of Authority to officers of the City to ensure the efficient processing and determination of applications and so that Council's time may then be spent on policy and more complex matters.
- Delegations of Authority are required to be reviewed annually. Revised Delegations were adopted by Council in November 2005 to accommodate the finalisation of Town Planning Scheme (TPS) No.4 and comply with relevant Legislation.
- No new delegations have been sought, only minor modifications to existing delegations are proposed.
- Recommend that Delegations remaining unaltered and as amended where outlined and remain in force for the next 12 months.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Fits with the aims for Developing our Organisation to:
- Deliver high quality, professional governance and administration: and
- Ensure our workplace enable staff to be innovative and confident.

Legislation Implications

Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960
Planning & Development Act 2005
Town Planning Scheme No.4
Residential Design Codes
Health Act 1991
Strata Titles Act 1985 (as amended)

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

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

Consultation

- Executive Director Development Services;
- Planning Services Manager;
- Building Services Manager; and
- Health Services Manager.

BACKGROUND

It is a requirement of the Local Government Act 1995 that all Delegations of Authority be reviewed annually. Revised Delegations were adopted by Council in November 2005 to accommodate the finalisation of Town Planning Scheme (TPS) No.4 and comply with relevant Legislation.

The Delegations enable the City to provide effective decision making to meet statutory timeframes and create additional flexibility in how the City can best use its resources to manage its growing workload, so that it can progress more significant strategic policy and town planning items, including developer contribution arrangements.

In-accordance with that requirement, copies of the Delegations relevant to this Committee, with suggested revisions, are at Attachment "A2" of the Minutes..

COMMENT

Analysis

Unaltered Planning Delegations

The Delegations numbered 701, 702, 703, 709, 714, 719, 720, 721, 727, and 731 continue to work effectively and can remain unaltered.

Unaltered Building and Health Delegations

The Delegations numbered 90, 100, 120, 140, 601 and 602 can remain largely unaltered. These remain effective to provide officers with the power to take proceedings regarding breaches of the City's Town Planning Scheme and to cover Building and Health Services matters.

Deleted Health Act Delegations

The Delegations numbered 130 and 131, relating to individual officers being appointed by Council as Authorised Officers to perform duties required under the *Caravan and Camping Ground Regulations 1997,* can be deleted as Council has since nominated Environmental Health Officers as Authorised Officers to carry out these duties.

Amended Planning Delegations

It is proposed that the City modify several of the current Delegations to include an additional senior officer, in addition to the current officers (including CEO, Director and Manager of Planning Services). This will enable decisions to be made by senior officers on more basic proposals to reflect the minor nature of the applications. This will create additional flexibility in how the City can best use its resources to manage its growing workload within statutory time periods and to progress more significant strategic town planning items and developer contribution arrangements. It is recommended to improve the flexibility of the Planning process that Delegations 700, 706, 708, 710, 711, 728, 729 and 730 be amended to include Coordinator Statutory Planning as specified in ***Attachment "A2" of the Minutes.***

A minor amendment is required to Delegation 725 (Subdivision Advice) to include reference to Council Policies and Detailed Area Plans and remove a note. Delegations 728 and 729 are proposed to be modified to provide officers with the ability to resolve issues raised in submissions (i.e. car parking, access, colour, signage, etc.) through approval conditions for Home Occupation Permits and applications for 'D' and 'A' uses. Minor amendments are also required to Delegations 13 and 712 to reflect the new Planning and Development Act 2005, which replaced the Town Planning and Development Act 1928.

OPTIONS

1. Approve all the suggested amendments and deletions to the Delegations of Authority outlined, and authorise that these Delegations and those that can continue unamended remain in force for the next twelve months.

2. Approve some of the suggested amendments and deletions to the Delegations of Authority outlined, but leave others as they are and authorise that these remain in force for the next twelve months.

CONCLUSION

No new delegations have been sought and only minor modifications to improve the wording of delegations, include an additional senior officer and clarify requirements. It would be in the interest of efficiency to approve the delegations as requested, as it will assist in ensuring the efficient processing and determination of applications, particularly given the City's growing population and workload, in a timely manner. Council's time may then be spent on policy and more complex matters.

It is therefore recommended that the delegation request be approved in-accordance with Option 1 to ensure the Delegations of Authority are accurate and give officers the appropriate flexibility to deal with planning, building and health issues within the required statutory time periods.

D137/11/06 RECOMMEND

1. That Council acknowledges the review of Delegations of Authority under Section 5.46 of the Local Government Act and grant the authority under delegation as follows:

a) That the powers or duties detailed in Delegations numbered 90, 100, 120, 140, 601, 602, 701, 702, 703, 709, 714, 719, 720, 721, 727 and 731 outlined at *Attachment "A2" of the Minutes*, remain in force for the next twelve months.

b) That the powers or duties detailed in Delegations numbered 13, 700, 706, 708, 710, 711, 712, 725, 728, 729 and 730 as amended in-accordance with *Attachment "A2" of the Minutes*, remain in force for the next twelve months.

2. That Council delete Delegations numbered 130 and 131 relating to individual officers being appointed by Council as Authorised Officers to perform duties required under the *Caravan and Camping Ground Regulations 1997*.

**** ABSOLUTE MAJORITY OF COUNCIL REQUIRED**

MOVED Cr Zelones
MOTION CARRIED (6/0)

TENDER No.18/06 FOR PROVISION OF LICENCED VALUATION SERVICES FOR DEVELOPMENT CONTRIBUTION PLAN No.3 AND OTHER PURPOSES

WARD	ALL
FILE REF	TEN/18/06
DATE	25 October 2006
REF	RVD
RESPONSIBLE MANAGER	EDDS

In Brief:

- Tender No.18/06 was recently called for the provision of licensed valuation services for Development Contribution Plan No.3 and other purposes.
- Four tenders were received by the specified closing time.
- The tenders from DTZ Australia, Heron Todd White and the Australian Government Valuation Office have been assessed as being the most advantageous to Council.

Recommend

That for Tender 18/06 Council appoints DTZ Australia, Heron Todd White and the Australian Valuation Office as valuers for the period 22 November 2006 to 21 November 2008 with an option to continue for another three years in accordance with their submitted tenders and Council's contract documentation.

Tabled Items

- Tender documents;
- Tenders received; and
- Summary of tender assessment against compliance and selection criteria.

