

CITY OF ARMADALE

A G E N D A

OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 17TH MAY 2005 AT 7:00 PM.

A meal will be served at 6:15 pm

PRESENT:

APOLOGIES:

OBSERVERS:

IN ATTENDANCE:

DISCLAIMER

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

DECLARATION OF MEMBER'S INTERESTS

QUESTION TIME

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

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 12th April 2005, to be confirmed.

Moved Cr _____
Carried/Lost ()

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.9/2005

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

- Report on Outstanding Matters – Development Services Committee
- Health Services Manager’s Report for March 2005
- Planning Services Manager’s Report for March 2005
- Town Planning Scheme No.2 – Amendment Action Table
- PAW Closure Report – Significant Actions during March 2005
- Subdivision Applications – Recommendation Table (March 2005)
- Compliance Officer’s Report for March 2005
- Metro Development Program Urban Land Release Plan 20004/05 to 2008/09
- Wungong Catchment Environment and Water Management Project
- Minutes – Community Heritage Advisory Committee Meeting
- Building Services Manager’s Report for March 2006

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

DEVELOPMENT SERVICES COMMITTEE

INDEX

17TH MAY 2005

HEALTH

PUBLIC BUILDINGS MANAGEMENT-----	9
----------------------------------	---

DEVELOPMENT

EXTENSION OF EXISTING EQUESTRIAN ACTIVITY - LOT 63 MCNEILL RD, CHAMPION LAKES-----	17
PROPOSED CARETAKER'S RESIDENCE – LOT 421 TAYLOR RD, FORRESTDAL E -----	37
PROPOSED CHANGE OF USE TO PUBLIC WORSHIP / INDOOR CHILDREN'S PLAYGROUND – LOT 17 (No.30) BRANT ROAD, KELMSCOTT AND ASSOCIATED CAR PARK – LOT 25 GILLAM DR, KELMSCOTT -----	49
PROPOSED CHURCH MEETING HALL – LOT 84 BURNDAL E RD (PROPOSED LOT 409 TALUS DR), MT RICHON -----	61
PROPOSED THREE ARBOURS AND CARPORT - LOT 302 HOLDEN RD, ROLEYSTON E -----	75
PROPOSED UPGRADE TO KELMSCOTT CENTRAL SHOPPING CENTRE – LOT 10 DENNY AVENUE, KELMSCOTT -----	85

PAW / ROW CLOSURES

PEDESTRIAN ACCESS WAYS (PAWS) IN WESTFIELD -----	105
--	-----

ROAD NAMING

REQUEST FOR COMMENT FROM SHIRE OF SERPENTINE-JARRAHDAL E ON PROPOSAL TO RENAME WUNGONG SOUTH RD, BROOKDAL E & DARLING DOWNS -	111
ROAD NAMING – LOT 24 AND 25 SEVILLE DRIVE, SEVILLE GROVE -----	117
ROAD NAMING – LOT 6 WESTFIELD ROAD AND LOT 2 POAD ST, SEVILLE GROVE -----	121

SCHEME AMENDMENTS & STRUCTURE PLANS

PROPOSED AMENDMENT TO SUBDIVISION GUIDE PLAN – LOT 102 & PART LOTS 103 & 4 BROOKTON HWY, KARRAGULLEN -----	125
TOWN PLANNING SCHEME NO. 4 – FINAL APPROVAL -----	135

DEVELOPMENT SERVICES COMMITTEE

INDEX

17TH MAY 2005

SUBDIVISION

PROPOSED SUBDIVISION TO CREATE 564 RESIDENTIAL LOTS - LOT 50 WRIGHT RD, F/D----- 145

TRUCK PARKING

COMMERCIAL VEHICLE PARKING – LOT 87 O’SULLIVAN DR, WESTFIELD ----- 159

COMMERCIAL VEHICLE PARKING – LOT 136 ADELINA CRT, WESTFIELD----- 165

UNAUTHORISED USE

PROSECUTION FOR UNAUTHORISED USE –
LOT 1 CLIFTON ST AND LOTS 2 & 3 GILWELL AVE, KELMSCOTT----- 173

MISCELLANEOUS

APPOINTMENT OF COUNCIL DELEGATE -
ARMADALE CHAMBER OF COMMERCE AND INDUSTRY ----- 179

APPOINTMENT OF COUNCIL DELEGATE - SOUTH EAST DISTRICT PLANNING COMMITTEE----- 181

ATTENDANCE BY ELECTED MEMBERS AT TRANSIT ORIENTED DEVELOPMENT
CONFERENCE TO BE HELD IN FREMANTLE FROM 5 TO 8 JULY 2005----- 183

COMMUNITY HERITAGE ADVISORY COMMITTEE –
APPOINTMENT OF COUNCIL DELEGATES, COUNCIL STAFF & COMMUNITY MEMBERS----- 188

PUBLIC CONSULTATION PROCEDURES ----- 191

RESERVE FOR RECREATION – LOT 4999 ON DEPOSITED PLAN 38136 –
BROOKTON HWY, KELMSCOTT ----- 199

COUNCILLORS' ITEMS

CR HART - DRAFT POLICY - ARALUEN RESIDENTIAL ESTATE PLN 3.7 ----- 202

**DEVELOPMENT
SERVICES
COMMITTEE**

HEALTH

PUBLIC BUILDINGS MANAGEMENT

{ XE "HEALTH:PUBLIC BUILDINGS MANAGEMENT" }

WARD : All
FILE REF : HLT/23
DATE : 29 April 2005
REF : PM
RESPONSIBLE : HSM
MANAGER

In Brief:-

- The Department of Health has released for comment a discussion paper entitled "A New Approach to Public Building Management for WA".
- In January Council determined its position with respect to the Department's interpretation of the Health Act's provisions in relation to large public events, and that position has formed part of the basis of the response.
- WALGA has sought, and been provided with, a copy of the reply but it was made clear that it did not represent Council's formal position.
- Because of WALGA's interest, it is considered that any position adopted should be one actively taken at Council rather than officer level.
- Recommend that Council endorse the position expressed by the Health Services Manager.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Strategic Plan – Aims –

- ♦ Deliver a range of services to meet community needs; and
- ♦ Improve the overall well-being and safety of the community.

Legislation Implications

Relates to the provisions of the *Health Act 1911* and the *Health (Public Buildings) Regulations 1992*.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

All of the City's Environmental Health Officers.

BACKGROUND

During the January round of meetings Council was notified of advice from the Department of Health (the Department) that provisions of the *Health Act 1911* (the Act) and its attendant *Health (Public Buildings) Regulations 1992* (the Regulations) imposed an obligation upon organisers of large public events to prepare Risk Management Plans and submit them for the approval of the relevant local government. The Department's position appeared flawed both in terms of its interpretation of the word "place" which appears within the Act's definition of "public building" and in the construction it placed upon the prohibition against any person extending or altering a public building other than with the approval of the local government.

Legal advice had been sought and this supported the contention that the Department's position was tenuous. The Health Services Manager had therefore advised it that, on the basis of the City's legal advice as well as the dubious contention that planning a gathering amounts to proposing construction, extension or alteration of a public building, it was not intended to either seek application, demand the supply of a Risk Management Plan or issue an approval for any event where there is not a clear legal requirement that that be done. It was made clear that the reason for the assumption of that position was because the City needed not only to ensure that it exercised its legal obligations but equally that it did not act outside of its authority and possibly issue approvals that it had no power to issue.

It was resolved:

1. *That Council endorse the action taken to date by the Health Services Manager with respect to interpretation of Sections 173 and 176 of the Health Act 1911 and Health (Public Buildings) Regulations 1992.*
2. *That the Health Services Manager continue to work with the Western Australian Local Government Association and the City's legal adviser to be certain that all regulatory actions taken with respect to these provisions by the City are legally sustainable.*

(Resolution D5/1/05).

The Department has since released a discussion paper (the paper) entitled "*A New Approach to Public Building Management for WA*" for comment by local government. The paper purports to seek a workable approach to public building control pending promulgation of the new Public Health Act (which the Department hopes will be within the next two or three years). Although not directly connected with the previous issue, there is a strong relationship in that the genesis of the paper lies in part in the ambiguity and difficulty of interpretation of the term "public building" within the Act. It should be noted that the present definition was inserted in 1991 and amended in 1996.

Essentially, the paper:

- ♦ provides the background to abandonment by the Department of its previous interpretation of the term "public building", which depended upon commonality of purpose and time by those assembled;
- ♦ outlines the concerns expressed by local governments with respect to the "expanded" interpretation, including the demand upon resources;

- ◆ proposes a system of classification of public buildings based upon risk, which would take into account such factors as size, age, method of construction, number and location of (signed) exits, length and convolution of paths of travel to safety, flammability of furnishings and decorations, nature of use and type of patrons;
- ◆ seeks local government support for this interim policy approach; and
- ◆ offers the Department's "support", in the event of any proceedings that may arise, to any local government that can show it has acted in accordance with the Policy.

Comment was sought by 29th April and so a reply has been forwarded (*Attachment "A1" of the Agenda, refer Summary of Attachments - yellow page*). WALGA, in an April *Infopage* outlining some of the difficulties already identified, requested a copy of local governments' responses and was provided with one, but it was made clear that it could not be regarded at that stage as Council's formal position. It is considered appropriate, therefore, that any position adopted is one actively taken at Council rather than officer level.

COMMENT

While the Department's current interpretation of the Act's definition of "public building" is considered to be flawed, its previous view, which depended upon persons acting "in concert", also seemed questionable. Quite apart from that specific definitional problem, however, there are other difficulties in application of legislative provisions. These are summarised broadly as follows.

1. Ambiguity arises in interpretation of both the Act and the Regulations.
2. The Regulations in part duplicate and in other parts are inconsistent with the provisions of the Building Code of Australia (BCA). Examples include:
 - ◆ prohibition by the BCA of the use of strap bolts on doors to required exits in what it terms "assembly buildings" and specific prescription of them among the permitted latching mechanisms by the Regulations; and
 - ◆ prescription by the Regulations of occupancy numbers for some building types which differ from the BCA figures.
3. Guides to interpretation of the Regulations published by the Department over the years have in some instances tended to create confusion rather than eliminate it.

For instance, there have been attempts to clarify the meaning of the Act's definition of "public building" by preparation of a schedule of all buildings which, in the Department's view, are captured. In 1992 a published list included churches. The current paper seeks comment upon types of listed buildings specifically marked as "new" – that is, included in the present list but not previously. Among these are mosques, temples and synagogues – all of which have always been clearly included within the meaning of the Act but also, in common understanding would have been considered under the broad "umbrella" of churches in any event.

This serves to demonstrate the inherent danger of an approach based on schedules or lists, in that there is always the likelihood of the interpretation that omission equates to exclusion.

4. The nature of the Department's interpretation until now of the current definition is such that activities such as home tutoring or small prayer groups involving only three or four people would be captured while a crowded public bar in a busy hotel would not.
5. As a consequence of some of the ambiguities, varying legal advice has been received by different local governments about some issues.

Given the seriousness of the issues involved in terms of life safety, as well as the responsibilities and liabilities of both local government and its officers, it is considered imperative that all local governments are able to take a definitive, uniform and legally sustainable position.

ANALYSIS

The paper sought comment upon a number of specifics, and the reply responded to these and raised some other issues. Essentially, it addressed:

- ◆ the need to change the definition of "public building" within the Act so that it is clear and unambiguous, and captures all of those buildings considered to pose similar types of risks;
- ◆ the principle that the Building Code of Australia, rather than the Regulations, should set all structural and occupancy standards, with the focus of the additional (Health Act) regulatory requirements being upon maintenance and operational issues;
- ◆ acceptance of a pre-determined risk category approach by type, while arguing that a prescriptive approach limits effective risk analysis and appropriate management;
- ◆ an alternative risk classification system through assessment of individual risk factors (a model assessment format was provided);
- ◆ acceptance of the inspection frequencies (by risk category) suggested with the qualification that even low risk buildings would benefit from an inspection at least annually (bi-annually was suggested by the Department);
- ◆ the need to exclude buildings accommodating less than 50 persons from the definition of "public buildings", with consideration to be given to a higher threshold number where there is direct communication with external open space (present arrangements providing no threshold, meaning that even such "gatherings" as small home tuition groups or prayer groups of three or four persons are captured);
- ◆ the inappropriateness of application of public buildings requirements to outdoor gatherings and assemblies (essentially parties) in private residences;
- ◆ the impossibility of attempting to confine the meaning of the Act's definition of "public building" by preparation of a schedule of all captured buildings; and

- ♦ the desirability, wherever possible, of limiting the applicable regulatory regime applying to any particular category of building (eg: child care centres) to one set of legislation (eg: the *Community Services (Child Care) Regulations 1988*) and one regulatory agency (eg: the Department of Community Development).

Council has, pursuant to Section 26 of the Act, authorised the Health Services Manager as its deputy, and in that capacity to exercise a range of powers and functions, including the public buildings provisions of the Act and the attendant Regulations. This does not affect the discharge by Council itself of those powers and functions, and it is free to determine a direction different from that taken to date by the Health Services Manager.

Should Council wish to take a different position, the most obvious area that might be considered is the impact upon local government resources. In dealing with the definitional issue, the Health Services Manager has indicated that, while the demand that may be placed upon local government resources is obviously an issue, the principles underpinning any new definition must give first priority to maintenance of public safety. A definition should not be constructed specifically to avoid an imposition upon resources but rather to ensure that all of those buildings considered to pose similar types of risks are captured.

Although the matter of demand on resources as a consequence of the “expanded” definition has previously been raised by some other local governments, it has never been considered to have any significant impact in the Armadale context, and the interim direction proposed by the Department (with which there is fundamental agreement) will minimise such impact as there may be. In any event, if, as seems likely, any future definition were to impose a minimum occupancy threshold before a building could be considered a public building, the result would likely be a net reduction in expenditure of the City’s resources in that area.

OPTIONS

1. Endorse the position with respect to public buildings legislation outlined by the Health Services Manager in the letter forming *Attachment “A1” of the Agenda, (refer Summary of Attachments - yellow page)*.
2. Give greater emphasis to the potential impact upon local government resources than has been given in the Health Services Manager’s letter.

CONCLUSION

In light of:

- ♦ Council’s previous legal advice;
- ♦ the position taken to date by WALGA; and
- ♦ the other issues raised

Option 1 is recommended.

RECOMMEND

That Council endorse the position, with respect to public buildings legislation and interim public buildings management policy, indicated within the letter dated 5th April 2005 to the Department of Health from the Health Services Manager.

Moved Cr _____
Carried/Lost ()

**DEVELOPMENT
SERVICES
COMMITTEE**

PLANNING



***EXTENSION OF EXISTING EQUESTRIAN ACTIVITY –
LOT 63 (111) McNEILL ROAD, CHAMPION LAKES***

{ XE "DEVELOPMENT:EXTENSION OF EXISTING EQUESTRIAN ACTIVITY - LOT 63 MCNEILL RD, CHAMPION LAKES" }

WARD : PALOMINO

FILE REF : A151148

DATE : 4 May 2005

REF : RVD

RESPONSIBLE MANAGER : PSM

APPLICANT : A Taylor

LAND OWNER : GAT & N Taylor

SUBJECT LAND : Lot 63 (111) McNeill Rd,
Champion Lakes
Property size 2.4633ha
Map 20-05

ZONING
MRS/TPS No.2 : Rural D
DRAFT TPS No.4 : Rural Living RL2

In Brief:-

- An application has been received to increase the level of equestrian activity on Lot 63 (111) McNeill Road, Champion Lakes by increasing the number of customers at any time on the property to 18, the number of horses to 20 and extending the hours of operation to 7am to 8pm. Additional stables, a meeting room and toilets are also proposed.
- Ten submissions were received, seven objecting to the proposal and three supporting the proposal.
- Recommend that the proposal be approved subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

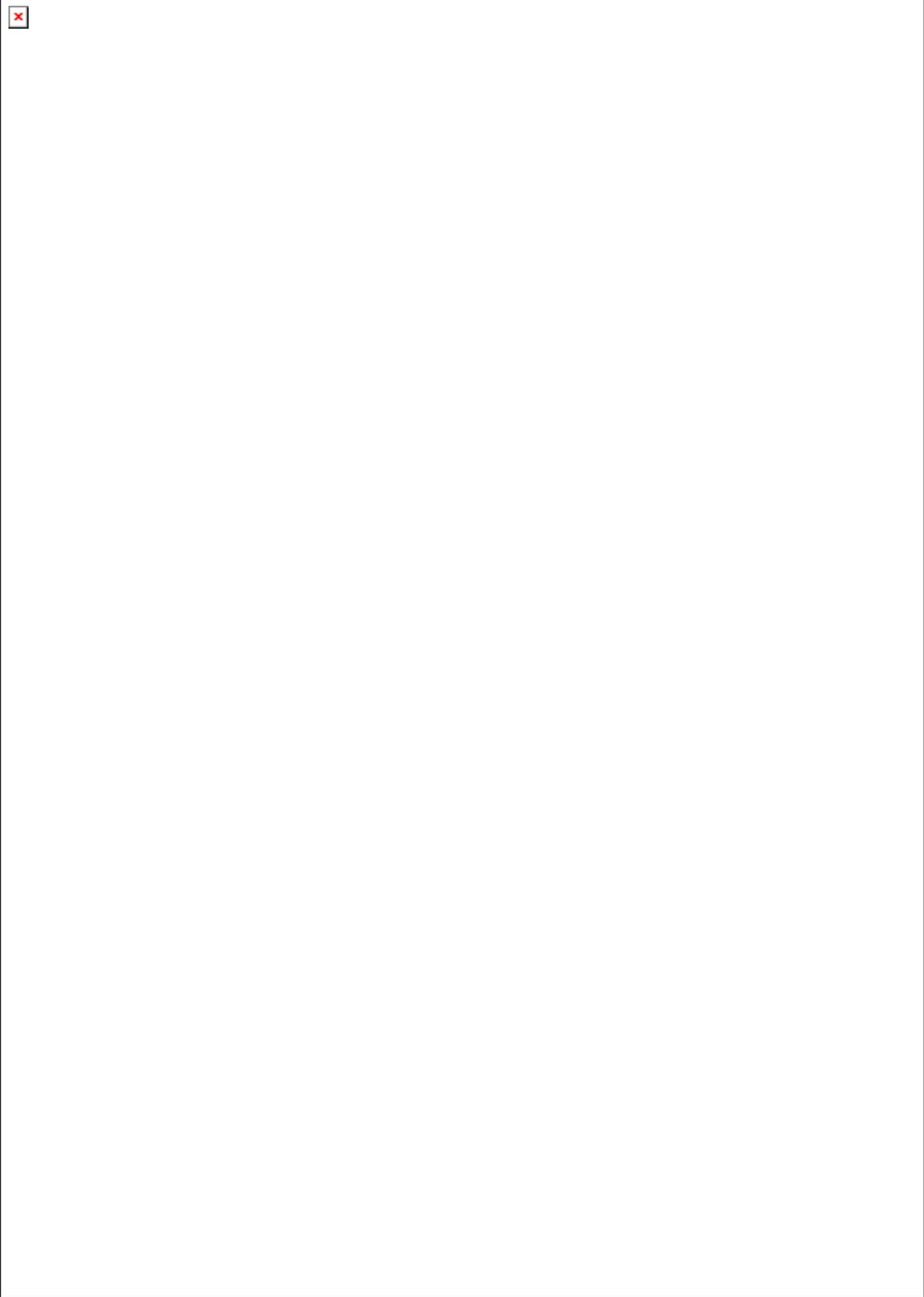
Developing our City - balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme No.2
Environmental Protection (Noise) Regulations 1997
Health (Public Buildings) Regulations 1992

Council Policy / Local Law Implications

Environment, Animals and Nuisance Local Laws 2002



Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landholders

BACKGROUND

At its meeting of 17 February 2003 Council resolved (D21/2/03) to approve an application for a horse riding school and the keeping of eight horses at Lot 63 (No.111) McNeill Road (the subject land) subject to a number of conditions relating to:

- ◆ landscaping;
- ◆ a revised site plan showing two parking bays and toilet facilities;
- ◆ satisfactory construction of car parking, driveways and crossovers;
- ◆ operating hours 8am to 6pm Monday to Saturday;
- ◆ number of student riders limited to six at any one time; and
- ◆ compliance with the land management plan submitted to Council.

This application has been lodged following investigation of a complaint by the City's Liaison and compliance officer.

Information about the Tallarook Park Horse Riding School which is run from the subject property can be found on the internet at www.tallarookpark.com. Although the website advertised camps in January 2005, the applicant has advised that these will no longer be undertaken. The website also advises that customers have a choice of 29 horses.

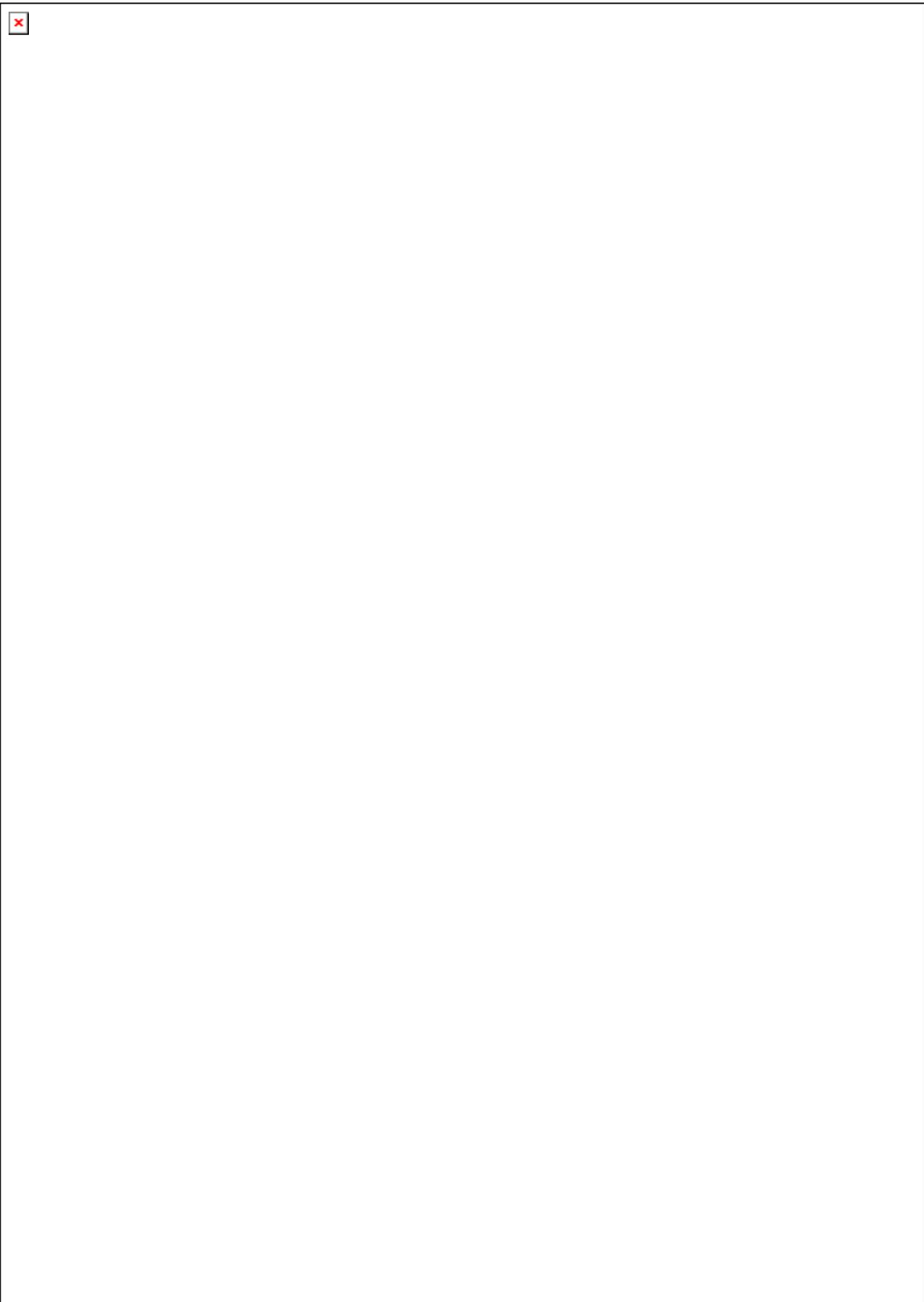
The applicant has advised that other properties are leased for horse grazing, including a property at Wungong. Horses are rotated between other properties and the subject land. Using this approach the applicant is able to offer more horses to customers than can be held on the property.

Much of the horse riding activity on the subject land is confined to two arenas constructed on the northern side of the property.

DETAILS OF PROPOSAL

The applicant proposes to extend the existing approval as follows:

- ◆ Increase the number of customers attending the riding school at any one time from six to 18;
- ◆ Changing the riding school operating hours from 8.00am to 6.00pm Monday to Saturday to 7.00am to 8.00pm Monday to Saturday;
- ◆ Increasing the number of horses kept on the property from eight to 20;



- ◆ Construction of a colourbond shed approximately 60m long, 4m wide and 3.2m high that includes 15 stable bays in a walk-in walk out style. Fourteen of the bays are proposed to house horses, and one bay is proposed to be utilised for storage. The shed is proposed to be 1.5m from the boundary of Lot 62 (18-34) Clydesdale St and 40m from the boundary of Lot 55 (129) McNeill Rd;
- ◆ Installation of a transportable 6m by 3m “meeting room” and 6m by 3m toilet.

The application includes revised management arrangements including confinement of the horses to yards, the arena areas or stables from 4pm to 8am each night, grazing some of the horses on a neighbouring property, cleaning of yards twice daily and manure disposal off-site.

COMMENT

Development Control Unit

The Development Control Unit considered the application and advised that the approval would be acceptable subject to conditions. Conditions relating to construction of driveway and car parking areas, stormwater design to meet water sensitive design policy, and effluent disposal to incorporate nutrient attenuation have been recommended. Advice notes regarding the need for the meeting room to comply with the *Health (Public Buildings) Regulations 1992* and for the proposal to comply with the City’s *Environment, Animals and Nuisance Local Laws 2002* are also recommended. The recommendations and advice of the Development Control Unit have been incorporated into the recommendation below.

Public submissions

The proposal was advertised to adjacent landholders for more than 21 days commencing on 17 March 2005 and comments closing on 11 April 2005. It appears that the City’s request for comment was more widely circulated. Seven (7) submissions were received in response to the proposal, including two letters from submitters that did not state their address, but based on Council records both reside in one household on McNeill Road. A further three letters in support of the proposal were provided by the applicant to the City after the closing period, with two of those letters being from persons adjacent to the subject land and one from outside of the City.

Total number of responses received	:	10
Number opposed	:	7
Number in favour/ no objections	:	3

A copy of a location plan of respondents is at Confidential Attachment “B1” of the Agenda.

The issues raised in submissions have been summarised and responded to under Analysis below.



ANALYSIS

Public submissions

A summary of issues raised in submissions appears in italics below, along with a recommended response.

1. *The existing approval is not being complied with. There are regularly 12-15 riders, activity extends well into the evening often to 9pm at night creating unacceptable noise levels. The property has not been developed nor revegetated as proposed on the approved plan (including development of a second arena), and much dust is created. Events spill over onto our property (e.g. competition judges have been told to use our property), and theft, graffiti, and vandalism are brought into the area. There is already evidence of overstocking problems.*

These are compliance matters and have been referred to the City's compliance officer. In recent visits to the subject lot City officers have not observed evidence of overstocking such as loss of topsoil cover. The applicant also refutes the majority of the allegations, some of which appear to have been misunderstandings. The issue of noise and hours of operation is analysed separately below.

