

CITY OF ARMADALE

MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 18 NOVEMBER 2008 AT 7:00 PM.

PRESENT: Cr H A Zelones JP Chair
Cr J Everts
Cr P J Hart
Cr J Knezevich
Cr C J MacDonald
Cr R J Tizard

APOLOGIES: Cr L Reynolds AM JP
Cr J A Stewart

OBSERVERS: Nil

IN ATTENDANCE: Mr I MacRae Executive Director Development Services
Mr P Sanders Executive Manager Planning Services
Mr J Erceg Health Services Manager
Mrs N Cranfield Minute Secretary

Public 1

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

Nil.

QUESTION TIME

Nil.

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 21 October 2008, to be confirmed.

MOVED Cr Hart
MOTION CARRIED (6/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.20/2008

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

- **Outstanding Matters & Information Items**
Report on Outstanding Matters - Development Services Committee
- **Health**
Health Services Manager’s Report for the month of September 2008
- **Planning**
Planning Services Manager’s Report for the month of September 2008
Town Planning Scheme No.4 - Amendment Action Table
Planning Applications Monthly Statistics – September 2008
Subdivision Applications - WAPC Approvals/Refusals – September 2008
Subdivision Applications - Rpt on Lots Registered for 05/06, 06/07, 07/08 & 08/09
PAW Closure Report - Significant Actions during September 2008
Road Naming Report 2008/09 & consequential action of Council Recommendation
Compliance Officer’s Report for the month of September 2008
- **Building**
Building Services Manager’s Report for the month of September 2008
Building Applications Monthly Statistics for the month of September 2008

Committee noted the information and no further items were raised for discussion and/or further report purposes.

DEVELOPMENT SERVICES COMMITTEE

INDEX

18 NOVEMBER 2008

DEVELOPMENT

UNAUTHORISED SCREEN FENCE - LOT 24 (NO.6) WUNGONG CLOSE, WUNGONG ----- 23

PAW / ROW CLOSURE

PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 372 & 373 MERLIN CLOSE, CAMILLO ----- 33

SCHEME AMENDMENTS & STRUCTURE PLANS

FINAL ADOPTION OF AMENDMENT NO.41 TO TOWN PLANNING SCHEME NO.4 AND
ASSOCIATED STRUCTURE PLAN – LOT 102 WATERWHEEL ROAD, BEDFORDALE-----9

PROPOSED INITIATION OF AMENDMENT NO.47 TO TOWN PLANNING SCHEME NO.4 –
MODIFICATION OF CLAUSE 5.4 - RESTRICTIVE COVENANTS----- 44

SIGNAGE

PROPOSED SIGNAGE – LOT 200 (79) CHAMPION DRIVE, SEVILLE GROVE ----- 49

STRATEGIC PLANNING

CHAMPION LAKES SPECIAL RESIDENTIAL PRECINCT - LAKE VIEW TERRACE AREA –
REQUEST TO INITIATE COMMUNITY ENGAGEMENT PROCESS ----- 55

COUNCILLORS' ITEM

CR TIZARD - REFERRAL ITEM – DISPLAY OF HOUSE NUMBERS ON RESIDENCES----- 65

CR KNEZEVICH – TELSTRA BUILDING – JULL STREET, ARMADALE----- 66

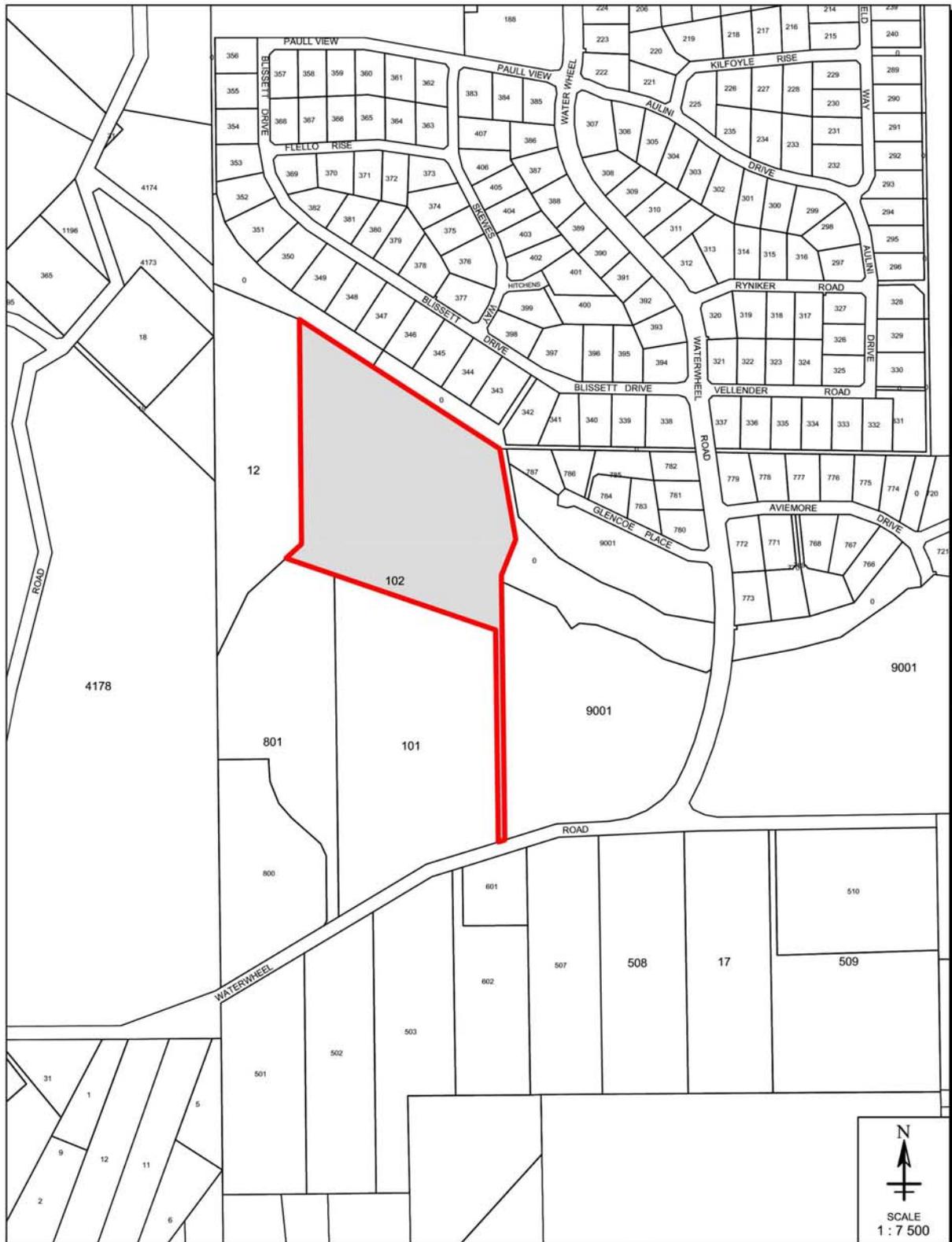
CR KNEZEVICH – BUILDING APPROVAL PROCESSES ----- 66

CR HART – SYLVANIA PARK – CHEVIN ROAD, ROLEYSTONE ----- 66



**DEVELOPMENT
SERVICES
COMMITTEE**

PLANNING



LOCATION PLAN
LOT 102 WATERWHEEL ROAD, BEDFORDALE

FINAL ADOPTION OF AMENDMENT NO.41 TO TOWN PLANNING SCHEME NO.4 AND ASSOCIATED STRUCTURE PLAN – LOT 102 WATERWHEEL ROAD, BEDFORDALE

WARD : NEERIGEN
REF NO. : 34.2007.9.1
DATE : 11 November 2008
REF : PRR
RESPONSIBLE MANAGER : EMPS
APPLICANT : Taylor Burrell Barnett
LAND OWNER : J L Paton
SUBJECT LAND : 10.3578ha
Lot 102 Waterwheel Road, Bedfordale
ZONING
MRS : Rural
TPS No.4 : Rural Living 4

In Brief:-

- At its April 2008 meeting, Council initiated an amendment to rezone Lot 102 Waterwheel Road, Bedfordale, and an associated Structure Plan.
- The amendment and the Structure Plan were advertised for public comment for 42 days and attracted 11 submissions.
- 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 similar amendments that have been undertaken immediately adjacent to the subject property.
- Recommend that Council adopt the amendment without modification and request that the Hon Minister for Planning grant final approval to the amendment.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

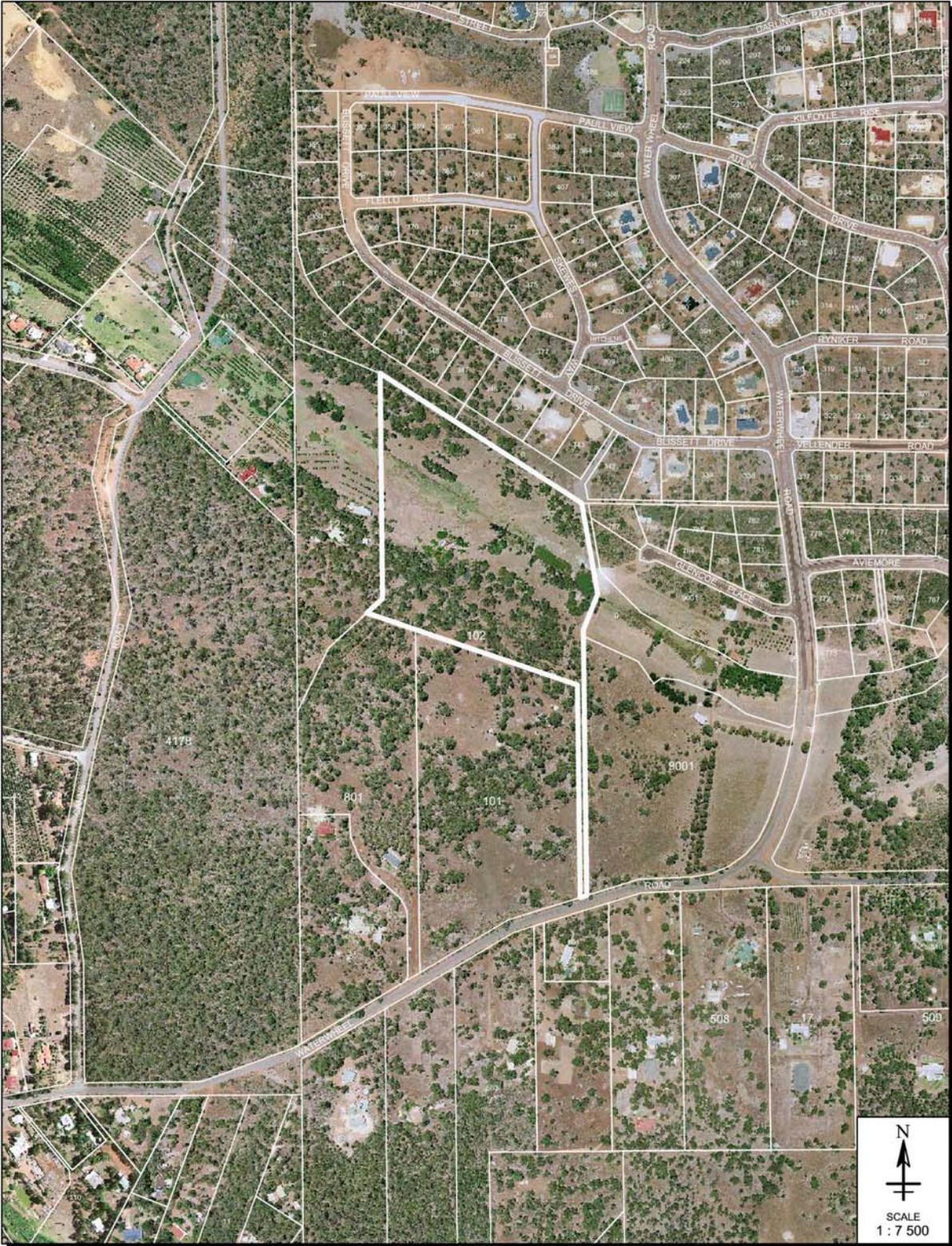
Development – “To balance the needs of development with sustainable economic, social and environmental objectives”.

Legislation Implications

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

Council Policy / Local Law Implications

Local Planning Strategy 2005
PLN 2.5 – Erosion Prevention and Sediment Control
PLN 2.8 – Subdivision and Structure Planning for Lots with Water Courses
Development Control Policy 2.5 – Special Residential Zones (WAPC)



AERIAL PHOTOGRAPH
LOT 102 WATERWHEEL ROAD, BEDFORDALE

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit.
- ◆ The Environmental Protection Authority (EPA) advised that the amendment did not warrant an environmental assessment on 11 August 2008.
- ◆ Advertised for public comment for 42 days.
- ◆ Service Authorities.