Officer Interest Declaration

Nil.

Strategic Implications

Corporate Services - "To achieve maximum community benefit from effective use of resources (staff, finances and information technology)."

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

Legislation Implications

Assessment of legislation indicates that the following regulations apply:
Local Government Act 1995 s3.57
Local Government (Functions and General) Regulations 1996 Part 4

Council Policy/Local Law Implications

Assessment of Policy/Local Law indicates that the following are applicable:
Policy ENG 5: Tendering and Purchasing.

Budget/Financial Implications

The costs associated with the operation of Development Contribution Plan No.3 are to be met by Cost Contributions from subdivisions in North Forrestdale. Other valuation costs are covered within project costs. Subdividers are responsible for the cost of preparing valuations for public open space cash-in-lieu contributions and the appointment of the valuer needs to be agreed between the subdivider and the City.

Consultation

Nil.

BACKGROUND

The City of Armadale invited tenders from qualified organizations to provide licensed valuation services for Development Contribution Plan No.3 (i.e. Amendment No.12 to Town Planning Scheme No.4) and other purposes such as valuations for the public open space strategy, public open space cash-in-lieu valuations, and for other road projects. As the value of the supplied service will exceed $50,000 per annum a tender to conform to the Local Government Act and Council's Purchasing Policy is required.

DETAILS OF PROPOSAL

Development Contribution Plan No.3 requires valuations be undertaken by a valuation panel, which needs at least two members in order that appropriate values can be determined. Therefore two or more valuation firms need to be appointed.

Contract Information

Essential details of the contract are as follows:

Table 1: Contract Information

Contract Type	Valuation Panel Members and other valuation services
Contract Duration	Two years
Commencement Date	22 November 2006
Expiry Date	21 November 2008
Extension Permitted	Option to extend for another three years
Rise And Fall Included	To 2008

Selection Criteria

The selection criteria and weightings for the evaluation of the tender are as follows:

Table 2: Selection Criteria

1.	***Quality criteria (60%)***
	(a) The Tenderer's ability to understand the Principal's operating environment;
	(b) The Tenderer's record in handling similar matters;
	(c) The ability of the Tenderer to operate proactively and to suggest ways of reducing costs and increasing efficiency for the Principal (eg over-servicing);
	(d) The Tenderer's proposals for liaising/communicating with the Principal;
	(e) The standard of service that can be provided, including response times and hours of availability;
	(f) Quality Improvement Initiatives;
	(g) Any other value adding service initiative.
2.	***Competence and experience of key personnel (40%)***
	Tenderers are to provide as a minimum, information of personnel to be assigned to this contract, including: (a) Their role in the performance of the contract; (b) Educational and professional qualifications; (c) Membership of professional associations and committees; (d) Experience in the specified area of valuation.

TENDERS RECEIVED AND TENDER EVALUATION

Tenders were received from the Australian Government Valuation Office, DTZ Australia, Heron Todd White and Jones Lang LaSalle.

The tender evaluation process involves a two stage assessment, with the first stage assessment considering the tender against four compliance criteria assessed on a yes/no basis. Tenders were advised that a no against any of the compliance criterion may eliminate the tender from consideration.

The tender from Jones Lang LaSalle did not meet the compliance criteria and in so doing did not address a number of critical issues such as the provision of referees, potential for conflicts of interest, the financial position of the company including whether or not any litigation claims currently affect the financial position of the company, and the adequacy of professional indemnity and public liability insurance. Therefore the Jones Lang LaSalle's tender is a non-conforming tender and must be disregarded.

The tender from DTZ Australia drew attention to non-compliance with the compliance criteria that the company have professional indemnity and public liability insurance to the value of at least $10,000,000. DTZ Australia carries a limit of $5,000,000. Preliminary estimates suggest that over the next 10 years Development Contribution Plan No.3 will deal with approximately $8,500,000 worth of land. Therefore it is considered that for the initial two year life of the contract, non compliance with this criterion is acceptable and should not preclude DTZ from further consideration.

The tender rankings resulting from the application of the selection criteria as outlined in the tabled 'Summary of tender assessment against compliance and selection criteria' are as follows.

Table 3: Tender Rankings

Tenderer	Ranking
DTZ Australia	1
Herron Todd White	2
Australian Valuation Office	3

Both DTZ Australia and Heron Todd White demonstrated that their senior staff had a record of handling similar matters by referring to their experience in acquisition processes for road projects and in valuations for subdivision purposes. Acquisition and valuations for subdivision purposes is expected to comprise a large part of the work required for Development Contribution Plan No.3. DTZ also demonstrated experience of operating within a local government environment. The Australian Valuation Office demonstrated significant experience in property and business valuations, has experience with englobo valuations for subdivisions but does not have experience with acquisitions for road projects.

Price was not a selection criterion because it was expected that each tenderer would provide prices for different staff for different tasks and the City would utilise the cheapest combination of valuers appointed under this tender that have the skills to undertake the required valuations. Heron Todd White's rates are relatively expensive compared to the other tenderers.

The 'Summary of tender assessment against compliance and selection criteria' (tabled) shows that the tenders from DTZ Australia and Heron Todd White are the most advantageous for Council interests in terms of providing services for Development Contribution Plan No.3. It is considered that the Australian Valuation Office should also be appointed because they have the skills to undertake some of the valuations required for Development Contribution Plan No.3 and can undertake other valuation work cost competitively. ***Refer Attachment "A4" of the Agenda.***

OPTIONS

1. Council could appoint DTZ Australia, Heron Todd White and the Australian Valuation Office in order to provide a choice of valuers.

2. Council could appoint only DTZ Australian and Heron Todd White.

3. Council could decide not to appoint valuers in accordance with this Tender. This would mean readvertising and significantly delay implementation of Development Contribution Plan No.3.

CONCLUSION

It is recommended that Option 1 the tenders be awarded to DTZ Australia, Heron Todd White and the Australian Valuation Office to provide the City with a choice of valuers for the range of valuation tasks likely to be required over the next few years.

D138/11/06 RECOMMEND

That for Tender 18/06 Council appoint DTZ Australia, Heron Todd White and the Australian Valuation Office as valuers for the period 22 November 2006 to 21 November 2008 with an option to continue for another three years at Council's discretion based on performance, in accordance with their submitted tenders and Council's contract documentation.