2. *Irrigation of the property 24 hours a day is a nuisance with incessant clicking of sprinklers.*

The applicant has advised that sprinklers are not run 24 hours a day. It is considered unlikely that sprinkler operation would breach the *Environmental Protection (Noise) Regulations 1997*.

3. *The stocking rate is excessive. The applicant claims to have use of the neighbouring lot to ease the stocking rate burden on their lot. What happens if the neighbour sells, or there is a neighbourhood dispute? Council should not take proposed use of the adjacent land into consideration.*

Detailed information regarding the stocking rate is provided below. In summary the City's primary concern is that the property is managed to ensure land degradation does not occur. There are numerous ways to prevent or manage land degradation, such as agisting horses elsewhere, reducing stocking numbers on the property and by relocating horse activity from degraded areas. If there is a neighbourhood dispute or the neighbour sells, then the applicant will need to agist horses elsewhere. The applicant already agists horses in Wungong as well as on a neighbouring property. It is recommended that a Land Management Plan be required that describes measures proposed to prevent land degradation and that describes proposals to monitor for and then manage any land degradation that may occur.



4. *The proposal significantly exceeds the recommended stocking rate and would be inhumane to the horses stabled for long periods, particularly in a colourbond shed in the hot summer months.*

Keeping horses in stables to keep them cool is a common practice during the summer heat in Western Australia. The stables will be partly shaded if the belt of trees on the eastern side of the property are retained, and this has been recommended (see “setback of stables from rear boundary” under the Town Planning Scheme No.2 discussion below). There are other buildings and trees on the western side of the stables that would also provide shade.

5. *Council should consider the ability of the applicant to process the effluent from the stables, and how this can be achieved without adversely impacting groundwater resources. Even if manure is taken off the property, there is nothing that can be done about the urine going into the ground.*

It is recommended that the stable construction be required to comply with the *Water Quality Protection Guideline No.13 – Environmental Guidelines for Horse Facilities and Activities*. Management in accordance with this Guideline means urine will be absorbed into sawdust laid on the stable floors. The applicant’s management plan proposed stable waste will be exported off-site. It is acknowledged that these measures do not fully address activities external to the stables.

6. *The proposal may encourage horse-related diseases into the area because of the high density of horses on the property.*

In Belmont, up to 12 racehorses are kept in adjacent urban backyards, and to the City’s knowledge horse related diseases from the high density of horses is not an issue.

7. *The size of the block is not large enough for the proposed business. We consider the intensity of the activity to be approaching commercial/ light industrial status. Commercial ventures should be confined to more suitable areas than where people have their homes.*

Whilst this use is more intensive than surrounding lots, the off-site impacts are relatively minor. It is considered that the general rural/ equestrian amenity of the area can be maintained if the proposal proceeds subject to the recommended conditions below.

8. *The number of patrons represents a safety issue with the interaction of vehicles (including cars, trucks and horse floats), horses, walkers and dogs on McNeill Road. McNeill Road is used by residents riding their horses to access the pony club area. There have already been a number of accidents including one resulting in a horse being killed. Traffic calming devices and separate pathways for horses are needed. Street lighting is insufficient for the increased levels of traffic. The increased traffic is unacceptable.*



Technical Services Directorate advises that the likely increase in traffic is well within the capacity of McNeill Road. The applicant advises that the horse that was killed was involved in a low speed collision with a car which resulted in a broken leg (so was put down), and that the rider was unhurt.

9. *The application was not circulated widely enough, nor was a sign erected on-site.*

A letter inviting comment on the application was sent by the City to eight properties that either abutted, were opposite or diagonally opposite the subject lot.

There is no requirement under the Town Planning Scheme No.2 or Council's notice of delegation in relation to Uses Not Listed that a sign needs to be erected on site when proposals such as this are advertised.

10. *Letters in support of the proposal stated that the property had improved under the management of the current owners, that impacts of the proposal were minor and did not impact on the lifestyle of the area, that the school had social and crime reduction advantages and that the school utilised the local pony club in a satisfactory manner.*

Noted.

Town Planning Scheme No.2

The subject land is zoned Rural D.

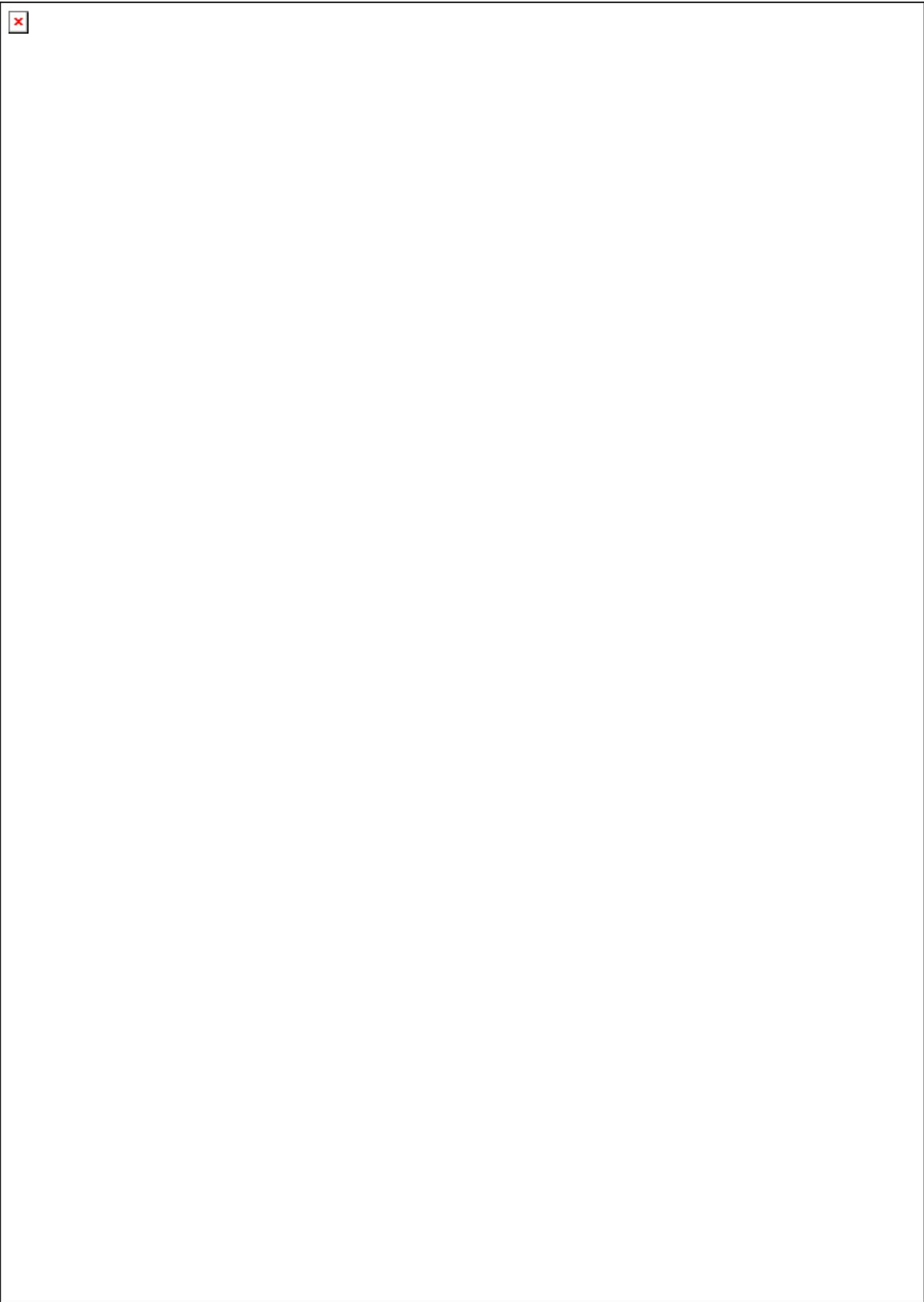
This application includes a number of components each of which are treated differently under Town Planning Scheme No.2.

Equestrian activity is a use not listed. Under Clause 3.4 of Town Planning Scheme No.2 a Use Not Listed must be considered with regard to whether or not it is consistent with the objectives and purpose of the particular zone, and if deemed consistent it may be advertised. These steps have been completed under delegated authority (Delegation No.719 and No.720). It was determined that the application required advertising for a minimum of 21 days.

Stables are an AA use (i.e. a use not permitted unless Council has exercised its discretion), and the development table requirements include setbacks of 15m from the front, side and rear. Council may require landscaping, and a minimum lot area of 1ha is required. This matter is considered further under "Setback of stables from rear boundary" below.

Setback of stables from rear boundary

The applicant proposes that the shed be located 1.5m from the rear boundary, which potentially affects Lot 62 (34) Clydesdale Street, Champion Lakes, but the development table recommends a minimum 15m rear setback.



Under Clause 7.6 of Town Planning Scheme No.2, Council may relax development table standards if it is satisfied that:

- (i) if approval is granted it would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and
- (ii) non-compliance will not have an adverse effect on occupiers or inhabitants of the locality or the likely future development of the locality.

The proposal was advertised to Lot 62 (34) Clydesdale Street, Champion Lakes and no objection was received from that property.

It is considered that a 60m long shed presents a significant building that if not adequately screened could adversely affect the amenity of the locality. Therefore, the shed should be set back sufficiently to permit screening of the shed. There is currently a row of tall trees about 4 to 4.5m inside the property boundary, which if in-filled with tall shrubs would effectively screen the shed. Therefore it is recommended that a revised plan be submitted showing the shed setback sufficiently to retain the existing trees, and the revised plan also show proposed screening vegetation.

Council's Rural Strategy

The subject site is situated within the West Armadale Rural Planning Area of Council's Rural Strategy. The principal policy statement outlines that the area should "*protect water resources...whilst encouraging landscape enhancement and maintenance of rural character and good land management practices to allow the land to be used to its highest potential*". The Rural Strategy lists riding schools amongst the recreational land uses that are desirable for the area.

Stocking Rate Guidelines

The Department of Agriculture's *Stocking rate guidelines for small rural landholdings* specify the maximum number of farm animals which may be kept on a property whilst avoiding adverse impacts to neighbours and the environment, and are based on soil type, how much pasture is available and whether that pasture is irrigated. The soil type for the subject lot is identified as having a capability for 20 DSE (dry sheep equivalent) per hectare with irrigation. A 450kg light horse is equivalent to 10 DSE, and a 250kg pony equivalent to 5DSE, this equates to approximately 2.6 horses or 4.2 ponies for the property, based on a paddock area of approximately 1.3ha. This calculation is based on horses that are in an irrigated paddock for a 24 hour period. When management procedures are taken into account, such as keeping horses in stables the number of horses a property can be increased.

If the approval is implemented as proposed the applicant will have 21 stables for 20 horses. The applicant indicates in the management plan that horses will be rotated between the stables, properties off-site and grazing areas on the property to manage grazing pressure. From time to time all horses would be out of their stables in the arenas, yards and pastured parts of the subject land. The key cause for concern is whether the property is capable of being managed to ensure the level of activity does not result in unacceptable bare areas on pastured portions of the subject land. It is recommended that a Land Management Plan be required that identifies a management regime to ensure pasture cover is maintained.



Environmental Guidelines for horse facilities and activities

The *Environmental Guidelines for horse facilities and activities* is a Government of Western Australia publication prepared by the Western Australian Horse Council (Inc), the Department of Environment and Health Department of Western Australia.

A preliminary assessment suggests that the objectives sought by the *Environmental Guidelines for horse facilities and activities* are achievable on the subject land.

It is recommended that the applicant's Land Management Plan be required to show how the applicant intends to achieve the objectives sought by the *Environmental Guidelines for horse facilities and activities*.

Parking

Customers parking on McNeill Road was one of the issues raised in the previously-mentioned complaint to the City concerning operation of the current facility above its existing approvals.

The nearest use to that proposed with specified parking standards in Town Planning Scheme No.2 is Private Recreation which requires one bay per four attendance capacity. The Private Recreation standard was applied to the previous approval. As up to 18 customers are expected to attend at one time, it is recommended that five parking bays be required.

Noise and hours of operation

Noise from the subject land was a concern identified in submissions.

Under the *Environmental Protection (Noise) Regulations 1997* enforcing compliance with the noise regulations when the noise sources are animals and people is more difficult than for mechanical noise. Enforcement relies on noise measurements and noise from animals and people may not be continuous like mechanical noise.

The times during which the maximum noise levels permitted in the Regulations is highest is from 7am to 7pm, then levels reduce from 7pm to 10pm with the quietest period from 10pm to 7am Monday to Saturday and on Sunday.

The applicant has requested operating hours be from 7am to 8pm Monday to Saturday. However, given the concerns about noise expressed in submissions it is recommended that the operating hours be confined to the period when maximum noise levels are permitted (i.e. from 7am to 7pm Monday to Saturday).

Draft Town Planning Scheme No.4

The subject land is zoned RL 2 under Draft Town Planning Scheme No.4. The proposed activities would be defined as "Recreation - Private" and "Rural Pursuit" under the scheme. "Recreation - Private" is a use that can be permitted following advertising and "Rural Pursuit" is a discretionary use that can be permitted at Council's discretion. Therefore the process used and outcomes for this proposal would be identical under Draft Town Planning Scheme No.4.



OPTIONS

1. Council could approve the application subject to conditions requiring a Land Management Plan, submission of revised plans for the stables, provision car parking bays, satisfactory construction of parking bays, driveway access and crossovers, water sensitive stormwater design, effluent disposal to ensure nutrient attenuation, confining hours of operation from 7am to 7pm, the number of riders to 18 and the number of horses to 20.
2. Council could consider what scale of operations is appropriate to retain the amenity of the area and approve the proposal conditionally. If the grounds could be found that determine the appropriate scale or activity matches the existing approval, then the approval could be refused.

CONCLUSION

This proposal can be managed and operated to have little real impact on neighbouring properties. However, perceptions of the level of activity and traffic appropriate in a rural living/ equestrian area such as that along McNeill Road can differ amongst landholders and this has resulted in submissions both for and against the proposal. The application of conditions as suggested in Option 1 should ensure that off-site impacts are minor or negligible. Accordingly Option 1 is recommended.

RECOMMEND

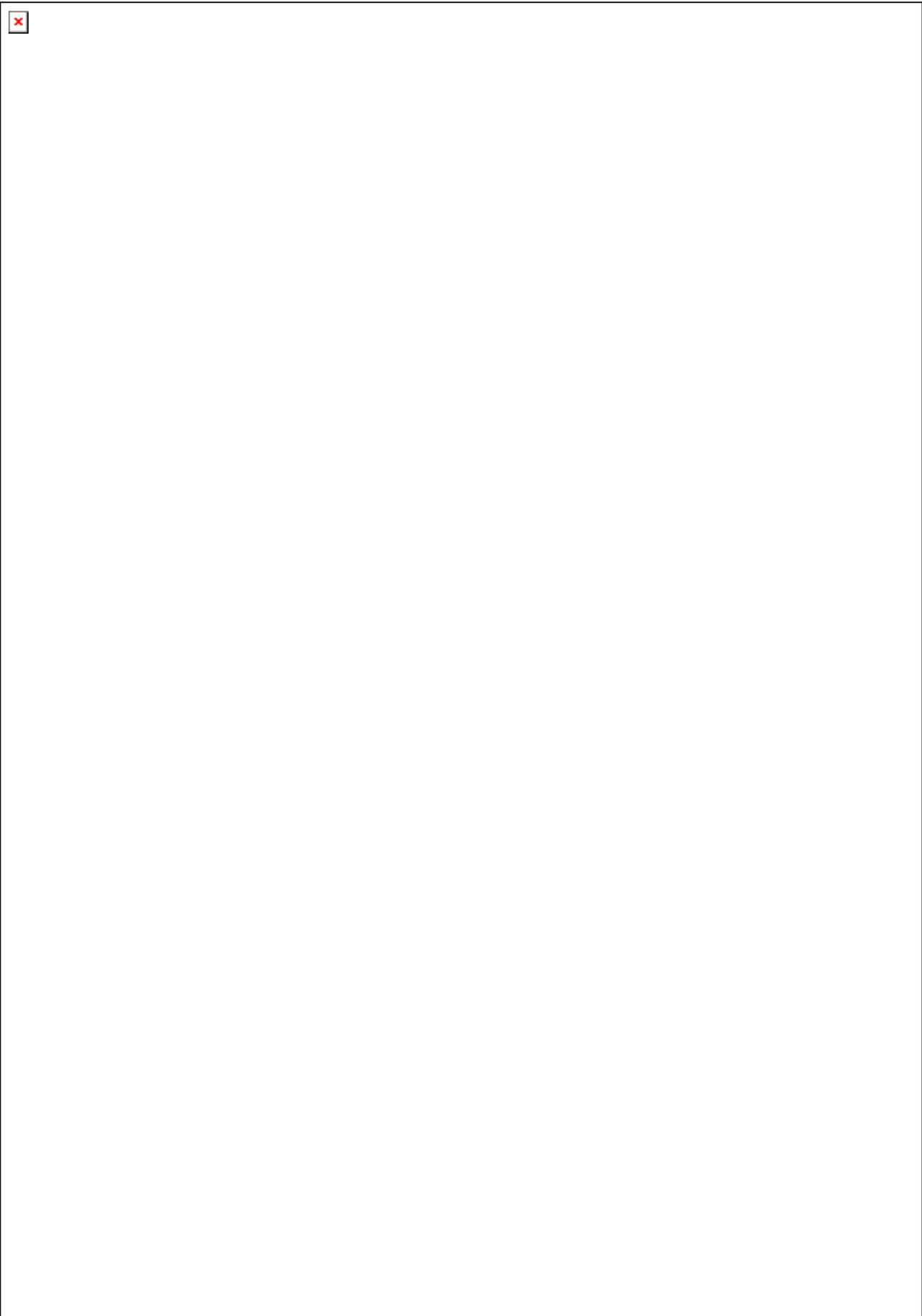
1. **That Council approve the proposed expansion of Equestrian Activity, Rural Use and construction of stables and meeting room at Lot 63 (111) McNeill Road, Champion Lakes subject to the following conditions:**
 - (a) **Submission of a Land Management Plan to the satisfaction of the Executive Director Development Services. The facility is to be operated in accordance with the approved Land Management Plan to the satisfaction of the Executive Director Development Services.**
 - (b) **Submission of revised plans for the stables that show:**
 - (i) **relocation of the stables so that existing trees along the rear boundary are protected;**
 - (ii) **proposed landscaping to screen the stables;**
 - (iii) **design features that demonstrate compliance with the requirements of the *Environmental Guidelines for Horse Facilities and Activities*;**

to the satisfaction of the Executive Director Development Services. The Stables are to be constructed in accordance with the approved revised plans to the satisfaction of the Executive Director Development Services.

- (c) Provision of a minimum of five (5) signposted parking bays to the satisfaction of the Executive Director Technical Services.
 - (d) All hard standing areas including car parking areas, crossovers and driveway vehicle manoeuvring spaces shall be constructed, drained, sealed, kerbed, marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.
 - (e) A Stormwater Drainage Plan that reflects water sensitive design principles is to be submitted and approved by the Executive Director Technical Services. All drainage work to be constructed as per approved plan.
 - (f) Effluent disposal from the toilet block is to incorporate nutrient attenuation.
 - (g) Maximum hours of operation shall be 7am to 7pm Monday to Saturday.
 - (h) No more than 18 riders (i.e. customers) or 20 horses shall be permitted on the property at any one time.
2. That the applicant be advised as follows:
- (a) That the Land Management Plan needs to describe
 - (i) proposed measures to minimise land degradation, to monitor land degradation and to manage any land degradation that becomes evident;
 - (ii) proposed measures to ensure environmental outcomes sought in the *Environmental Guidelines for horse facilities and activities* published by the Government of Western Australia will be achieved.
 - (b) The applicant is reminded of the requirement to comply with the *Health (Public Building) Regulations 1992* which apply to the proposed meeting room.

- (c) **The applicant is reminded of the requirement to comply with the City's *Environment, Animals and Nuisance Local Laws 2002*;**
- (d) **Under Provision 5.10.7 of the City's Town Planning Scheme No.2 in the event of topsoil being exposed or trees being ringbarked, the City may order a reduction in the number of stock or the protection of trees.**

Moved Cr _____
Carried/Lost ()



***PROPOSED CARETAKER'S RESIDENCE –
LOT 421 (380) TAYLOR ROAD, FORRESTDAL***

{ XE "DEVELOPMENT:PROPOSED CARETAKER'S RESIDENCE – LOT 421 TAYLOR RD, FORRESTDAL" }

WARD : LAKE

FILE REF : A55631

DATE : 6 May 2005

REF : PRR / LJB

RESPONSIBLE MANAGER : PSM

APPLICANT : Dykstra & Associates

LAND OWNER : I & F Jukic

SUBJECT LAND : Lot 421 Taylor Rd, Forrestdale
Property size 116279 m²
Map 16-40

ZONING

MRS : Rural - Water Protection

TPS No.2 : Rural - Groundwater Protection

DRAFT TPS No.4 : Rural Living 2

In Brief:-

- Council received an application for a caretaker's residence on 24 February 2005.
- The application proposes a variation to a requirement of Town Planning Scheme No.2 with respect to buffer distances.
- The proposal was advertised for public comment for two weeks resulting in one objection to the proposed variation.
- Recommended that Council approve the application for a caretaker's residence subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

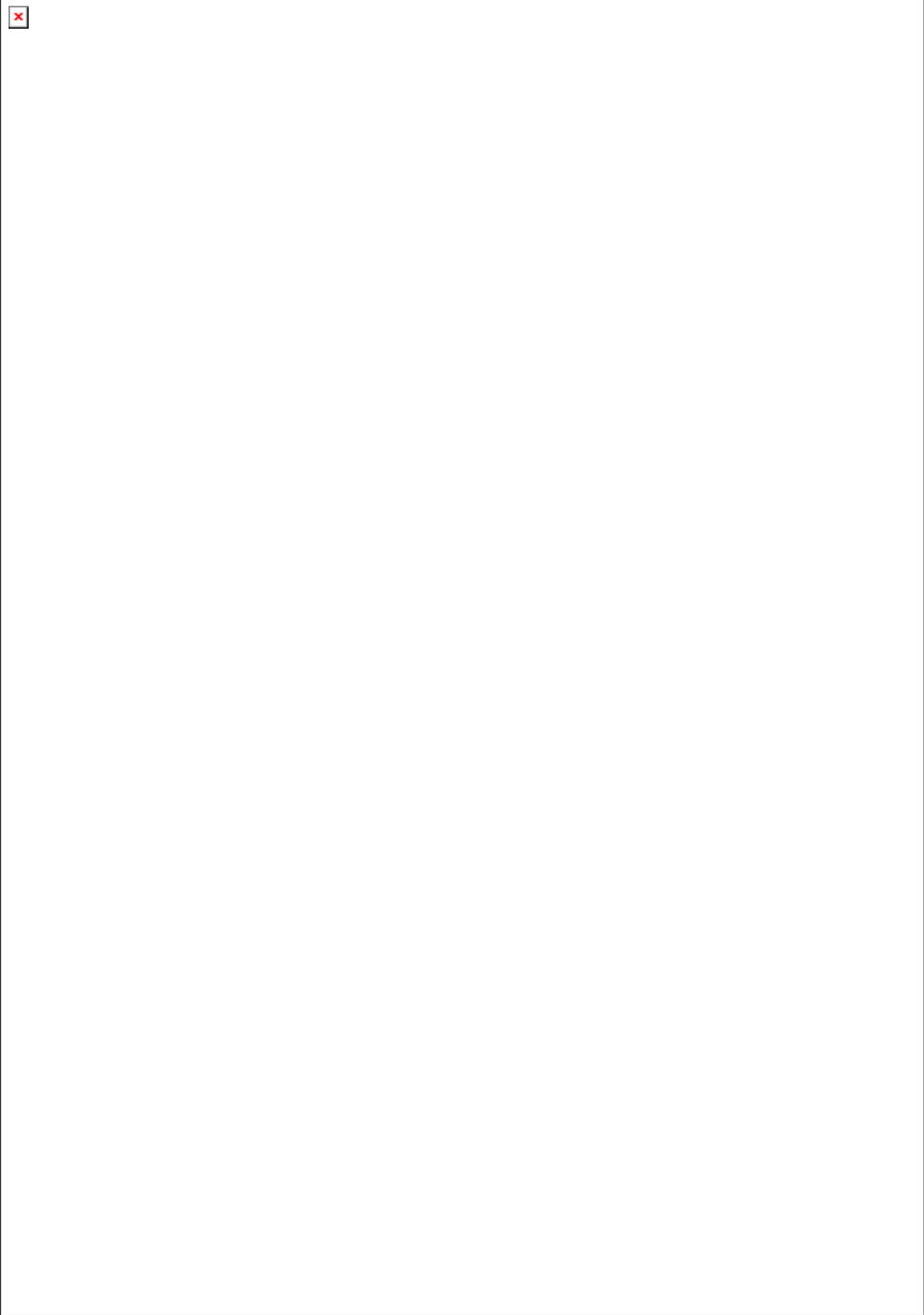
Developing Our City – to balance the need of development with sustainable economic, social and environmental objectives.

Legislation Implications

Metropolitan Region Scheme Act 1959
Metropolitan Region Scheme
Town Planning and Development Act 1928
Town Planning Scheme No.2
Draft Town Planning Scheme No.4

Council Policy / Local Law Implications

Rural Strategy



Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners
- ◆ Department of Environment
- ◆ Health Department of Western Australia
- ◆ Western Australian Planning Commission

BACKGROUND

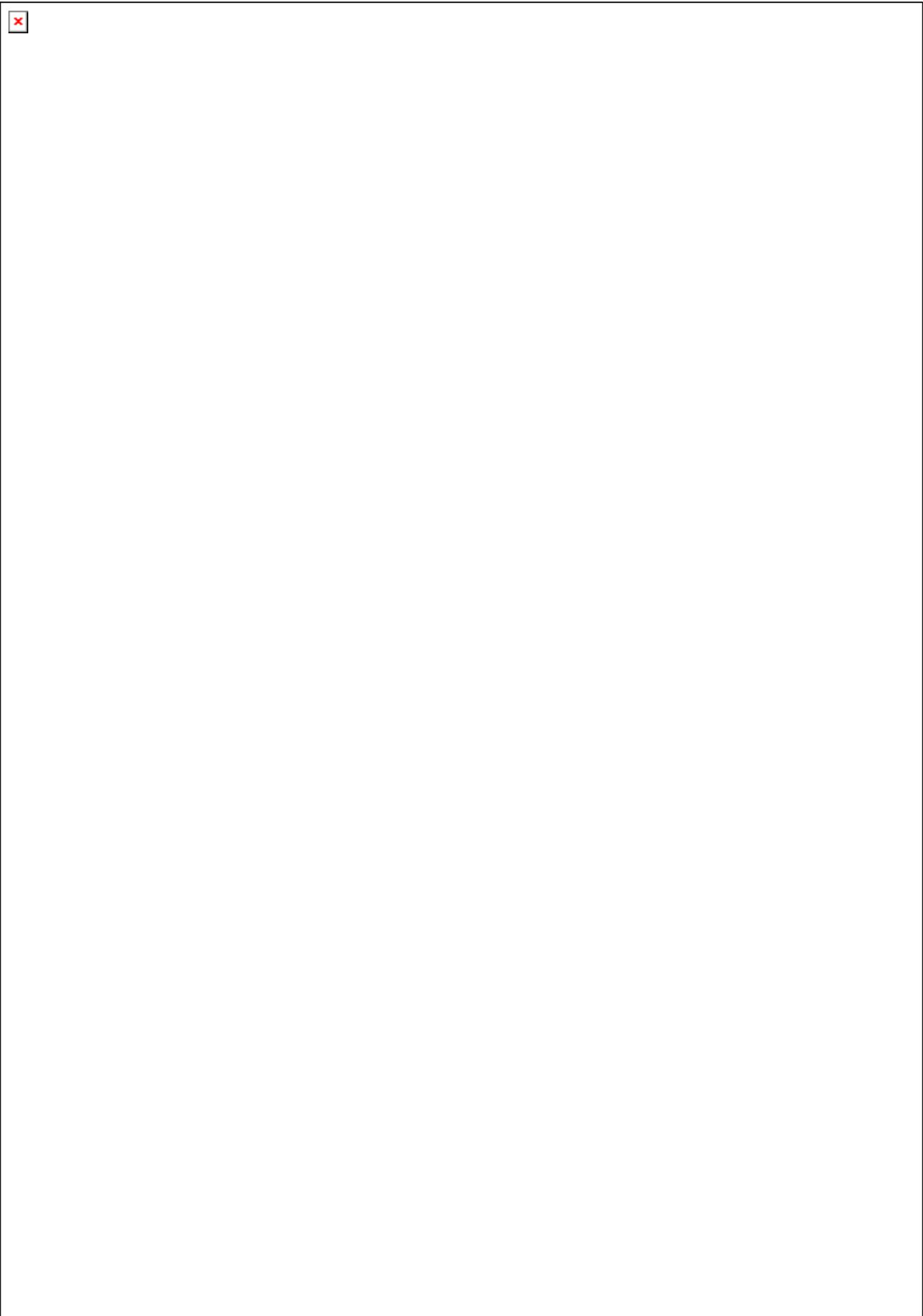
The City received an application for a caretaker's residence on Lot 421 Taylor Road, Forrestdale on 24 February 2005. The proposal is an 'AA' use and was being dealt with under delegation. The proposal was advertised as the delegation requires to surrounding landowners for two weeks. A submission was received objecting to the proposal and so the proposal has been referred to Council.