BACKGROUND

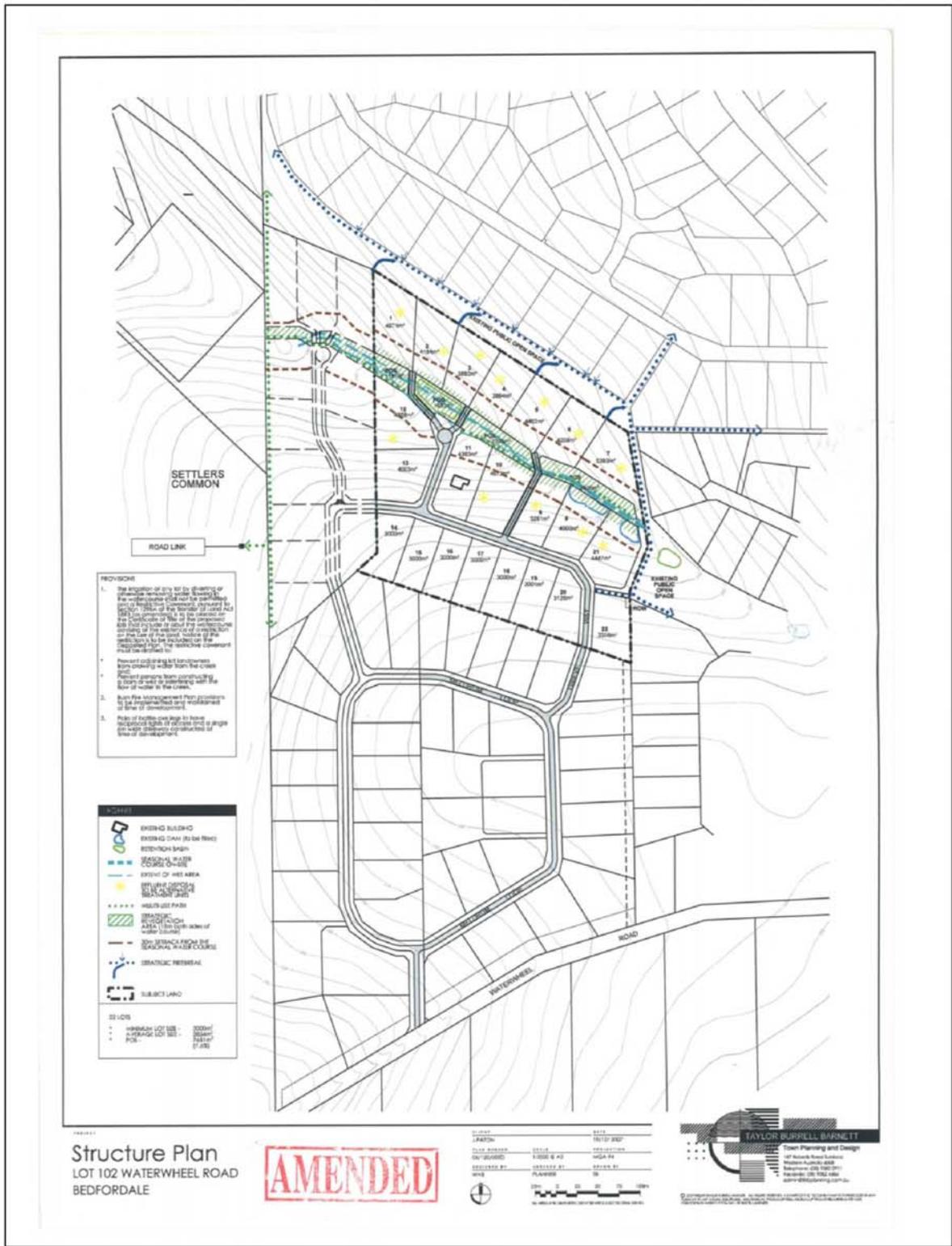
In 1994, Amendment No.94 to Town Planning Scheme No.2 rezoned several large lots from 'Rural X' to 'Special Use: Rural / Residential' and included a Structure Plan to guide subdivision of the land to create the initial stages of the Churchman Brook Estate. Several lots, one of which was Lot 102, were left out of the original Structure Plan as they contain a valley formation and creek. Since that time, for various reasons, further rezonings have been submitted and the subdivision pattern has extended gradually south.

The City received a request to initiate an amendment over Lot 102 Waterwheel Road, Bedforddale on 3 September 2007. The applicant also submitted a Structure Plan associated with the proposal. At its April 2008 meeting, Council initiated an amendment to rezone the subject lot, agreeing to advertise the amendment and structure plan for public comment. Advertising has been undertaken and the amendment and structure plan are now referred to Council for final determination.

DETAILS OF PROPOSAL

The applicant proposes to rezone Lot 102 from 'Rural Living 4' to 'Special Residential', which would allow Lot 102 to be subdivided on the basis of the adopted Structure Plan into 22 lots ranging in size from 3000m² to 5393m², with an average size of about 4360m². A minimum 20 metre wide public open space area is proposed along the seasonal creek running through the subject site to provide a measure of protection and continue the public open space link from the adjoining subdivision.

The area would need to be revegetated at the subdivision stage by the developer. Seven lots are proposed as battle axe lots which would require access across the creek (i.e. via a bridge/culvert system). It is proposed that restrictive covenants similar to those applied on lots within the Churchman Brook Estate would be applied by the developer. The applicant has also noted that development envelopes could be utilised to retain vegetation on site.



STRUCTURE PLAN
LOT 102 WATERWHEEL ROAD, BEDFORDALE

Public Advertising of the Amendment

The proposed amendment was advertised for 42 days, closing on 15 October 2008. This advertising was carried out by way of a sign on-site, notification to relevant agencies, advertisements in the “West Australian” newspaper and local community newspaper and letters to affected and nearby landowners.

Total No. of submissions received	:	11
No. of submissions of conditional support/no objection	:	9
No. of submissions of objection	:	2

Refer to Confidential Attachment “B3” of the Agenda for location plan of submitters.

The issues raised by the submissions have been summarised and recommendation made on each submission in Attachment “A1” of the Minutes.

The main issues raised in the submissions, together with a comment on each issue are outlined below. Four (4) of the submissions of conditional support/no objection were received from agencies.

Key Issues

- 1. Do not object if covenant standards are the same as Churchman Brook. Waterwheel Ridge estate is not to the same standard as Churchman Brook and (negatively) affects the standards set by Churchman Brook.*

Comment

The developer of the subject lot is the developer from the Churchman Brook estate and has indicated that similar covenants will be enforced.

Recommendation

That the issue is noted.

- 2. Firebreaks are being used by horses and motorbikes, as a gate that was to be used by fire services has been removed, which should not be allowed. The firebreak is not being maintained to a satisfactory standard.*

Comment

This issue does not have any bearing on the current proposal, however has been referred to the Rangers for further investigation.

Recommendation

That the issue is noted.

3. *Fencing must be improved to prevent unauthorised entry from the new estate to Churchman Brook.*

Comment

Fencing can be required at the subdivision stage where new lots abut public open space. All other boundary fencing is the responsibility of individual land owners and will be completed as individual properties are developed, however pedestrian movement through the public open space areas from one estate to another is normal and is encouraged. Some properties are required to have gates within the fencing for emergency vehicular access in case of bush fire.

Recommendation

That the issue is not supported.

4. *The boulders that form the entrance to the Churchman Brook estate should be reinstated as there is evidence of campfires being lit.*

Comment

The applicant has advised that there are no boulders within the entrance statement for Churchman Brook and this is likely referring to the strategic fire break opposite to the reinstated quarry. This issue does not have any bearing on the current proposal, however has been referred to the Rangers for further investigation.

Recommendation

That the issue is noted.

5. *When purchasing on Blissett Drive, we were advised no rezoning of the valley would take place. Now instead of a beautiful view we will see someone else's back yard. Thank you for lying to us and devaluing our property. Our next step is to sell our block at the loss of our dream.*

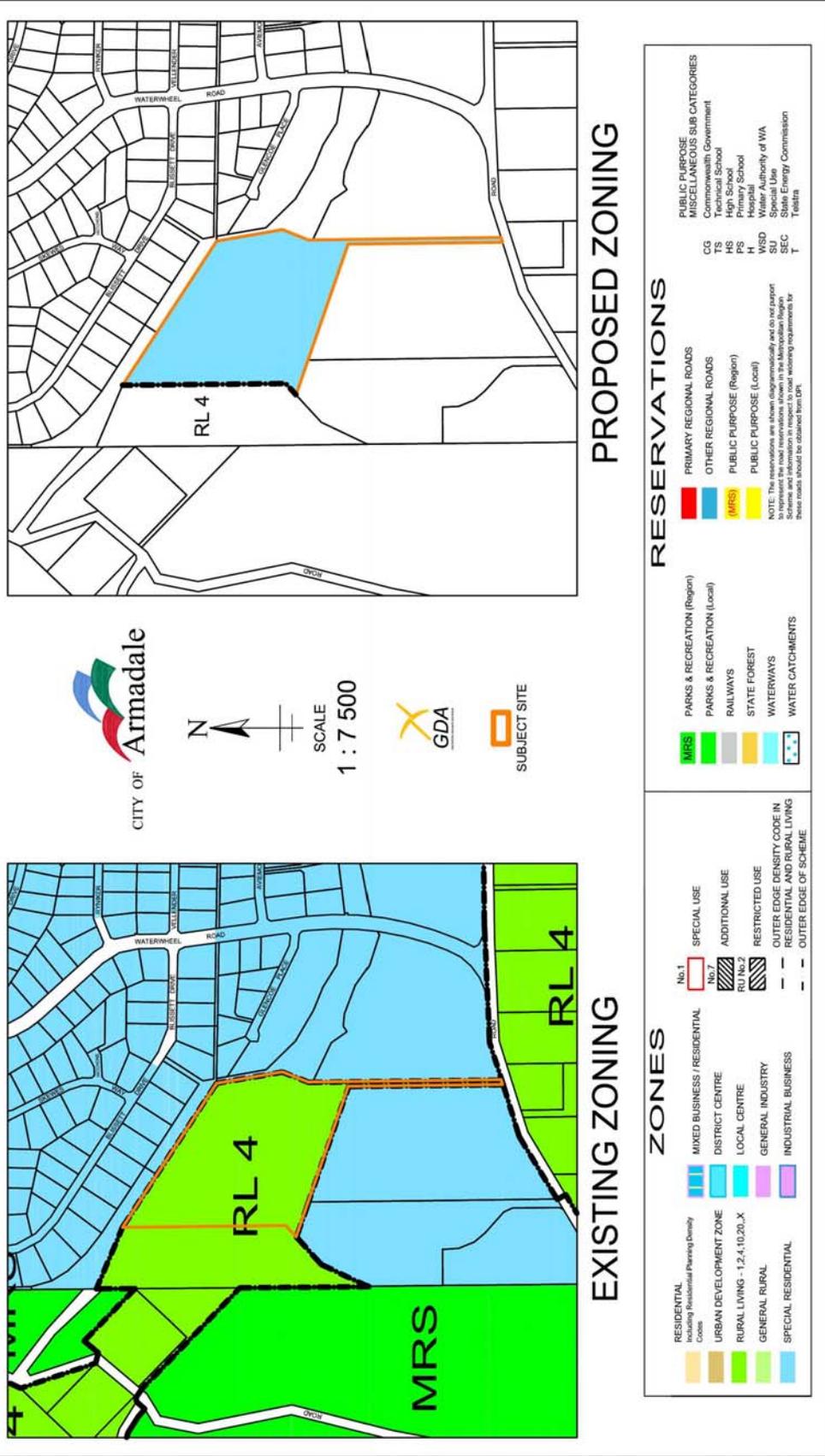
Comment

When providing advice to the public, officers rely on the current provisions of the Scheme as it cannot be determined what may or may not happen in the future. The land adjoining the subject lot to the north, east and south is all zoned 'Special Residential'. The rezoning of Lot 102 represents a rounding off of that zoning. Efforts have been made as part of the proposal to maintain adequate separation from existing lots as well as landscape features such as the seasonal creek. If approved, development envelopes would need to be strategically placed to retain vegetation where possible.

Recommendation

That the issue is noted.

**CITY OF ARMADALE
TOWN PLANNING SCHEME No. 4
AMENDMENT No. 41**



5. *Bought on Blissett Drive to have no one behind us. I don't object to building but suggest a 20m buffer from the back fence for privacy.*

Comment

There is a 30m strip of public open space between the lots on Blissett Drive and the lots that would be created if the proposal were approved. Taking into account setbacks to dwellings on the individual properties themselves, the distance between residences is likely to be closer to 100 metres, more than the 20m suggested. This distance is considerable and far greater than if the lots were immediately adjacent to one another. In addition, the proposed lots on Lot 102 would be lower than those along Blissett Drive, meaning that in terms of privacy, the lots on Blissett Drive would overlook the new lots, rather than the other way around.

Recommendation

That the issue is noted.

6. *No zincalume or reflective roofing should be allowed.*

Comment

Town Planning Scheme No.4 specifies that east of Albany Highway, potentially reflective material must be specifically applied for and where it may have an effect on surrounding properties, its proposed use would require advertising to those properties. This notwithstanding, it is likely that the developer will apply covenants in respect of the new lots similar to those utilised within Churchman Brook estate in relation to potentially reflective roofing.

Recommendation

That the issue is noted.

7. *Bought on Blissett Drive so as not to look over other rooftops. It would be a shame if too much land was developed and the 'green' started to disappear.*

Comment

Refer to comments for issues 5 and 6.

Recommendation

That the issue is noted.

COMMENT

Development Control Unit (DCU)

At its meeting on 3 April 2008, DCU discussed the proposal and no objections to the rezoning or Structure Plan were raised.

Environmental Protection Authority (EPA) Advice

The EPA noted several issues for consideration. It is anticipated that all the issues can be appropriately addressed.

- ◆ Priority Fauna is located within a 2km buffer of the subject site, including Carnaby's Black Cockatoo and the Quenda. As such, the removal of any trees will require assessment by an officer of the Department of Environment and Conservation (DEC).
- ◆ Effluent disposal systems should generally be more than 100m from water bodies and have a vertical separation of 2m from the highest ground water level or bedrock.
- ◆ In the previous Council report it was noted that the seasonal waterway should be positioned centrally within the public open space to achieve a minimum distance of 10m on either side. The EPA supported this position and strongly suggested that the watercourse should be revegetated at the rate of 600 stems per hectare.
- ◆ Surface water discharge should be controlled through appropriate drainage systems to prevent erosion and pollution while maintaining the natural flow of discharge at pre-development levels.
- ◆ The use of development envelopes to protect remnant vegetation is supported. Invasive plant species should not be used for any revegetation works and a plan to manage environmental weeds would be looked on favourably. No clearing of native vegetation is to take place without the appropriate permit being obtained from the DEC.

Other Agency Advice

The Water Corporation, WestNet Energy, Telstra and Western Power all provided general advice that raised no objection to the proposal.

ANALYSIS

Planning deals with land use and design issues and their appropriateness under the Scheme and the submissions from nearby landowners raise issues that are not directly related to the proposal or that can be addressed through appropriate conditions of subdivision or development. It is therefore appropriate for the amendment to proceed to final adoption.

The Structure Plan was considered in detail as part of the report to Council at its 28 April 2008 meeting. The Structure Plan indicates 22 lots of varying sizes, averaging around 4360m², and a new subdivisional road deriving access from the lot to the south. The Structure Plan incorporates an appropriate area of public open space along the seasonal creek line and no new issues have arisen as a result of the submissions received. The Structure plan should therefore be adopted with the amendment.