MOVED Cr Reynolds
MOTION CARRIED (6/0)

VACANCY – NOMINATIONS FOR VACANT POSITIONS ON THE CANNING-WUNGONG-SOUTHERN RIVERS IRRIGATION ADVISORY COMMITTEE

WARD : ALL

DATE : 26 June 2006

REF : HC

RESPONSIBLE MANAGER : EDDS

In Brief:

- Department of Water is seeking nominations from the City of Armadale for suitable persons to fill an existing vacant position and an expiring position on the Canning-Wungong-Southern Rivers Irrigation Advisory Committee.

DETAILS OF PROPOSAL

Nominations are sought from the City of Armadale for suitable persons to fill an existing vacant position and an expiring position on the Canning-Wungong-Southern Rivers Irrigation Advisory Committee.

To permit selection of two replacement members for a 12 month period, a minimum of four names for the positions are to be submitted to the Swan Avon Region Office before 24 November 2006.

It is highly desirable that one member be a surface water user within the Wungong Brook Catchment Area and the other member be a landowner within the City of Armadale. The currently sitting Member Mrs Pat Hart is eligible to be re-nominated by the City of Armadale. It is considered advantages if nominees have a personal commitment to the protection and management of water resources and sound local knowledge.

REASON FOR VACANCY, TERM AND COMMENCEMENT DATE

Mr A Cutri landowner representative of the City of Armadale has resigned from the committee and Mrs Pat Hart landowner representative of the City of Armadale term will expire on 31 December 2006.

MEETING DETAILS

Meetings	:	Approx every 6 months
Venue	:	Dept of Water Regional Office or Local Council Offices
Duration	:	Approximately 2 hours
Meeting Cost	:	Approx $120 for ½ day or $220 for a full day sitting.

SELECTION CRITERIA

To comply with new rules established by the Department of Premier and Cabinet for committees and councils, a Curriculum Vitae (CV) is required to be provided for each nomination. The CV should provide the following information –

- Full name;
- Date of Birth;
- Occupation;
- Qualification;
- Committee experience, if any;
- Experience relevant to the position.

COMMITTEE MEMBERSHIP

The Committee is made up as follows:-

- Department of Water - Chair
- Department of Water - Executive Officer
- 4 landowner representatives

Cr Tizard expressed an interest in this Committee but would confirm representation at the next Full Council Meeting.

D139/11/06 RECOMMEND

That Council nominate Cr P J Hart to fill the position on the Canning - Wungong - Southern Rivers Irrigation Advisory Committee.

MOVED Cr Zelones
MOTION CARRIED (6/0)

COMPLIANCE CONDITIONS – COMMERCIAL EXTRACTION OF SPRING WATER

At Council's meeting on 6 November 2006, Cr Hart referred the following –

> *"That the matter of previous development approvals for the commercial extraction of spring water in relation to compliance conditions adherence and also the impacts on surrounding properties be referred to the Development Services Committee".*

Senior Environmental Planner provided the following information to COMMITTEE.

LEGISLATIVE FRAMEWORK

Rights in Water and Irrigation Act 1914

Management of water resources is covered by the *Rights in Water and Irrigation Act 1914*. Under Section 26B of this legislation the Department of Water can require non-artesian wells in certain areas to be licensed. With the exception of a few lots generally east of Karragullen, licences for groundwater extraction are not required in the rural areas of the Darling Range.

Attachment "3" of the Minutes contains an extract from the Department of Water's website that explains that a licence is required in proclaimed areas, a also a brochure entitled "Rights to take water in unlicensed areas" and does not indicate any restriction on the taking of groundwater.

It is the role of the Government of Western Australia through the Department of Water to determine the need to proclaim areas to control water usage. The City does not have expertise or legislative jurisdiction in this area.

Planning and Development Act and Town Planning Scheme No. 4

It is normal practice to consult with the Department of Water when planning applications to extract water are considered, and the Department's recommendations are usually applied in some form or other (e.g. by limiting the size and number of tankers that can visit the property in a given period).

Once a planning approval is issued it applies in perpetuity with the land and cannot be amended, except through a fresh application for planning approval from the landholder.

If an area is proclaimed and the volume of water approved by the Department of Water's licence is less than could be transported off-site by the planning approval, the licence would prevail.

The City undertakes compliance investigations whenever concerns are expressed about non-compliance with planning conditions. For example an investigation is currently underway in regard to a property on Coventry Road in response to concerns from a resident in Urch Road.

When letters are received relating to the adverse impacts of water extraction, the City usually refers a copy of the letter to the Department of Water and requests that they respond directly to the writer and provide the City with a copy of the response.

EXTENSION OF SCHEME WATER SUPPLY

Please find attached a Water Corporation information brochure concerning scheme water supply extensions.

The City has recently received a request that Council lobby to achieve scheme water supply along Urch Road in Roleystone. However, Urch Road does not appear to meet the criteria detailed in the Water Corporation information brochure to qualify for a water service at the Water Corporation's cost. For example, the length of main needed per property along Urch Road would be greater than 50m. The City has been advised that the nearest water main to Urch Road is over 2km away on Stony Brook Lane.

It would set a significant precedent if the City were to consider subsidising the cost of scheme water supplies. The provision of reticulated water supply is the responsibility of the Water Corporation.

COMMITTEE requested that officers invite representatives from the Department of Water to discuss water resource management with Council.

Accordingly the recommendation was amended.

D140/11/06 RECOMMEND

1. **That the City continues to direct concerns about water supply and the effects of water extraction to the relevant state government agencies.**

2. **That officers invite suitable representatives from the Department of Water to discuss the issues with Council.**

MOVED Cr Hart
MOTION CARRIED (6/0)

LATE ITEMS

Nil.

COUNCILLORS' ITEMS

Cr Hart

1. Water Quality Testing – Araluen Golf Resort

Cr Hart queried if the annual water quality testing of Araluen Golf Resort had been undertaken.

2. Heritage Road – Pylon Sign

Cr Hart queried the status of the Heritage Road Pylon Sign.

Planning Services Manager reported that correspondence had been forwarded to the Araluen Golf Resort advising of Council's resolution and for the offending sign to be removed.