Two scheme amendments, No's.143 and 170, related to land in the immediate area around the subject lot and reference has been made to one of them in the submission received in relation to this proposal. Amendment No.170 was gazetted on 25 May 2004 and rezoned Lots 420 and 450 Taylor Road, Forrestdale and Amendment No.143 rezoned Part Lot 449 Taylor Road and Lot 501 Oxley Road, Forrestdale. In both instances the rezoning changed the subject lots from "General Rural" to "Special Use – Rural Residential" and imposed a 300m buffer around a poultry farm on the lot adjoining the subject site to the north.

DETAILS OF PROPOSAL

The applicant proposes a caretaker's residence on the lot approximately 85m south west of the existing dwelling, 50m from the western property boundary and 100m from the southern property boundary. The caretaker's residence is proposed to allow the landowner's son to reside on the property and help his father (who resides in the existing dwelling) with the management and maintenance of the property.

The proposed development is located in close proximity to a Resource Enhancement Wetland for which a 50m buffer is necessary and a poultry farm on the lot immediately north of the subject site. A buffer around the poultry farm of 300m was required by the Minister for the Environment as part of Scheme Amendment No.143, which has now been finalised. The proposed development is outside of the Resource Enhancement Wetland buffer area but is located within the Poultry Farm buffer.



COMMENT

Development Control Unit (DCU)

At its meeting of 10 March 2005 DCU recommended, subject to advertising, the approval of the application subject to conditions regarding the effluent disposal system (which is to be a nutrient removal system) and submission of a colour / materials schedule.

Surrounding Landowners

The application was advertised to surrounding landowners from 31 March 2005 to 14 April 2005. One objection was received and it is discussed under the Analysis section of this report.

Refer to Confidential Attachment “B2” of the Agenda for location plan of respondents.

Department of Environment

The proposal was referred to the Department of Environment for comment. The Department of Environment had no objections to the proposal on the basis that the residents are aware of the potential to be affected by odours, noise, light and/or dust that are associated with the continued operation of the poultry farm.

Other Agencies

The proposal was referred to the Health Department of Western Australia and the Western Australian Planning Commission for comment. No response was received within the timeframe requested.

ANALYSIS

Town Planning Scheme No.2

Delegation

The subject lot is zoned “Rural – Groundwater Protection” under TPS No.2. Under this zoning, a ‘caretaker’s dwelling’ is a discretionary “AA” use. Officers do not have delegation to determine the proposal as such delegation for ‘AA’ uses only exists where no substantiated objections have been received.

Matters to be Considered by Council

Clause 7.3 of TPS No.2 outlines matters to be taken into consideration by Council in making a decision. The issues of zoning provisions, amenity and vegetation retention have all been adequately addressed by the application and positioning of the caretaker’s residence on site.



Response to Public Submission (Poultry Farm Buffer)

One submission was received objecting to the proposal. The submittee made reference to Amendment No.170 and quoted the following from it:

“...no new building or development is to be permitted within 300 metres of the existing poultry / broiler farm on Lot 434 without the prior approval of Council in consultation with the Department of Health, the Department of Environmental Protection and the Western Australian Planning Commission. Relaxation of the 300 metre buffer for new development may be permitted where the potential for any adverse impact on the quality of rural residential living can be demonstrated to be minimal.”

The submittee stated that in the interests of future land owners, 300 metres should be a minimum and that the City’s aerial photo does not show another shed recently approved and constructed close to the common property boundary between the two properties, which increases the buffer distance. It is noted that Amendment No.170, which resulted in a zoning of “Special Use No.93 – Rural Residential”, was only directly concerned with portions of Lots 420 and 450 Taylor Road, Forrestdale, not the subject site, but the buffer referred to encroaches on to Lot 421.

Amendment 143 states, in relation to the particulars of land, that Lot 421 Taylor Road along with other lots are not included within the rezoning but shall be included within the Subdivision Guide Plan (SGP) for the area. The SGP however has not been finalised at this stage. The gazetted wording of the “Special Use” provisions does not include any reference to the relaxation of the buffer subject to comments from other agencies as quoted from Amendment No.170. However Clause 7.6 of TPS No.2 allows Council to relax a standard of the scheme if it is satisfied that doing so will not compromise the orderly and proper planning of the locality and that non-compliance will not have an adverse effect on the owner or occupier of the development.

An estimated distance from aerial photos (taking into account the existence of an additional shed that is not shown) is that the proposed residence will be located approximately 80m inside the 300m buffer zone, or 220m away from the poultry farm sheds. The owners have argued that their existing residence is closer to the poultry farm than the one proposed, that both residences will be up-wind of the farm and that at no time have they experienced any discomfort as a result of the farm’s presence. The supporting information states that they do not see why they should be penalised via a buffer on their property and that the owner of the poultry farm should be required to have enough room to keep both the poultry farm and buffer on their own land. The City acknowledges these arguments and whilst the buffer zone must extend onto adjoining properties, the facts that the existing residence is closer and that the owner has had no problems in this regard have considerable merit.

The ability of Council to vary scheme requirements if they are satisfied with the outcome in planning terms, the awareness of the owner of the presence of the poultry farm and its possible effects and the letter of no objection from the Department of Environment indicate there is scope to vary from the 300m buffer requirement in this instance. It is recommended that Council relax the standard in this regard and approve the proposed caretaker’s residence. A notification on the title of Lot 421 (via a condition of approval) could warn any future purchasers of the presence of the poultry farm.



Should Council not be comfortable approving the caretaker's residence in the proposed location, the Drafting department have prepared a plan that demonstrates the approximate remaining space on site outside of the 300m buffer wherein a residence could be located.

Resource Enhancement Wetland

The proposed caretaker's residence will be located outside the 50m buffer to the resource enhancement wetland on site, which is appropriate. As noted, a nutrient removal effluent disposal system will be required to minimise impacts upon the wetland.

Rural Strategy

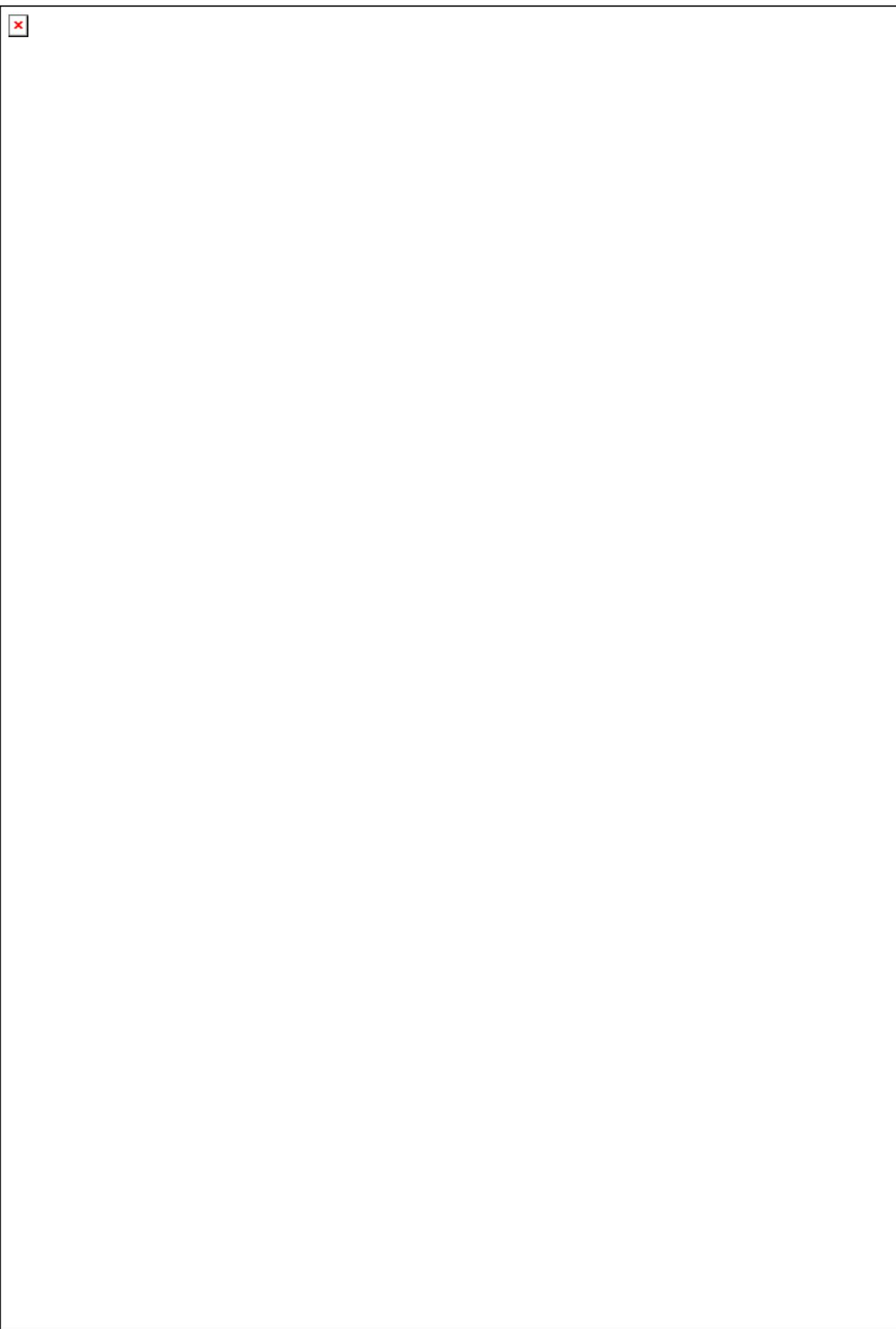
The subject lot is located within the Forrestdale Rural Planning Area, the objective of which is "to protect the water resources, wetlands and remnant vegetation whilst encouraging landscape enhancement, maintenance of rural character and good land management practices to allow the land to be used to its highest potential". The proposal is seen to comply with this objective as the caretaker's residence will allow improved management of the subject lot.

Draft Town Planning Scheme No.4

The subject lot is proposed to be zoned "Rural Living 2" under Draft TPS No.4. Under this zoning, a 'caretaker's dwelling' is not permitted. However, under Clause 5B.8 a second residence could be considered as the lot is over 8ha and the purpose of the dwelling is to enable a family member to reside and assist with the management of the property.

OPTIONS

1. Council may approve the proposed caretaker's residence on Lot 421 Taylor Road, Forrestdale if it is satisfied that the proposed variation to the 300m poultry farm buffer is acceptable, subject to conditions regarding the submission of a colour and material schedule, a notification on the title and a revised site plan showing the location of a nutrient removal effluent disposal system.
2. Council may approve the proposed caretaker's residence on Lot 421 Taylor Road, Forrestdale subject to conditions regarding the submission of a revised site plan demonstrating the relocation of the residence outside the 300m poultry farm buffer on site, the location of a nutrient removal effluent disposal system and the submission of a colour and material schedule.
3. Council may refuse the proposed caretaker's residence on Lot 421 Taylor Road, Forrestdale on the grounds it does not believe relaxing the 300m buffer standard of TPS No.2 is in the interests of orderly and proper planning of the locality and that non-compliance may prejudice the continued operation of an approved rural activity.



CONCLUSION

It is believed that the owner is aware of the implications of the proposed location of the caretaker's residence with respect to the poultry farm and it is located at a further distance than the existing residence. As the Department of Environment holds no objection to the proposal and the scheme allows Council to relax the standard, it is recommended that Council approve the application in accordance with Option 1.

RECOMMEND

1. **That Council approve the application for a caretaker's residence at Lot 421 (No.380) Taylor Road, Forrestdale, subject to the following conditions:**
 - a) **A revised site plan is to be submitted demonstrating the proposed location of a nutrient removal effluent disposal system on site, to the satisfaction of the Executive Director Development Services.**
 - b) **A schedule of colours and textures of external materials to be used for the construction of the residence is to be submitted to the satisfaction of the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved schedule.**
 - c) **A Notification to be placed on the Certificate of Title of Lot 421 Taylor Road, Forrestdale, advising of the existence of a hazard or other factor, in accordance with Section 70A of the Transfer of Land Act 1893 to the specification and satisfaction of the City of Armadale at the applicant's cost. The Notification is to state as follows:**

“This lot is subject to a 300m buffer surrounding the poultry farm sheds on Lot 434 Taylor Road, Forrestdale. Further information in this regard may be obtained from the City of Armadale.”
2. **That the applicant be advised, in addition to the standard advice notes with respect to development applications, that:**
 - a) **With regard to condition 1b), please note that Zincalume or white or bright colours are not acceptable unless otherwise approved by Council.**
 - b) **With regard to conditions 1a) and 1b), it is expected the required information and plan will be submitted prior to the issue of a Building Licence.**



PROPOSED CHANGE OF USE TO PUBLIC WORSHIP / INDOOR CHILDREN'S PLAYGROUND – LOT 17 (No.30) BRANT ROAD, KELMSCOTT AND ASSOCIATED CAR PARK – LOT 25 (No.16) GILLAM DRIVE, KELMSCOTT

{ XE "DEVELOPMENT:PROPOSED CHANGE OF USE TO PUBLIC WORSHIP / INDOOR CHILDREN'S PLAYGROUND – LOT 17 (No.30) BRANT ROAD, KELMSCOTT AND ASSOCIATED CAR PARK – LOT 25 GILLAM DR, KELMSCOTT" }

WARD : HERON

FILE REF : A230986

DATE : 2 May 2005

REF : JEH

RESPONSIBLE : PSM
MANAGER

APPLICANT : Southside Christian Centre
(AOG) Inc.

LAND OWNER : Plaistow Nominees Pty Ltd;
P & L Risk

SUBJECT LAND : Lot 17 Brant Rd & Lot 25
Gillam Drive (4326m² &
1508m² respectively)
Map 22-05

ZONING

MRS : Industrial

TPS No.2 : General Industry / Showroom

DRAFT TPS No.4 : General Industry / Industrial
Business

In Brief:-

- Proposal is for a “change of use” from Industrial (Furniture Manufacturing) to Public Worship and Indoor Children’s Playground and includes proposed parking at Lot 25 Gillam Drive (currently vacant).
- Applicant is seeking Council’s approval of the proposal as a “Use Not Listed” under Town Planning Scheme No.2.
- Advertising of the proposal resulted in no submissions
- Recommend that Council approve the application subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing Our City - To balance the need of development with sustainable economic, social and environmental objectives.

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme No.2

Council Policy / Local Law Implications

Industrial Design Guidelines 4.7.12

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners

BACKGROUND

Southside Christian Centre is currently located at Lot 8 (66-70) Forrest Road Armadale, and has been conducting its activities at this location for the past 38 years. The scale and diversity of its operations have increased and expanded over this time to a stage where the present facility is highly restrictive. This expansion has included the development and growth of numerous programs including the Church's charity arm "Southside Care" which provides a range of services catering for community needs. The applicant envisages that the charity operations will continue from the Forrest Road location whilst the church activities will be relocated elsewhere.

The applicant has identified the building (currently used for furniture making) at Lot 17 Brant Road as being suitable to allow for use as a "Christian Centre". In May 2003 Council approved a similar application by Southside Christian Centre for a change of use to a building at Lot 100 Gillam Drive, Kelmscott. The development did not proceed as Southside were unsuccessful in purchasing the property.

On 15 March 2005 Council received an application for a 'change of use' and associated parking at the subject lots. The application has been referred to Council for determination since the proposed place of public worship (Christian Centre) and Indoor Children's Playground represents a "Use Not Listed" in the General Industry zone of Town Planning Scheme No.2.

DETAILS OF PROPOSAL

The applicant proposes to utilise the existing building at the subject lot as a place of public worship (Christian Centre), consisting of a proposed auditorium with a peak capacity of 350 people, and facilities for youth and children's activities (including an indoor playground that is anticipated to eventually function as a commercial enterprise). A total of 97 parking bays are proposed over two separate lots (Lot 17 Brant Road – 23 existing and 28 proposed parking bays; Lot 25 Gillam Drive – 46 proposed parking bays). An easement over Lot 18 Brant Road is proposed to allow pedestrian access to the building from parking bays at Lot 25 Gillam Drive.



Proposed Uses

In a report submitted by the applicant in support of the application, it is indicated that the proposed uses will include the following:

- ◆ Religious activities including church services;
- ◆ Children's and youth programs;
- ◆ Coffee Shop catering for members and customers of Indoor playground;
- ◆ Administration and utility areas (including corridors, toilets and kitchen).

Hours of operation and anticipated attendance:

Sunday Services : 10.00am - 11.30am (180 adults and 45 children)
6.00pm - 7.00pm (80 adults and 8 children)
Friday Night Youth : 7.30pm - 10.00pm (100 adults)

The applicant has advised that any other usage would be of a minor nature based around smaller church-based programs. The applicant has further advised that the indoor playground will operate at different times to those outlined above to ensure that there is no clash of activity - possibly Monday to Friday by trial, Saturday 10.00am - 5.00pm and Sunday 12.30pm - 5.00pm.

COMMENT

Surrounding Landowners

The proposal was referred to nine (9) surrounding landowners for comment for a period of two (2) weeks. No submissions were received.

Development Control Unit (DCU)

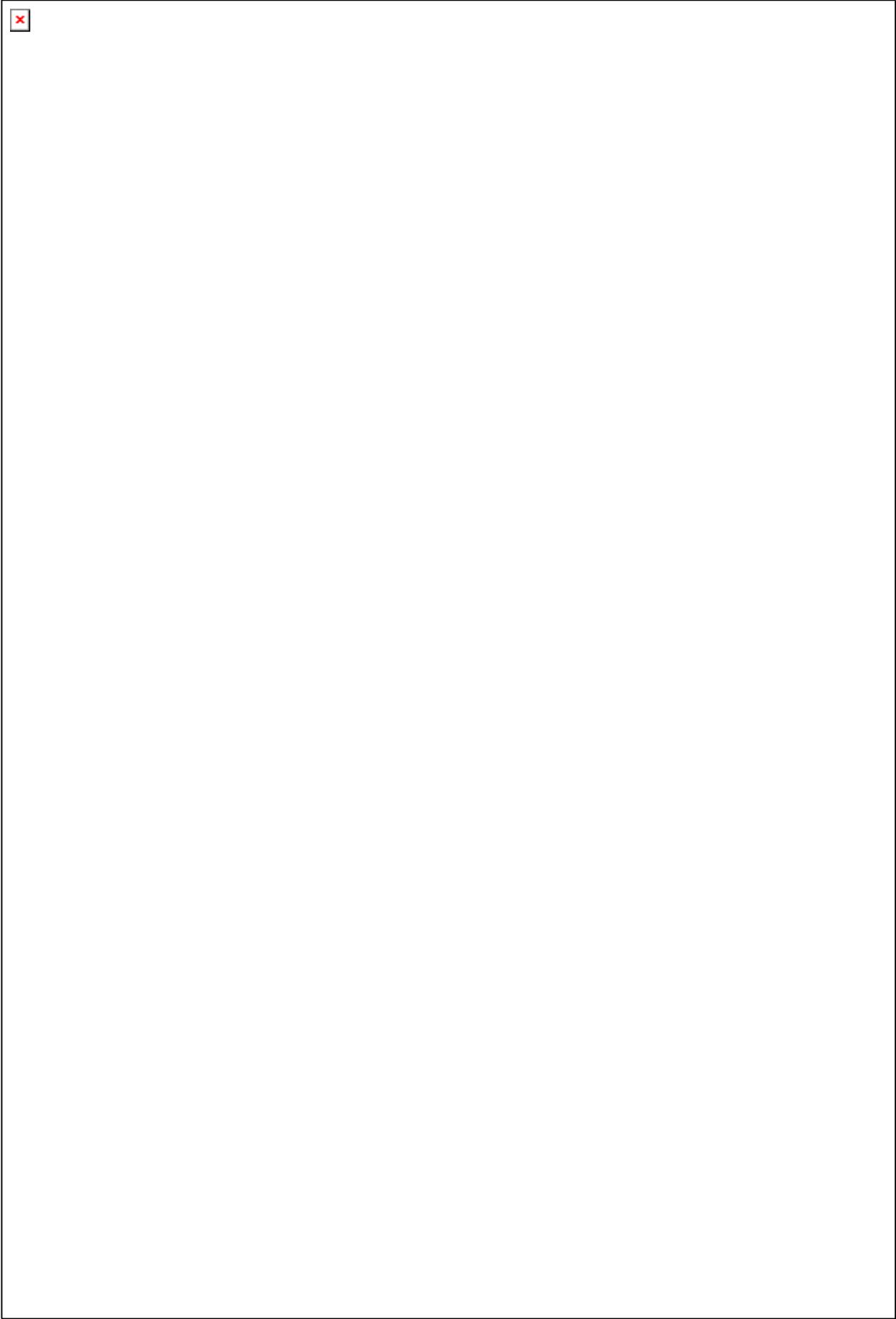
At its meeting held on 28 April 2005, DCU supported the proposal and recommended that the item be referred to Council for approval subject to appropriate conditions.

ANALYSIS

Town Planning Scheme No.2

The proposed use of the subject property, as a "Christian Centre" primarily constitutes "Public Worship" and the Indoor Playground constitutes "Private Recreation" under the definitions of Town Planning Scheme No.2. Incidental church office administration is also proposed.

As "Public Worship" and "Private Recreation" are not mentioned in the General Industry zone development table of Town Planning Scheme No.2, Council may consider the proposal as a "Use Not Listed". This approach is consistent with that used in the assessment of a previous application for a Christian Centre at Lot 100 Gillam Drive.



Clause 3.4 of Town Planning Scheme No.2 provides that if a proposed use is not mentioned in the list of use classes or is not included in the general terms of any of the use classes in the development table, it is prohibited unless permitted by subsequent provisions of the scheme.

The second part of clause 3.4 reads as follows:

‘Upon application for planning consent to it the Council may:

- (1) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (2) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2.’*

The General Industry Policy Statement in Town Planning Scheme No.2 states that whilst the zone is intended to accommodate industry, *‘other uses may be permitted on the assumption that the applicant and tenants of such uses will be aware of the effects from all other uses in the General Industry Zone...’*

It is recognised that the prime purpose of the ‘General Industry’ zone is one of accommodating industrial processes. The applicant however, is aware of the potential effects from all other uses in the zone. The proposal is therefore considered to be consistent with the intent of the policy statement of the zone in allowing the consideration of other uses under these circumstances.

Parking for the proposal cannot adequately be accommodated at Lot 17 Brant Road and the applicant is therefore proposing that Lot 25 Gillam Drive be used as a car park associated with the facility. Lot 25 Gillam Drive is zoned “Showroom” under TPS No.2 where “Car Parking” is a “P” (Permitted) use.

Draft Town Planning Scheme No.4 (TPS No.4)

Lot 17 Brant Road is proposed to be zoned “General Industry” and Lot 25 Gillam Drive is proposed to be zoned “Industrial Business” under TPS No.4. Within the “General Industry” zone, “Public Worship” is a proposed “X” (not permitted) use and “Private Recreation” is a proposed “D” (discretionary) use. Car parking is a proposed “P” (permitted) use within the “Industrial Business” zone.

Despite “Public Worship” being a proposed “X” use under TPS No.4 the proposal must be considered within the context of the Town Planning Scheme in force at the time a decision is made. TPS No.2 provides for the application to be considered as a “Use Not Listed” and whilst Council may take into account the proposed requirements of TPS No.4 in formulating a decision on the proposal, it would be inappropriate to base a decision only upon this factor.

Land Use Compatibility

The proposed use on the subject lots is considered compatible with surrounding land uses. The activities proposed are primarily conducted indoors and at times during the weekend when many businesses in the area are closed. Uses surrounding the proposed centre include an Australia Post mail delivery centre, indoor beach volleyball centre, general salvage and storage and small industrial units. The proposed use as a 'Christian Centre' is considered to pose minimal impact on these surrounding land uses. It is acknowledged by the applicant that it is more likely that the proposed Christian Centre would risk having others being a 'nuisance' to them because of the Industrial zoning. It is also reasoned that by relocating to an industrial area there is less potential to impact on surrounding landowners than exists in the centre's current location in a residential zone.

Parking

It is anticipated that attendance at the proposed 'Christian Centre' will be at its peak during church services on Sunday. Parking provisions in Town Planning Scheme No.2 for "Public Worship" require a minimum of one parking space per four attendance capacity. The maximum attendance capacity of the proposed auditorium is 350 people. As the Indoor playground is not proposed to operate during church service times and as other uses are incidental, it is considered that the auditorium attendance capacity represents the most logical figure upon which to base car parking requirements.

In applying the parking provisions required for the use class of "Public Worship", an attendance capacity of this size would require a minimum of 88 parking bays. The applicant has indicated provision of 51 parking bays on Lot 17 Brant Road and 46 parking bays on Lot 25 Gillam Drive giving a total of 97 bays. Several bays (approximately 6) indicated on the site plan are inappropriately located adjacent to emergency exits or are located in areas that will require landscaping. If approval is granted the applicant may be informed of this by way of an advice note prior to lodging a Building Licence Application. As the proposal exceeds TPS No.2 parking requirements by 9 bays, the loss of several bays will not affect the adequacy of parking on site. Notwithstanding this, attendance at such facilities has the potential to increase over time, potentially resulting in future parking difficulties. As such it is recommended that a condition be imposed limiting the attendance capacity of the auditorium to a maximum of 350 persons as indicated on the floor plan.