OPTIONS

1. Council may adopt the amendment and structure plan with or without modifications and request that the Hon. Minister for Planning grant final approval to the amendment and the WAPC grant approval to the Structure Plan.
2. Council may resolve to not adopt the amendment and structure plan giving reasons and request that the Hon. Minister for Planning refuse to approve the amendment.

CONCLUSION

Council considered in April 2008 that the proposal was consistent with the surrounding zoning and land use and initiated the proposed amendment. Public advertising yielded 11 submissions, and it is considered that the issues raised in those submissions can be satisfactorily resolved. As such, the Council should adopt the proposed amendment and Structure Plan in accordance with Option 1 above.

D115/11/08 RECOMMEND

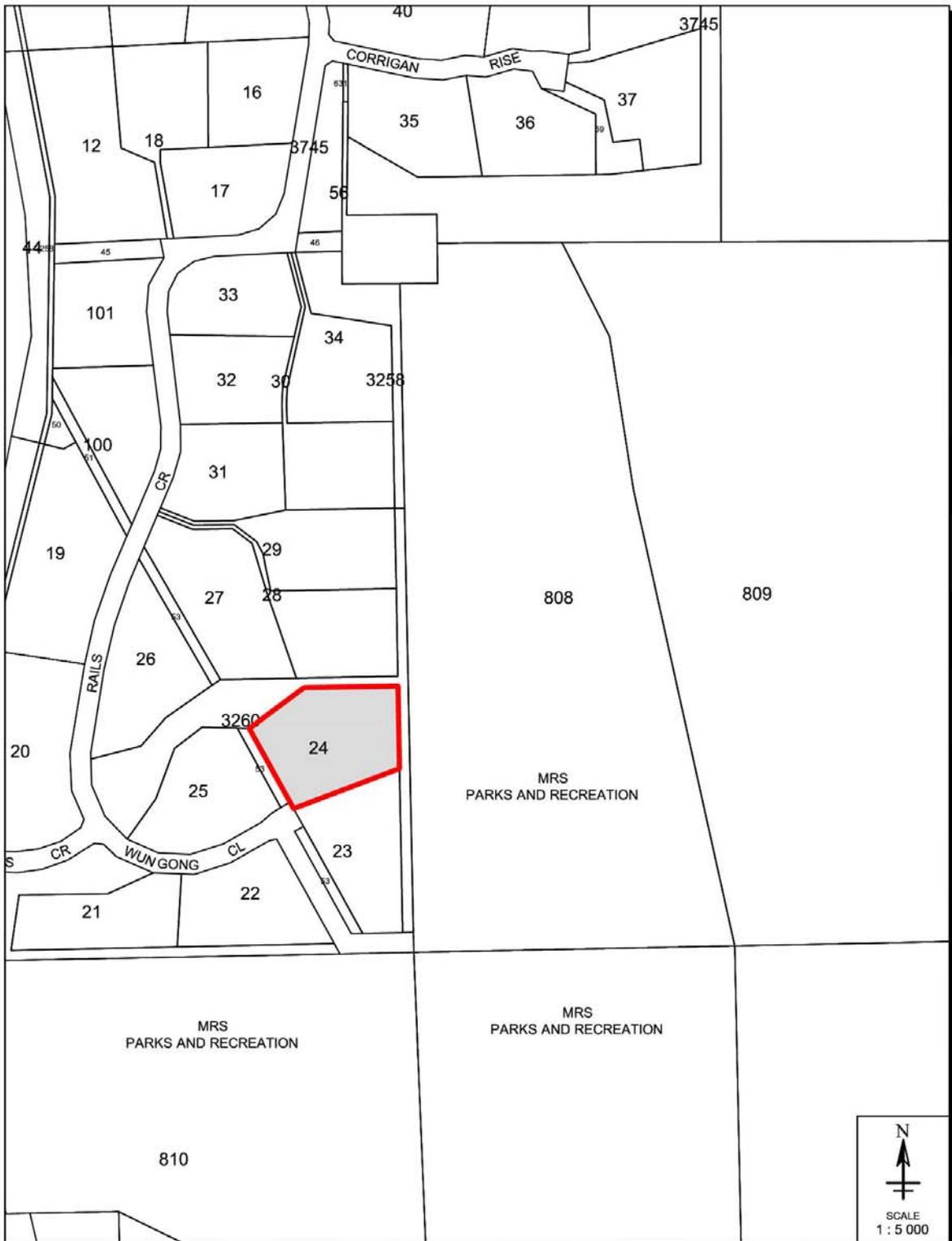
That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt Amendment No.41 to Town Planning Scheme No.4 to:
 - a) rezone Lot 102 Waterwheel Road, Bedforddale from “Rural Living 4” to “Special Residential”;
 - b) include Lot 102 Waterwheel Road, Bedforddale within the “Bushfire Protection Area” and “Development Envelope Areas” on Special Control Area Map No.1; and
 - c) 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 grant final approval to the amendment.
4. Endorse the comments made in this report regarding the submissions received on this scheme amendment and structure plan for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.

5. Pursuant to Clauses 6A.3.7 and 6A.4 of Town Planning Scheme No.4, adopt the proposed Structure Plan over Lot 102 Waterwheel Road, Bedforddale, subject to the following modifications:
 - a) the wording of Provision 2 of the Structure Plan being modified to state “A Fire Management Plan has been adopted as part of this Structure Plan and will need to be implemented by the subdivider prior to subdivision of the land. Landowners shall be responsible for ongoing implementation of the Fire Management Plan on their land”.
 - b) a new Provision 4 being added to the Structure Plan stating that “The lots identified on this plan are subject to Notifications on the Certificates of Titles pursuant to Section 70A of the Transfer of Land Act specifying that buildings shall be built in accordance with Australian Standard 3959 ‘Construction of Buildings in Bushfire Prone Areas’ or any subsequent standard that supersedes that standard.”; and
 - c) a new Provision 5 being added to the Structure Plan stating that “Pedestrian access across the battleaxe legs of Lots 1-7 will be maintained via an easement on the Certificates of Titles to allow unrestricted pedestrian movement along the Public Open Space corridor”.
6. Upon the matters specified in Part 5 above being included in the Structure Plan documentation or otherwise being attended to by the proponent, the Council authorises that the proposed Structure Plan be forwarded to the Western Australian Planning Commission for adoption under Clauses 6A.3.10 and 6A.4 of Town Planning Scheme No.4.
7. Advise the submitters and the applicant of its decision.

MOVED Cr Tizard
MOTION CARRIED (6/0)

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LOCATION PLAN
LOT 24 (No. 6) WUNGONG CLOSE, WUNGONG

UNAUTHORISED SCREEN FENCE - LOT 24 (NO.6) WUNGONG CLOSE, WUNGONG

WARD : NEERIGEN
APPLN NO. : 10.2008.328.1
DATE : 10 November 2008
REF : IMG
RESPONSIBLE MANAGER : EMPS
APPLICANT : Mr P Reale & Mrs L Holden
LANDOWNER : Mr P Reale & Mrs L Holden
SUBJECT LAND : Lot 24 Wungong Close,
Wungong - 13463m²
ZONING
MRS : Rural
TPS No.4 : Rural Living 1

In Brief:

- A retrospective development application has been lodged with the City for a proposed screen fence.
- The screen fence has been erected without Planning Approval and is contrary to the City's "Local Laws Relating to Fencing".
- During the advertising period the neighbour has objected to the proposal.
- Recommend that Council refuse the application and require the owner to remove the fence.

It is recommended that the application be recommitted to the next Committee meeting pending further advice and consultation with the landowner and affected neighbour.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Local Laws Relating to Fencing

Budget / Financial Implications

An owner or person who fails to comply with a notice or contravenes any provision of the City's *Local Laws Relating to Fencing* commits an offence and is liable to a maximum penalty of \$5000 and if the offence is a continuing offence, a maximum daily penalty of \$500.



AERIAL PHOTOGRAPH
LOT 24 (No. 6) WUNGONG CLOSE, WUNGONG

Consultation

- ◆ Development Control Unit
- ◆ Adjoining Landowner – Lot 23 (No.5) Wungong Close, Wungong

BACKGROUND

The owners of Lot 24 (No.6) Wungong Close have erected a 1.8m high and 15m long red Colorbond fence as screening from the neighbouring property without Development Approval from the City. On 26 June 2008, the owner applied for a Retrospective Development Approval for the 15m long Colorbond fence. The applicants have advised that the fencing is required to achieve privacy from the neighbouring property and as a wind break.

The owners of Lot 24 have made numerous complaints regarding the shed constructed on Lot 23. The shed complies with the City's setback requirements. The City is currently investigating various matters including the colour of the shed, incomplete landscaping works and noise.

DETAILS OF PROPOSAL

The owners of Lot 24 (No.6) Wungong Close have applied for a Retrospective Development Approval for the 15m long red Colorbond fence they have erected as screening. The fence runs along the south-eastern boundary of Lot 24 and has been erected to provide screening of a shed on adjoining Lot 23.

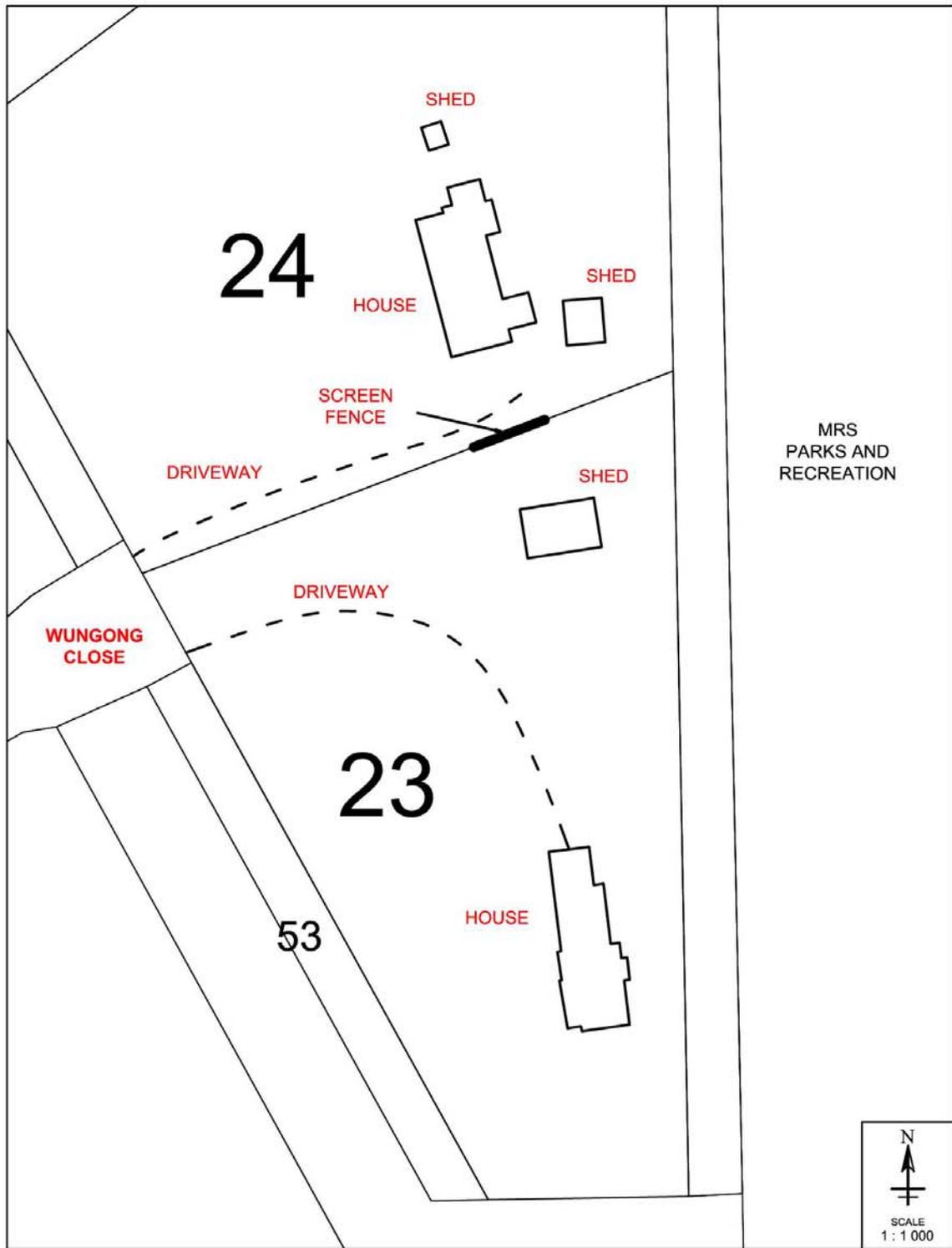
COMMENT

Advertising

The proposal was advertised to the neighbouring property directly abutting the screening fence from 14 July 2008 until 30 July 2008. The owners of Lot 23 (No.5) have raised an objection to the screening fence for the following reasons:

1. Eye sore – the colour red does not match the existing shed on their property close to the boundary.
2. Direct view of the fence from residence and driving up the driveway.

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



SITE PLAN
LOT 24 (No. 6) WUNGONG CLOSE, WUNGONG



SCREEN FENCE BETWEEN LOTS 23 AND 24 WUNGONG CLOSE, WUNGONG
VIEW FROM LOT 23 LOOKING TOWARDS LOT 24



SCREEN FENCE BETWEEN LOTS 23 AND 24 WUNGONG CLOSE, WUNGONG
VIEW FROM LOT 23 LOOKING TOWARDS LOT 24



SCREEN FENCE BETWEEN LOTS 23 AND 24 WUNGONG CLOSE, WUNGONG
VIEW FROM LOT 23 LOOKING TOWARDS LOT 24



SCREEN FENCE BETWEEN LOTS 23 AND 24 WUNGONG CLOSE, WUNGONG
VIEW FROM LOT 24 LOOKING TOWARDS LOT 23

ANALYSIS

City's Local Laws Relating to Fencing

The Third Schedule (Clause 6(2)(c)) of the City's *Local Laws Relating to Fencing* stipulates that post and wire or post and rail is the permitted method of fencing in Rural properties within the City. It also states the following:

“No person shall without the written consent of the local government, erect a fence on a Rural Lot of sheet metal, brick, stone, reinforced fibre cement or any other form of screen fencing”.

Town Planning Scheme No.4

The objectives of Rural Living zone in TPS No.4 are as follows:

- 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.