D141/11/06 RECOMMEND

That the Councillors' items relating to:-

- **Water Quality Testing – Araluen Golf Course; and**
- **Heritage Road Pylon Sign;**

be referred to the appropriate Directorate for action and/or report back to Committee.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS

Executive Director Development Services advised Committee that on 10th November the Planning Institute of Australia (WA Division) held its annual planning awards presentations. As Project Coordinator of the "North Forrestdale Structure Plan: a blueprint for collaboration", the City of Armadale (in partnership with the contributing planning consultants Development Planning Strategies, Chappell Lambert Everett and Roberts Day Town Planning and Design) was awarded the coveted "WA Planning Ministers Award for Planning Excellence" and a "Special Commendation" in the Category of "Urban Planning Achievement".

The project will now be considered for the Australian National awards to be announced at the Australian National Congress to be held in Perth in May 2007.

MEETING DECLARED CLOSED AT 9.46 PM

SCHEDULE OF SUBMISSIONS
TOWN PLANNING SCHEME NO.4 AMENDMENT NO.25

NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
1	Main Roads Dept of WA PO Box 6202 East Perth 6892	Albany Highway	1. MRWA has no comment on the amendment. 2. MRWA advise that Albany Highway is a Category 2 Road where subject to approval, MRWA may allow frontage access. Development proposals will require referral to MRWA for comment and access will be either prevented or limited.	1. Noted. 2. That the applicants be advised that MRWA will need to be consulted on the development application.
2	Water Corporation PO Box 100 Leederville 6902		1. Water Corporation has no objections. 2. Water Corporation advises that: • the lot is in a Declared Drainage Area, in which drainage flows to the Canning River and therefore design is to conform to the Corporation's scheme plan; • the proponent may be required to fund new works or the upgrading of existing works to provide for the increased demand resulting from the rezoning; the developers are strongly recommended to liaise with the Water Corporation at an early stage fro comprehensive infrastructure and planning advice.	1. Noted. 2. That the applicants be advised to liaise with Water Corporation at the detailed design stage.

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Local Government Act 1995

NO	SECTION	DELEGATION	ASSIGNEE
13	9.28	Power to take proceedings with respect to enforcing, securing the observance of, or preventing the breach either of the provisions of any of the City's town planning schemes made under the ~~Town~~ Planning & Development Act ***2005*** or the provisions of the ~~Town~~ Planning and Development Act ***2005***. This delegation is subject to the following conditions:- 1. The power shall only be exercised by the Chief Executive Officer where, in the opinion of the Chief Executive Officer: - it is necessary as a matter of urgency to do so; and - there is sufficient time or other good reason which makes it impractical to await the resolution of the Council of the City at its next meeting authorising the taking of proceedings by the City. 2. The Chief Executive Officer shall report to the Council Of the City at its next meeting following the exercise of the power, informing the Council of the action taken in exercising the power and the reasons for exercising the power.	No

DELEGATIONS – COUNCIL TO BUILDING SERVICES MANAGER

Local Government (Miscellaneous Provisions) Act 1960

NO	SECTION	DELEGATION	ASSIGNEE
90	374(1b)	In accordance with Council's predetermined policy in respect to building matters, the Building Services Manager (or person appointed Acting Building Services Manager) be authorised to approve or refuse building licence applications, except that where a discretionary power is vested in the Council, the application for the building licence, together with a report of the Building Services Manager, be referred to the Development Services Committee for recommendation to Council.	No

Strata Titles Act 1985

NO	SECTION	DELEGATION	ASSIGNEE
100	23(4)	Authority to approve and sign Strata Title Certificates which come within the boundaries of the Municipality. Any such Certificate will not be issued until the Building Services Manager is satisfied that the building has been inspected and found to comply with the approved building plans and Strata Title.	No
601	BUILDING	Authority to approve front boundary fencing over 1200 millimetres high. Local Government Act 1995 – Section 5.42(1) Local Laws Relating to Fencing	Yes
602	BUILDING	Swimming Pools – Infringement Notices 1. Where an Infringement Notice is served on a person, and the modified penalties have not been paid within the prescribed twenty-one day period, and the offence does not continue, an extra period of fourteen days grace be allowed, and this be conveyed to the person in writing. 2. If, after the prescribed twenty-one day period and The fourteen day period of grace, the modified penalties	Yes

have not been paid, the Building Services Manager or person so acting in that position, be authorised to commence legal proceedings subject to endorsement by the Chief Executive Officer.
3. The appointment of authorised officers under Section 245A of the Local Government (Miscellaneous Provisions) Act 1960 be set by resolution of the Council to conduct all proceedings relating to unpaid Infringement Notices.
Notwithstanding the above, the authorised officers and Chief Executive Officer be given the option of referring any matter to Council if they consider there are exceptional circumstances which warrant such action.

Local Government Act 1995 – Section 9.16

DELEGATIONS – COUNCIL TO HEALTH SERVICES MANAGER

Health Act 1911

NO	SECTION	DELEGATION	ASSIGNEE
120	26	Powers and functions of Council under:- Part IV - Division 2 (Connection of Premises to Drains and Sewers) Division 4 (Sanitary Conveniences) Division 7 (Pollution of Water) Part V - Division 1 (Houses Unfit for Habitation) Part VI - (Public Buildings) Part VII - Division 1 (Nuisances) Part VIII - (Food Generally) of the Health Act, and the following Regulations and Local Laws made under the Act: • Health (Food Hygiene) Regulations 1993 • Health (Cloth Materials) Regulations 1985 • Health (Pet Meat) Regulations 1990 • Health (Meat Hygiene) Regulations 2001 • Health (Public Buildings) Regulations 1992 • Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 • Sewerage (Lighting, Ventilation and Construction) Regulations 1971 • Health (Skin Penetration Procedure) Regulations 1998 • Health Act (Swimming Pools) Regulations 1964 • City of Armadale Health Local Laws 2002 • Health (ANZ Food Standards Code Adoption) Regulations 2001 • Health (Air Handling and Water Systems) Regulations 1994 • Hair Dressing Establishment Regulations 1972 • Health (Temporary Sanitary Facilities) Regulations 1997 • Fly Eradication Regulations Subject to the following limitations and conditions:- 1. With respect to: Part IV – Divisions 2, 4 and 7 authority is limited to the forming of opinions, the issuing of notices, requisitions, directions and orders, and, subject to prior consultation with and agreement of the Development Services Committee Chairman	No

and Executive Director Development Services, the carrying out, or causing to be carried out, works in default of duly served notices, and does not include the undertaking or contracting of other works, the provision of sanitary conveniences or receptacles, the making of charges for works or the supply of pans or receptacles for refuse.