A significant proportion of parking for the proposal is located on Lot 25 Gillam Drive. Lot 18 Brant Road represents a more suitable site for accommodating parking associated with the proposed use, however discussions between the applicant and the owner of Lot 18 have not resulted in the site being made available for purchase. It is anticipated that the applicant will continue to pursue negotiations with the owner of Lot 18 Brant Road in this regard. The car park at Lot 25 Gillam Drive, whilst not being ideally situated, is capable of complying with all TPS No.2 requirements. If the proposal is approved it is recommended that a condition requiring a caveat on the Certificate of Title of Lot 25 Gillam Drive be imposed to ensure that the property is not sold without the permission of the City, as the subject lot is necessary to accommodate vehicles associated with the facilities at Lot 17 Brant Road.

Access

Vehicle access to the site is proposed via the existing crossover to Lot 17 Brant Road. Two new crossovers are proposed to service the car park on Gillam Drive. The City's Technical Services Directorate has advised that proposed vehicle access arrangements are considered to be acceptable.

Pedestrian access between the car park on Gillam Drive and the building is proposed via a 2m x 2m pedestrian access easement over the northern corner of Lot 18 Brant Road. The owner of Lot 18 Brant Road has agreed to this arrangement in writing subject to production of the necessary documentation. If the proposal is approved it is recommended that a condition be imposed requiring the applicant to enter into a legal agreement with the City and the owner of Lot 18 Brant Road (and his successors in title) to create Rights of Pedestrian Access over the designated section of Lot 18 Brant Road in favour of the adjoining properties, being Lot 17 Brant Road and Lot 25 Gillam Drive. This condition is required to ensure that pedestrian access remains available as indicated on the site plan unless the City agrees to alternative arrangements.

Landscaping

Landscaping for the proposal may be controlled through an appropriate landscaping condition. Landscaping indicated between the two crossovers abutting the front property boundary at Lot 25 Gillam Drive is required to be located within the property boundary. On the plan it is located on the Council verge, and the City's Technical Services Directorate has advised that this is unacceptable due to the location of services. Additionally, in accordance with the City's Industrial Design Guidelines, a landscaping strip with a minimum width of 0.5m is required along other property boundaries (except where pedestrian access is necessary).

Policy 4.7.12 – Industrial Design Guidelines

With the exception of the landscaping guidelines as outlined above the proposal complies with the Industrial Design Guidelines which are largely not applicable due to the use of an existing building.

OPTIONS

1. Council may approve the application as a "Use Not Listed" in accordance with Clause 3.4 of Town Planning Scheme No.2, with appropriate conditions on the grounds that the proposal is consistent with the objectives and purposes of the Industrial zone, and is compatible with surrounding land uses.
2. Council may refuse the application if it is of the view that the proposed development is not consistent with the objectives of the General Industry zone and is therefore not permitted.

CONCLUSION

The proposed change of use to “Public Worship/Indoor Children’s Playground” can be considered as a “use not listed” in accordance with Clause 3.4 of TPS No.2. The proposed use is considered compatible with surrounding land uses and will have no detrimental impact on the amenity and function of the surrounding area. Although parking is not ideally located, it is considered adequate and meets the requirements of TPS No.2. Appropriate conditions can ensure that the parking and pedestrian access arrangements are controlled to a satisfactory level. 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.

RECOMMEND

1. **That Council determines the application as a “Use Not Listed” in accordance with Clause 3.4 of Town Planning Scheme No.2.**
2. **That Council approve the application for a Place of Public Worship/ Christian Centre and Indoor Children’s Playground at Lot 17 Brant Road, Kelmscott and associated car park at Lot 25 Gillam Drive, Kelmscott, subject to the following conditions:**
 - a) **Attendance capacity of the proposed auditorium facility to be restricted to a maximum of 350 persons.**
 - b) **Submission of a landscape plan for the site to include car park shade trees as delineated on the site plan. The landscape plan is to be approved to the satisfaction of the Executive Director Technical Services and landscaping installed and maintained thereafter in accordance with the approved plan.**
 - c) **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.**
 - d) **A comprehensive stormwater drainage plan that reflects Water Sensitive Design Principles is to be submitted by the applicant, and such plan is to be approved by the Executive Director Technical Services. All drainage work to be constructed as per approved plan.**
 - e) **A caveat to be placed on the Certificate of Title of Lot 25 Gillam Drive to ensure that the property is not sold without the permission of the City, as the subject lot is used to accommodate vehicles associated with services provided at Lot 17 Brant Road.**

- f) **The applicant to enter into a legal agreement with the City and the owner of Lot 18 Brant Road (and his successors in title) to create Rights of Pedestrian Access over the designated section of Lot 18 Brant Road in favour of the adjoining properties, being Lot 17 Brant Road and Lot 25 Gillam Drive.**
3. **That in addition to standard advice notes, the applicant is advised that:**
- a) **Parking bays indicated on the site plan that restrict access from emergency exits are to be deleted from the proposal.**
- b) **With regard to Condition 2(b) above, landscaping to the proposed car park on Lot 25 Gillam Drive is to include minimum 0.5m wide landscaped strips along all lot boundaries (except the front property boundary and where pedestrian access is required). The 2m wide landscaped strip shown abutting but outside the front property boundary on Lot 25 Gillam Drive is to abut but be located within the front property boundary. This may be reduced to 1m in width where the landscape plan includes reticulated grass to the verge area.**
- c) **The premises are to comply with the Health (Public Building) Regulations 1992.**
- d) **The premises are to comply with the Health (Food Hygiene) Regulations 1993 and the Food Safety Standards.**
- e) **Any signage associated with the proposal is subject to submission and approval of a separate application.**

Moved Cr _____
Carried/Lost ()



***PROPOSED CHURCH MEETING HALL – LOT 84 (No.19) BURNDALE ROAD
(PROPOSED LOT 409 TALUS DRIVE), MOUNT RICHON***

{ XE "DEVELOPMENT:PROPOSED CHURCH MEETING HALL – LOT 84 BURNDALE RD (PROPOSED LOT 409 TALUS DR), MT RICHON" }

WARD : NEERIGEN

FILE REF : A12128

DATE : 4 May 2005

REF : JEH

RESPONSIBLE : PSM
MANAGER

APPLICANT : Dykstra Planning

LAND OWNER : NC Miller & SS Gevers

SUBJECT LAND : Property size (Proposed Lot
409 Talus Drive): 2001m²
Map 23-01

ZONING
MRS : Urban
TPS No.2 : Residential "R5"
TPS No.4 : Residential "R5"

In Brief:-

- Application received for church meeting hall on 31 January 2005.
- The proposal is an "SA" (discretionary) use under TPS No.2.
- The proposal was advertised for three (3) weeks to forty-two (42) surrounding residents and a total of nineteen (19) submissions were received during the period. Sixteen (16) letters of objection, one (1) letter of general concern and two (2) letters of support were received.
- The proposal complies with development standards of TPS No.2 (however noise concerns remain inadequately addressed).
- It is recommended that Council authorise EDDS / PSM to issue an MRS Form 2 Approval contingent on receipt of a satisfactory acoustic report and subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme No.2

Council Policy / Local Law Implications

Environmental Protection (Noise) Regulations 1997
Local Laws Relating to Fencing



Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners
- ◆ Council's Health Department

BACKGROUND

Lot 84 Burndale Road, Mt Richon is currently vacant except for a single dwelling and has an approximate area of 2.13ha. It was approved for subdivision (Sub/122984) into 9 residential lots in October 2003 with lot sizes ranging from 2001m² to 2651m². Subdivision works are underway but not yet completed, and as such titles have not yet been created for the new lots within the subdivision. The approved subdivision includes the connection of Talus Drive to Talus Drive North.

On 31 January 2005 a development application was submitted on behalf of the Armadale Gospel Trust for a church meeting hall to be situated on one of the lots within the approved subdivision (Proposed Lot 409 Talus Drive).

Initial plans were unsatisfactory as the building design did not demonstrate adequate compatibility with the residential streetscape. Revised plans were requested and subsequently received demonstrating improvements to the building design such as the inclusion of windows (previously omitted), in order to ensure a greater degree of compatibility with the residential streetscape.

Since the proposal falls within the definition of "Public Worship" and is an "SA" (discretionary) use within the "Residential" zone of Town Planning Scheme No.2, the application has been referred to Council for determination.

DETAILS OF PROPOSAL

The proposed meeting hall is a single storey brick and "Colorbond" building and measures 11.95m x 16.65m (including verandahs). The overall floor area of the building (excluding verandahs) is approximately 140m² with approximately 100m² allocated as a meeting hall. The building is proposed to be set back 14.64m from the front (Talus Drive) lot boundary and approximately 35m from the property boundary with Lot 24 (No.26) Talus Drive.

The applicant has advised that an approximate attendance of 35 persons is expected at regular church meetings with generally no more than 6-8 vehicles expected. A total of 16 parking bays are proposed as additional parking may be required on special occasions. The applicant has advised that attendance may increase over time but that the maximum future attendance at Sunday morning meetings will be 50.



The applicant has advised that the religious activities during congregation meetings do not involve musical instruments or dancing and the hall will not be hired out or used for social games, parties or entertainment of any kind. No activities will occur outdoors.

The applicant has requested that the building be available for use within the following hours:

Sunday : 6.00am - 8.00pm
Monday - Saturday : 6.00am - 8.00am (10 days per year)
and 8.00am - 9.30pm (remainder of the year)

The applicant has advised that the above are maximum hours of usage and that the hall is generally expected to be used for between one and two hours per day on approximately two or three days a week.

Following the advertising period, the applicant provided more detailed information regarding meeting times, and these are outlined as follows:

Sunday : 6.00am - 7.00am (Regular Meeting)
2.30pm - 3.30pm (Held Intermittently)
Monday : 7.30pm - 8.30pm (Regular Meeting)
Friday : 7.30pm - 8.30pm (Held Intermittently)

The applicant has indicated that the Sunday 6.00am meeting is integral to his client's application, is an international standard throughout the organisation and cannot be altered.

COMMENT

Surrounding Landowners

The proposal was referred to forty-two (42) surrounding landowners for comment for a period of three (3) weeks. A total of nineteen submissions were received during the advertising period, consisting of two letters of no objection, sixteen letters of objection, and one letter expressing some concerns regarding the proposal. Two of the letters of objection were from the same individual. Two additional letter of objection was also received after closure of the advertising period. The issues raised in the submissions are addressed in the Analysis section of this report. *Refer to Confidential Attachment "B3" of the Agenda for location plan of respondents.*

Development Control Unit (DCU)

At its meeting held on 15 February, DCU recommended that revised plans be requested from the applicant prior to advertising and resubmission to DCU.

The proposal was again considered by DCU at its meeting on 5 May 2005, especially in relation to the revised plans which were submitted on 22 March 2005 and in consideration of the objections raised by surrounding landowners during the advertising period.



DCU determined that the concerns expressed by surrounding landowners could generally be controlled through appropriate conditions and relevant legislation. Concern was however expressed in relation to the potential for the proposal to result in noise complaints due to the 6.00am Sunday morning meeting.

Council's Health Department

Council's Health Department has advised that engine noise, talking, and car doors closing on the subject lot prior to 9.00am on a Sunday morning has the potential to contravene the Environmental Protection (Noise) Regulations. The Health Department recommends that an acoustic report be submitted by the applicant to the City's satisfaction to demonstrate that the proposal will be capable of complying with the Environmental Protection (Noise) Regulations.

ANALYSIS

Public Submissions

A total of 19 submissions were received objecting to, or raising concerns in relation to the proposal. The issues raised are summarised as follows:

1. *The proposal will result in an unacceptable increase in traffic on Talus Drive.*

Vehicle numbers are expected to increase as a result of Talus Drive becoming a through road. The proposed church meeting hall is of a relatively small scale and is not expected to generate significant traffic. As a proportion of the total vehicle numbers expected to use Talus Drive, the traffic generated by the facility is expected to be relatively insignificant.

2. *The proposal will result in increased traffic congestion at the junction of South Western Highway and Talus Drive.*

Given the anticipated attendance of approximately 35 people using 6-8 vehicles at regular Sunday meetings, any increase in traffic at the intersection directly attributable to the facility is expected to be minimal. The City's Technical Services Directorate has raised no concerns in relation to this matter.

3. *Numbers attending the church may increase or be higher than those advised by the applicant with the possibility that parking will overflow onto the verge creating a safety hazard.*

The proposed parking is considered ample to accommodate the numbers expected to regularly attend the facility. It is unknown what numbers may attend on special occasions and it is therefore necessary to ensure that parking occurs in an orderly and proper manner. Should Council grant an approval, it is therefore considered appropriate to impose a condition to limit attendance at Sunday morning meetings (prior to 9.00am) to a maximum of 50 people, and at other times to a maximum of 64 people.



4. *The building looks more commercial than residential and is out of character with the surrounding quality residential properties.*

The design of the proposed church meeting hall is simple and modest, however it is not considered to be out of character with the residential streetscape. The proposal has been modified by the applicant to include windows in the street façade and appropriate conditions relating to landscaping and fencing will further ensure that the building design does not compromise the residential amenity of the area.

5. *There is a concern that the proposal will include a high security fence (possibly with barbed wire) that will lower the aesthetic appeal of the street.*

Fencing for the proposal is required to comply with the City's Local Laws relating to Fencing. Details relating to fencing have not been provided by the applicant, however, if the proposal is approved it is recommended that a condition be imposed requiring submission of fencing details to the City's satisfaction and that the applicant be advised that barbed wire is unacceptable.

6. *The proposed car park will adversely affect the amenity of the area and will result in headlight glare affecting adjoining properties.*

The proposed parking area is of an acceptable size for the proposed facility and is appropriately located in relation to the building. The site plan indicates landscaping around the perimeter of the car park and a detailed landscaping plan is recommended as a condition of approval to ensure that appropriate species are selected to provide a degree of screening and soften the impact of hardstand areas. Existing surrounding dwellings are generally located at a higher level than the proposed car park and this fact in addition to the landscaping requirement will minimise the impact of headlight glare on surrounding properties

7. *Use of the building from 6.00am will not comply with the Noise Regulations. Cars will arrive at the building from 5.30am will disturb the peace and quiet of the area. People chatting, car doors slamming and engine noise are all possibilities and the proposal will therefore result in unacceptable noise levels.*

The applicant has submitted thirteen letters to Council from individuals (who are not members of the church) living opposite or adjacent to existing church halls of the same denomination. The views expressed in the letters indicate that members of the church go about their business quietly without any adverse impact on surrounding residents. Despite these reassurances, there remains a possibility that noise as a result of the proposed facility being used prior to 9.00am on a Sunday morning may not comply with the Environmental Protection (Noise) Regulations. The City's Health Department has recommended that the applicant submit an acoustic report to determine whether noise levels associated with use of the facility are likely to comply with the Environmental Protection (Noise) Regulations. It is therefore recommended that approval of the application be contingent on the submission of an acoustic report to the satisfaction of the Executive Director Development Services.

8. *If the church is approved, it could be further extended or expanded at a later stage.*

If the church is approved and the owner/s wished to extend the building at a later stage a development application would need to be submitted to and approved by the City. Any such application would be considered on its merits and would include public consultation (if appropriate) prior to a determination being made.

9. *At a public meeting it was claimed that up to 50 people could attend on Sunday mornings, representing a discrepancy from the approximate figure of 35 people quoted in the advertising letter. There are no clear guidelines on the numbers attending.*

The applicant has advised that a figure of approximately 35 people is expected at Sunday morning meetings but concedes that this may increase over time to a maximum of 50. The applicant is willing to accept a condition on any approval to limit the number of people attending the Sunday morning meeting to a maximum of 50. There is sufficient proposed on site car parking to accommodate an attendance of this size.

10. *There is already a church in Talus Drive. To have two in one small street is unacceptable.*

Whilst the cumulative impact of non residential land uses within a residential street is a consideration in the assessment of the proposal, each application must also be considered on its individual merit. In this instance, the presence of an existing church does not represent reasonable grounds upon which to base a refusal of the current application.

11. *The building will attract vandalism.*

No evidence has been received to support this statement. It should be noted that issues concerning perceived vandalism risk are not appropriate planning grounds to refuse an application.

12. *The proposal will devalue my property.*

No evidence has been received to support this statement. It should be noted that possible changes to property values are not appropriate planning grounds to refuse an application.

13. *The extension to Talus Drive should not proceed as it will result in a short cut to South Western Highway from Bedfordale Hill Road.*

The extension to Talus Drive is not dependent on the current application proceeding but was approved in 2003 by the Western Australian Planning Commission in accordance with the subdivision plan for Lot 84 Burndale Road.

Town Planning Scheme No.2 (TPS No.2)

A church meeting hall is classified as “Public Worship” within TPS No.2 and is an “SA” use in the “Residential” zone, meaning the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 7.2.

The proposal has been publicly advertised in accordance with Clause 7.2 and complies with the development standards of TPS No.2 relating to “Public Worship” within the “Residential Zone”.

The proposal complies with other TPS No.2 standards such as minimum lot size and setback requirements. TPS No.2 stipulates a requirement for a minimum lot size of 2000m² for “Public Worship” and the proposed church meeting hall will be situated on a lot with an area of 2001m². TPS No.2 stipulates minimum front and rear boundary setbacks of 7.5m and side setbacks of 5m. The proposed meeting hall has a front setback of 14.64m, a rear set back of 7.5m and side setbacks of 5.18m and approximately 35m.

Parking

Council must be satisfied that parking provision is adequate. “Public Worship” requires parking at a ratio of one (1) parking bay per four (4) attendance capacity. The applicant has advised that the anticipated regular attendance at the church is approximately 35 people. This figure would generate a requirement for 9 parking bays. The applicant has provided a total of 16 parking bays on site as it is expected that the number attending may exceed 35 on special occasions. Additionally, the applicant has advised that regular Sunday meeting attendance may increase over time to a maximum of 50 people. The 16 parking bays provided are therefore sufficient to accommodate vehicles associated with Sunday morning meetings and would acceptably meet scheme requirements for a place of public worship with an attendance capacity of up to 64 people. To ensure parking is adequate at all times it is recommended that a condition of approval be imposed to limit maximum attendance to 64 people

Draft Town Planning Scheme No.4 (TPS No.4)

The zoning under draft TPS No.4 is proposed to remain unchanged (Residential “R5”) with the church meeting hall falling within the definition of “Place of Worship”. The proposal represents an “A” (equivalent to “SA”) use under draft TPS No.4.

OPTIONS

1. Council could authorise the Executive Director Development Services/Planning Services Manager to issue a Development Approval (MRS Form 2) for the proposed church meeting hall at Lot 84 Burndale Road (Proposed Lot 409 Talus Drive), Mt Richon, contingent upon a favourable acoustic report first being received from the applicant and subject to appropriate conditions.
2. Council could approve the application for a church meeting hall at Lot 84 Burndale Road (Proposed Lot 409 Talus Drive), Mt Richon, subject to appropriate conditions if it considers that the proposal will not prejudice the residential amenity of the residential area.

3. Council could refuse the application for a church meeting hall at Lot 84 Burndale Road (Proposed Lot 409 Talus Drive), Mt Richon if it considers that the proposed use will have an unacceptable impact on the residential amenity of the area.
4. Council may defer a decision on the application pending receipt of an acoustic report.

CONCLUSION

A number of concerns and objections have been raised in relation to the proposal. On balance however the effect of the proposal on the surrounding area is expected to be minimal. The proposal represents a relatively small scale development and is not expected to substantially contribute to the overall volume of vehicles using Talus Drive. Conditions relating to parking, landscaping and fencing will ensure that the building does not compromise the residential amenity of the area.

The proposal generally complies with TPS No.2 requirements and is not expected to prejudice the function and amenity of the surrounding residential area. However, officers are not entirely satisfied that early morning noise associated with the proposal will comply with the Environmental Protection (Noise) Regulations. Restricting attendance at the Sunday morning meeting to a maximum of 50 people will assist in reducing the potential for unacceptable noise levels however an acoustic report is required to accurately assess the potential impact of noise in relation to the requirements of existing legislation. In this regard, it is recommended that Council adopt Option 1 above and authorise the Executive Director Development Services / Planning Services Manager to issue an approval contingent upon a satisfactory acoustic report first being received.

RECOMMEND

1. **That Council authorise the Executive Director Development Services/Planning Services Manager to issue a Development Approval (MRS Form 2) for the proposed church meeting hall at Lot 84 Burndale Road (Proposed Lot 409 Talus Drive), Mt Richon, contingent upon a satisfactory acoustic report first being received from the applicant and subject to the following conditions:**
 - a) **A schedule providing details of the materials and colour scheme relative to the external appearance of the proposed development (including fencing) to be submitted to and approved by the Executive Director Development Services. The development to be completed in accordance with the approved schedule and to be maintained thereafter to the satisfaction of the Executive Director Development Services.**
 - b) **Submission of a comprehensive landscape plan for the site to include car park shade trees and plants around the perimeter of car parking areas in order to soften the visual impact of hardstand areas. The landscape plan is to be approved to the satisfaction of the Executive Director Technical Services and landscaping installed and maintained thereafter in accordance with the approved plan.**

- c) **All hardstand areas including car-parking areas, crossovers, driveways and vehicle manoeuvring areas shall be constructed, drained, sealed, kerbed, marked, and maintained to the satisfaction of the Executive Director Technical Services.**
 - d) **A comprehensive stormwater drainage plan that reflects Water Sensitive Design Principles is to be submitted by the applicant, and such plan is to be approved by the Executive Director Technical Services. All drainage work to be constructed as per approved plan.**
 - e) **Attendance at Sunday morning meetings (prior to 9.00am) is not to exceed 50 people. Attendance at all other meetings is not to exceed 64 people.**
2. **That in addition to standard advice notes, the applicant is advised that:**
- a) **With regard to condition 'A' above, fencing along the front (Talus Drive) property boundary (if proposed) is to be visually permeable, and incorporate masonry pillars (or similar) and powder coated tubular steel (or similar) to complement the proposed building. Please be advised that the use of barbed wire is not acceptable.**
 - b) **Any signage associated with the proposal is subject to submission and approval of a separate application.**
 - c) **Use of the premises is to comply with the Environmental Protection (Noise) Regulations 1997.**

Moved Cr _____
Carried/Lost ()



***PROPOSED THREE ARBOURS AND CARPORT –
LOT 302 (No.148) HOLDEN ROAD, ROLEYSTONE***

{ XE "DEVELOPMENT:PROPOSED THREE ARBOURS AND CARPORT - LOT 302 (No. 148) HOLDEN ROAD, ROLEYSTONE" }

WARD : JARRAH

FILE REF : A135502

DATE : 10 May 2005

REF : LJB

RESPONSIBLE MANAGER : PSM

APPLICANT : RG & MA Hodge

LAND OWNER : RG & MA Hodge

SUBJECT LAND : Lot 302 Holden Road, Roleystone
Property size 10000 m²
Map 26-08

ZONING
MRS/TPS No.2 : Rural/Rural E
DRAFT TPS No.4 : Rural Living 1

In Brief:-

- Council received an application for three arbours and a carport on 10 March 2005.
- The application proposes a variation to the boundary setbacks required in rural areas under Town Planning Scheme No.2.
- The proposal was advertised for public comment for two weeks resulting in one objection to the proposed variation.
- Recommended that Council approve the application for three arbours and a carport subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City – to balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Metropolitan Region Scheme Act 1959
Metropolitan Region Scheme
Town Planning and Development Act 1928
Town Planning Scheme No.2
Draft Town Planning Scheme No.4

Council Policy / Local Law Implications

Nil.



Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners

BACKGROUND

An application for a single residence at Lot 302 Holden Road, Roleystone was received by the City on 28 October 1999. At that time the applicant was made aware of the potential spray drift from the neighbouring orchard. The applicant, on a number of occasions also discussed with the City the need to vary the 15m setback requirement due to the nature and shape of the lot. The application for the single residence was approved on 6 January 2000 and allowed for the residence to be sited 2m from the southern lot boundary and 15m from the northern lot boundary. The application was approved subject to the condition that landscape screening be installed between the Lots 302 and 301 to the satisfaction of Council.

Council received an application for three arbours and a carport at Lot 302 Holden Road, Roleystone on 10 March 2005. An arbour can be defined as a shady garden alcove or structure with the sides and roof formed by trees or climbing plants. An arbour is considered to be a structure and therefore constitutes development and requires Council approval.

Since the application proposed a variation to the boundary setbacks required under TPS No.2, the proposal was advertised to surrounding landowners for two weeks. A submission was received objecting to the proposal and therefore the proposal has been referred to Council for determination.

DETAILS OF PROPOSAL

The applicant proposes three arbours and a carport on the subject lot. Two of the arbours are proposed to be located along the northern lot boundary while the third arbour is proposed to be located along the southern lot boundary. All three arbours are proposed to be set back 1m from their respective lot boundaries. The applicant stated that the arbours are required to screen the neighbouring properties. The two arbours proposed along the northern lot boundary are required to mitigate noise and spray drift from the orchard directly north of the subject lot. The arbour proposed along the southern lot boundary is required to mitigate noise from the adjacent property as well as to screen the zincalume roof on that property from the view of the applicants.



The two arbours directly north and south of the residence on the subject lot are proposed to have a post height of 5m, a width of five metres and a distance of 5m between each set of posts. Cross beams are proposed to be at a height of 3.5m. Galvanised steel chain or tow rope is proposed to be slung post to post on each arbour. The applicant has indicated the total length of these two arbours to be 35m but has also added that the exact finishing length may vary. The arbour proposed along the northern lot boundary (directly north of the residence on the subject lot) is also proposed to be clad in Hardi-fence fencing material, Colorbond or Zinalume (to a height of 3.5m) along the orchard side of the structure.

The second arbour proposed along the northern property boundary is of a slightly different size and nature. This arbour is proposed to have a post height of 3.5m (with cross beams at this height also), a width of four metres and a distance of five metres between each set of posts. This arbour is proposed to be 40m in length although the applicant has stated that the length may be reduced from either end.

The carport proposed is an open carport, 13m long, 10m wide and 4.5m high. It is to be located adjacent to the existing house on the subject lot.

All the structures proposed are to be freestanding and constructed from channel steel. The applicant has not stated that any landscaping will be undertaken.

COMMENT

Development Control Unit

At its meeting of 21 April 2005 DCU recommended that the proposal be referred to Council since an objection had been received during advertising. DCU also recommended that the proposal be approved subject to the submission of a colour / materials schedule complementing the rural character of the lot.

Surrounding Landowners

The application was advertised to two surrounding landowners from 31 March 2005 to 15 April 2005. One objection was received which is discussed under the Analysis section of this report.

Refer to Confidential Attachment "B4" of the Agenda for location plan of respondents.

ANALYSIS

Town Planning Scheme No.2

The subject lot is zoned "Rural E" under TPS No.2. The proposed three arbours and carport are considered to be incidental uses or structures to the predominant rural-residential use of the land. Under TPS No.2, all structures and buildings on rural land require a 15m setback. Since the arbours in this application are proposed to be located one metre from the boundary, the applicant is requesting that this Scheme requirement be varied for this proposal.



Response to Public Submission

- 1) One submission was received objecting to the proposal. The submittee stated that he is currently in the process of dealing with noise and spray drift issues and so indicated that the current proposal was not necessary. The submittee stated as follows:

... I am currently in the process of having an acoustic consultant ... compile a report regarding my refrigeration compressors, which are the main source of the noise... [T]he arbours would not have any value in helping to reduce the compressor noise.

In relation to the spray drift issue, the submittee argued the following:

...I intend to remove the closest row of fruit trees to the boundary and replace them with various trees such as Poplars and Conifers. These trees will act as a screen and as a noise buffer...

In response, it should be noted that although the submittee has stated his intentions, there is no guarantee that they will take place. Even in the event that the submittee's intentions do take place, the applicant's proposal will further help to mitigate the noise and spray drift issues to a greater extent.