Solid fencing is appropriate and accepted in residential areas to provide privacy. Given the more than adequate setback requirements in rural areas, solid boundary fencing is not required as screening. Native screening plants can achieve a similar affect of screening and maintains the rural character.

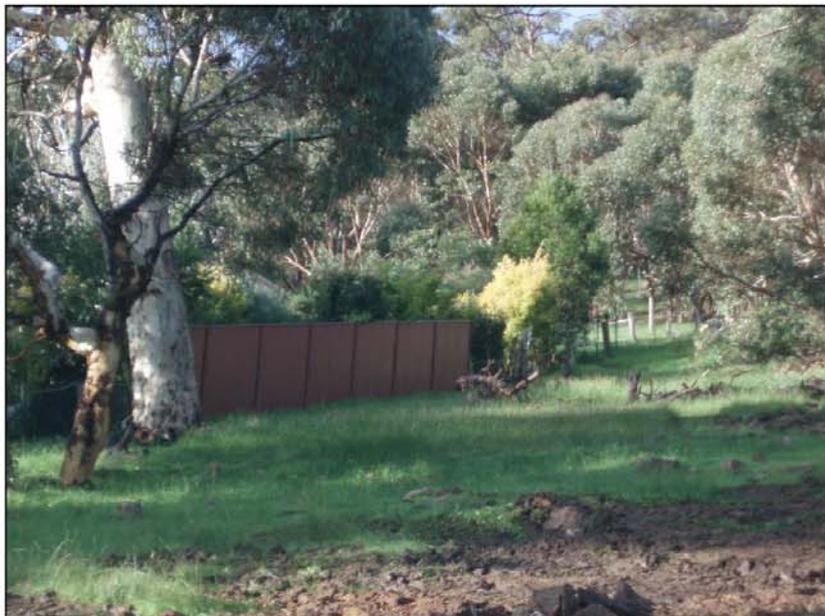
The proposed (existing) colourbond fence if approved will set an undesirable precedent and have an adverse impact on the amenity of the area. While all other fencing in the area is of open style as required by the Local Laws Relating to Fencing, this 15m long fence is detrimental to the rural character and natural rural setting. The City has required open style fencing in its Rural Living zones for many years to maintain the rural character and amenity of such areas.

OPTIONS

1. Council could resolve to refuse the application and have the fence removed.
2. Council could approve the existing fence as a retrospective approval.



SCREEN FENCE BETWEEN LOTS 23 AND 24 WUNGONG CLOSE, WUNGONG
VIEW FROM LOT 23 LOOKING TOWARDS LOT 24



SCREEN FENCE BETWEEN LOTS 23 AND 24 WUNGONG CLOSE, WUNGONG
VIEW FROM LOT 23 LOOKING TOWARDS LOT 24

CONCLUSION

The colorbond fence is not in compliance with the City's Local Laws Relating to Fencing. The justification provided is not sufficient to approve the proposal. The applicants can achieve screening by using native screening plants. The approval of a fence of this nature would set an undesirable precedent for Rural Living properties within the City.

Officer's report recommends –

That Council:

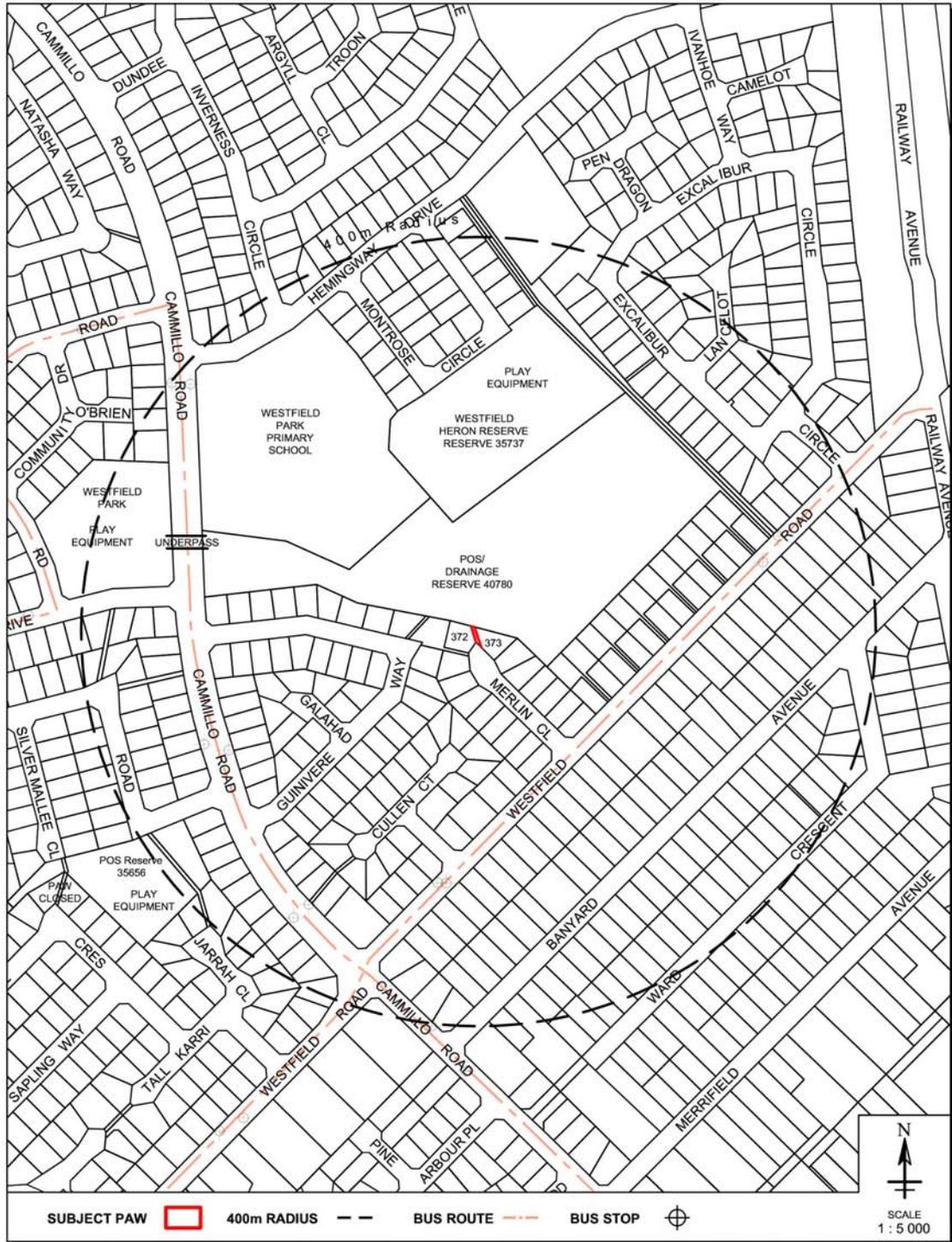
1. Refuse the retrospective development application to erect a colorbond screen fence along the boundary of Lot 24 Wungong Close, Wungong for the following reasons:
 - a) The proposed fence does not comply with the City's Local Laws Relating to Fencing.
 - b) The proposed fence will have a detrimental impact on the character and amenity of the area.
 - c) Approval of the proposal would create an undesirable precedent for similar fencing in Rural Living areas in the City.
2. Authorise the drafting of a Notice in accordance with Parts 7 to 8 of the City's Local Laws Relating to Fencing requiring the owner of Lot 24 Wungong Close, Wungong to remove the Colorbond screen fence and reinstate the rural boundary fencing within 28 days of the date of the service of the notice.
3. Advise the applicant and submitter of Council's decision.

COMMITTEE requested that the proposed application to erect a colorbond screen fence along the boundary of Lot 24 Wungong Close, be recommitted pending further advice and consultation with the landowner and effected neighbour. Accordingly the Recommendation was amended.

D116/11/08 RECOMMEND

That the proposed application to erect a colorbond screen fence along the boundary of Lot 24 Wungong Close, be recommitted to the next meeting of the Development Services Committee pending further advice and consultation with the landowner and effected neighbour.

MOVED Cr Tizard
MOTION CARRIED (6/0)



LOCATION PLAN
 PAW BETWEEN LOTS 372 (No.17) & 373 (No.13) MERLIN CLOSE, WESTFIELD, AND
 LEADING TO RESERVE 40780

**PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 372 (No.17) & 373 (No.13)
MERLIN CLOSE, CAMILLO**

WARD : HERON
FILE REF : WAY/59/07
DATE : 6 November 2008
REF : PMS
RESPONSIBLE MANAGER : EMPS
APPLICANT : JM Harding
LAND OWNER : Crown
SUBJECT LAND : Pedestrian access way (PAW)
between Lots 372 & 373
Merlin Close, Camillo
ZONING MRS : Urban
TPS No.4 : Unzoned

In Brief:-

- Request received to close above PAW due to anti-social behaviour.
- The PAW closure has been advertised in the 'Comment News' and to the surrounding landowners and Government agencies for comment.
- Department for Planning and Infrastructure has not provided their comments on the PAW Closure as yet.
- Recommend that Council decline the PAW closure request on the grounds that the PAW provides safe and easy access to community facilities, including Westfield Park Primary School, Reserves 40780 and 35737.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

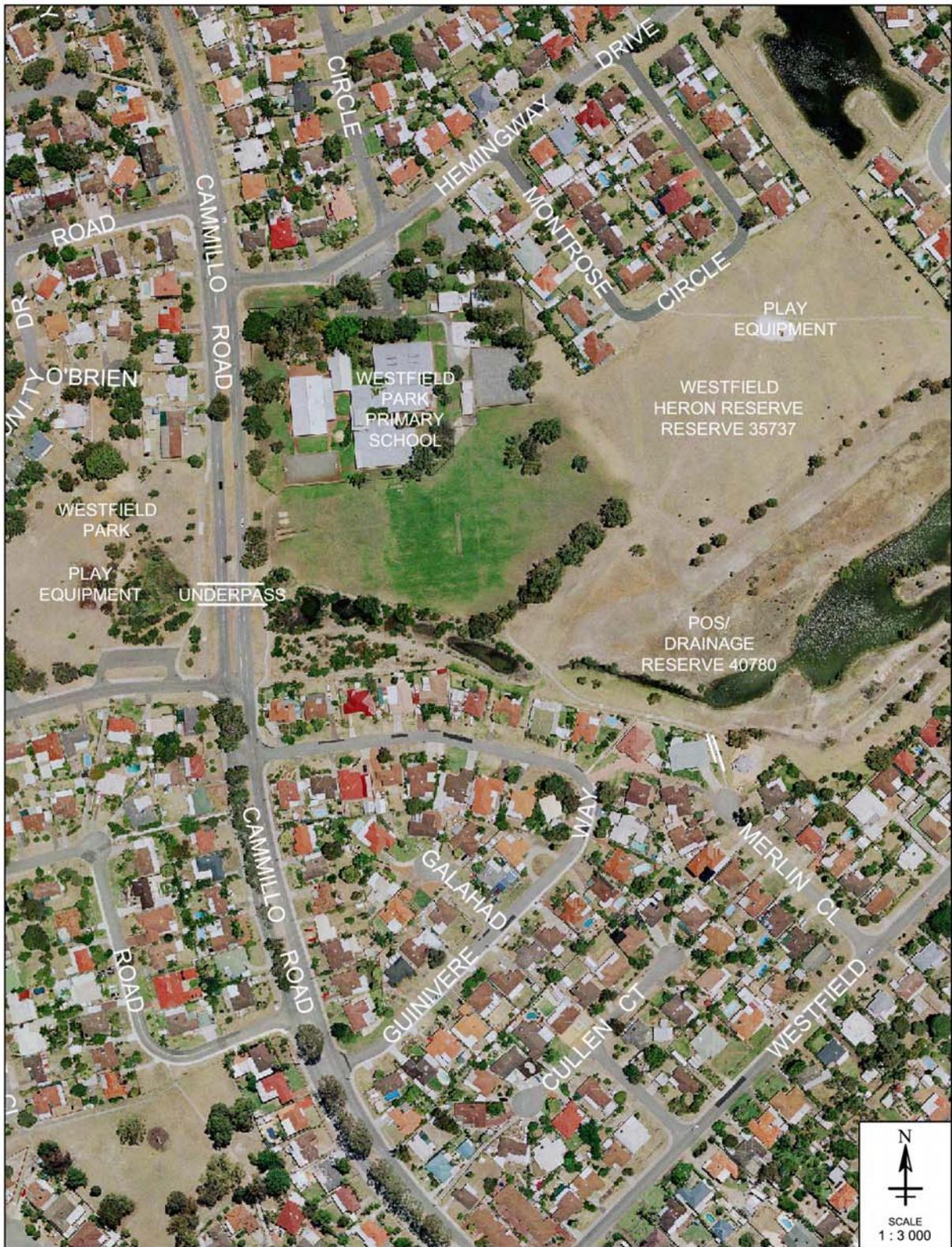
Land Administration Act 1997.

Council Policy / Local Law Implications

Technical Services – Policy No.ENG 7 – Public Access Ways - Management.

Budget / Financial Implications

Nil.



AERIAL PHOTOGRAPH
PAW BETWEEN LOTS 372 (No.17) & 373 (No.13) MERLIN CLOSE, WESTFIELD, AND
LEADING TO RESERVE 40780

Consultation

- ◆ Technical Service Directorate.
- ◆ Government Agencies.
- ◆ Surrounding Landowners.
- ◆ Newspaper Advertising and signs-on site.
- ◆ Department for Planning and Infrastructure (DPI).

DETAILS OF PROPOSAL

The landowner of Lot 372 (No.17) Merlin Close, Camillo has submitted a request to have the PAW closed on the following grounds:

- ◆ Anti-social behaviour; and
- ◆ Damage to fencing along PAW.

The PAW is approximately 3.5 metres wide and about 18 metres long and connects Merlin Close and Drainage Reserve 40780, providing access to Westfield Park Primary School and Reserve 35737. The fencing along the PAW is colorbond fencing. The PAW is reasonably straight and quite visible. The concrete pathway is in reasonable condition. It is free of over hanging branches from the abutting properties. There is one bollard at the Merlin Close end of the PAW but it is situated next to the colorbond fence abutting Lot 373 (No.13). There is inadequate lighting in the PAW.

COMMENT

The proposal was advertised in the ‘Comment News’ and to the surrounding landowners/occupiers, the Government Service Agencies and Westfield Park Primary School for comment. The advertising period was from 11 May 2007 to 11 June 2007.