2. With respect to:
Part V – Division 1
authority is limited to the forming of opinions and issuing of notices and directions, subject to prior consultation with and agreement of the Development Services Committee Chairman and Executive Director Development Services, and does not include the carrying out of works in default of duly served notices.

3. With respect to:
Part VII Division 1
authority extends to the issuing of requisitions and, in the case of default, the causing of requisite work to be done, with the limitation that such action has been subject to prior discussion with and agreement of the Development Services Committee Chairman and the Executive Director Development Services.

4. A report is to be submitted to Council each month advising of any action taken pursuant to delegated authority.

5. Delegations with respect to Regulations and Local Laws are subject to the limitation only specific or Policy decisions of Council from time to time.

~~Caravan Parks & Camping Grounds Regulations 1997~~

~~NO~~	~~SECTION~~	~~DELEGATION~~	~~ASSIGNEE~~
~~**130**~~	~~Reg 6~~	~~Licensing of Caravan Parks~~	~~No~~
~~**131**~~	~~Reg 6~~	~~Approval of occupation of a caravan, other than at a Caravan Park~~	

Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste) Regulations 1974

NO	SECTION	DELEGATION	ASSIGNEE
140	Reg 4	Powers and functions of Council for the purposes of Regulation 4 are delegated to the Environmental Health Officers, while in the employment of Council.	No

Planning Delegations

NO	DELEGATION	ASSIGNEE
700	**Authority to Determine Applications for Establishment or Variation of Development Envelope Location** **Approvals** The Chief Executive Officer, Executive Director Development Services, ~~and/or~~ Planning Services Manager ***and/or Coordinator Statutory Planning*** is delegated authority to approve applications for the establishment or variation to an established development envelope which has satisfactorily addressed Policy, Subdivision Guide Plan, Structure Plan and/or the Town Planning Scheme requirements. **Refusals** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority to refuse applications for the establishment or variation to an established development envelope which has not satisfactorily addressed Policy, Subdivision Guide Plan, Structure Plan and/or the Town Planning Scheme requirements.	No
701	**Authority to Determine Applications for Two Houses on One Lot in a General Rural Zone** **Approvals** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority to approve applications which comply with the mandatory criteria for a second residence outlined in Town Planning Scheme No 4. **Refusals** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority to refuse applications which do not comply with the mandatory criteria for a second residence outlined in Town Planning Scheme No 4.	No

702	**Authority to Exercise Powers of Approval for Subdivisions, Development, Advertising Devices and Miscellaneous Matters** The Chief Executive Officer, Executive Director Development Services, Planning Services Manager and/or Coordinator Statutory Planning be given full delegation to deal with: 1. All subdivisions that conform with Town Planning Scheme No 4 (as amended). Applications received for more than 100 lots are to be referred to Council for consideration unless the said application is generally in accordance with a Subdivision Plan or Structure Plan adopted by Council. 2. All Notice of Determinations for Permitted "P" uses provided they conform to Council's approved Town Planning Schemes No 4 and any adopted or related policies. 3. Where delegation is specifically provided for in accordance with a Council resolution or adopted policy. 4. Direction signs for isolated businesses (with the exception that any proposed refusals by the Executive Director Development Services be referred to Council for determination). 5. Direction signs for isolated community facilities (with exception that any proposed refusals by the Executive Director Development Services be referred to Council for determination). 6. Advertising devices complying with the Signs, Hoardings and Billposting Local Law and Advertising Signs Policy (with the exception of signs on buildings or property under Council's care, control and management, and with the exception that any proposed refusals by the Executive Director Development Services be referred to Council for determination). The Building Services Manager also be given full delegation to deal with: 1. All Notice of Determinations for single houses and outbuildings within all zones provided they conform to Council's approved Town Planning Scheme No 4, the Residential Design Codes (where relevant) and any adopted or related policies. 2. All extensions and minor additions to approved group housing and aged persons developments.	No
703	**Authority to Determine Applications for Commercial Vehicle Parking** **Approvals** The Chief Executive Officer, Executive Director Development Services, Planning Services Manager and/or Senior Liaison & Compliance Officer is delegated authority to approve applications where: • an application seeks renewal to an existing permit issued by Council where there have been no complaints received from adjoining or surrounding residents; or	No

	• an application complies with all Scheme provisions and there has been no sustainable objection concerning the activity following advertising. Approvals shall be valid for a period of 12 months at which time renewal will be required following payment of the prescribed fee. **Refusals** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority to refuse applications: • in circumstances where an application is received and the proposal does not comply with the requirements of Town Planning Schemes No 4; • where substantiated objections are received during advertising.	
706	**Authority to Determine Setbacks in the Industrial Business, General Industry Zone, District Centre and Mixed Business/Residential Zones** The Chief Executive Officer, Executive Director Development Services, ~~and/or~~ Planning Services Manager ***and/or Coordinator Statutory Planning*** be given full delegation to determine setbacks for proposals which satisfy relevant Planning Policies and TPS No 4 setback criteria.	No
708	**Authority to Determine Applications for Extensions and/or Revisions to Existing Approved '*D*' Use, '*A*' Uses, 'Uses Not Listed *(Cl.4.4.2)*' and 'Non-Conforming Uses'** The Chief Executive Officer, Executive Director Development Services, ~~and/or~~ Planning Services Manager ***and/or Coordinator Statutory Planning*** are delegated authority to determine applications for extensions and/or revisions to existing approved 'D' uses, 'A' uses, 'Uses Not Listed' and 'Non-Conforming Uses', subject to satisfying the following criteria: • Council or an officer of the City under delegated authority has previously considered and approved the use, or 'Non-Conforming Use' rights can be established; • The proposal is consistent with Scheme and Policy provisions (if applicable) including public notification procedures; • The scale of the extension or revision does not alter the original intent of the development or substantially increase its operational capability; and • The architecture and colour scheme of the extension is consistent with or improves the existing development. *Where applications do not meet the above criteria, the Executive Director Development Services or the Planning Services Manager may refuse the application.*	No