- 2) The submittee concludes with the following:

My main concern now is that the proposed arbour could be used for recreational purposes. [The applicant] may place a table and chairs to sit and enjoy the surroundings and to entertain guests. I have no doubt that when I conduct spraying operations less than 5 metres from where [the applicant] and his guests may be seated it would understandably create a cause of complaint by [the applicant] to the Council Health Officer...

In response, the applicant is aware of the spray drift and has therefore submitted this application in an attempt to address this issue. If the applicant was to entertain guests in the location suggested, he would be doing so with the knowledge that spray drift does occur (whether the arbours are erected or not).

Rural Amenity

Since the applicant has not stated any intention to landscape, a landscaping condition should be imposed to ensure that landscaping will be established and vegetation will be grown over the arbour structures in order to retain rural amenity. Ensuring that landscaping is established will also help to maintain and further the intent of the condition imposed on the approval for the single residence issued on 6 January 2000.

Draft Town Planning Scheme No.4

The subject lot is proposed to be zoned "Rural Living 1" under Draft TPS No.4. This zoning would also require a minimum setback from all lot boundaries of 15 metres, unless otherwise approved by the City.

OPTIONS

1. Council could approve the proposed three arbours and carport at Lot 302 Holden Road, Roleystone if it is satisfied that the proposed variation to the setback requirement is acceptable, subject to conditions regarding the submission of a colour and material schedule and landscape plan.
2. Council could refuse the proposed three arbours and carport at Lot 302 Holden Road, Roleystone on the grounds it does not believe relaxing the rural setback requirement of TPS No.2 is in the interests of orderly and proper planning.

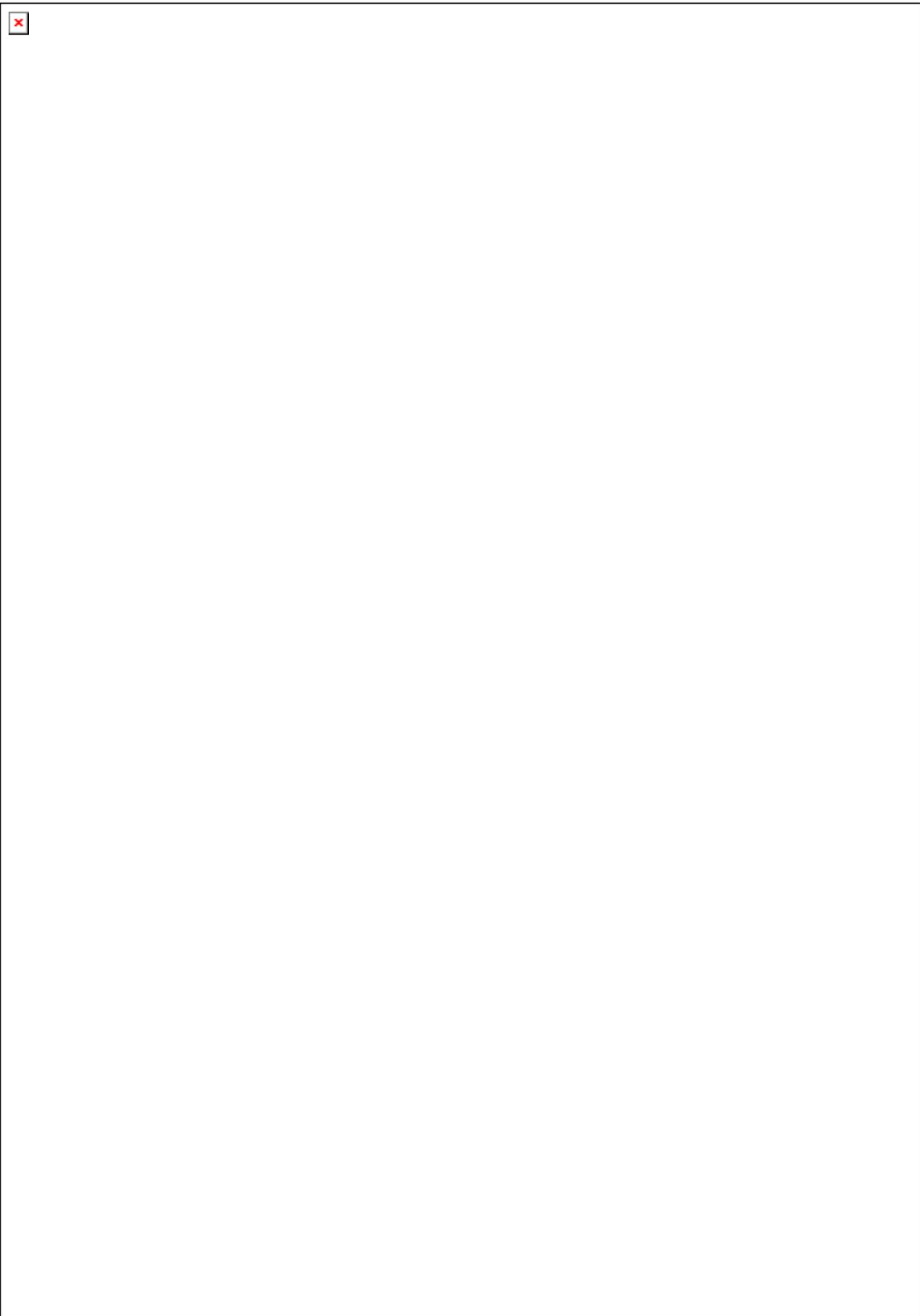
CONCLUSION

The applicant has indicated that the proposed arbours are required in order to mitigate the issues of noise and spray drift resulting from the neighbouring properties which are used for orcharding activities. The carport will not directly address the noise and spray drift issues but is considered to be an acceptable development in terms of scale and location. Although the submittee has stated that his intention is to address the noise and spray drift issues and to lessen their effect on the applicant's lot, there is no guarantee that this will occur. It is therefore recommended that Council relax the setback requirement of TPS No.2 in this instance and approve the application in accordance with Option 1.

RECOMMEND

1. That Council approve the application for three arbours and a carport at Lot 302 (No.148) Holden Road, Roleystone, subject to the following conditions:
 - a) A schedule of colours and textures of external materials is to be submitted to the satisfaction of the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved schedule.
 - b) A landscaping plan is to be submitted to the satisfaction Executive Director Development Services. Landscaping is to be installed and continuously maintained thereafter, in accordance with the approved landscape plan.
2. That the applicant be advised, in addition to the standard advice notes with respect to development applications, that:
 - a) With regard to condition 2, suitable landscaping should be installed in order to cover the arbour structures and assist with screening between the application site and orchards on Lot 310 Holden Road, Roleystone.

Moved Cr _____
Carried/Lost ()



***PROPOSED UPGRADE TO KELMSCOTT CENTRAL SHOPPING CENTRE –
LOT 10 DENNY AVENUE, KELMSCOTT***

{ XE "DEVELOPMENT:PROPOSED UPGRADE TO KELMSCOTT CENTRAL SHOPPING CENTRE – LOT 10 DENNY AVENUE, KELMSCOTT" }

WARD : RIVER

FILE REF : A166046

DATE : 11 May 2005

REF : PRR

RESPONSIBLE MANAGER : PSM

APPLICANT : Mr George Arena (Fabcot)

LAND OWNER : Fabcot Pty Ltd

SUBJECT LAND : Lot 10 Denny Ave, Kelmscott
Property size 17353 m²
Map 22-07

ZONING
MRS/TPS No.2 : Urban / Shopping
DRAFT TPS No.4 : District Centre

In Brief:-

- Council received an application for an upgrade to Kelmscott Central Shopping Centre on 18 March 2005.
- The current situation represents a variation to the requirements of Town Planning Scheme No.2 with respect to parking and landscaping.
- The WAPC must also make a determination on the proposal under a Clause 32 resolution of the Metropolitan Region Scheme.
- Recommend that Council approve the application for the proposed shopping centre upgrade subject to conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

“Developing Our City” – to balance the need of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Metropolitan Region Scheme Act 1959
Metropolitan Region Scheme
Town Planning and Development Act 1928
Town Planning Scheme No.2
Draft Town Planning Scheme No.4
Statement of Planning Policy No.4.2 – Metropolitan Centres Policy



Council Policy / Local Law Implications

Kelmscott Enquiry by Design Report
Signs, Hoardings and Billpostings Local Laws
Advertising Signs Policy

Budget / Financial Implications

Nil.

Consultation

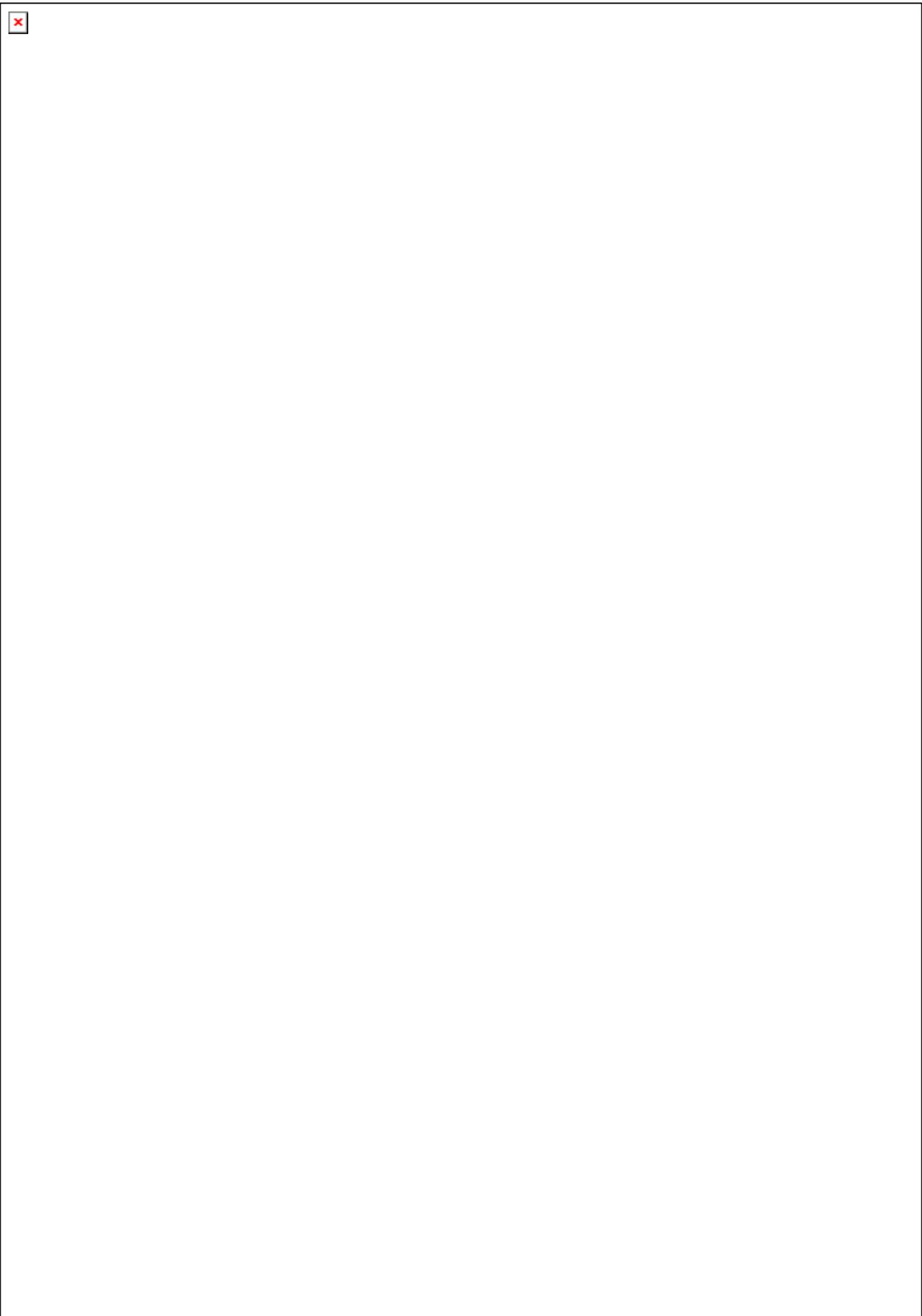
- ◆ Development Control Unit (DCU)
- ◆ Western Australian Planning Commission (WAPC)
- ◆ Main Roads Western Australia (MRWA)
- ◆ Armadale Redevelopment Authority (ARA)

BACKGROUND

The Kelmscott Enquiry by Design (KEBD) was undertaken through a series of workshops in October 2002. In May 2003, Council endorsed the draft Outcomes Report, which outlined the result of the workshops. After further changes were made, submissions on the KEBD Report were received for an eight (8) week period until 30 September 2003. The KEBD Report was formally adopted by Council in December 2003, but Council requested further investigation into a number of issues raised in the public submissions that were not specifically covered by the KEBD Report, which were considered in April 2004. Briefly, the KEBD Report produced a number of issues for Council to address in working towards the revitalisation of Kelmscott. As the previous owner of the (then) Kelmscott Village Shopping Centre was present and had intentions to redevelop the site, those intentions were reflected in the KEBD Report.

An application for a major redevelopment of the (then) Kelmscott Village Shopping Centre was received in November 2002, the total gross leaseable area (GLA) for the proposal equated to 33,288m² (approx.). The City referred the application to the WAPC as it was considered to be excessive in terms of floor space and service provision under the provisions of the State Government's (then) Statement of Planning Policy No.9 – Metropolitan Centres Policy, this triggering a dual determination process. The applicant initiated appeals against both the City and the WAPC as determinations were not made within the statutory timeframe, but the (then) Town Planning Appeal Tribunal dismissed the appeals on 19 March 2004.

The City received the current application for an upgrade to Kelmscott Central Shopping Centre on 18 March 2005. A shop is a permitted (P) use within the 'Shopping' zone. The centre proposes a slight change to the existing situation on site in terms of parking as a result of the construction of a new loading dock and crossover, which requires consideration by Council. Additionally, the existing situation represents a variation to the 10% of site area landscaping requirement, which must also be considered.



The WAPC has recently introduced a Metropolitan Region Scheme (MRS) Clause 32 resolution (No.61) in respect of all development within the future Kelmscott precinct of the Armadale Redevelopment Authority. This means that effectively, any development is the subject of a two tier decision process, with one determination from Council and another from the WAPC.

DETAILS OF PROPOSAL

The applicant proposes to refurbish the external appearance of the existing buildings by incorporating new entry statements on both the Albany Highway and Streich Avenue facades as well as corner features on all corners of the existing building. All existing walkway canopies facing Albany Highway and Streich Avenue are proposed to be upgraded with new column and fascia features. The existing externally accessed amenities / toilet facilities are proposed to remain in the same vicinity but will be modified to only be accessible from the internal shopping mall. An adjacent storage area will be converted into a fire sprinkler tank holding room.

A new loading dock, to create a dock height of approximately 1250mm for the existing Woolworths supermarket is also proposed. The new loading dock is planned to operate more efficiently than the existing situation by proposing the removal of two existing crossovers (on the corner of Davis Road and Streich Avenue). A 6m by 6m truncation of that corner is also proposed to accommodate the future road works involving the connection of Davis Road to Third Avenue. The redevelopment would result in the loss of 16 car parking bays from the existing situation of 296 bays on site.

The ARA requested modification of the original proposal which included an extension of the shopping centre by four metres towards Denny Avenue. The extension was removed via the submission of revised plans as the ARA have not finalised plans for the future of Denny Avenue and felt the extension may limit potential options. As a result, no increase in retail floor space is proposed but an increase of 320m² to a total of 5722m² GLA (including two fast food establishments on site) would result from the addition of the loading dock. Approximately 3935.5m² (or 68%) of the 5722m² floor space is retail, excluding storage and mall areas and the two fast food restaurants.

COMMENT

Development Control Unit

At its meeting of 12 April 2005, the DCU recommended that the proposal be approved subject to the applicant demonstrating that delivery trucks could effectively use the cross overs / loading dock off Streich Avenue through the submission of a plan demonstrating turning circles. Technical Services noted that the construction of car parking and crossovers should be to their satisfaction, and the Building Department has a number of specific requirements to be dealt with at the Building Licence stage.



A plan demonstrating turning circles was submitted and the Technical Services Directorate has been in contact with the applicant in this regard. However the issue was not resolved entirely at the time of this report being drafted, so it is recommended that should approval be granted, a condition be imposed noting the location and specification of the crossovers to Streich Avenue should be to the satisfaction of Technical Services to address the issue of delivery truck turning circles.

Main Roads Western Australia

MRWA were requested to comment on the proposal as it abuts Albany Highway and has access to the highway via the service station on the corner of Albany Highway and Denny Avenue. The access arrangement will not change from that currently in place, apart from the removal of the two crossovers where the loading dock is to be constructed. MRWA advised that the proposal was acceptable subject to their standard conditions being noted as part of any approval.

Armadale Redevelopment Authority

The ARA has advised that they generally support the proposal, and have recommended a number of conditions as follows:

- ◆ Preparation and implementation of a landscape plan;
- ◆ Landscaping to be consistent with any tree style guide adopted by the ARA for the Kelmscott precinct;
- ◆ Loading hours to be limited to times outside shopping hours for articulated vehicles and bays adjacent to the loading zone to be designated for staff parking;
- ◆ The corner of Davis Road and Streich Avenue to be appropriately truncated;
- ◆ All signage to be based upon an approved schedule, subject to further consideration by the ARA; and,
- ◆ Proposed driveway locations on Streich Avenue being subject to further consideration by the ARA;

Some of these areas are addressed later in the report and it is recommended that appropriate conditions be formulated as part of any approval granted with respect to the ARA's advice.

ANALYSIS

Town Planning Scheme No.2 (TPS No.2)

Zoning

Under TPS No.2, the subject lot is zoned "Shopping". A 'shop' is a permitted (P) use within this zone.



Relaxation of Standards

Clause 7.6 of TPS No.2 allows Council to relax standards of the scheme if it is satisfied that doing so will not compromise the orderly and proper planning of the locality and that non-compliance will not have an adverse effect on the owner or occupier of the development. Council is requested to relax the scheme requirements with respect to car parking and landscaping as follows.

Car Parking / Floor Space

TPS No.2 requires eight bays per 100m² GLA, which may be reduced to six bays per 100m² GLA if an adopted parking policy exists for the area. At eight bays per 100m² GLA and with a total floor area of 5722m², a total of 458 bays is required. The existing shopping centre (5402m²) has 296 bays, which equates to approximately 5.5 bays per 100m² GLA. The proposed layout incorporates 280 bays (5 bays per 100m²), 178 bays short of the Scheme requirements and 16 bays short of the existing situation.

The applicant argues that as this is an upgrade of an existing centre, the existing car parking ratio should be the comparative figure. The applicant has stated that there is no intention to alter the car park layout (other than the removal of the 16 bays). It is noted that as part of the appeal against the Austasia development a parking figure of 5 bays per 100m² GLA was accepted as a suitable parking ratio by Council given the proximity of the shopping centre to the Kelmscott train station and bus routes on Albany Highway. The proposal meets the ratio of 5 bays per 100m² GLA and could therefore be seen to be appropriate although it should be noted that the City's position was confined to a much larger proposal and that this should not necessarily be extended to less comprehensive development proposals.

The proposed reduction in available parking bays is acceptable given that the loading dock, whilst removing a number of bays, also removes two crossovers to Davis Road and Streich Avenue and improves the loading arrangements on site. There is also no net increase in retail floor space, so the proposal is relatively comparable to the existing situation. If considered necessary, the applicant could be requested to explore opportunities to enter into reciprocal rights of parking agreements with neighbouring properties to address the shortfall. Alternatively, the applicant could be required to pay cash-in-lieu for the removal of the 16 bays.

It is noted that with regard to the options for the internal layout of the speciality shops, the overall floor space figure was endorsed, as opposed to any particular layout which is appropriate. (*See Floor Plans Part B - Options A, B and C in this report*). The preferred speciality shop layout option can be determined as part of the Building Licence process and an Advice Note would suffice in this regard.



Landscaping

TPS No.2 requires a minimum of 10% of the site area to be landscaped with respect to shop developments, which equates to approximately 1735m² for this site. The area of the site available for landscaping is approximately 350m², well short of this requirement. However, given the shortfall reflects an existing situation, the area available is deemed to be acceptable and it is recommended Council vary the scheme requirement in this regard. Car park shade trees have been shown on the site plan, but the submission of a landscape plan would confirm the number of trees, species etc. A landscape plan for the areas available should be requested as a condition of any approval issued.

Statement of Planning Policy No.4.2 – Metropolitan Centres Policy

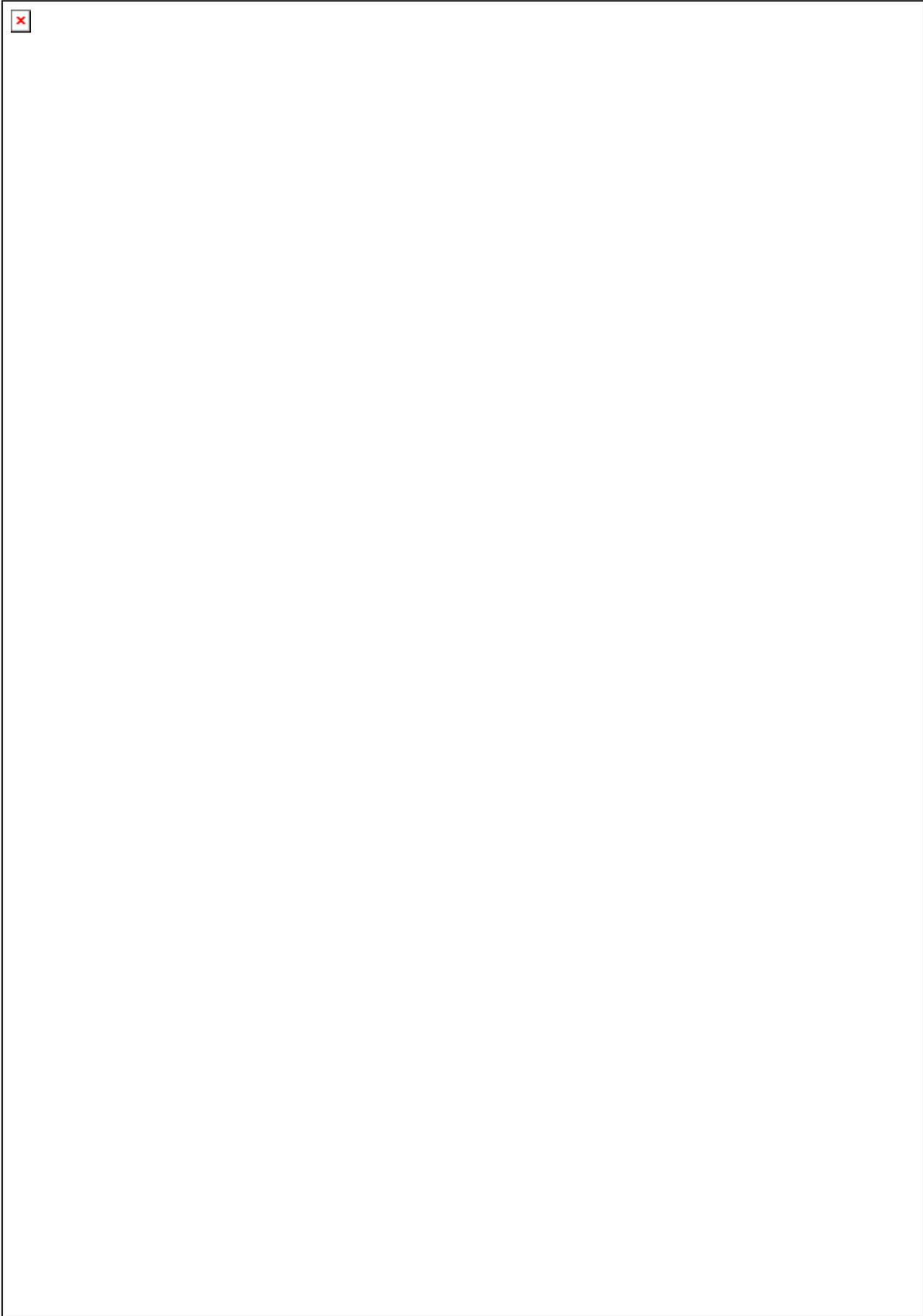
The proposed development is consistent with the Metropolitan Centres Policy as retail floor space (limited to 15,000m²) is not being increased and service provision (limited to weekly type retail uses) is not being drastically altered.

Kelmscott Enquiry by Design

The KEBD took account of the Austasia proposal for the site which ended up being beyond the scope of the Metropolitan Centres Policy and dismissed on appeal. As such, the layout reflected in the conceptual design for the site is not particularly relevant to this application as it is a refurbishment of an existing situation, rather than a total redevelopment. However, examination of future possibilities included reference to ‘active street frontages’ which are essentially shops fronting the street to provide window shopping potential under covered walkways, which given the applicant has agreed not to expand towards Denny Avenue at the current time, may be a future option when planning control passes to the ARA and the form and function of Denny Avenue is decided. As such the proposal can be seen to be consistent with the principles of the KEBD.

Amenity

The proposed upgrade to the external facades will lift the appearance of what is essentially a ‘tired’ shopping centre. The colours proposed, whilst corporate colours, are not out of character with the landscape, with the majority being green and cream with ‘heritage’ style red detail and roofing. It is noted that whilst the proposed colour scheme is acceptable, the usual colour schedule condition should be applied so as to take account of the possibility of changes after approval.



Pedestrians / Lighting

As with recent planning approvals considered and issued with respect to shopping centres, it is appropriate to consider the safety of pedestrians within the car park. The area surrounding the Kelmscott Central Shopping Centre has a number of strategic points such as the train station, bus routes on Albany Highway and other shops that pedestrians move between. A pedestrian movement plan for the subject site should be submitted via a condition of any approval issued demonstrating safe links for pedestrians from the shopping centre, through the car parks to these points.

As a related issue, a lighting plan should be submitted via a condition of any approval issued examining the areas of public safety within all car parking areas and undercover walkway areas, lighting design to enhance the building and lighting standards, to ensure an attractive quality design, acceptable colours and materials and satisfactory distribution.