Results of Advertising

No. of Landowners/Occupiers Notified:	104
No. of Government Agencies:	4
No. of Public Submissions Received:	16
No. of Submissions of Objection to the PAW Closure:	5
Private Submissions:	5
Government Agency Submissions:	0
No. of Submissions of Support/No Objection to PAW Closure:	15
Private Submissions:	11
Government Agency Submissions:	4

Refer to the Confidential Attachment “B2” of the Agenda for a Location Plan of respondents.



PEDSHED PLAN
 PAW BETWEEN LOTS 372 (No.17) & 373 (No.13) MERLIN CLOSE, WESTFIELD,
 AND LEADING TO RESERVE 40780

Western Power, Alinta Gas, Water Corporation and Telstra have no objection to the proposed closure.

The City's Technical Services Directorate has no objection to the proposed closure.

The Department for Planning and Infrastructure (DPI - Planning) has not provided a response to the proposed closure. In accordance with the West Australian Planning Commission's (WAPC) Planning Bulletin No.57: Closure of PAW, the City prepared a PAW Closure report and referred the report to DPI in September 2007.

The City is not able to progress the closure of a PAW without a positive response from DPI - Planning, which has significantly delayed the City's processing of a number of PAW closure requests over the last few years. Over the last 12 -18 months, officers of the City have been assisting and liaising with DPI officers more closely to ensure that more prompt responses to the City's referral of PAW closure reports are received.

WAPC's Planning Bulletin No.57 (Closure of PAWs) - Part 2.3 specifies that "*DPI will endeavour to provide comment within 60 days of the receipt of the LG Closure report*".

DPI's response has yet to be received and due to the significant delay in the response (over 12 months), the City should proceed with the PAW closure process to address the concerns of the residents. DPI's response has been delayed due to the Westfield Study.

ANALYSIS

Local Connectivity

The subject PAW provides a direct link for residents to the public open space (POS) area/Drainage Reserve 40780, Heron Reserve 37537 and Westfield Park Primary School Oval. There is play equipment in Heron Reserve. Both Reserves 40780 and 35737 are not reticulated, although both reserves and the school oval would be used by the local residents for recreational purposes.

If the PAW is closed, access to the POS area (Reserves 40780 and 37537 and School grounds) for residents of Merlin Close, part of Westfield Road and Cullen Court will be compromised and residents will be obliged to use the street system via Westfield Road, Cammillo Road and Guinivere Way. It would cause significant inconvenience for local residents to access Reserves 40780, 35737 and Westfield Park Primary School if the PAW is closed.

Quality of Alternative Routes

The alternative route is via the street system via Merlin Close, Westfield Road, Cammillo Road and Guinivere Way. There is a footpath along the length of Westfield Road and Cammillo Road. There is also a footpath running along the Reserve joining the two PAWS (Merlin Close and Guinivere Way) to the Westfield Park Primary School Oval. There is no footpath in Merlin Close or Guinivere Way.



PHOTOGRAPH 1

PAW BETWEEN LOTS 372 & 373 MERLIN CLOSE, WESTFIELD - LOOKING TOWARDS DRAINAGE RESERVE 40780



PHOTOGRAPH 2

VIEW PAW BETWEEN LOTS 372 & 373 MERLIN CLOSE, WESTFIELD - FROM DRAINAGE RESERVE 40780



PHOTOGRAPH 3

VIEW OF PATH LEADING TO WESTFIELD PRIMARY SCHOOL & RESERVE 35757,
LINKS TO PAW IN GUINIVERE WAY



PHOTOGRAPH 4

VIEW PAW FROM RESERVE 35757



PHOTOGRAPH 5
PLAYGROUND EQUIPMENT IN RESERVE 35757



PHOTOGRAPH 6
RESERVE 35757 & POS/ SCHOOL OVAL FROM PAW LOOKING ACROSS RESERVE 40780

Resume of Support for PAW Closure

The supporters of the PAW closure feel that the closure will alleviate the problems currently being experienced by the local community for the grounds specified earlier in this report.

Resume of Objections to PAW Closure

The objectors state that there is anti-social behaviour everywhere. Access to the Primary School and parks etc for the residents is restricted, if the PAW is closed. They use the PAW almost on a daily basis for their daily walk and that it is a well used and safe route for children attending Primary School and the local high school.

Another objector states that the PAW was fought for when the area was established to access the primary school and parkland and that lighting etc should be looked at before closing the access off to residents.

Westfield Study

In July 2007, the City and DPI (Planning) appointed consultants to investigate a range of design options for a portion of Westfield (now Camillo). Whilst the subject PAW is not included within the Core Study Area, the draft Study recommended that this PAW and many other PAWs be upgraded.

PAW Closure Process

The DPI – Land Asset Management Services (LAMS) will not usually allow a PAW to be closed without the support of DPI - Planning. DPI - Planning have not provided a response, despite several requests. The Council should determine its position on the PAW to address the concerns of the residents. DPI should be advised of Council's decision.

OPTIONS

1. Council could resolve to decline the closure of the PAW on the grounds that the PAW provides convenient and safe access to community facilities, Westfield Park Primary School and Reserves 40780 and 35737, as indicated by the objectors to the closure.
2. Council could defer consideration of the PAW pending advice from the DPI (Planning) and/or the Westfield Study.
3. Council could resolve to close the PAW for reasons specified by the supporters of the PAW closure.

CONCLUSION

The PAW appears to provide an integral part of the pedestrian movement system for local residents and its closure would restrict the ability of residents to access local facilities, including Westfield Park Primary School and Reserves 40780 and 35737. It is recommended that Council adopt Option 1.

COMMITTEE supported the non-closure of the PAW as it is a major access route to community facilities and requested that appropriate lighting is provided and that the PAW is fenced on both sides with twin lock fencing.

COMMITTEE requested that Part 3 of the Recommendation be amended to read “The need for adequate lighting and other improvement works including fencing with concrete panels for priority PAWs (including Merlin Close) be referred to Technical Services with a view to the items being costed and submitted for funding during the mid year review”.

D117/11/08 RECOMMEND

That Council:

1. **Not support the request to close the pedestrian accessway (PAW) between Lots 372 and 373 Merlin Close, Camillo on the grounds that the pedestrian access way (PAW) provides safe and easy access to community facilities, including the public open space area, school and its facilities, as evidenced by the responses received during the advertising process.**
2. **Advise the Department for Planning and Infrastructure, applicant and submittees of Council’s decision.**
3. **The need for adequate lighting and other improvement works including fencing with concrete panels for priority PAWs (including Merlin Close) be referred to Technical Services with a view to the items being costed and submitted for funding during the mid year review.**

MOVED Cr Hart
MOTION CARRIED (6/0)

PROPOSED INITIATION OF AMENDMENT NO.47 TO TOWN PLANNING SCHEME NO.4 – MODIFICATION OF CLAUSE 5.4 - RESTRICTIVE COVENANTS

WARD : ALL
DATE : 11 November 2008
REF : PS
RESPONSIBLE MANAGER : EMPS
APPLICANT : N/A
SUBJECT LAND : City of Armadale

In Brief:

- The Western Australian Planning Commission has released Planning Bulletin No.91, which proposes the modification of the Model Scheme Text provision for Restrictive Covenants.
- The inclusion of a new Clause 5.4.1 in TPS No.4 will clarify the procedure for the extinguishment or variation to a restrictive covenant where it is inconsistent with the City's TPS No.4.
- Recommend that Council initiate Amendment No.47 to include a new Clause 5.4.

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 (TPS) No.4

Council Policy / Local Law Implications

Local Planning Strategy 2005

Budget / Financial Implications

Nil. The City charges a fee for written advice for zoning information and any title searches.

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

Local Governments are required to prepare their Town Planning Schemes (and provisions in any amendment) in accordance with the Western Australian Planning Commission's (WAPC) Model Scheme Text (MST) provisions. The City's TPS No.4 was gazetted on 4th November 2005 and included the MST's Clauses 5.4.1 and 5.4.2 (Restrictive Covenants) as required by the WAPC.

Clauses 5.4.1 and 5.4.2 of TPS No.4 read as follows:

5.4 Restrictive covenants

5.4.1 Subject to clause 5.4.2, in the case of a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by (a) the Scheme; or (b) the provisions of the Residential Design Codes which apply under the Scheme, then that restrictive covenant is hereby extinguished.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the City is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

Clauses 5.4.1 and 5.4.2 are intended to extinguish or vary a restrictive covenant which restrict or limit the number of residential dwellings which may be constructed in a way which is inconsistent with the provisions of the RD Codes applicable under a Town Planning Scheme.

DETAILS OF PROPOSAL

This report proposes the initiation of a scheme amendment to replace the MST's Clauses 5.4.1 and 5.4.2 in TPS No.4 with a new Clause 5.4 in accordance with the WAPC's new Planning Bulletin No.91 – *Estate Covenants: New Residential Subdivisions*, which will allow for the removal of covenants that prevent subdivision or limit/restrict the maximum area occupied by a dwelling that is inconsistent with the RD Codes.

COMMENT

The City has been approached by several large developers requesting that the City enforce covenants that have been placed on new lots in their estates to restrict grouped dwelling development, strata titling and/or subdivision. However, new lot purchasers have made requests for the removal of the restrictive covenants that restrict strata titling or subdivision. Officers of the City have been discouraging developers from applying restrictive covenants that conflict with the zoning and R-Codes in the City's TPS No.4 and adopted Structure Plans.

The City sought legal advice on Clauses 5.4.1 and 5.4.2, which has expressed several concerns about the wording of the provisions. Therefore the City approached the WAPC last year with its concerns. The WAPC has now released Planning Bulletin No.91 – *Estate Covenants: New Residential Subdivisions*, which aims to address concerns regarding the imposition of restrictive covenants in residential estates by land developers which are inconsistent with and undermine local planning scheme provisions and state planning policy. The Planning Bulletin clarifies the procedure for the extinguishment or variation of a restrictive covenant and the new Clause 5.4 will address covenants that restrict future subdivision of a lot or limit/restrict the maximum area occupied by a dwelling that is inconsistent with the density codes in the local planning scheme.

Restrictive covenants and planning controls are not related and provide for different forms of restriction. A restrictive covenant is a restriction on title whereas planning controls arise from legislation regarding the use and enjoyment of land but which do not create an interest in land. The existence of a restrictive covenant is not a relevant planning consideration in the determination of a development application, except where the restrictive covenant arises from a planning decision.

Restrictive covenants are appropriate to maintain amenity, streetscape and the character of an estate consistent with the intentions of the developer and the expectations of the homeowner. However, problems can arise where there is conflict between the restrictive covenant and the provisions of a local planning scheme. The WAPC advises that this has most commonly occurred where a restrictive covenant purports to limit the number of dwellings or future subdivision of a lot, to a lesser number than permitted by the local planning scheme. Such covenants are inconsistent with current state and local planning policy and create inconsistency, confusion and uncertainty for landowners as to their development rights.

The new proposed Clause 5.4 is soundly based and will ensure that the objectives of the City's Town Planning Scheme No.4 and adopted Structure Plans can be achieved, whilst also bringing greater certainty for landowners.

OPTIONS

1. Council may initiate the Scheme Amendment as proposed.
2. Council may decline the initiation of the Scheme Amendment.

CONCLUSION

The amendment proposes to include a new Clause 5.4 in TPS No.4 as included in the WAPC's new Planning Bulletin No.91 – *Estate Covenants: New Residential Subdivisions*. The new Clause 5.4 will clarify the procedure for the extinguishment or variation of a restrictive covenant where it is inconsistent with the City's TPS No.4 and also addresses covenants that restrict future subdivision of a lot or limit/restrict the maximum area occupied by a dwelling that is inconsistent with the density codes in the City's TPS No.4. The new Clause 5.4 will assist the City in implementing the objectives of TPS No.4 and reduce landowner uncertainty about development and subdivision potential.

Following the closure of the advertising period, the proposed amendment and any submissions received during the advertising period will be forwarded to Council for its consideration for final adoption.

Given the above, Option 1 is recommended.

D118/11/08 RECOMMEND

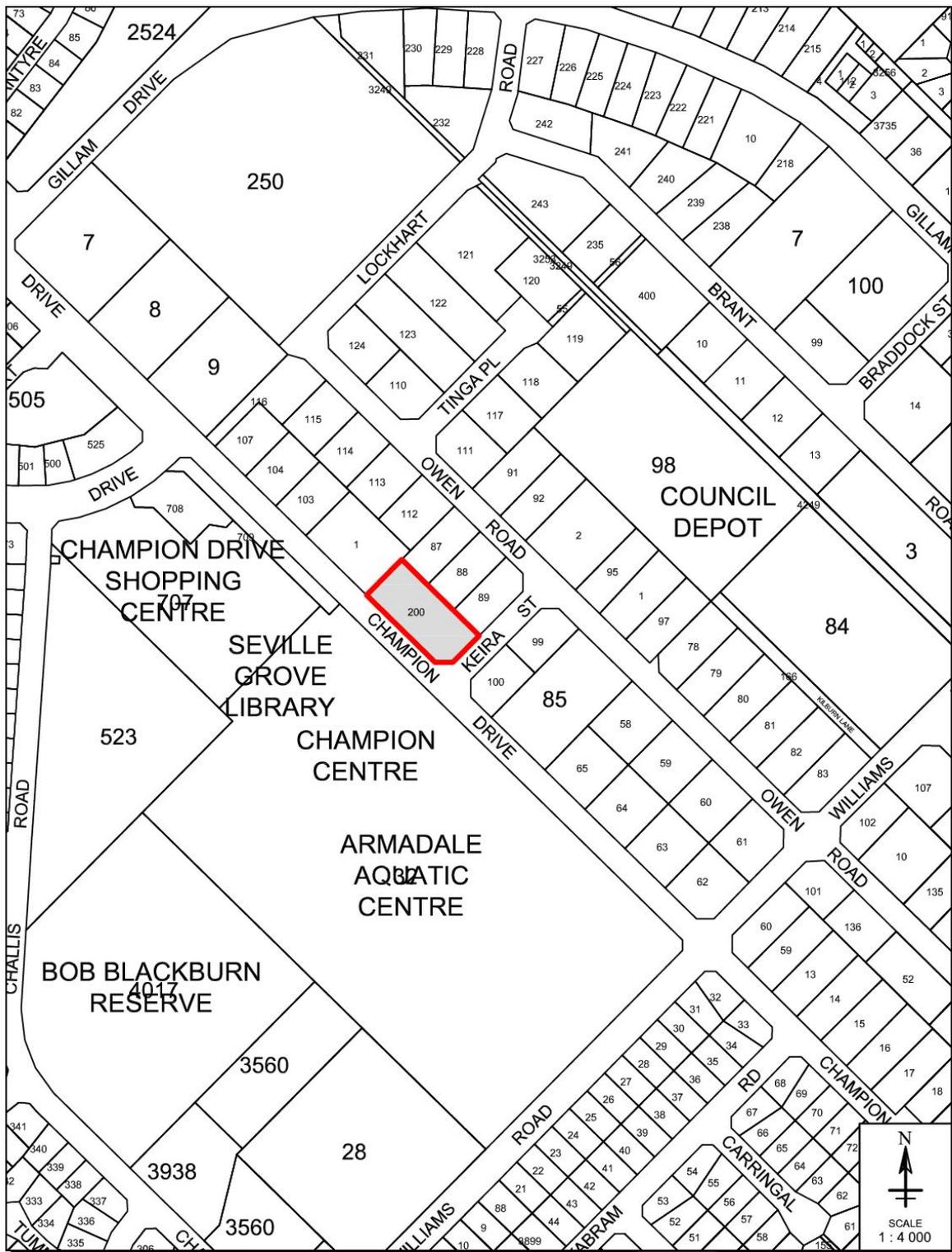
That Council:

- 1. Pursuant to Part 5 of the *Planning and Development Act 2005*, initiate Amendment No.47 to Town Planning Scheme No.4 to:
 - (i) delete Clauses 5.4.1 and 5.4.2 and insert the following new Clause 5.4:**

“5.4.1 A restrictive covenant affecting any land in the scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the scheme (including any covenant purporting to (i) limit or restrict subdivision or (ii) limit or restrict the maximum area occupied by a dwelling), is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the scheme.”**
- 2. Refers Amendment No.47 to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days.**
- 3. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.**
- 4. Forward a copy of the amendment to the Western Australian Planning Commission for information.**

MOVED Cr Everts
MOTION CARRIED (6/0)

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LOCATION PLAN
LOT 200 (No. 79) CHAMPION DRIVE, SEVILLE GROVE

PROPOSED SIGNAGE – LOT 200 (79) CHAMPION DRIVE, SEVILLE GROVE

WARD : HERON
APPLN NO. : 11.2008.14.1
DATE : 10 November 2008
REF : KLD
RESPONSIBLE : EMPS
MANAGER
APPLICANT : Stihl c/- Digi Market
Corporate Pty Ltd
LANDOWNER : Bellgrade Pty Ltd
SUBJECT LAND : Property size 3472m²

ZONING
MRS : Industrial
TPS No.4 : Industrial Business

In Brief:

- A sign regime has been received for Armadale Mower World incorporating Stihl Dealership Branding Guidelines for national consistency.
- The sign regime does not meet the individual sign policy requirements, however Council has the discretion to vary the requirements when considering an overall sign regime.
- Recommend that Council conditionally approve the application.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City – to sustain and maintain the distinctive character of the City.

Legislation Implications

Planning and Development Act 2005

Council Policy / Local Law Implications

Signs Local Law 2007
Signage Policy PLN 4.2

Budget / Financial Implications

Nil.

Consultation

Nil.



PROPOSED SIGNAGE
LOT 200 (No. 79) CHAMPION DRIVE, SEVILLE GROVE

DETAILS OF PROPOSAL

The applicant proposes a sign regime for “Armada Mower World” incorporating Stihl Dealership Branding Guidelines for national consistency at a newly constructed showroom located at Lot 200 (79) Champion Drive, Seville Grove.

ANALYSIS

The proposed sign regime applies to approximately two thirds of the newly constructed showrooms. The sign regime incorporates a pylon sign, two flags, a partially illuminated horizontal sign and twelve wall signs. The tenancy is set back from Champion Drive and Kiera Street approximately 18 metres to allow for adequate customer parking facilities.

The sign regime proposes to erect the following:

- ◆ A partially illuminated horizontal sign that is 1.0 metre in height and 13.5 metres in length along the Kiera Street elevation and 1.0 metre in height and 44.93 metres in length along Champion Drive. This is not consistent with the Signage Policy discretionary standards of 1.5 metres in height and 3 metres in length for a horizontal sign.
- ◆ A partially illuminated pylon sign of an overall height of 6.4 metres and 2.4 metres wide. This is not consistent with the Signage Policy discretionary standards of 6.0 metres high and 2.0 metres wide. The Signage Policy requirement for a minimum clearance of 2.4 metres from the ground to the base of the pylon sign has also not been met.
- ◆ Twelve wall signs of a size of 1.8 metres wide and 0.66 metres high. This is not consistent with the Signage Policy discretionary standards of 0.45 metres in height and 5 metres in length for a wall sign.

The original plan includes two (2) flag poles, however the applicant has advised that these are withdrawn from the application.

As the policy is a “one size fits all” it does not take into consideration large areas that have been designed specifically for signage or overall sign regimes. However the policy does give Council the discretion to vary the requirements of the signs.

Although the proposed pylon sign does not comply with the policy it is only slightly larger than the pylon discretionary standards and has been designed to comply with the Stihl Dealership Branding Guidelines for national consistency. The applicant has advised that the sign will be positioned 1.5 metres in from the boundary of the property. The applicant has also been in contact with Western Power (due to existing overhead power lines), who have no concerns with the proposed sign location.

The horizontal signs have been designed to sit within the area designated on the building for such signage and appear to be an appropriate scale for the building. The signs are unlikely to have a detrimental impact on the streetscape.

OPTIONS

1. Council could refuse the application on the grounds that the signs do not comply with the individual sign sizes as set out in the policy.
2. Council could conditionally approve the application.

CONCLUSION

Although the proposed signs do not comply with the policy requirements, it would not be unreasonable to erect signs of the proposed sizes as the area reserved for signage on the tenancy is quite large and the tenancy is set back a considerable distance from the road. The overall signage regime is designed to fit the Stihl Dealership Branding Guidelines for national consistency and is unlikely to have a detrimental impact on the streetscape. It is noted that two flag poles originally proposed have been deleted from the application. Approval of the application is recommended, as per Option 2.

D119/11/08 **RECOMMEND**

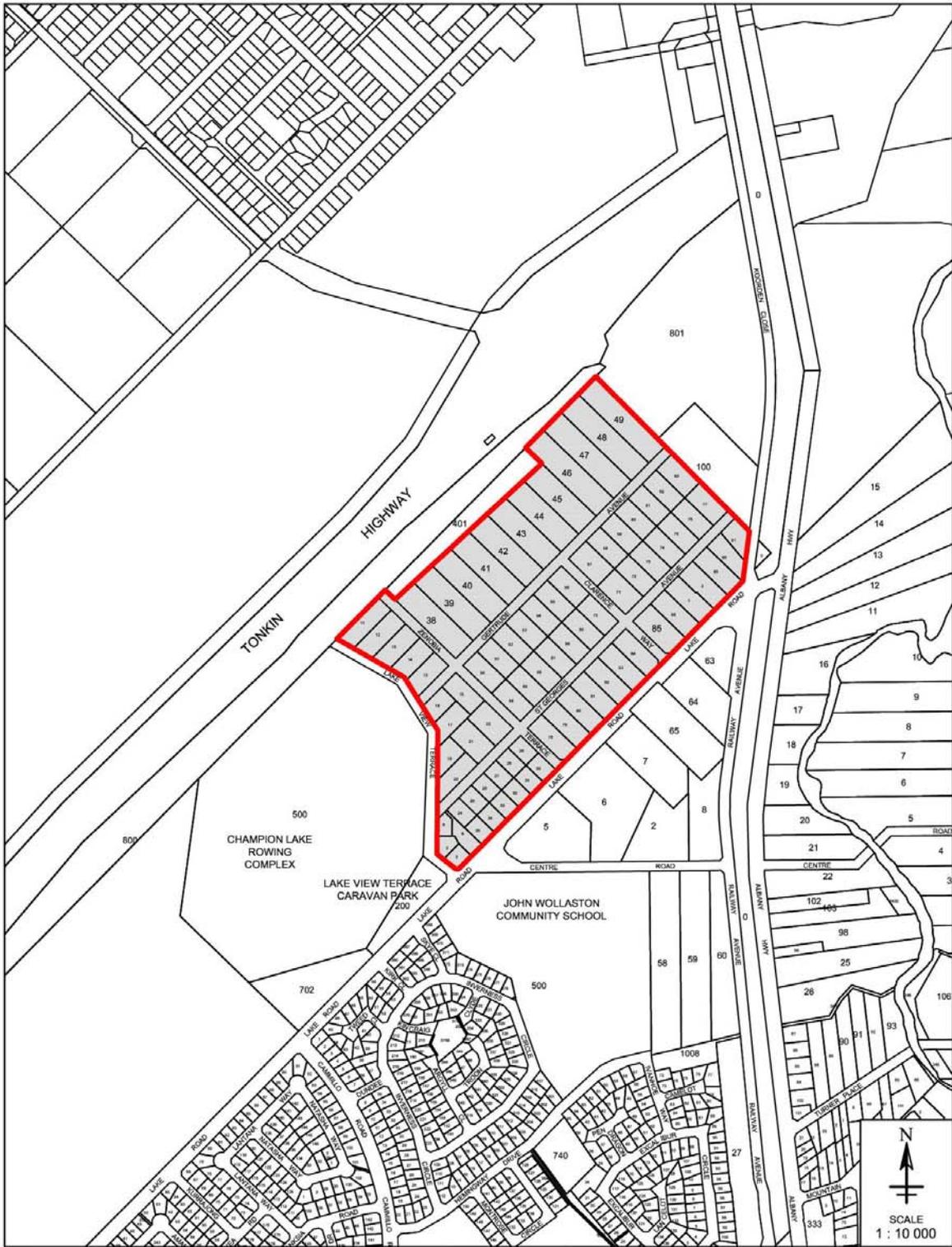
That Council:

Approve the application for a pylon sign, horizontal sign and twelve wall signs for “Armada Mower World” at Lot 200 (79) Champion Drive, Kelmscott, subject to the following condition:

- ♦ **The approval shall remain valid unless any alterations are made to the signs. In such an event a new application must be made.**

MOVED Cr MacDonald
MOTION CARRIED (6/0)

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LOCATION PLAN
CHAMPION LAKES SPECIAL RESIDENTIAL AREA

CHAMPION LAKES SPECIAL RESIDENTIAL PRECINCT - LAKE VIEW TERRACE AREA – REQUEST TO INITIATE COMMUNITY ENGAGEMENT PROCESS

WARD : HERON
DATE : 18/11/08
REF : CMA/JLQ
RESPONSIBLE : EMPS
MANAGER
LANDOWNER : Various
SUBJECT LAND : Collective property area -
Approximately 38ha in total
area and comprised of a total
of 84 Lots
ZONING
MRS : Rural
TPS No.4 : Special Residential

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
Environmental Protection Act 1986
Metropolitan Region Scheme (MRS)
Town Planning Scheme (TPS) No.4
Health Act and Metropolitan Sewerage Policy

Council Policy / Local Law Implications

Local Planning Strategy 2005

Council Policy / Local Law Implications

Nil.

In Brief:

- The area immediately north of the Armadale Redevelopment Authority’s (ARA) Champion Lakes Facility is comprised of a historic subdivision and is zoned ‘Rural’ in the MRS and ‘Special Residential’ in TPS No.4.
- Earlier this year the ARA had discussions with the previous Minister for Planning and Infrastructure regarding the future of the area. Subsequent to these discussions, the ARA asked Council their views on the future development of the area
- At its meeting on 28 July 2008, Council resolved to research the views of the current landowners in the area bounded by Lake View Terrace, Lake Road, Tonkin Highway and the Bus Depot and investigate the prospective time and resource requirements associated with initiating a zoning change. However, the Member for Armadale concurrently canvassed the views of landowners in the area.

That Council:

1. Request City officers to organise a public meeting and questionnaire survey to research the views of the current landowners in the area bounded by Lake View Terrace, Lake Road, Tonkin Highway, Bus Depot and owners of Lake View Terrace Caravan Park with an aim to decide if the official initiation of a scheme amendment should be supported.
2. Recommit the outcomes of the research for further Council consideration.
3. Advise the Armadale Redevelopment Authority and Local Member accordingly.



AERIAL PHOTOGRAPH
CHAMPION LAKES SPECIAL RESIDENTIAL AREA

Budget / Financial Implications

Possible budget implications, if further studies and/or planning are required at a later time.

BACKGROUND

The area immediately north of the Armadale Redevelopment Authority's (ARA) Champion Lakes Facility is comprised of a historic subdivision and is zoned 'Rural' in the MRS and 'Special Residential' in TPS No.4. In early-mid 2008, officers of the ARA held discussions with the Member for Armadale regarding the future of the area. Subsequent to these discussions, the Executive Director of the ARA wrote to the City regarding a meeting he attended with some residents from the area at the office of the previous Minister for Planning and Infrastructure. The ARA advised that at this meeting the residents appeared to have a desire to achieve "*urban development outcomes*" and particularly questioned where the current Special Residential zoning left them regarding capturing what they considered to be the development potential of their land. The ARA was particularly seeking advice on whether Council envisaged higher value urban uses for the area in the future and if so, what actions Council proposed to undertake to progress this vision.