709	**Authority to Determine Applications for Minor Developments on Reserved Land** **Approvals** The Chief Executive Officer, Executive Director Development Services, Planning Services Manager and/or Coordinator Statutory Planning is delegated authority to approve applications for minor developments on reserved land subject to satisfying the following criteria: • The proposal is consistent with all Town Planning Scheme provisions. • In regard to applications relating to schools, the proposal does not compromise the safe provision of access/egress and on-site traffic flow including drop-off and pick-up points. • In regard to the addition of built structures, the addition is to either match, be compatible with, or provide an improvement to the existing structures in terms of architectural merit, colour scheme and materials of construction. • In regard to applications relating to demolition work, the structure/s must be assessed as having no existing recognised or potential heritage value. **Refusals** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority to refuse applications for minor developments on reserved land which have not satisfactorily addressed the above criteria.	No

710	**Authority to Determine Applications for Renewal of Approval of 'D' Uses, 'A' Uses, 'Uses Not Listed' and 'Non-Conforming Uses'.** The Chief Executive Officer, Executive Director Development Services, ~~and/or~~ Planning Services Manager ***and/or Coordinator Statutory Planning*** are delegated authority to determine applications for 'D' uses, 'A' uses, 'Uses Not Listed' and 'Non-Conforming Uses', where a previous planning approval has lapsed or 'Non-Conforming Use' rights exist, subject to satisfying the following criteria: • The details of the current application have not substantially altered from the use as originally approved or as carried out under 'Non-Conforming Use' rights; • The surrounding land uses have been not substantially changed; • There has been no Scheme or Policy change or strategic reconsideration of the area the subject of the application. *Where applications do not meet the above criteria, the Chief Executive Officer, Executive Director Development Services and, Planning Services Manager may refuse the application.*	No
711	**Authority to Approve Variations to the Residential Design Codes** **Approvals** The Chief Executive Officer, Executive Director Development Services, Planning Services Manager, ~~and/or~~ Building Services Manager ***and/or Coordinator Statutory Planning*** are delegated authority to approve applications for developments that require variations to the Acceptable Development requirements of the Residential Design Codes (RD-Codes) where such variations satisfy: • The Objective and Performance Criteria of the R-Codes; • The scheme requirements; and • Any relevant Council policy. **Refusals** The Chief Executive Officer, Executive Director Development Services, Planning Services Manager and Building Services Manager are delegated authority to refuse applications for developments that require variations to the Acceptable Development requirements of the Residential Design Codes (RD-Codes) which have not satisfactorily addressed the above criteria.	No

712	**Authority to Exercise Discretion on Behalf of Council to Reach Determination, Where Appropriate, of Appeals Processed by Mediation** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority to exercise discretion on behalf of Council to reach determination, where appropriate, of Appeals processed by mediation within the Ministerial Planning Appeal system and within the State Administrative Tribunal system under the ~~Town~~ Planning and Development Act ~~1928~~ ***2005***.	No
714	**Authority to Determine Applications Involving Properties Listed on the Municipal Heritage Inventory** **Approvals** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority to approve applications involving properties listed on the Municipal Heritage Inventory subject to the application satisfying the following criteria: Applications for development involving properties, objects, structures and places listed as Category 'A' in the Municipal Heritage Inventory: • The proposal is consistent with the current Town Planning Scheme and any Policy provisions that may be relevant; • Consultation with the Heritage Council of Western Australia is undertaken and favourable advice is received; • Consultation with the Community Heritage Advisory Committee is undertaken and favourable advice is received; • Advertising is undertaken as appropriate and no sustainable objections are received. Applications for development involving properties, objects, structures and places listed as Categories 'B' through 'F' in the Municipal Heritage Inventory: • The proposal is consistent with the current Town Planning Scheme and any policy provisions that may be relevant; and • Consultation with the Community Heritage Advisory Committee is undertaken and favourable advice is received. **Refusals** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority to refuse applications involving properties listed on the Municipal Heritage Inventory if any of the following apply: • The proposal is not consistent with the current Town Planning Scheme and	No

	any relevant Policy provisions; • The proposal would have a detrimental effect on the integrity of heritage value of the site; • The advice received from the heritage referral agencies is not favourable. Notes Development that, in the opinion of the Chief Executive Officer, Executive Director Development Services/Planning Services Manager, is of a significant scale (including demolition of Category 'A' structures) does not form part of this delegation. Where an application has been submitted by a qualified heritage architect or is accompanied by a report from such a professional, this will contribute to the favourable consideration of the application.	
719	**Authority to Determine the Necessity, Duration and Extent of Advertising of Development Services Applications** The Chief Executive Officer, Executive Director Development Services, Planning Services Manager, Building Services Manager and/or Coordinator Statutory Planning are delegated authority to determine the necessity, duration and extent of advertising of development applications under Town Planning Scheme No 4 and the Residential Design Codes of Western Australia.	No
720	**Authority to Determine a 'Use Not Listed' (Cl 4.4.2)** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority to determine a 'Use Not Listed' - Clause 4.4.2 of Town Planning Schemes No 4.as follows: a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted; b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.	No
721	**Authority to Determine Requests for Tree Removal or Maintenance and to Rescind Tree Preservation Orders** **Approvals** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority, if after seeking comments from Council's Manager Parks and Reserves, no objections are raised, to: • Determine requests to remove trees with a trunk circumference in excess	No

of 0.6 metres measured at a height of one (1) metre from the ground in the District Centre, Local Centre and Mixed Business/Residential zone;
- Determine requests to remove native trees in the Rural Living and General Rural Zone;
- Determine requests to maintain trees that are subject to tree preservation orders;
- Rescind tree preservation orders where the removal of trees is found to be necessary.

Note
Where appropriate, an arboriculturalist's report will be required to clearly outline whether the removal or maintenance of a tree or trees is necessary.

Refusals
Contemplated refusals are to be referred to Council for determination.

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725 **Authority to Recommend Deferral or Refusal of Subdivision Referrals to the Western Australian Planning Commission** No

The Chief Executive Officer, Executive Director Development Services, Planning Services Manager and/or Coordinator Statutory Planning are delegated authority to recommend deferral or refusal of subdivision referral advice to the Western Australian Planning Commission, where the proposal is non-compliant with:

- Provisions of the relevant Town Planning Scheme.
- Development Standards of the Residential Design Codes of Western Australia.
- Provisions of the Draft Rural Strategy 1999.
- Outline Development Plans, Subdivision Guide Plans, ***Detailed Area Plans*** and/***or*** Structure Plans.
- ***Policies of the Council***.