Signage

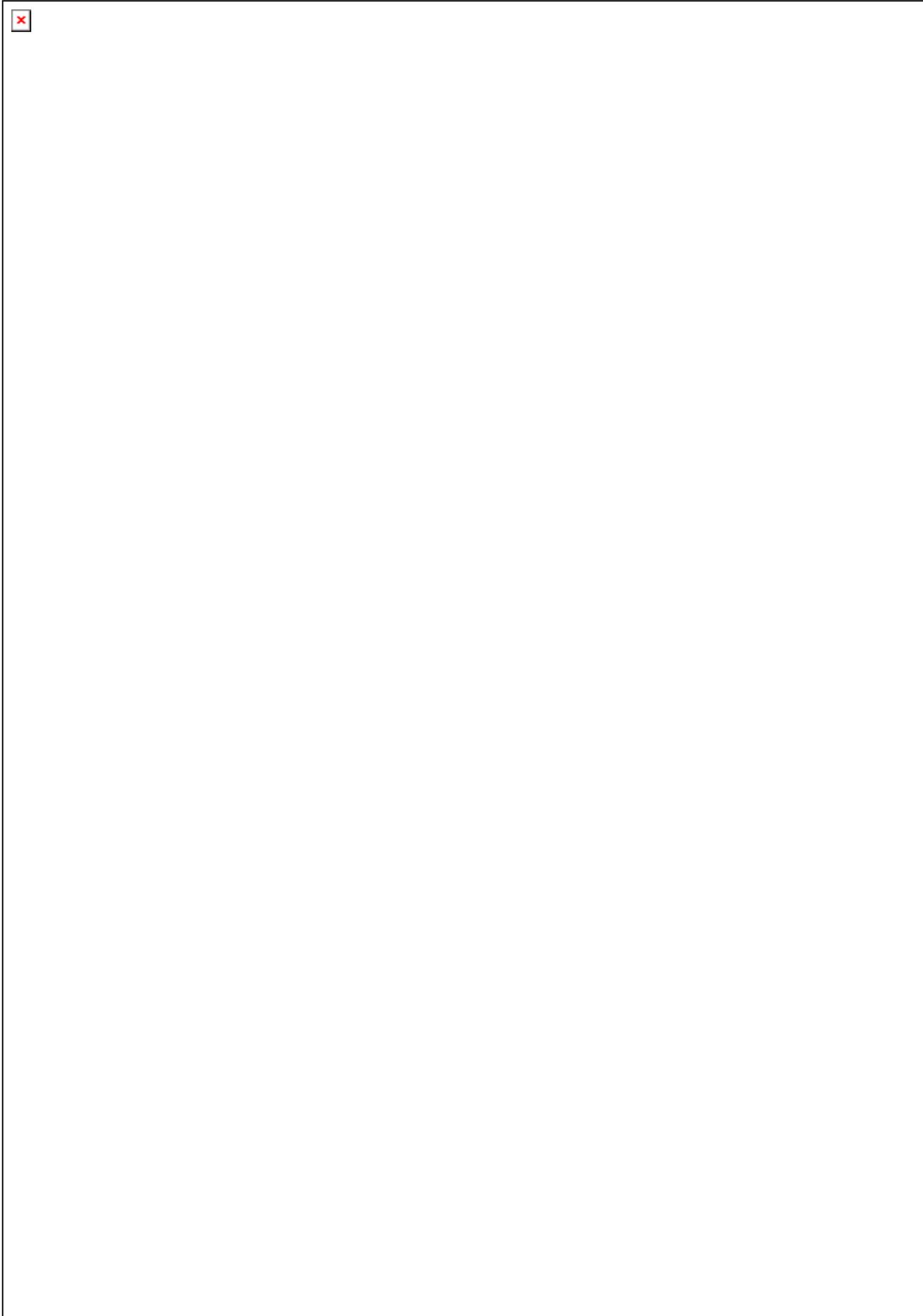
It is important that a coordinated approach to signage for the redeveloped shopping centre be undertaken should the proposal be approved. Therefore, the applicant should be requested to submit a comprehensive signage plan that demonstrates compliance with the Signs, Hoardings and Billposting Local Laws. As a trade-off for the reduction in parking on site, it is recommended that signage within the public areas of the shopping centre display up to date information relating to public transport (i.e. trains buses and taxis).

Draft Town Planning Scheme No.4

Under draft TPS No.4, the proposed zoning is “District Centre” under which a shop would be a permitted (P) use, as is the case under TPS No.2.

Metropolitan Region Scheme Clause 32 Resolution

The MRS Clause 32 resolution means that two approvals will be issued and that the WAPC requires a recommendation from Council with respect to the proposal. It would be appropriate that a recommendation be forwarded to the WAPC by the City in line with the determination made.



OPTIONS

1. Council could relax the parking standard, require the applicant to investigate reciprocal parking opportunities and approve the proposed upgrade of the Kelmscott Central Shopping Centre on Lot 10 Denny Avenue, Kelmscott subject to appropriate conditions, if it is satisfied that doing so will not compromise the orderly and proper planning of the locality and that non-compliance will not have an adverse effect on the owner or occupier of the development.
2. Council could require cash-in-lieu for the removal of 16 car parking bays and approve the proposed upgrade of the Kelmscott Central Shopping Centre on Lot 10 Denny Avenue, Kelmscott subject to appropriate conditions, if it is satisfied that doing so will not compromise the orderly and proper planning of the locality and that non-compliance will not have an adverse effect on the owner or occupier of the development.
3. Council could refuse the proposed upgrade of the Kelmscott Central Shopping Centre on Lot 10 Denny Avenue, Kelmscott if it is of the view that varying the standards will compromise the orderly and proper planning of the locality and that non-compliance will have an adverse effect on the locality.

CONCLUSION

The upgrade of Kelmscott in general has been the aim of Council for a number of years and several planning exercises have been conducted toward that end during that time. As yet, there has been little change evident on the ground that reflects that goal. The upgrade of the Kelmscott Central Shopping Centre would hopefully provide a stimulus for further upgrades of the area at a time when such aims are to be pursued further by the ARA. The 16 bay change to the existing car parking situation on site represents the main concern and whilst cash-in-lieu is an option, given the variation from the existing situation is slight and potential reciprocal parking opportunities exist, it is recommended that the upgrade be approved in accordance with Option 1.

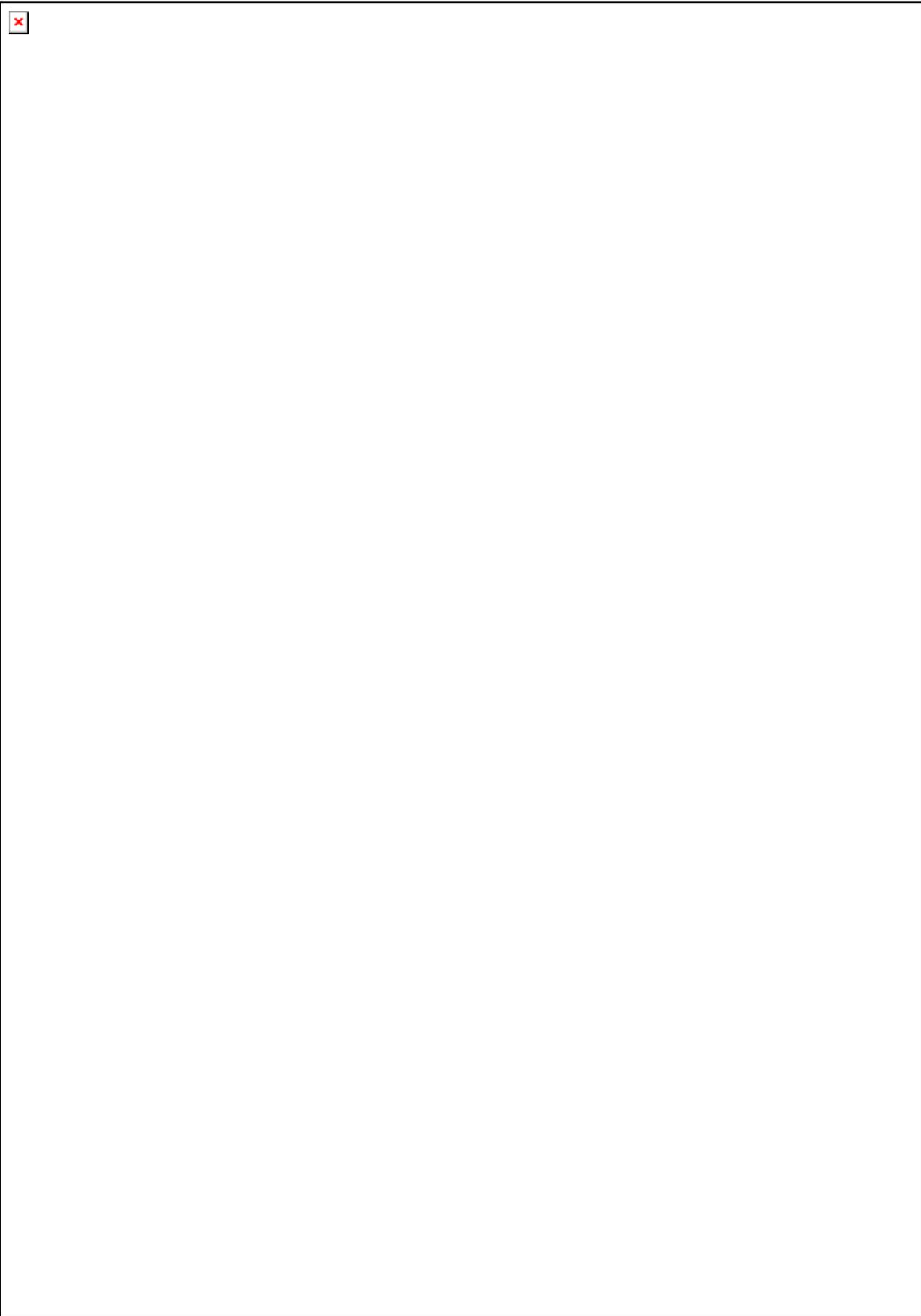
RECOMMEND

1. **That Council approve the application for the upgrade of the Kelmscott Central Shopping Centre on Lot 10 Denny Avenue, Kelmscott subject to the following conditions:**
 - a) **All hard standing areas (eg. car parking areas, crossovers, driveway, vehicle manoeuvring space) are to be constructed, drained, sealed, kerbed and marked to the satisfaction of the Executive Director Technical Services.**
 - b) **The submission of a comprehensive landscape plan for all landscaped areas (including car park shade trees) to the satisfaction of the Executive Director Technical Services. Such plan to include plant species (predominantly West Australian natives), numbers, location, container size and method of irrigation of the landscaped areas. The landscape plan is to be approved and the landscaping installed and maintained thereafter, to the satisfaction of the said officer.**



- c) **A schedule of colours and textures of 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.**
- d) **A pedestrian movement plan is to be submitted, showing safe pedestrian linkages between the shopping centre, car parking areas, public transport nodes (train station and bus routes) and major surrounding activity nodes to the satisfaction of the Executive Director Technical Services.**
- e) **A comprehensive signage plan demonstrating the design of signage for the entire building is to be submitted, reflecting a uniform advertising theme to complement the character of the building to the satisfaction of the Executive Director Development Services and Armadale Redevelopment Authority.**
- f) **Signage is to be provided within the public areas of the shopping centre displaying continually updated information related to public transport in the immediate area, to the satisfaction of the Executive Director Development Services.**
- g) **Submission of a comprehensive lighting plan that demonstrate the following requirements to the satisfaction of the Executive Director Technical Services.**
 - ◆ **Public safety within all car parking areas and undercover walkway areas;**
 - ◆ **Strategic lighting design to enhance the building;**
 - ◆ **Standard of lighting to be of an attractive quality design, colour/material and satisfactory distribution.**
- h) **The location and specification of the crossovers to Streich Avenue should be to the satisfaction of the Executive Director Technical Services and Armadale Redevelopment Authority in accordance with an approved turning circle diagram with respect to delivery truck turning circles.**
- i) **The corner of Davis Road and Streich Avenue is to be truncated (6m by 6m) and transferred to the Crown to the satisfaction of the Executive Director Technical Services.**
- j) **The loading hours for articulated vehicles are to be outside standard shopping hours and the bays adjacent to the reversing path of such vehicles are to be designated for use by staff only, to the satisfaction of the Executive Director Development Services.**





PEDESTRIAN ACCESS WAYS (PAWS) IN WESTFIELD

{ XE "PAW / ROW CLOSURES:PEDESTRIAN ACCESS WAYS (PAWS) IN WESTFIELD" }

WARD : HERON

FILE REF : WAY/1

DATE : 4 May 2005

REF : MF

RESPONSIBLE MANAGER : PSM

APPLICANT : Council initiated

LAND OWNER : CROWN

SUBJECT LAND : A network of pedestrian access ways (PAWs) and associated public open space (POS) extending from Silver Mallee Close to Ypres Road together with the smaller connecting PAWs in Malu Court, Boronia Close, Felicia Place and Ypres Road, Westfield and another PAW leading from Jarrah Close into Reserve 35656
Map 22-07: 21-07

In Brief:-

- During Council’s Meeting on 21 March 2005, the issue of the PAW network and associated public open space (POS) in the Westfield area was raised.
- Council resolved that Officers investigate and report on the possibility of closing this PAW network.
- Recommend that Council resolve to proceed with advertising the closure of the pedestrian access way (PAW) network and associated public open space (POS) extending from Silver Mallee Close to Ypres Road, Westfield, together with the smaller connecting pedestrian access ways (PAWs) in Malu Court, Boronia Close and Felicia Close, Westfield in order to gauge the community’s views on the issue and give Officers an opportunity to further assess the practical implications of the proposed closure.

ZONING
MRS/TPS No.2 : Urban / Residential R15
DRAFT TPS No.4 : Residential R15

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

Costs of advertising and officers' time involved in negotiations with abutting landowners.

Consultation

- ♦ Nil

BACKGROUND

At Council's Meeting on 21 March 2005, the issue of the network of pedestrian access ways (PAWs) extending from Silver Mallee Close to Ypres Road together with the smaller connecting PAWs in Malu Court, Boronia Close, Felicia Place and another PAW from Jarrah Close into Reserve 35656 was raised with a view to closure of this network.

Council resolved that Officers investigate and report on the possibility of closing the PAW network in the Redtingle Road, Ypres Road, O'Sullivan Drive and Cammillo Road locality and which all lead into Reserve 35656.

A portion of this network has already been considered for closure. The proposals to close the PAW leading from Logpine Crescent into Silver Mallee Close and the PAW leading from Jarrah Close into Reserve 35656 have both been forwarded to the Department for Planning and Infrastructure for support and approval and a response is awaited.

DETAILS OF PROPOSAL

To investigate the possibility of closing the PAW network and associated POS extending from Silver Mallee Close to Ypres Road together with the smaller connecting PAWs in Malu Court, Boronia Close, Felicia Place and another PAW leading from Jarrah Close into Reserve 35656, Westfield.

COMMENT

The long section of PAW leading from Reserve 35656 into Ypres Road is approximately 10m wide and could pose problems when considering amalgamation into adjoining properties and purchase by abutting landowners. The purchase price may be beyond the means of many of the landowners.

PAWs are Crown Land and the closure process as set out in the WA Planning Commission (WAPC) Bulletin No.57 now requires the support of the WAPC and its approval to amalgamate any closed PAW into the abutting lots under Section 20(2) of the Town Planning and Development Act. As a result, any decision by Council to close a PAW requires the sanction of the WAPC.

ANALYSIS

Should the Department for Planning and Infrastructure not support the closure of the PAW network, given that the width of the long length of PAW is approximately 10m and on the grounds that it forms a good linkage by connecting PAWs in Malu Court, Boronia Close and Felicia Place, it would be necessary to further discuss the matter with the Department for Planning and Infrastructure.

The City has not received any written requests for closure in the recent past and procedures to close the network can be commenced. However, in view of the protracted administrative procedures experienced in the ongoing closure of the PAW/POS network between Morgan Park and Wilcannia Way, it should be noted that a proposal to close these PAWs in Westfield will involve a significant expenditure of administrative time and resources.

There will need to be extensive consultation resulting in strong community support for the closure to assist any proposal for closure being made to the WAPC. It is likely that land sharing arrangements will be complex and require a comprehensive and meticulous approach. Notwithstanding the likely difficulties outlined above, there is clearly some public concern regarding safety and amenity that could be investigated further with a view to the development of solutions that could involve PAW closure.

OPTIONS

Council therefore has two options:

1. Resolve to proceed with advertising the proposed closure of the PAW network and associated POS.
2. Resolve not to proceed with the closure of the PAW network but to proceed processing proposals for the closure of individual PAWs on their merits.

CONCLUSION

It is recommended that Council adopts Option 1 to enable it to gauge the community's views on the issue and give officers the opportunity to further assess the practical implications of the proposed closure.

RECOMMEND

That Council resolve to proceed with advertising the closure of the pedestrian access way (PAW) network and associated public open space (POS) extending from Silver Mallee Close to Ypres Road, Westfield, together with the smaller connecting pedestrian access ways (PAWs) in Malu Court, Boronia Close and Felicia Close, Westfield in order to gauge the community's views on the issue and give Officers an opportunity to further assess the practical implications of the proposed closure.

Moved Cr _____
Carried/Lost ()



REQUEST FOR COMMENT FROM SHIRE OF SERPENTINE-JARRAHDAL ON PROPOSAL TO RENAME WUNGONG SOUTH ROAD, BROOKDALE AND DARLING DOWNS

{ XE "ROAD NAMING:REQUEST FOR COMMENT FROM SHIRE OF SERPENTINE-JARRAHDAL ON PROPOSAL TO RENAME WUNGONG SOUTH ROAD, BROOKDALE AND DARLING DOWNS" }

WARD : LAKE

FILE REF : NAM/2

DATE : 9 May 2005

REF : HC

RESPONSIBLE MANAGER : PSM

APPLICANT : Shire of Serpentine-Jarrahdale

LAND OWNER : Crown

SUBJECT LAND : Wungong South Road
Map 21.39

In Brief:-

- A request has been received from the Shire of Serpentine-Jarrahdale seeking Council's comments on a proposal to rename Wungong South Road to Darling Downs Road North and Darling Downs Road South.
- The name change will affect only five properties within the Armadale Municipality. The Shire of Serpentine-Jarrahdale advertised the proposal and has received no objections from the affected Armadale residents.
- Recommend that Council support the request for a change of name for the road Wungong South Road to Darling Downs Road North and Darling Downs Road South and advise the Shire of Serpentine-Jarrahdale accordingly.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

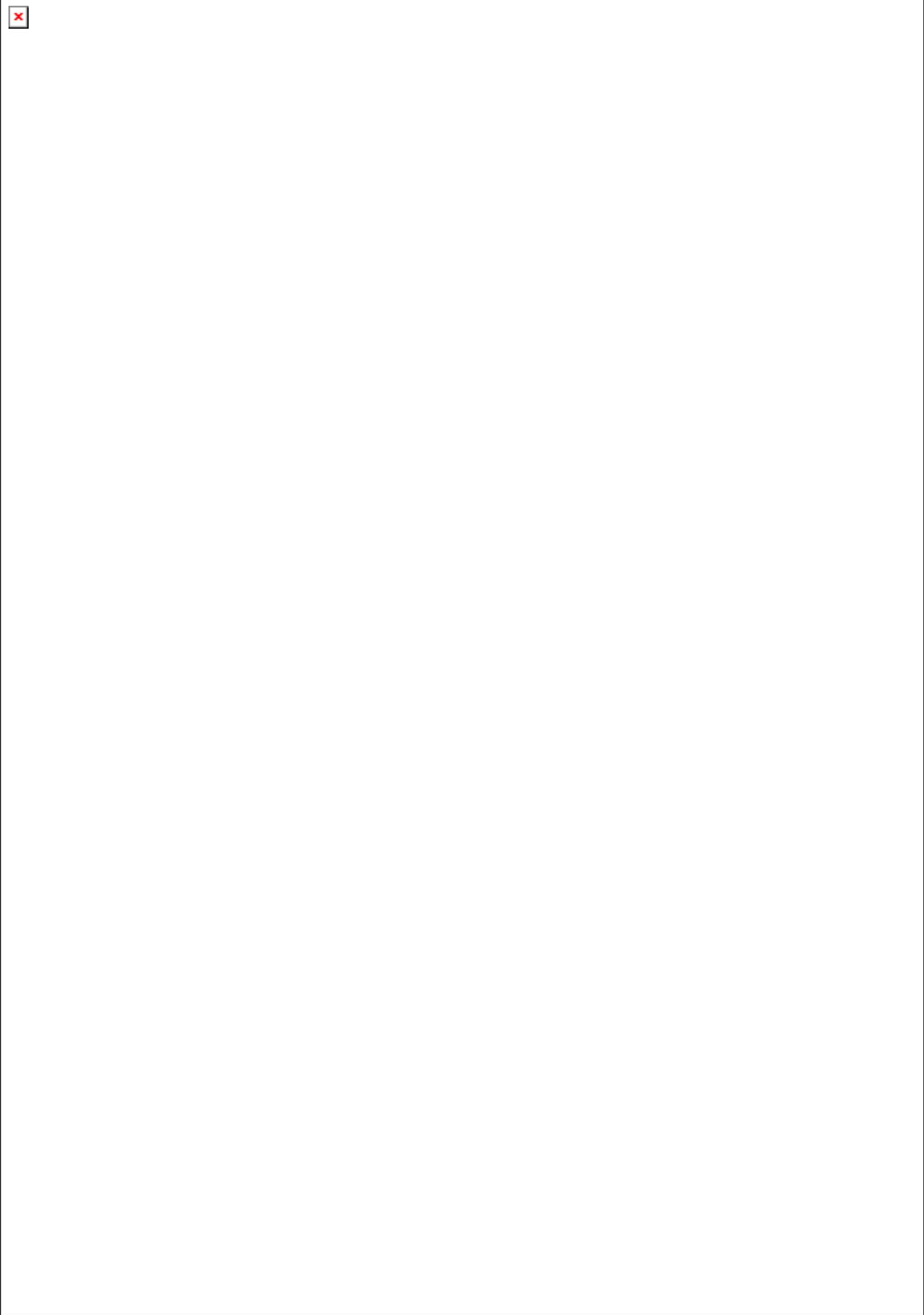
Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.



Consultation

- ◆ Shire of Serpentine-Jarrahdale.
- ◆ Armadale Redevelopment Authority.
- ◆ Armadale residents of Wungong Road South.

BACKGROUND

The Shire of Serpentine-Jarrahdale is seeking comments from the City on a proposal to rename Wungong Road South to Darling Downs Road North and Darling Downs Road South. A resident of the Shire has requested that the two constructed portions of Wungong Road be renamed as visitors, tradespeople and emergency services have difficulty locating properties on a truncated road that cannot be traversed from end to end. In addition Wungong Road (north of Eleventh Road) provides another source of confusion.

DETAILS OF PROPOSAL

The Shire of Serpentine-Jarrahdale advises that “the reservation for Wungong Road extends from Eleventh Road in the locality of Wungong (City of Armadale) to Thomas Road in the locality of Darling Downs (Shire of Serpentine-Jarrahdale). The first 650 metres of the road reservation from Eleventh Road is not constructed. The middle section of the road (approximately 2 kilometres long) is accessible via Rowley Road and Phar Lap Drive only. The southern-most portion of the road is constructed from Thomas Road to approximately 400 metres north of Kentucky Drive”.

The Shire also notes that “the extension of Kentucky Drive and the adjacent portion of Wungong Road South is proposed for the future as part of the subdivision guide plan for the area. In addition another Rural Living subdivision is proposed to the north of Kentucky Drive off Keenan Street”.

They recommend that “the portion of Wungong Road South from Eleventh Road to Kentucky Drive be renamed **Darling Downs Road North** and the portion of the road from the northern-most intersection with Kentucky Drive down to Thomas Road be renamed **Darling Downs Road South**”. They suggest this would provide two distinct names for the existing constructed portions of the road, accommodate the construction of the remaining portions of Wungong South Road in the future without a further name change, avoid possible confusion with Wungong Road in the City of Armadale and recognise the present name of the suburb.

COMMENT

The area is now within the bounds of the Brookdale Redevelopment Scheme 2005, administered by the Armadale Redevelopment Authority (ARA), so comment was sought from the ARA. The ARA has indicated that it does not have any comment on the proposal.



ANALYSIS

The Street Directory indicates that Wungong South Road was envisaged to connect to Wungong Road at the intersection with Eleventh Road and this is also the position taken in the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan. However, there is a Conservation Category Wetland (part of the Wungong River system) that effectively severs the area of proposed road reserve and suggests that continuing the road in a straight line to join Wungong Road at Eleventh Road would not be an environmentally acceptable undertaking.

The Brookdale Indicative Master Plan on the ARA's website indicates that whilst Wungong Road may be extended over Eleventh Road, it is not currently envisaged that it will connect to Wungong South Road. It will rather lead to an area of Public Open Space proposed between Wungong Road and a 50m buffer alongside the Wungong River Conservation Category Wetland area.

Wungong South Road is therefore not likely to ever be connected to Wungong Road. There should therefore be little confusion caused in the Armadale portion of Wungong South Road by renaming it to Darling Downs North Road.

The portion of Wungong South Road within the City of Armadale area services five (5) properties. The Shire has sought comment from the Armadale property owners and advises that no objections (in fact no responses) were received.

OPTIONS

It appears that Council has three (3) options:

1. Object to the proposed road name change and seek that the Wungong South Road remain so named.
2. Object to the proposed road name change and seek that another road name be considered.
3. Support the proposed name change to Darling Downs Road North and Darling Downs Road South.

CONCLUSION

Given that no objections were received by the ARA to the proposed road name change and that the proposal will address the confusion regarding road names in the area, it is recommended that Council consider Option 3 and support the proposal.

RECOMMEND

That Council support the request for a change of name for the road Wungong South Road to Darling Downs Road North and Darling Downs Road South and advise the Shire of Serpentine-Jarrahdale accordingly.

Moved Cr _____
Carried/Lost ()



ROAD NAMING – LOT 24 AND 25 SEVILLE DRIVE, SEVILLE GROVE

{ XE "ROAD NAMING:ROAD NAMING – LOT 24 AND 25 SEVILLE DRIVE, SEVILLE GROVE" }

WARD : PALOMINO

FILE REF : NAM/2

DATE : 9 May 2005

REF : TJB

RESPONSIBLE MANAGER : PSM

APPLICANT : Pro Property

LAND OWNER : Acepower Pty Ltd

SUBJECT LAND : Lots 24 & 25 Seville Drive,
Seville Grove
Property size 4.19 ha approx.
Map 21.04

ZONING

MRS/TPS No.2 : Urban /
Residential Development Area

DRAFT TPS No.4 : Residential R17.5

In Brief:-

- Council has received a proposal to name three new road reserves created by a new subdivision of Lots 24 and 25 Seville Drive, Seville Grove.
- The proposed name “Ticklie Road” has previously been approved by the GNC and the names “Jonquil Loop” and “Vallota Pass” are taken from Council’s reserve list.
- Recommend that Council approach the Geographic Names Committee seeking approval for the road names Jonquil Loop and Vallota Pass.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aim for developing our City to sustain and maintain the distinctive character of the City.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.



Consultation

- ◆ Geographic Names Committee.

DETAILS OF PROPOSAL

Council has received a proposal for the names Ticklie Road, Jonquil Loop and Vallota Pass for roads that have been created by a subdivision of Lots 24 and 25 Seville Drive, Seville Grove.

ANALYSIS

Ticklie Road is a name that was previously approved by the Geographic Names Committee for a previous subdivision and already appears in the Street Directory. The names Jonquil and Vallota have a botanical theme and have been chosen from Council's reserve road name register. An Officer from the GNC has been consulted informally and, as "Jonquil" and "Vallota" are already on Council's reserve list, has no objection to their use. Ticklie Road has previously been approved by the Geographic Names Committee.

OPTIONS

Council appears to have two options:

1. Approve the road names Jonquil Loop and Vallota Pass (or other suitable road type acceptable to the GNC) as submitted.
2. Not approve the names chosen from Council's reserve list by the developer and seek alternative suitable names.