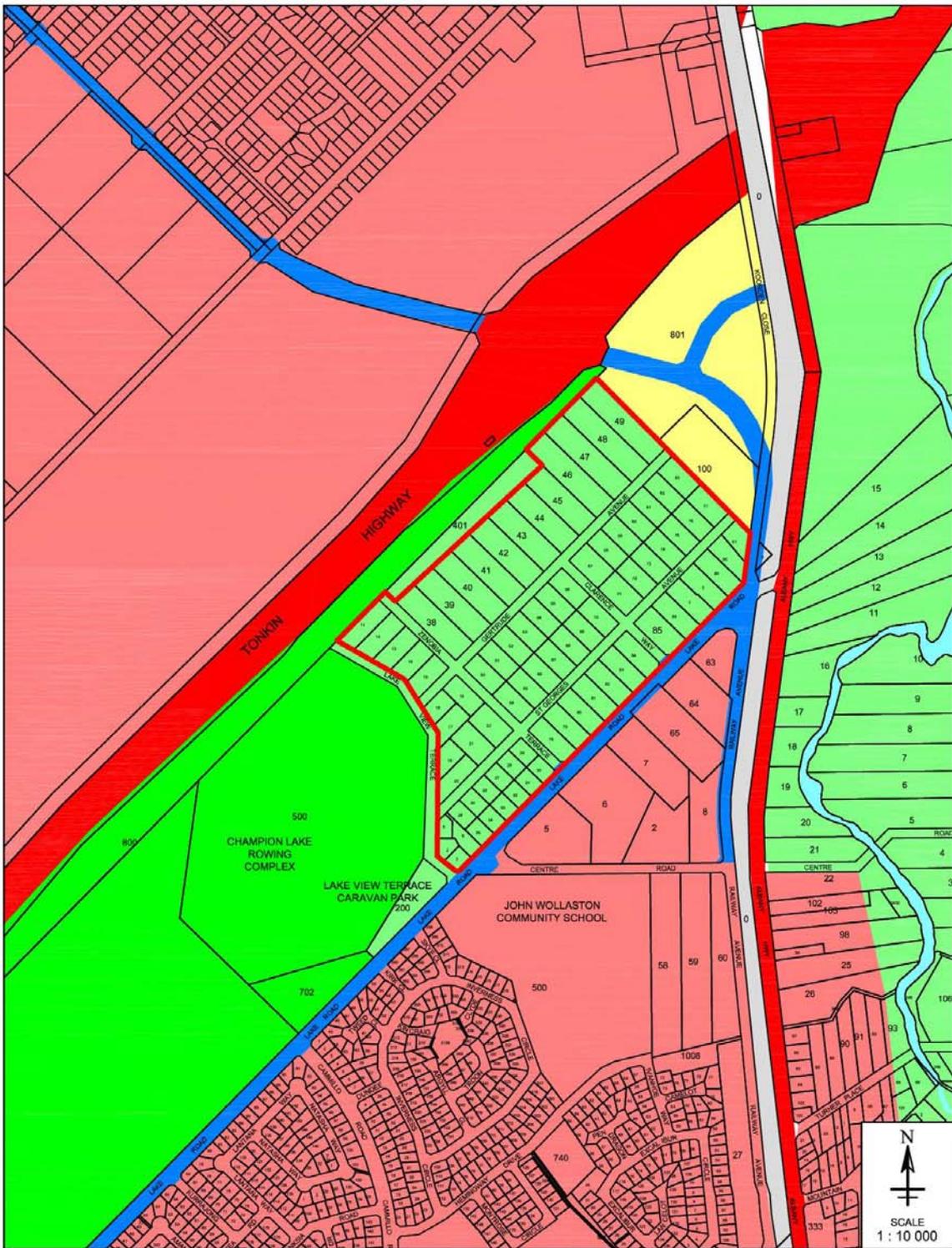
Council considered the ARA's request and the background of the area at its meeting on 28 July 2008 (ref: D79/7/08) and requested City officers to research the views of the current landowners in the area bounded by Lake View Terrace, Lake Road, Tonkin Highway and the Bus Depot and Lake View Caravan Park and investigate the prospective time and resource requirements associated with initiating a zoning change.

On 16 July 2008, the Member for Armadale mailed out an explanatory letter and survey to the subject landowners to canvas their views on the possible rezoning of their land. The survey offered respondents two options. The options were:

1. I support rezoning of the area to urban development.
2. I prefer the area to remain rural zoning.

The Member of Armadale advised the City that 81 individuals were sent the letter and survey and 64 responses were received, indicating 57 in favour and 7 opposed to the rezoning of their land for residential purposes. After reviewing the letter and survey mailed out by the Member for Armadale, the City does not consider the landowners received sufficient information to make an informed decision in view of the complexities and costs associated with rezoning land which is in multiple ownership.

Therefore, it is recommended that the City investigate ways to engage the subject landowners to inform them fully on the Metropolitan Region Scheme (MRS) and Town Planning Scheme (TPS) amendment processes and Structure Planning processes and to highlight what the landowner commitments and responsibilities would be. Subsequent to this, it is recommended that Council decide on a methodology to measure the views of the subject landowners with an aim to decide if the preparation of a MRS and TPS amendments and Structure Plan should be supported and determine how the studies and plans that would be required to support a land use change could be funded.



MRS ZONING

If urban development outcomes over the subject area are realised, a scheme amendment would need to occur to rezone the area from 'Special Residential' to 'Residential' under TPS4. In addition, the area would first need to be rezoned under the Metropolitan Region Scheme (MRS) from 'Rural' to 'Urban'.

The process of rezoning the subject area is lengthy, multifaceted and involves the participation of various government and private stakeholders. The subject landowners are considered key stakeholders, as without their commitment the rezoning of the area is unlikely to progress.

PROPOSED COMMUNITY ENGAGEMENT PROCESS

Method

- City of Armadale to conduct a public meeting inviting all landowners
- Written Survey Questionnaire
- Follow up letter outlining results of public meeting and questionnaire for Council's consideration.

Format

It is anticipated that the City's officers will provide an introduction and general overview of the requirements for studies to support a MRS and TPS amendments and Structure Planning, followed by more detailed information specific to the subject site. For example, a concept sketch of the area would be prepared to show attendees the likely road layout, open space requirements and impressions of the overall lot yield. Alternatively, various land use options may be considered as an option for future development potential in the area. A question and answer session will follow the presentation.

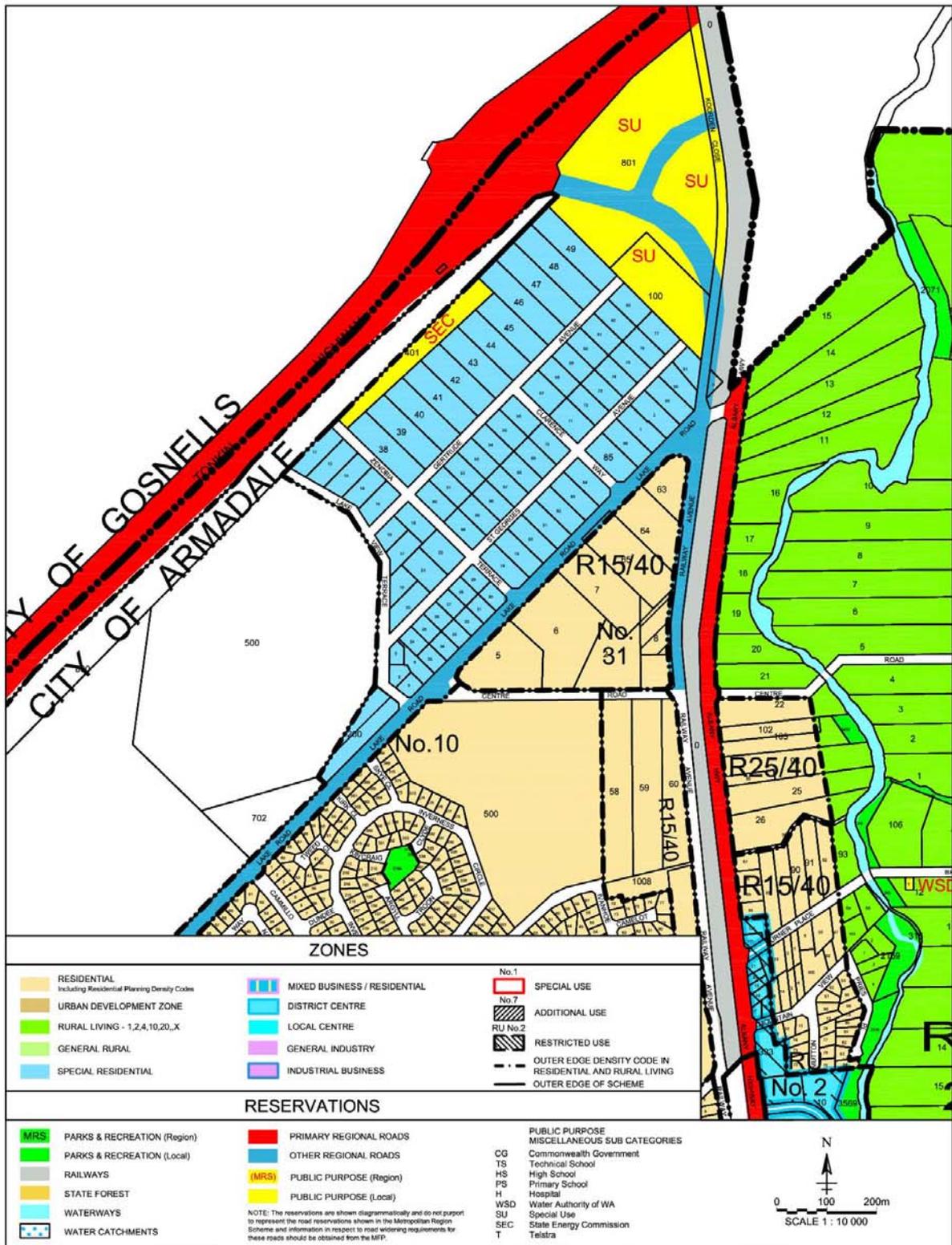
At the end of the meeting attendees will be given a survey questionnaire to complete and return to the City within a designated timeframe. The aim of the questionnaire would be to ascertain how many of the subject landowners are willing to commit to the MRS, TPS amendments and Structure Plan preparation after considering the information received at the meeting. This information could then be used by the City to help determine possible courses of action (for example, support or not support the preparation of the amendments and Structure Plan).

Target Group

- All affected landowners

Other invitees

- Affected Landowners
- Local Councillors
- Interested Local Members of Parliament
- City Staff
- Armadale Redevelopment Authority Staff
- Other Interested Residents/Parties



TOWN PLANNING SCHEME No. 4

Anticipated Outcome

- Provide people with general information on the scheme amendment and structure planning processes whilst allowing for discussion, feedback and measurable responses.

Initial Resource Requirements

- Cost to hire venue and support materials
- Staff Costs
- Costs related to printing and mailing
- Advertising costs

Estimated Timeframe

Given the upcoming holiday season and the need to provide for a sufficient notification period of the meeting, holding the meeting in the first quarter of 2009 is considered most appropriate. This will help ensure the maximum potential of the meeting can be realised.

- Public Meeting – February/March 2009
- Deadline for the return of survey questionnaires – March/April 2009
- Report back to Council on the outcomes of the public meeting and questionnaire – April/May 2009

COMMENT

A public meeting is a reasonable approach that will collectively engage the community whilst conveying applicable information. In addition, a well structured meeting can help identify constraints as well as solutions to potential problems if amendments and structure planning were to be justified.

A survey questionnaire has been chosen to supplement the meeting with an aim to gather views of relevant stakeholders. A questionnaire is the favourable option as it can target a specific group, allows people time to think about their response and is easily understood by most. Furthermore, a questionnaire is easily measurable and can deliver results for the City's further consideration on possible scheme amendments and structure planning.

Both the chosen engagement methods costs can be absorbed within existing budgets and available staff resources. Furthermore, the engagement processes can be regarded as research only, while not committing the Council to any particular outcome at this time.

OPTIONS

Council could:

1. Undertake investigation into landowner attitudes towards possible further development (scheme amendments and structure planning) via a public meeting and survey questionnaire.
2. Undertake investigation into landowner attitudes towards possible further development (scheme amendment) via alternative engagement method/s.
3. Resolve to take no further action at this stage.

CONCLUSION

Having regard to Council's previous resolution of July 2008, initiating an appropriate engagement process to research the views of the subject landowners is necessary. Conducting a public meeting coupled with a survey questionnaire is considered appropriate. Therefore, Option 1 is recommended.