~~***Note** Where a subdivision referral is non-compliant with one of these areas, but sound planning grounds exist to consider a recommendation for approval, the matter should be referred to Council for consideration.*~~

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727 **Authority to Determine Applications Involving the Use of Potentially Reflective Material** No

The Chief Executive Officer, Executive Director Development Services, Planning Services Manager and Building Services Manager are delegated authority to determine applications involving the use of potentially reflective material where assessed against:

- The provisions of the relevant Town Planning Scheme;

- Relevant Council Policies; and
- The Residential Design Codes of Western Australia.

Applications may be considered more favourably:

- Where glare can be adequately mitigated through the introduction of landscaping or physical screening;
- Where it is deemed the use of reflective material will have no adverse impact on adjoining (or overlooking) properties due to location, vegetation, topography etc;
- Where the use of reflective material would complement existing material utilised by a structure on the same property; and
- Where the property is not within a Primary Landscape Quality Area, and only within a Secondary Landscape Quality Area where glare can be mitigated.

Note – Where, in the opinion of the Chief Executive Officer, Executive Director Development Services, Planning Services Manager or the Building Services Manager, applications are advertised and valid objections are received, the application may be refused or can be referred to Council for a decision as appropriate.

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728 Authority to Approve Applications for 'D' and 'A' Uses in all Zones. No

Approvals – The Chief Executive Officer, Executive Director Development Services, ~~and/or~~ Planning Services Manager ***and/or Coordinator Statutory Planning*** are delegated authority to approve applications for D and A uses in all zones ~~including applications for group housing development and aged/dependent persons accommodation requesting a density bonus to a maximum of "R40" under Table 1.1 of Town Planning Scheme No. 4~~ where, in the opinion of the Executive Director Development Services or Planning Services Manager ***or Coordinator Statutory Planning***, applications adequately comply with:

- The provisions of the relevant Town Planning Scheme;
- Relevant Council Policies / Strategies;
- Relevant State Government Policies, Standards and Guidelines; and,
- During advertising no substantiated objections are received ***or the objections can be addressed.***

Refusals – Contemplated refusals are to be referred to Council for determination. (Unless otherwise delegated).

Note – Where an application does not adequately meet the above approval criteria, the application is to be referred to Council for a decision as appropriate.

729	**Authority to refuse applications for particular D and A uses in all zones.**	No

The Chief Executive Officer, Executive Director Development Services, ~~and/or~~ Planning Services Manager ***and/or Coordinator Statutory Planning*** are delegated authority to refuse applications for the following particular D and A uses in all zones:

Home Occupation Permits, where –

- An application does not comply with the Home Occupation provisions identified in the relevant Town Planning Scheme;
- Substantiated objections are received during advertising ***or the objections can be addressed***; or,
- The application scores 30 or above on the Compatibility Scale from Planning Policy 3.3 – Home Occupation Permits.

Bed and Breakfast Establishments, where –

- The proposal is inconsistent with the current Town Planning Scheme definition;
- Officers are not satisfied that the criteria of Clauses 10.2 of TPS No. 4 are adequately addressed.

The Keeping of Farm Animals (Rural Pursuit), where –

- The application does not comply with the provisions of Council's Rural Strategy;
- Management details are not submitted in accordance with the Stocking Rate Guidelines for Rural Small Holdings (AgWA, 2000);
- The application is referred to the DCU (including Council's Environmental Officer and Health Department) and objections are noted.

730	**Authority to Determine Applications/Make Decisions Involving Discretionary Situations in Policies**	No

General

The Chief Executive Officer, Executive Director Development Services, Planning Services Manager, ~~and/or~~ Building Services Manager ***and/or Coordinator Statutory Planning*** are delegated authority to make decisions where an adopted Planning or Building policy requires a discretionary decision regarding Planning and Building Services policy provisions that refer to "Council / City".

731	**Authority to make decisions and determine Structure Plans and Detailed Area Plans under Part 6A of the Town Planning Scheme No.4.** The Chief Executive Officer, Executive Director Development Services and/or Planning Services Manager is delegated authority to make the decisions and determinations referred to under Part 6A - Development (Structure Planning) Areas of Town Planning Scheme No.4 in respect of Structure Plans and Detailed Area Plans as follows: • Advertising of a Structure Plan and Changes or Departures to a Structure Plan; • Adoption of a Structure Plan under Clauses 6A.3.7 and 6A.3.15, where no substantial public submissions of objection have been received during the advertising period or any objection received can be resolved through the adoption of the Structure Plan; • Adoption of Changes or Departures to a Structure Plan under Clauses 6A.3 and 6A.4, where no substantial public submissions of objection have been received during the advertising period or any objection received can be resolved through the adoption of the Change or Departure to the Structure Plan; • Revocation of a Structure Plan or part of a Structure Plan under Clause 6A.4.4; • Revocation of a Detailed Area Plan under Clause 6A.5.5; • Advertising and adoption of a Detailed Area Plan and any modification or amendment to an adopted Detailed Area Plan.	No

Department of Water

Government of Western Australia

Licensing

There are 52 groundwater and 22 surface water management areas proclaimed under the *Rights in Water and Irrigation Act 1914*. These cover the major water resources of the State, and licensing is active in most areas.

Licences are required for all artesian groundwater wells throughout the State. New licences are issued only if the total number issued in an area will not exceed the allocation limits for the resources. In this way we protect the interests of existing users and the environment.

In areas proclaimed under the Act, we ensure that water use is within sustainable limits.

Licensing – proclaimed and unproclaimed areas

Proclaimed Areas

In proclaimed areas under the *Rights in Water and Irrigation Act 1914* it is illegal to take water from a watercourse or groundwater aquifer without a licence. Applications for water licenses are made through our regional offices. A licence does not guarantee that water is always available to be taken. During drought periods restrictions are applied so that the available water is shared and damage to the environment, the resource and users is minimised. Conditions are placed to define how and when water may be taken and to specify obligations the licence holder must meet when using the water.