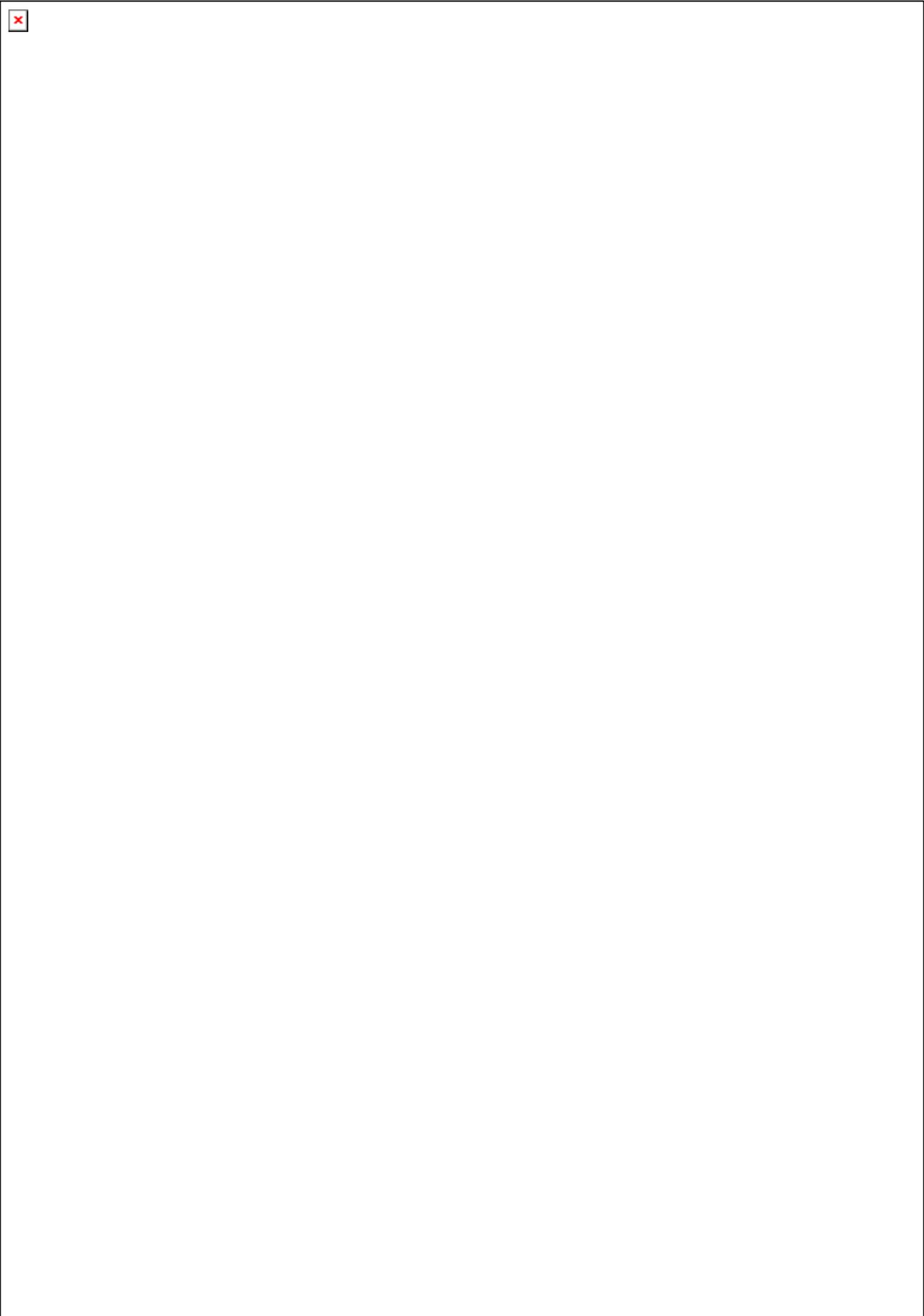
CONCLUSION

The names Jonquil Loop and Vallota Pass should meet GNC criteria and appear to be appropriate road names for Council to approve. Seville Grove has a wide variety of road name origins. Accordingly it is recommended that Option 1 be adopted.

RECOMMEND

That Council approach the Geographic Names Committee seeking approval for the new road names Jonquil Loop and Vallota Pass (or suitable road type) in Seville Grove.

Moved Cr _____
Carried/Lost ()



**ROAD NAMING –
LOT 6 WESTFIELD ROAD AND LOT 2 POAD STREET, SEVILLE GROVE**

{ XE "ROAD NAMING:ROAD NAMING – LOT 6 WESTFIELD ROAD AND LOT 2 POAD ST, SEVILLE GROVE" }

WARD : PALOMINO

FILE REF : NAM/2

DATE : 9 May 2005

REF : TJB

RESPONSIBLE MANAGER : PSM

APPLICANT : Miluc Property Development

LAND OWNERS : Sparkle Nominees Pty Ltd and
AE & P Bongiascia

SUBJECT LAND : Lot 2 Poad Street and Lot 6
Westfield Road, Seville Grove
Property size 6.07 ha approx.
Map 21.04

ZONING
MRS/TPS No.2 : Urban /
Residential Development Area

DRAFT TPS No.4 : Residential R17.5

In Brief:-

- Council has received a proposal to name a road reserve created by a new subdivision of Lot 2 Poad Street and Lot 6 Westfield Road, Seville Grove, as “Milano Loop”.
- Recommend that Council approach the Geographic Names Committee seeking approval for the road name “Milano Loop”.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aim for Developing our City - to sustain and maintain the distinctive character of the City.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.



Consultation

- ◆ Geographic Names Committee.

DETAILS OF PROPOSAL

Council has received a proposal for the name Milano Loop for a road that has been created by a subdivision of Lots 2 Poad Street and Lot 6 Westfield Road in Seville Grove.

ANALYSIS

The original name chosen by the developer was Milan Loop. Milan was chosen from Council's reserve list but was deemed unsuitable by the Geographic Names Committee as it is too similar to the name Millen Street in nearby Mt Nasura. An Officer from the GNC has been consulted informally and has no objection to the alternative name "Milano Loop".

Italian and Spanish road names have previously been adopted by Council in the Seville Grove area, adding a new dimension and multicultural flavour to various themes in the Municipality.

OPTIONS

1. Approve the road name Milano Loop (or other suitable road type acceptable to the GNC) as submitted.
2. Approve an alternative name chosen from Council's reserve list by the developer. The alternative names provided are:
 - a) Sativa Loop (botanical name)
 - b) Brescia Loop (named after a city in Italy)

CONCLUSION

The name Milano Loop should meet GNC criteria and appears to be an appropriate road name for Council to approve.

RECOMMEND

That Council approach the Geographic Names Committee seeking approval for the new road names Milano Loop (or suitable road type) in Seville Grove.

Moved Cr _____
Carried/Lost ()



PROPOSED AMENDMENT TO SUBDIVISION GUIDE PLAN – LOT 102 AND PART LOTS 103 AND 4 BROOKTON HIGHWAY, KARRAGULLEN

{ XE "SCHEME AMENDMENTS & STRUCTURE PLANS:PROPOSED AMENDMENT TO SUBDIVISION GUIDE PLAN – LOT 102 & PART LOTS 103 & 4 BROOKTON HWY, KARRAGULLEN" }

WARD : JARRAH

FILE REF : A167359

DATE : 6 May 2005

REF : PRR / LJB

RESPONSIBLE MANAGER : PSM

APPLICANT : Dykstra & Associates

LAND OWNER : N Civa

SUBJECT LAND : Lot 102 and Part Lots 103 & 4
Brookton Highway, Karragullen
Property size 340758 m²
Map 28-08

ZONING

MRS : Rural

TPS No.2 : General Rural / Special Use No.92

DRAFT TPS No.4 : General Rural / Rural Living 2

In Brief:-

- Council received an application for an amendment to the Subdivision Guide Plan in effect over Lot 102 and Part Lot 103 Brookton Highway, Karragullen.
- The proposal includes a third lot, Part Lot 4, in the Subdivision Guide Plan.
- The proposal was advertised for public comment for three weeks resulting in two submissions.
- Recommend that Council defer consideration of the amended subdivision guide plan until such time as a scheme amendment to Part Lot 4 has taken place.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

“Developing Our City” – to balance the need of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Metropolitan Region Scheme Act 1959
Metropolitan Region Scheme
Town Planning and Development Act 1928
Town Planning Scheme No.2
Draft Town Planning Scheme No.4
Policy DC 3.7 – Fire Planning



Council Policy / Local Law Implications

Rural Strategy

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit (DCU)
- ◆ Surrounding Landowners
- ◆ Western Australian Planning Commission (WAPC)
- ◆ Department of Conservation and Land Management (CALM)
- ◆ Main Roads Western Australia (MRWA)

BACKGROUND

Amendment No.180 to Town Planning Scheme No.2 was gazetted on 12 March 2004. The amendment involved rezoning a portion of Lot 102 and Part Lot 103 Brookton Highway Karragullen from “General Rural” to “Special Use – Rural Residential”. A Subdivision Guide Plan (SGP) was prepared and adopted as part of the amendment.

Council has received an application for a modification to the SGP in effect over Lots 102 and Part Lot 103 Brookton Highway, Karragullen. The amended SGP also includes Part Lot 4 Brookton Highway as the existing SGP only covers Lot 102 and Part Lot 103 Brookton Highway. The existing SGP outlines the creation of seven lots, six two hectare lots deriving access from Gardiner Road and one 17 hectare lot containing the existing orchard on site.

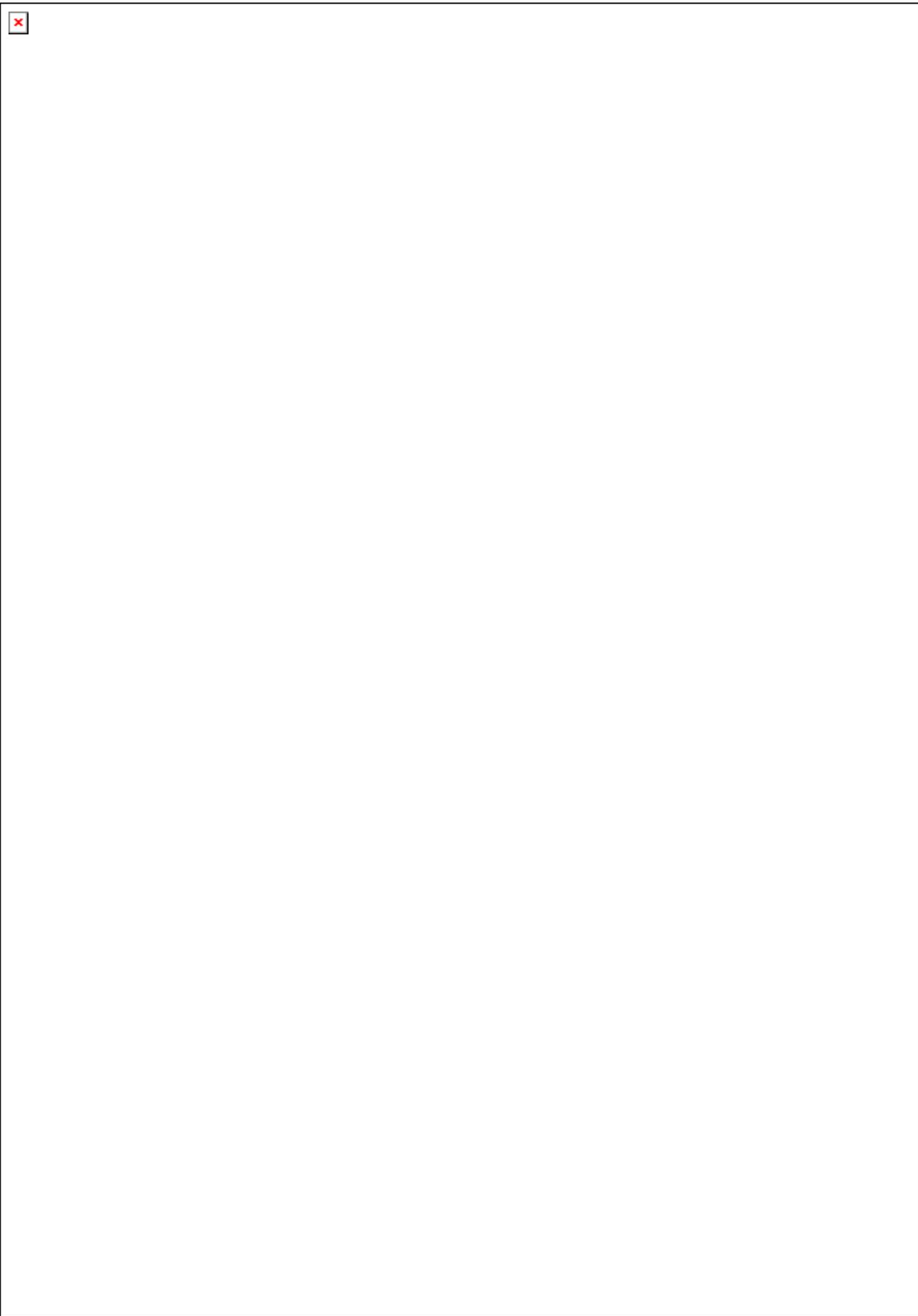
DETAILS OF PROPOSAL

The amended SGP over the three subject lots proposes the creation of nine lots in total, eight two hectare lots deriving access from Irymple Road and one 16.5 hectare lot containing the existing orchard on site. The subject land abuts a Primary Regional Road (Brookton Highway) as well as a Regional Parks and Recreation Reserve. The proposal was therefore referred to a number of agencies including the WAPC, MRWA and CALM.

COMMENT

Development Control Unit

At its meeting of 5 May 2005 DCU recommended that the SGP be supported, but that Part Lot 4 would need to be rezoned prior to subdivision. Technical Services Directorate noted that the 90° bend in the proposed road was not feasible and a gradual curve was necessary. Finally, the Senior Environmental Planner advised that the provisions of Policy DC 3.7 were to be upheld and that a 40m vegetated buffer should be required to the orchard.



Surrounding Landowners

The proposal was advertised for three weeks, with 14 surrounding landowners directly notified via a letter and two signs were placed on site at the intersections of Gardiner Road and Brookton Highway and Irymple Road and Brookton Highway. Two submissions were received, one offering no objection, and one supporting the proposal subject to fire access being retained as shown. ***Refer to Confidential Attachment “B5” of the Agenda for location plan of respondents.***

Western Australian Planning Commission

The proposal was initially referred to the WAPC for a 30 day comment period on 9 March 2005 as required by the provisions of TPS No.2. No response has been received to date.

Department of Conservation and Land Management

CALM supported the proposed amendment to the SGP, noting its only requirement as the retention of access between the north and central lots of the Stinton Cascades Nature Reserve. To achieve this CALM proposes the section of road designated ‘strategic fire access’ either be gazetted or set aside as an easement. An easement is a feasible option, but this can be imposed at the subdivision stage.

Main Roads Western Australia

The proposal was referred to MRWA for comment and they responded by stating that the proposed SGP was acceptable subject to a number of conditions. The conditions were as follows:

1. No earthworks shall encroach onto the Brookton Highway reserve.
2. No stormwater drainage shall be discharged onto the Brookton Highway reserve.
3. The applicant shall make good any damage to the existing verge vegetation within the Brookton Highway road reservation.
4. No vehicle access shall be permitted onto the Brookton Highway reserve from the proposed adjoining lots. This shall be noted on the deposited plan in accordance with section 129BA of the Transfer of Land Act (as amended) as a restrictive covenant for the benefit of MRWA at the expense of the applicant.

An advice note was also included:

1. The project for the upgrading/widening of Brookton Highway is not in MRWA’s current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that MRWA assumes no liability whatsoever for the information provided.

The requirements of MRWA should be noted as part of any approval.



ANALYSIS

Town Planning Scheme No.2

Zoning

Under TPS No.2, Lots 102 and 103 Brookton Highway are partly zoned “Special Use No.92” and partly zoned “General Rural”. The two hectare lots were subject to the rezoning process and are now zoned “Special Use”, whereas the remaining “General Rural” area contains the orchard on site.

It is of some concern that Part Lot 4 Brookton Highway, which is zoned “General Rural”, did not form a part of the original rezoning process, and the objective of the “General Rural” zone is “the maintenance of a broad, open acre rural character”. Subdivision within the “General Rural” zone is not generally recommended unless it assists in supporting the objectives of the zone.

The applicant has argued that Part Lot 4, being approximately 3ha in size, is not a viable agricultural lot as is the intent for the “General Rural” zone and therefore it should be considered similarly to a property zoned “Rural” under TPS No.2. However no specific justification, such as a land capability study, has been provided in this regard.

The applicant also states that the size of Part Lot 4 is more akin to the lots originally proposed under the SGP and therefore could be included in the SGP and be rezoned at some later stage. Notwithstanding these arguments it would be more consistent with the approach normally applied for the rezoning of Part Lot 4 to occur prior to subdivision. The process, as was originally the case, would need to clearly demonstrate that Part Lot 4 is not a viable agricultural lot. Such a rezoning could be considered after the introduction of Town Planning Scheme No.4.

Draft Town Planning Scheme No.4

Under draft TPS No.4, the proposed zoning of Lot 102 and Part Lot 103 Brookton Highway is part “Rural Living 2” and part “General Rural”. Part Lot 4 Brookton Highway is proposed to remain zoned “General Rural”. The rezoning would need to amend the zoning of Part Lot 4 from “General Rural” to “Rural Living 2”.

Process

Normally a scheme amendment would be submitted and an SGP could be a supporting document to that amendment, as was the case with Amendment No.180 over the site originally. Whilst an SGP can be considered over any given area, in this instance it has not been demonstrated whether Part Lot 4 is appropriate for agricultural use or not and therefore, should an SGP be approved and it later be found that Part Lot 4 is suitable for agricultural use and the rezoning refused, the SGP would need to be amended again.

Therefore it would be procedurally appropriate to undertake the scheme amendment process with respect to Part Lot 4 prior to modifying the SGP, or for the SGP modification to be considered as part of a scheme amendment.

Development Control Policy 3.7

The WAPC's policy DC 3.7 – Fire Planning sets out guidelines to minimise fire risk for new development. Through the amendment process it was determined that a 100m distance from reserve to the development envelopes on site should be maintained to decrease fire risk. This was reflected on the original SGP, but has not been shown on the proposed SGP. The applicant should revise the proposed SGP to ensure this distance is maintained in accordance with Policy DC 3.7.

It is noted that the fire access point at the south western corner of the subject site has been retained and reflected on the proposed SGP, as was the original intent.

Rural Strategy

The subject lots are located within the Karragullen Rural Planning Area under Council's Rural Strategy, the objective of which is to "preserve the orchard uses of the area and to expand these to suitable areas while permitting the development of rural residential living on suitable land". This provides further justification for Part Lot 4 to be subject to the amendment process to determine its land use potential.

Orchard Buffer

A 40m vegetated buffer to the orchard on site was also deemed necessary as part of the original amendment process through a vegetation plan. The buffer has been shown on the amended SGP and should be installed as was the original intent.

Development Envelopes

Development envelopes were required on the original SGP to protect the remaining vegetation outside the envelope. Indicative envelopes have been shown on the amended SGP in this regard.

OPTIONS

1. Council could endorse the amended SGP over Lot 102 and Part Lots 103 and 4 Brookton Highway, Karragullen subject to conditions regarding Part Lot 4 being subject to a scheme amendment and the submission of a revised SGP demonstrating a gradual curve to the road (in place of the 90° bend) and 100m distances from the adjoining reserve to the development envelopes if it is satisfied the suitability of Part Lot 4 for rural residential purposes can be demonstrated through a scheme amendment.
2. Council could refuse to endorse the amended SGP over Lot 102 and Part Lots 103 and 4 Brookton Highway, Karragullen if it believes the proposal is premature and a scheme amendment with respect to Part Lot 4 should be considered first.
3. Council could defer consideration of the amended SGP over Lot 102 and Part Lots 103 and 4 Brookton Highway, Karragullen until such time as a scheme amendment for Part Lot 4 has been considered.

CONCLUSION

Whilst the amendment to the SGP is feasible, Part Lot 4 should be subject to the same process that was undertaken for Lot 102 and Part Lot 103, particularly as subdivision is generally not supported in the “General Rural” zone when seen as contrary to the objectives of that zone. The scheme amendment process would demonstrate whether or not the lot is suitable for agricultural purposes and if it is found that it is not, a more suitable zoning and lot pattern could be applied.

In this regard the proposal that has been put forward is premature. Therefore it is recommended that Council defer the proposed amendment to the SGP until such time as a scheme amendment for Part Lot 4 has been completed in accordance with Option 3.

RECOMMEND

That Council defer the proposed amendment to the Subdivision Guide Plan for Lot 102 and Part Lots 103 and 4 Brookton Highway, Karragullen until such time as a scheme amendment (under Town Planning Scheme No.4) with respect to Part Lot 4 has been considered.

Moved Cr _____

Carried/Lost ()

PAGE INTENTIONALLY LEFT BLANK

TOWN PLANNING SCHEME NO.4 – FINAL APPROVAL

{ XE "SCHEME AMENDMENTS & STRUCTURE PLANS:TOWN PLANNING SCHEME NO. 4 – FINAL APPROVAL" }

WARD : ALL

FILE REF : PSY/34

DATE : 5 May 2005

REF : IM

RESPONSIBLE : EDDS
MANAGER

Tabled Items

Nil.

Officer Interest Declaration

Nil.

In Brief:-

- TPS No.4 has been approved by the Minister and has been returned to the City to give effect to the modifications resulting from submissions and further modifications requested by the Minister.
- The additional modifications are in most part acceptable. However, the request to reserve Fancote Park is considered to be premature and the Minister's reconsideration of this request is recommended.
- Recommend that the scheme documents be modified in accordance with the Minister's request with the exception of the reservation of Lot 24 (Fancote Park) regarding which reconsideration be requested.

Strategic Implications

Developing Our City – 1.1 Finalising the City's new District Town Planning Scheme No.4 and associated policies.

Legislation Implications

Town Planning and Development Act 1928.
Metropolitan Region Town Planning Scheme Act 1963.

Council Policy / Local Law Implications

A number of Local Planning Policies will be finalised in conjunction with the finalisation of TPS No.4.

Budget / Financial Implications

There will be a need for a notice to be published in the Gazette (with a copy of the Scheme text) and local newspaper upon finalisation of the Scheme.

Consultation

- ◆ Extensive consultation occurred during the advertising of the draft Scheme in 2004.

BACKGROUND

Following Council's consideration of submissions on TPS No.4 Council adopted the Scheme and forwarded it to the Western Australian Planning Commission in October 2004. The Commission forwarded the Scheme to the Minister for Planning and Infrastructure who has:

- (i) upheld the submissions supporting the scheme as recommended by the Commission;
- (ii) dismissed the submissions opposing the scheme as recommended by the Commission;
- (iii) required that amendments to Town Planning Scheme No.2 which have been endorsed by the Minister since the Council's adoption and modification of Town Planning Scheme No.4 be included in TPS No.4; this includes amendments to TPS No.2 which have been approved by the Minister up to the time the Council resolves to endorse the required Ministerial modifications to TPS No.4; and

has decided not to approve the scheme until such time as eight modifications (six of which are additional to those requested by the City) are effected. The requested modifications are set out in bold and commented upon in the next section.

COMMENT

(a) Requested Modification:

With respect to the land referred to in submission RB 17 (Lots Pt 7, 6, 18 and 19 Albany Highway, Bedfordale): include the subject land in a Development (Structure Planning) Area in Schedule 12, with a requirement that subdivision into lots smaller than 4ha (but minimum 2ha) could only be supported on the basis of a structure plan which appropriately addresses relevant issues, all of which are to be included in Schedule 12.

Currently the subject land is comprised of four lots with a total area of 25 Ha. The submission received by Council argued for an RL2 rather than RL4 zoning. RL2 zoning could result in the potential to create an additional eight lots. Council was concerned that this submission, and a number of others in a similar situation, should be subject to a future amendment and the scrutiny thereby applied rather than inserted as a result of a submission. However, with the requirement that safeguards be included by way of the preparation of a structure plan with provisions set out in Schedule 12, there is no particular objection to this modification.

(b) Requested Modification:

With respect to Clauses 5.2.4 and 5.2.5 of TPS No.4, and Clauses 4.1 and 4.2 of the Residential Density Development Policy, Council is to clarify which of the criteria are absolute (i.e. non-discretionary) and which are discretionary, and is to include the absolute criteria in the scheme (see also item (f) below).

With the exception of the availability of sewer, drainage and footpaths the criteria listed in Policy PLN 3.1 do not easily lend themselves to inclusion in the Scheme as statutory provisions. However, given careful wording the main policy provision which states that higher density development is required to be in close proximity to public transport, recreational open space, shopping and community facilities can be included in the scheme while providing the City with discretion to consider the merits of an application.

(c) Requested Modification:

Modify Special Control Area Map 1 by replacing the current 1km buffer for waste-water treatment areas with a 500 metre buffer.

This modification was requested by the City following advice from the Water Corporation in respect of the Brookdale pumping station. The advertised scheme included a buffer of 1km which is excessive in view of the downgraded role of the plant.

(d) Requested Modification:

Reserve Lot 24 Page Road, Kelmscott (Fancote Park) as a Local Reserve - Parks and Recreation.

Fancote Park, is comprised of Reserve 29398 (3.3ha) and Lot 24 (1.8ha). Lot 24 was purchased by the City in 1982. Lot 24 has been zoned for residential purposes under previous Schemes 1 and 2 and was proposed to be zoned for Residential R15/40 under TPS No.4.

The City's Public Open Space Strategy concluded that Fancote Park be retained and converted into a reserve to enable the disposal of other reserves.

When the Council considered the TPS No.4 submissions relating to Fancote Park it resolved that "the Residential zoning be retained over Lot 24 in view of the proposed Canning River Precinct study noting that the expectation is that at the completion of the study the bulk of the land would be reserved for Parks and Recreation."

The Kelmscott Enquiry by Design identified Fancote Park as requiring improvement that could be addressed by extending the Stargate area facilitated by a realignment of Page Road to allow for the creation of a row of town house lots to screen the rear of the shopping centre and provide park surveillance. The Enquiry by Design proposals are being more closely investigated in the recently commenced Canning River Precinct Study.

The request of the Minister that the land be reserved would pre-empt the outcome of the study and possibly prevent the achievement of desirable urban design solutions. Moreover, the studies currently being undertaken by the Armadale Redevelopment Authority with the intent of preparing a Kelmscott Master Plan have included a realignment of Page Road into Fancote Park within all the options being considered.

While it is assumed that the Minister has requested that the land be reserved, it may not have been apparent to the Minister that the land was purchased by the City and is therefore not Crown Land or land forfeit as a condition of subdivision. Accordingly what is being asked for is for the City to give up an asset at the behest of a third party without compensation. The Council could seek clarification of the Minister on this matter although if the Minister is not prepared to reconsider Council has no option but to make the modification as requested.

(e) Requested Modification:

Reserve Lot 100 Simons Drive, Roleystone (Warwick Savage Park) as a Local Reserve - Parks and Recreation.

Lot 100 Simons Drive is an 11ha lot owned by the City. Subdivision records indicate it was transferred free of cost to the City for public recreational purposes under a 1982 subdivision approval by the then Town Planning Board of WA.

In considering the submission on this matter Council concluded that the purpose of the original transfer was for public recreational purposes, therefore it is likely that a future reservation of the land would be appropriate.

However, as the consultants' POS report made no recommendations on this reserve, and as the area within which Warwick Savage Park is located will be assessed under the shortly to be commenced Public Open Space Strategy Stage 7, it was resolved that the submission be not supported immediately.

While it is still considered premature to reserve the land, it is likely that the land would be reserved following the completion of the Stage 7 of the POS Strategy. Accordingly it is recommended that the scheme be modified as requested.

(f) Requested Modification:

Modify the Scheme Maps to ensure that land coded R10 to R17.5 is split coded R25 (ie. R10/25, R12.5/25, R15/25 and R17.5/25) and land coded R25 is split coded to R40 (ie. R25/40), and modify Clauses 5.24 and 5.2.5 accordingly.

The reason for not showing a split coding on the Scheme map was that in the case of the above codes the upper codes were introduced to reflect a previous right under TPS No.2 which applied only to the development of Grouped Dwellings and was therefore not shown as a split code on TPS No.2 Scheme Maps. To show a split coding on the Scheme Map may result in landowners assuming that the higher code could apply to green title subdivision. However, this will be clarified in the Scheme text and accordingly there is no objection to this modification.