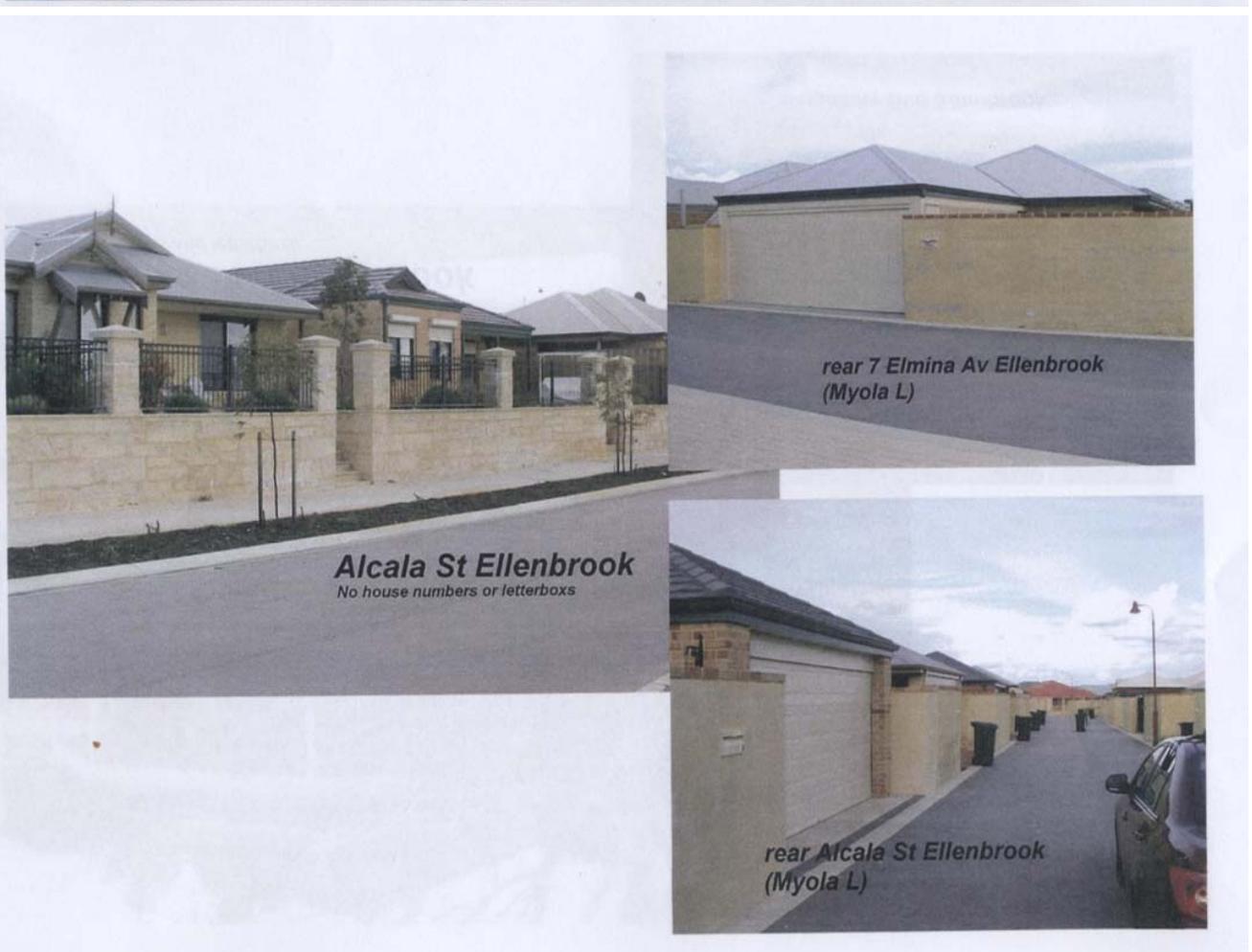
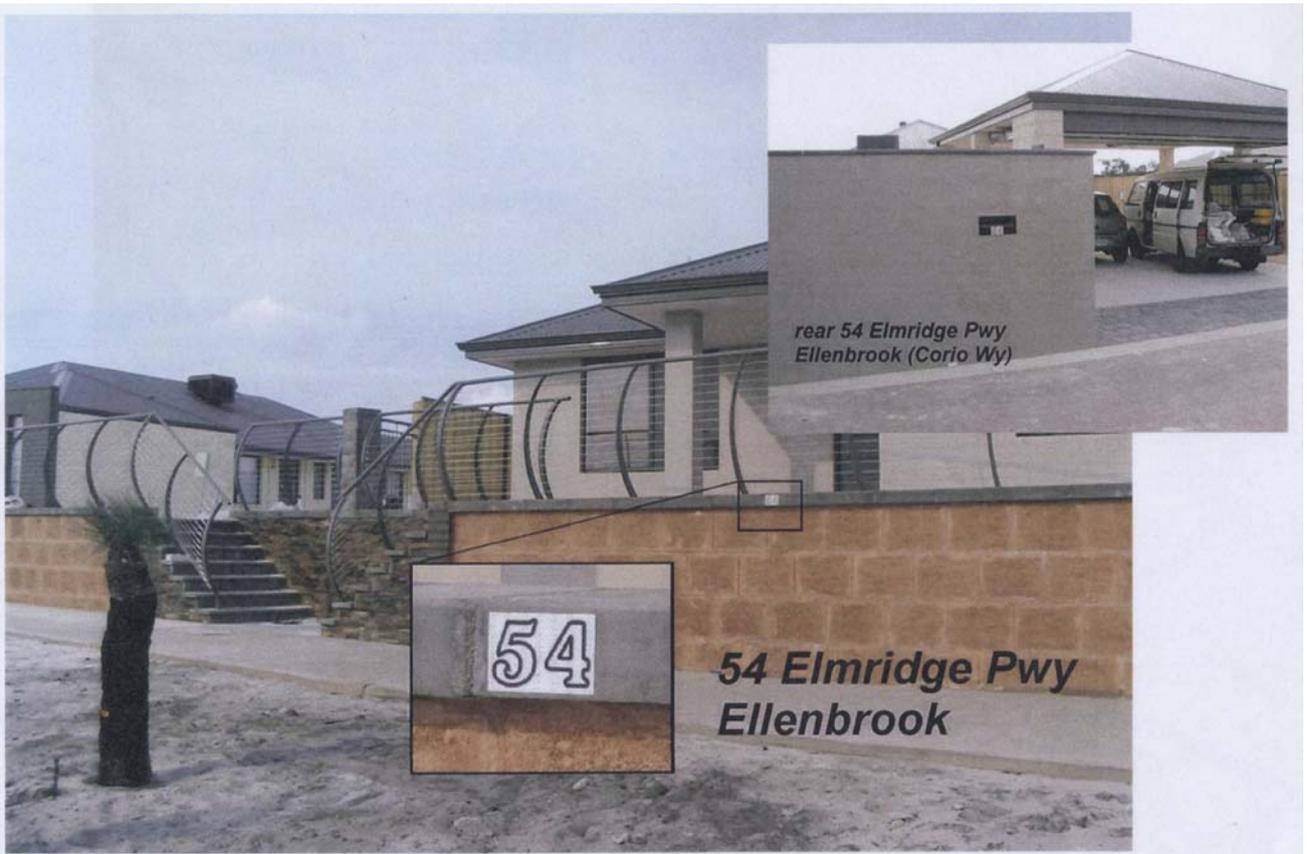
D120/11/08 **RECOMMEND**

That Council:

- 1. Request City officers organise a public meeting and questionnaire survey to research the views of the current landowners in the area bounded by Lake View Terrace, Lake Road, Tonkin Highway, the Bus Depot and the landowners of the Lakeview Caravan Park with an aim to determine if and how further development of the precinct could be considered further.**
- 2. Request officers to prepare a report on the outcomes of the research to a future meeting for further Council consideration.**
- 3. Advise the Armadale Redevelopment Authority and Local Member accordingly.**

MOVED Cr Zelones
MOTION CARRIED (6/0)

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REFERRAL ITEM – DISPLAY OF HOUSE NUMBERS ON RESIDENCES

At Council's meeting on 27 October, Cr Tizard referred the following –

“That the matter of display of house numbers on residences be referred to Development Services Committee”.

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

“At a recent Geographic Names Committee meeting, Officers of Landgate indicated that they are aware that in some northern suburbs serious problems are occurring because householders are not numbering their residences correctly. Difficulties are being experienced by Australia Post, Government Agencies, commercial courier drivers and emergency services drivers. Also, the Landgate database of residences is difficult to verify when correct addresses are not shown.

The problem is worsening with new developments where letterboxes and house numbers are being displayed in the rear lane of the property rather than on the street associate with their address. Some examples are shown in the attached photographs.

The Geographic Names Committee's function is largely based around the concept that properties are clearly identified with locality name, street name and house number. Besides the commercial advantage of this system, to private and Government organisations, there is a positive safety factor associated with properties that are clearly identified. There are many cases on record whereby people's safety has been put at risk when emergency services personnel are unable to quickly attend to someone in difficulty.

The Landgate Officers have requested our assistance in ensuring that within the City of Armadale all households are correctly and clearly numbered. There is a good case for this issue to be raised at Zone and at WALGA”.

D121/11/08 RECOMMEND

That the matter regarding display of house numbers on residences be referred to the South East Metro Zone Committee and the WA Local Government Association.

MOVED Cr Tizard
MOTION CARRIED (6/0)

LATE ITEMS

Nil.

COUNCILLORS' ITEMS

Cr Everts noted concerns regarding the delays in granting Building Approval.

Cr Knezevich

1. Telstra building – Jull Street, Armadale

Cr Knezevich requested that, in conjunction with the ARA, Telstra be advised of the unacceptable condition of the Jull Street Telstra building and surrounds.

2. Building Approval Processes

Cr Knezevich requested a report in response to the concern of builders operating in the City that it was taking too long to issue building approvals, that some of the requirements were unreasonable and an independent review of the City's approval processes should be considered.

Cr Hart

1. Sylvania Park – Chevin Road, Roleystone

Cr Hart requested that a report be prepared on the land on Chevin Road, Roleystone known as Sylvania Park with a view to its reservation for Parks and Recreation under the City's town planning scheme.

D122/11/08 RECOMMEND

That Councillors' items listed as follows:

- **Telstra building – Jull Street, Armadale;**
- **Building Approval Processes;**
- **Sylvania Park – Chevin Road, Roleystone;**

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

MOVED Cr Zelones
MOTION CARRIED (6/0)

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTED

- ◆ Executive Director Development Services advised Committee of invitation from Fair Haven Retirement Village in Pinetree Close, Armadale wishing to offer a brief guided tour to the Councillors on the Development Services Committee. The purpose of this tour is to show Councillors the facilities and services available and to outline plans for the proposed expansion of the Retirement Village. *EDDS agreed to organise the tour over the next few weeks prior to the Christmas period.*

- ◆ Executive Manager Planning Services advised that a development application for a 108 bed addition to the Kelmscott Aged Care Hostel on Lot 22 Clifton Street, Kelmscott had been received and would be advertised shortly. Councillors were advised that the plans could be viewed after the Development Services Committee.

MEETING DECLARED CLOSED AT 8.10 PM

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.4.1				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
1	M & M Dunsmore 456 Canns Rd BEDFORDALE WA 6112	Same	<p>1.1 Support the proposal.</p> <p>2.1 When purchasing on Blissett Drive, we were advised no rezoning of the valley would take place. Now instead of a beautiful view we will see someone else's back yard. Thank you for lying to us and devaluing our property. Our next step is to sell our block at the loss of our dream.</p>	<p>1.1 Noted.</p> <p>2.1 Noted. When providing advice to the public, officers rely on the current provisions of the Scheme as it cannot be determined what may or may not happen in the future. The land adjoining the subject lot to the north, east and south is all zoned 'Special Residential'. The rezoning of Lot 102 represents a rounding off of that zoning. Efforts have been made as part of the proposal to maintain adequate separation from existing lots as well as landscape features such as the seasonal creek. If approved, development envelopes would need to be strategically placed to retain vegetation where possible.</p>
2	P & L Scott 1 Pirrett Ct LEEMING WA 6149	20 Blissett Drv BEDFORDALE WA 6112		
3	Wholesalers (Morley) Pty Ltd 12 View Rd MT PLEASANT WA 6153	75 Waterwheel Rd BEDFORDALE WA 6112	<p>3.1 Very much in favour of the development and believe it will complement the area.</p>	<p>3.1 Noted.</p>
4	A Paton 46 View St PEPPERMINT GROVE WA 6011	75 Waterwheel Rd BEDFORDALE WA 6112	<p>4.1 Properties to the north, south and east are already zoned 'Special Residential', with development of the area relatively advanced. The proposal completes integrated planning for the area.</p>	<p>4.1 Noted.</p>

SCHEDULE OF SUBMISSIONS			
TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.41			
N O	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION
5	R & D Pavic 6 McLean St MELVILLE WA 6156	22 Blissett Drv BEDFORDALE WA 6112	<p>5.1 Do not object if covenant standards are the same as Churchman Brook. Waterwheel Ridge estate is not to the same standard as Churchman Brook and (negatively) affects the standards set by Churchman Brook.</p> <p>5.2 The POS is being used by motorcycles and horses which is a security concern.</p> <p>5.3 The boulders that form the entrance to the Churchman Brook estate should be reinstated as there is evidence of campfires being lit.</p> <p>5.4 Fencing must be improved to prevent unauthorised entry from the new estate to Churchman Brook.</p>
6	E & M DeVries 16 Blissett Drv BEDFORDALE WA 6112	Same	<p>5.1 Noted. The developer of the subject lot is the developer from the Churchman Brook estate and has indicated that similar covenants will be enforced.</p> <p>5.2 Noted. This issue does not have any bearing on the current proposal, however has been referred to the Rangers for further investigation.</p> <p>5.3 Noted. The applicant has advised that there are no boulders within the entrance statement for Churchman Brook and this is likely referring to the strategic fire break opposite to the re-instated quarry. This issue does not have any bearing on the current proposal, however has been referred to the Rangers for further investigation.</p> <p>5.4 Fencing can be required at the subdivision stage where new lots abut public open space. All other boundary fencing is the responsibility of individual land owners and will be completed as individual properties are developed, however pedestrian movement through the public open space areas from one estate to another is normal and encouraged. Some properties are required to have gates within the fencing for emergency vehicular access in case of bush fire.</p>
			<p>6.1 Bought on Blissett Drive to have no one behind us. I don't object to building but suggest a 20m buffer from the back fence for privacy.</p> <p>6.2 No zincalume or reflective roofing should be allowed.</p>
			<p>6.1 Noted. There is a 30m strip of public open space between the lots on Blissett Drive and the lots that would be created if the proposal were approved. Taking into account setbacks to dwellings on the individual properties themselves, the distance between residences is closer to 100 metres, more than the 20m suggested. This distance is considerable and far greater than if the lots were immediately adjacent to one another. In addition, the proposed lots on Lot 102 would be lower than those along Blissett Drive, meaning that in terms of privacy, the lots on Blissett Drive would overlook the new lots, rather than the other way around.</p> <p>6.2 Noted. Town Planning Scheme No.4 specifies that east of Albany Highway, potentially reflective material must be specifically applied for and where it may have an effect on surrounding properties, its proposed use would require advertising to those properties. This notwithstanding, it is likely that the developer will apply covenants in respect of the new lots similar to those utilised within Churchman Brook estate in relation to potentially reflective roofing.</p>

SCHEDULE OF SUBMISSIONS TOWN PLANNING SCHEME NO.4 - AMENDMENT NO.41			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION
7	D Paker & S Sieradzki 130C Bishopsgate St CARLISLE WA 6101	26 Blissett Drv BEDFORDALE WA 6112	7.1 Bought on Blissett Drive so as not to look over other rooftops. It would be a shame if too much land was developed and the 'green' started to disappear.
8	Western Power Locked Bag 2511 PERTH WA 6001	Service Authority	8.1 No objections.
9	Telstra Locked Bag 2525 PERTH WA 6001	Service Authority	9.1 Telstra has no negative comment to make.
10	WestNet Energy PO Box 8491 PERTH BC WA 6849	Service Authority	10.1 No gas in the area.
11	Water Corporation PO Box 100 LEDERVILLE WA 6902	Service Authority	11.1 Scheme water is adjacent to the lot which the developer should connect to. 11.2 Sewer is not available. On site effluent disposal to Health Department requirements is noted. 11.3 Drainage outflows from the development should be kept to pre-development levels. A Local Water Management Strategy is required at subdivision stage.

RECOMMENDATION

7.1 Noted. Refer to comments for issues 2.1 and 6.1.

8.1 Noted.

9.1 Noted.

10.1 Noted.

11.1 Noted.
11.2 Noted.
11.3 Noted.