Unproclaimed Areas

Water can be taken from watercourses in unproclaimed areas without a licence so long as the flow is not "sensibly" diminished, affecting the rights of downstream users. If conflicts arise, we can issue a direction defining the amount, the purpose and the way water may be taken.

DEVELOPMENT SERVICES BRANCH
Information Sheet No. 36

WATER CORPORATION

Water and wastewater main extensions to existing properties

Applications for water or sewer main extensions to an existing property are welcomed by the Water Corporation. The Corporation will approve the extension to the main provided that:

- the existing scheme is capable of serving the additional customers.
- the property is inside a Water Corporation Operating Licence area.
- the property is not subject to a current subdivision application.
- the extension is not into an area defined as 'existing community'.

In most cases, applicants will be responsible for arranging the design and construction of the extension through a consulting engineer.

Additional contributions may be required for sewer extensions within the Kalamunda DURES Area and water main extensions within the Eagle Bay Special Developer Contribution Area.

Water main extensions at the Water Corporation's cost

Provided that funds are available, the Water Corporation will fund a water supply main extension where:

- the length of main does not exceed 30 metres per rateable property; and
- no more than ten properties become rateable; and
- the projected cost does not exceed an average of $4,000 per rateable property; and
- the property to be served by the extension is not within the Eagle Bay Country Water Area.

Mains extensions where the Water Corporation contributes towards the cost

Provided that funds are available, the Water Corporation will contribute towards the cost of a water and/or sewer mains extension where:

- the applicant funds the extension and pays all assessed Corporation charges; and
- no more than ten properties become rateable; and
- assessed average contribution per rateable property does not exceed $4,000 for water and $10,000 for sewerage; and
- the property to be served by the extension is not within the Eagle Bay Country Water Area.

The contribution is limited to ten times the expected annual service charge revenue from all rateable properties, and shall not exceed the actual cost of the extension.

Extensions where the Water Corporation does not contribute towards the cost

Where a proposed mains extension does not attract a contribution, the applicants shall fund the extension and pay building stage headworks contributions and any other applicable contributions and charges.

The current version of this information sheet is shown on the Water Corporation Internet site at http://www.watercorporation.com.au/D/developers_index.cfm This version dated July 06. Further information on the issue detailed on this sheet can be obtained by phoning the Development Services Branch on 9420 2099.

ISSN 1833- 8283

1. What is an unlicensed area?

An unlicensed area is one which has not been proclaimed under section 6 or a non-artesian groundwater area that has not been proclaimed or prescribed under section 26B of the *Rights in Water and Irrigation Act 1914.*

In unlicensed areas, water can be taken without either a licence or other right (such as a riparian right) to do so. The Water and Rivers Commission can issue directions that either stop or allow someone to take water.

2. Springs and wetlands

A "spring" is defined in the Act as 'a spring of water rising naturally to and flowing over the surface of land, but does not include the discharge of underground water directly into a watercourse, wetland, reservoir or other body of water.'

Landholders can take water from wetlands wholly on their land, and springs rising to the surface on their land, unless...

- taking the water will have a significant impact on the flow or level of water in a watercourse or wetland
- the relevant water resources management committee, the Water and Rivers Commission and the Minister for Water Resources agree the spring or wetland should be controlled

3. Dams and tanks on private land

Landholders can drain their land or build a dam or tank on their land...

- subject to local by-laws (made under the *Rights in Water and Irrigation Act 1914)*
- as long as the dam or tank is not on a watercourse or wetland
- as long as there is no sensible reduction (that is, a noticeable change) in the volume or flow of water in a watercourse or wetland
- as long as there are no significant, adverse environmental effects

A landholder can also build a dam or tank (as long as it is not on a watercourse or wetland) to water cattle or stock. This right does not apply to cattle or stock being raised under intensive conditions (as defined in section 21(4) of the *Rights in Water and Irrigation Act 1914).*

4. Groundwater rights

People can take water from non-artesian wells (wells where the water has never flowed freely to the surface) in unlicensed areas for any purpose.

5. Riparian rights

Riparian rights are the rights of landholders whose land has direct contact with a watercourse or wetland to take water...

- for domestic and ordinary use
- for watering cattle or stock that are not being raised under intensive conditions
- for any other purpose as long as there is no sensible reduction in the volume or flow of the water in a watercourse or wetland

These rights apply in unproclaimed surface water areas and in surface water areas prescribed under section 5C.

The right to take water 'for any other purpose' can be restricted by local by-laws.

Landholders also have an additional right to irrigate a 2 ha household garden where the land was originally granted by the Crown before 1914.

6. Rights to "public" water

Where there is access to a watercourse or wetland by a public road or reserve, people can take water...

- for domestic and ordinary use
- for watering cattle or stock that are not being raised under intensive conditions
- for any other purpose as long as there is no sensible reduction in the volume or flow of the water in a watercourse or wetland

These rights apply in unproclaimed surface water areas and in surface water areas prescribed under section 5C

The right to take water 'for any other purpose' can be restricted by local by-laws

People cannot...

- install works which interfere with the water body unless they have the permission of the Water and Rivers Commission
- install works which interfere with the public road or reserve unless they have the permission of the authority responsible for the road or reserve

7. Management of rights

In certain circumstances the Water and Rivers Commission can issue a direction restricting or stopping someone from taking surface water or groundwater

Additional notes

Surface water and groundwater are licensed separately. A licence may be required to take surface water but not groundwater in the same area. To find out whether licensing applies in your area, contact the Water and Rivers Commission.

Other pamphlets in this series:

- ***Building a dam***
- ***Directions***
- ***Changes to the Rights in Water and Irrigation Act 1914***

For further information contact the Commission on (08) 9278 0300 or your solicitor for your own circumstances

Website: www.wrc.wa.gov.au

Rights to take water in unlicensed areas

This pamphlet is one of a series designed to help water users and property owners understand their rights and responsibilities in accessing and managing water

This pamphlet provides brief information on the following:

1. **What is an unlicensed area?**
2. **Springs and wetlands**
3. **Dams and tanks on private land**
4. **Groundwater rights**
5. **Riparian rights**
6. **Rights to "public" water**
7. **Management of rights**

This pamphlet only deals with processes and approvals under the *Rights in Water and Irrigation Act 1914*. Other legislation can apply to the activity you wish to undertake and it is your responsibility to ensure you have all the approvals required.

WATER AND RIVERS COMMISSION

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