(g) Requested Modification:

With the exception of those items referred to above, modify the scheme text, scheme map and Local Planning Strategy as recommended by Council in its Schedule of Submissions.

These modifications are those already resolved by Council at its September 2004 meeting.

(h) Requested Modification:

Add a Special Development Zone or other appropriate text provision on the Lot on the north-east corner of the Albany Highway and South West Highways intersection, with a range of options including medium density residential, tourism, café and tearooms - with priority being given to preserving the gardens and having an appropriate landmark development for the site on entry to the town.

Council responded to a submission on behalf of the owner of Lot 7, 3258 Albany Highway, known as Wirra Willa Gardens, and agreed with the submission that:

“Lot 7 be included in the Additional Use Table for restaurant, café, reception centre and garden centre retail (with restrictions relating to motorized garden implements, prefabricated garden buildings and bulk garden products) and incidental tourism related use with appropriate requirements relating to landscaping, design, garden retention, public access and vehicle access to be to the satisfaction of the City.”

Council has now been requested to apply a further modification to allow for medium density residential development and to allow for an appropriate landmark development at the “entry of the town”.

As all Special Use zones under TPS No.2 were converted to Additional Uses under draft TPS No.4 it is appropriate that the additional requirements be accommodated as Additional Uses. Indeed this was agreed when Council resolved to support the submission. The requested modification to allow for medium density residential development could be accommodated by the provision of a further additional use over the property.

It is not clear what type of development would be envisaged as being an appropriate landmark entry statement. Provisions to allow intensification of development should be provided with caution in view of the fact that over-development of the site would have the potential to destroy the natural setting and gardens which characterise Wirra Willa Gardens and justified the special consideration given to the submission in the first place.

While it is recommended that the additional housing density potential requested by the Minister could be supported this should not extend to the development of medium density throughout the whole 1.4ha site.

OPTIONS

Council could -

1. support the further modifications requested by the Minister;
2. not support some or all of the further modifications and seek reconsideration prior to making the modifications.

CONCLUSION

TPS No.4 has been well received and Council's additional modifications arising from its assessment of submissions have been supported. Some additional modifications have been requested by the Western Australian Planning Commission and the Minister. One of these deserves reconsideration as it may be the result of an incomplete understanding of the history and current proposals regarding Fancote Park. With the latter exception the Scheme documents should be prepared for final signing.

The City is required to modify the Scheme in the manner specified by the Minister and forward three copies within 42 days of the Minister's notification. It is doubtful whether the Council could refuse to finalise the Scheme or refuse to undertake the Ministerial modifications at this stage.

RECOMMEND

That Council resolve to:

- 1. Amend the Scheme Text to include an additional Development (Structure Planning) area under Schedule 12:**

No.24 - Albany Highway / Settlers Common Rural Living Development Area being Pt Lots 6 and 7 and Lots 18 and 19 Albany Highway Bedfordale (as identified on the Scheme Map).

24.1 Further subdivision may be permitted to a minimum lot size of 2ha, however, subdivision into lots of less than 4ha will require prior comprehensive planning undertaken by preparation of a Structure Plan to guide subdivision and development.

24.2 Unless otherwise agreed by Council in consultation with MRWA, the Structure Plan shall provide new lots of less than 4ha with access to the road network via a new internal road system, centrally located on the Albany Hwy frontage.

24.3 The Structure Plan shall provide for public pedestrian movements between Settlers Common and Albany Highway. Unless otherwise agreed the Structure Plan public pedestrian linkage shall be provided by means of a minimum 10 metre width Public Accessway, or road reserve such that public pedestrian movements may be co-located with vehicle access to proposed new lots over part or all of the linkage.

The Public Accessway or road reserve shall facilitate pedestrian access between Settlers Common, which abuts the Development Area and the Bungendore Park land located on Albany Highway directly opposite the Development Area.

24.4 The Structure Plan shall identify measures for bushfire protection and demonstrate all proposed lots are capable of achieving requirements for:

- ♦ Potable water supplies;
- ♦ Development Envelopes and protection of landscape amenity
- ♦ Protection of water courses and the abutting Armadale Settlers Common.

2. Amend the Scheme Text to clarify split coding distinctions, by replacing the advertised draft clause 5.2.4 with the following two clauses:

5.2.4 The City may permit the following increases in residential density subject to compliance with the City's Residential Density Development Policy:

- a) Where land is identified on the Scheme Map as R10/25, R12.5/25, R15/25 or R17.5/25, development at the higher density is limited to group dwellings up to a density of R25;
- b) Where land is identified on the Scheme Map as R25/40 development at the higher density is limited to group dwellings up to a density of R40;
- c) In the case of properties fronting more than one street or an open space reserve, and where land is identified on the Scheme Map as R10/25, R12.5/25, R15/25 or R17.5/25, development up to a density of R30;
- d) In the case of properties abutting public access ways (PAWs) and where land is identified on the Scheme Map as R10/25, R12.5/25, R15/25 or R17.5/25, development up to R40.
- e) If a provision of a Structure Plan imposes a classification on the land included in it by reference to the Residential Design Codes, which is inconsistent with the Scheme Map, then the provision of the Structure Plan prevails to the extent of any inconsistency.

5.2.5 Where land is identified on the Scheme Map as R15/R40 or R25/40, development is to be limited to the lower code, except the City may permit development up to a density of R40:

- a) where the property is provided with reticulated sewerage, adequate drainage and a footpath/cycleway system; and
- b) where the City has given consideration to the application in the context of compliance with the City's Residential Density Development Policy and the extent to which the proposal is located in close proximity to the following facilities:
 - ◆ A public transport stop or station;
 - ◆ A convenience shopping site;
 - ◆ A recreational open space or other recreational facility; and
 - ◆ A community facility.

- 3. The Special Control Area Map 1 be modified to indicate a 500m buffer around the Brookdale pumping station.
- 4. The Minister for Planning and Infrastructure be requested to reconsider her request that Lot 24 Page Road be reserved for Parks and Recreation in view of:
 - a) The City having purchased the land in 1982 and it having been zoned for Residential purposes since under both TPS No.1 and No.2.
 - b) The Kelmscott Enquiry by Design identified the need to better design roads and development which could intrude on the west side of Fancote Park to achieve better surveillance and enhancement of the Park.
 - c) The closer investigation of the feasibility and acceptability of the Kelmscott Enquiry by Design proposals for Fancote Park through the Canning River Precinct study would be prejudiced by the reservation of the whole of Lot 24 at this stage.
 - d) The Kelmscott Enquiry by Design proposals affecting Fancote Park are likely to be included in the Armadale Redevelopment Authority's Master Plan for Kelmscott.

- e) **The Council having formally resolved in the consideration of submissions made on TPS No.4 that the bulk of Lot 24 would be reserved following completion of the Canning River Precinct study.**

In the event of the Minister not reconsidering the request that Lot 24 be reserved prior to finalization of TPS No.4, seek clarification from the Minister whether it would be intended that the State compensate the Council for being compelled to reserve the residentially zoned fee simple land.

5. **Lot 100 Simons Drive, Roleystone (Warwick Savage Park) be included in the Local Reserve – Parks and Recreation.**
6. **The Scheme Maps be modified to show land coded R10 to R17.5 as split coded R25 (ie. R10/25, R12.5/25, R15/25 and R17.5/25) and land coded R25 as split coded to R40 (ie. R25/40).**
7. **Note the Minister’s approval of Council’s requested modifications to the scheme text, scheme map and Local Planning Strategy.**
8. **Modify Schedule 2 – Additional uses to add:**

No.37 – Lot 7, 3258 Albany Highway, Wirra Willa Gardens:

Additional use:

Restaurant, café, reception centre and garden centre retail (with restrictions relating to motorized garden implements, prefabricated garden buildings and bulk garden products), incidental tourism related use and limited residential development up to a maximum density of R40.

Conditions and requirements:

Development to be located and designed to ensure that the natural landscape elements are protected and conditions will be applied relating to landscaping, design, garden retention, public access and vehicle access and parking to be to the satisfaction of the City.

Moved Cr _____
Carried/Lost ()



***PROPOSED SUBDIVISION TO CREATE 564 RESIDENTIAL LOTS –
LOT 50 WRIGHT ROAD, FORRESTDAL***

{ XE "SUBDIVISION:PROPOSED SUBDIVISION TO CREATE 564 RESIDENTIAL LOTS - LOT 50 WRIGHT ROAD, FORRESTDAL" }

WARD : LAKE

FILE REF : SUB/127155

DATE : 26 April 2005

REF : GIW

RESPONSIBLE MANAGER : PSM

APPLICANT : Chappell & Lambert

LAND OWNER : Stockland Pty Ltd

SUBJECT LAND : Lot 50 Wright Road, Forrestdale
Property size approx. 53.8ha

ZONING : Urban /
MRS/TPS No.2 Urban Development Zone

TPS No.4 Residential Development Area

In Brief:-

- Subdivision application to create 564 residential lots.
- Proposal is generally consistent with the adopted North Forrestdale Local Structure Plan.
- That Council note the progress of the subdivision application for Lot 50 Wright Road, Forrestdale and authorise the Executive Director Development Services / Planning Services Manager to forward a recommendation on the proposal to the Western Australian Planning Commission upon finalisation of the North Forrestdale Urban Water Management Strategy.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City- “To balance the need of development with sustainable economic, social and environmental objectives”.

Building our community- “Engaging in development of the new communities of Brookdale and Forrestdale”.

Legislation Implications

Town Planning & Development Act 1928
Metropolitan Region Scheme Act 1959
Town Planning Scheme No.2
North Forrestdale Local Structure Plan

Council Policy / Local Law Implications

Nil.



Budget / Financial Implications

While the subdivision itself has no immediate financial implications to the City, there are ongoing financial implications arising from the additional rate base and developer contributions on one hand and from the need to manage infrastructure provision and provide for the maintenance of public areas and facilities on the other.

Consultation

- ◆ Development Control Unit (DCU)

BACKGROUND

Council at its meeting of 23 August 2004 resolved (D136/8/04) that it would not be prepared to consider subdivision applications within the amendment area prior to a local structure plan first being endorsed by both Council and the Western Australian Planning Commission.

The subdivision application was referred from the Western Australian Planning Commission to the City for comment on 22 December 2004. In light of Council's previous resolution, the City requested that the application be deferred pending finalisation of the North Forrestdale First Stage Structure Plan.

Council at its meeting of 12 February 2005 resolved (25/3/05) to adopt the North Forrestdale First Stage Structure Plan subject to minor modifications. The necessary modifications to the NFSP are currently being undertaken by the applicants and will be reviewed by Council officers shortly. Once all modifications have been undertaken, the structure plan will be referred to the Western Australian Planning Commission for final endorsement. At this stage, one component of the NFSP remains outstanding to date- the North Forrestdale Urban Water Management Strategy (UWMS). The UWMS is currently being reviewed by the Water Corporation and Department of Environment and is anticipated to be finalised shortly.

Delegation No.702 provides Council officers with the authority to make recommendations to the Western Australian Planning Commission on subdivision referrals where applications conform to Town Planning Scheme requirements. The delegation also stipulates that applications involving more than 100 lots are to be referred to Council for consideration unless they are generally in accordance with a structure plan adopted by Council.

In this instance, officers consider that the subdivision proposal is consistent with the recently adopted North Forrestdale First Stage Structure Plan and therefore are in a position to consider the proposal under delegated authority. However, given this application is the first large scaled subdivision within North Forrestdale, it is considered appropriate for Council to be given an opportunity to view and comment on the proposal.

DETAILS OF PROPOSAL

The proposed subdivision of Lot 50 Wright Road involves the creation of 563 single residential lots and one grouped housing lot.

A variety of single residential lots sizes are proposed ranging from smaller cottage style lots up to larger traditional family lots. Lot sizes range between 360m² - 861m².

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 5 May 2005 acknowledged that the proposed subdivision is consistent with the adopted North Forrestdale First Stage Structure Plan and recommended that the proposal be supported subject to appropriate conditions.

Technical Services Directorate (TSD)

Council's Technical Services has undertaken an initial assessment of the proposal and raised preliminary concerns relating to bin collection points, increasing laneway widths and through roads and road treatments. These issues are relatively minor and can be addressed in conditions of subdivision or through minor amendments to the subdivision plan.

TSD also require further clarification with regard to the final drainage requirements to ensure the proposed subdivision layout will accommodate and comply with the provisions of the pending Urban Water Management Strategy. This issue will need to be resolved prior to recommending subdivision approval.

ANALYSIS

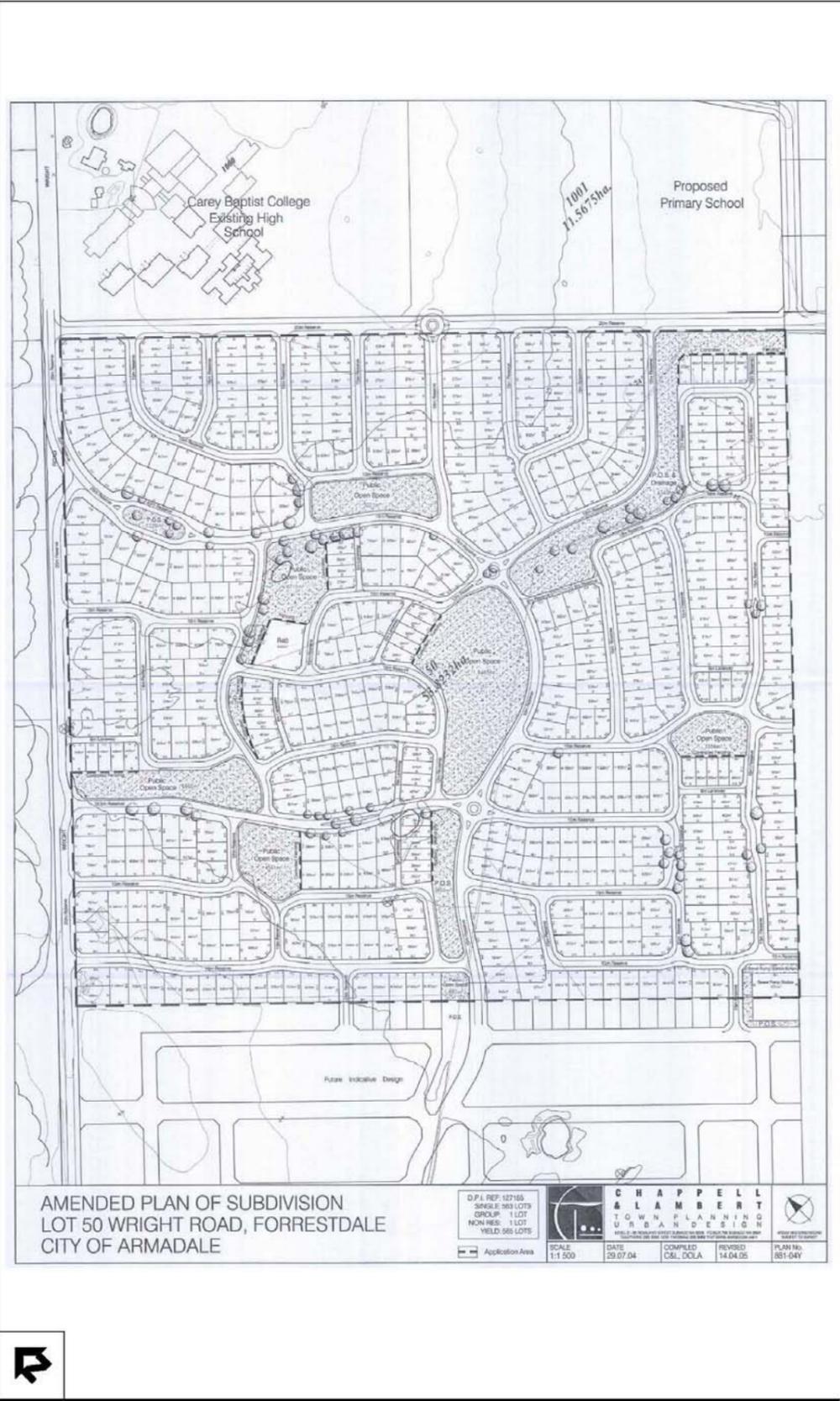
Town Planning Scheme No.2 (TPS No.2)

The subject site is zoned 'Urban Development' zone under TPS No.2. In addition, the area is defined as a 'Development Area/Development Contribution Area'.

Clause 5.8.3 stipulates that subdivision or development of land within a "Development Area" is to be generally in accordance with any Structure Plan that applies to the land. In this instance, the North Forrestdale First Stage Structure Plan applies to the land.

Schedule 1 of TPS No.2 requires that all landowners within the North Forrestdale Structure Plan area shall make a proportional contribution to the costs of infrastructure in accordance with a Developer Contribution Plan prepared pursuant to Clause 5.9 Development Contribution Areas.

**SUBDIVISION PLAN
LOT 50 WRIGHT ROAD, FORRESTDALE.**



AMENDED PLAN OF SUBDIVISION
LOT 50 WRIGHT ROAD, FORRESTDALE
CITY OF ARMADALE

D.P.A. REF: 127165		DATE	COMPLETED	REVISED	PLAN No.
SINGLE: 163 LOTS		29.07.04	C&L, DOLA	14.04.05	881-04Y
GROUP: 1 LOT					
NON RES: 1 LOT					
WELD: 585 LOTS					
Application Area	SCALE: 1:1 500				



North Forrestdale First Stage Structure Plan (NFSP)

The proposed subdivision is generally consistent with the provisions of the NFSP. Noteworthy issues or points requiring further clarification are outlined below:

Subdivision Applications

The NFSP requires each subdivision application to be supported by the following:

1. *A Development Contribution Plan report (detailed analysis of infrastructure contributions in works and funds);*

A Development Contribution Plan (DCP) is intended to provide an orderly mechanism for the sharing of cost of common infrastructure amongst all the benefiting landowners. Initial subdividers will need to first prefund items upfront and later on be credited from the DCP fund. The DCP is currently being prepared and will be presented to Council for consideration to initiate a subsequent scheme amendment once proposed infrastructure plans and details have been further refined. At this early stage, common infrastructure likely to affect Lot 50 includes provision of regional drainage, sewerage and dual use paths.

Until such time as the DCP has been finalised, it is recommended that a condition be imposed on the subdivision approval to ensure appropriate contributions are recouped once the DCP has been gazetted. This may involve the City entering into legal agreements with subdividers.

2. *An UWMP (Drainage and Nutrient Management Strategy/Subdivision Water Management Plan) which meets the objectives and criteria of the revised decision process for stormwater in WA and Intergrated Urban Water Management Plan (to be prepared by Water Corporation).*

The North Forrestdale Urban Water Management Strategy (UWMS) remains outstanding to date. The UWMS is currently being reviewed by the Water Corporation and Department of Environment and is anticipated to be finalised shortly. Once complete, Council's Technical Services Directorate will be in a position to fully assess the drainage requirements of the proposed subdivision and a subsequent recommendation can be made to the Western Australian Planning Commission. Notwithstanding this, the subdivider will be required to submit a detailed Urban Water Drainage and Nutrient Management Plan in accordance with the NFSP Urban Water Management Strategy and Water Corporations Integrated Urban Water Management Strategy as a condition of subdivision approval. Such plans will need to be prepared by the subdivider and approved by the City, Department of Environment and Water Corporation prior to subdivision clearance.



3. *A Plan of Public Open Space identifying the 10% contribution for the whole of the initial en-globo lot within the Structure Plan area, which is to be ceded to the crown/City of Armadale in the first Deposited Plan, irrespective of its relationship to the particular stage of subdivision of that en-globo lot in which it is located.*

The NFSP identifies the approximate location / distribution of Public Open Space (POS) areas. The precise area (m²) of POS is not defined however it is a requirement of the NFSP that a minimum 10% POS for each en-globo lot be provided.

The proposed POS areas shown on the subdivision plan for Lot 50 are in accordance with the NFSP. The subdivision is also supported by a Public Open Space schedule that demonstrates the required 10% contribution will be achieved. A condition requiring that public open space areas be ceded to the crown/City of Armadale in the first Deposited Plan prior to clearance could be recommended to the WAPC.

4. *An Asset Management Plan is to be provided with every subdivision detailing life cycle requirements for the operation, maintenance, replacement and funding of all grassed and vegetated areas, park furniture, public equipment and infrastructure and all areas of hard and soft landscaping.*

The NFSP requires an Asset Management Plan to be prepared for each plan of subdivision. An Asset Management Plan is required for Lot 50 in order to manage the extensive areas of public open space and ongoing maintenance of the subdivision. Such a plan will be required as a subdivision condition and subsequently endorsed by the City prior to clearance.

Detailed Area Plan (DAP) /Outline Development Plan (ODP)

The NFSP notes that prior to making recommendations on subdivision referrals a Detailed Area Plan/Outline Development Plan may be required to be prepared by the City. The requirement for an ODP was primarily imposed to ensure subdivision proposals are designed to tie into adjoining subdivisions, particularly in cases where subdivisions are undertaken in stages. An ODP is not considered warranted in this instance as the proposed subdivision involves the whole of Lot 50 Wright Road and clearly demonstrates linkages to neighbouring properties.

Specific localised Detailed Area Plans (DAP's) will be required as a condition of subdivision for cottage lots abutting rear laneway lots and public open space areas to address specific development requirements including building orientation, fencing design, vehicular access, setbacks and site coverage. DAP's are to be endorsed by the City and landowners have a statutory obligation to submit a Building Licence and develop their lot in accordance with the approved DAP.

In order to streamline the assessment of Building Licences, the developer has indicated that landowners will be required to first obtain endorsement of their building plans by the developer to ensure compliance with private covenants and the DAP's prior to a Building Licence being lodged with the City (which is currently the practice in other estates such as Brookwood Estate and Churchmans Brook). In this regard, it is recommended that a condition be imposed requiring the subdivider to advise prospective purchasers of the above requirements.

Contaminated Sites

The revised NFSP does not identify the subject lot as containing any known potential contaminated sites.

Design of Public Open Space

Council at its 12 February 2005 meeting requested that the multiple use corridor in the north east corner of Lot 50 be redesigned to remove the ninety degree change in direction of the two linear sections of multiple use corridor running parallel and then diverting southwards perpendicular to Reilly Road with the objectives of improving the kinetic characteristics of the water flows and aesthetics of the POS design. Whilst the applicant has provided further evidence to demonstrate the functionality of the ninety-degree shaped area of POS in terms of kinetic characteristics, Council's Technical Services Directorate has expressed some initial reservations about the aesthetic quality of the POS area. Further negotiation with the applicant's landscaping consultant and Council's Parks Department may be required in order to resolve the issue.

East-West Road (abutting Carey Baptist College)

The subdivision application proposes the future acquisition and construction of an east-west road along the northern boundary of the subject site. The proposed road reserve is situated wholly on the adjoining Lot 1001 Wright Road, which is under different ownership.

The owner / developer of Lot 50 Wright Road (Stockland) has provided a letter of undertaking to the Western Australian Planning Commission to negotiate with the owner of Lot 1001 in order to resolve the provision of this road on the basis of a 50% contribution for the acquisition of the land and construction costs. Stockland has also agreed to the WAPC withholding clearance of lots abutting the proposed road reserve as an assurance until cost-sharing arrangements with the adjoining landowner has been finalised.

Ultimately, the cost of acquisition and construction of the road will need to be shared by both owners. Section 28A of the Town Planning and Development Act 1928 makes provision for an initial subdivider to claim 50% of costs associated with a common subdivisional road where it abuts a lot from the later subdivider. However, there is no obligation on the owner of Lot 1001 to subdivide at this stage or sell land required for the proposed road reserve. These matters are to be negotiated between the landowners involved.

As a minimum requirement however, it would be expected that Stockland acquire and construct half the length of the required road starting from Wright Road prior to clearance of the final stage of subdivision. In this instance, the remaining portion would need to be provided by the future subdivider of Lot 1001.

Kennel Buffer

The northern portion of the subject lot (250m) is situated within a 500m buffer of the Ranford Road Kennel area. In this regard, the NFSP requires memorials to be placed on Certificate of Titles of affected lots to inform prospective purchasers of potential noise and odour impacts associated with such activities. A condition can be imposed to address this issue.

Landscaping

All public open space areas are required to be landscaped, including a coverage of at least 30% local native plant species in accordance with the Urban Water Management Strategy. In this regard, a condition of subdivision requiring a landscape master plan to be prepared and implemented will satisfy this provision.

Specified Area Rate

In order to fund ongoing infrastructure maintenance including additional open space maintenance, street sweeping, and the like), the City may also need to consider the imposition of a Specified Area Rate on new lots with the North Forrestdale First Stage Structure Plan area. This will have to be addressed as a matter separate from the subdivision however it will be appropriate to advise the subdivider that future lot purchasers should be advised of this likely eventuality.

Future Subdivision Referrals

The City is likely to experience an influx of subdivision applications (of various scale) within North Forrestdale in light of the recent adoption of the North Forrestdale First Stage Structure Plan. In order to meet the 42-day statutory time period in which to provide comment to the Western Australian Planning Commission and expedite the subdivision approval process, it is recommended that Council officers deal with such referrals under delegated authority. Obviously, in instances where subdivision proposals do not conform to the adopted structure plan, these will be referred to Council for consideration.

CONCLUSION

The proposed subdivision is consistent with the North Forrestdale First Stage Structure Plan and delegation No.702 provides Council officers with the authority to make recommendations to the Western Australian Planning Commission on subdivision referrals where applications conform to Town Planning Scheme requirements.

Officers are currently not in a position to recommend subdivision approval until such time as the Urban Water Management Strategy (UWMS) has been reviewed and endorsed by the Water Corporation and Department of Environment. Upon finalisation of the UWMS, a recommendation supporting the proposal can be made to the Western Australian Planning Commission.

Other minor issues relating to developer contributions, landscaping and road construction and the like can be appropriately conditioned and subsequently addressed prior to clearance of the subdivision.

RECOMMEND

That Council note the progress of the subdivision application for Lot 50 Wright Road, Forrestdale and authorise the Executive Director Development Services / Planning Services Manager to forward a recommendation on the proposal to the Western Australian Planning Commission upon finalisation of the North Forrestdale Urban Water Management Strategy.

Moved Cr _____
Carried/Lost ()

PAGE INTENTIONALLY LEFT BLANK



COMMERCIAL VEHICLE PARKING – LOT 87 (25) O’SULLIVAN DR, WESTFIELD

{ XE "TRUCK PARKING:COMMERCIAL VEHICLE PARKING – LOT 87 O’SULLIVAN DR, WESTFIELD" }

WARD : HERON

FILE REF : A114330

DATE : 21 April 2005

REF : KLD

RESPONSIBLE : PSM
MANAGER

APPLICANT : J Blackwell

LANDOWNER : DC Edmands & JA Blackwell

SUBJECT LAND : Lot 87 O’Sullivan Dr, Westfield
Property size 661m²;
Map 21.07

ZONING
MRS / TPS No.2 Urban/Residential R15
DRAFT TPS No.4 Residential R15

In Brief:-

- Request to park a 4.2 tonne truck on the property.
- Length of vehicle does not comply with Town Planning Scheme No.2 requirements.
- Council has provision to vary a requirement of the Scheme.
- Two objections were received as a result of advertising.
- Applicant has had a truck in the City at another residential location for a period of time without complaint.
- Recommend that the application be approved.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City - To balance the needs of development with suitable economic, social and environmental objectives.

Legislation Implications

Commercial vehicle parking provisions of Town Planning Scheme No.2.

Council Policy / Local Law Implications

Council Policy 4.4.6 Commercial Vehicle Parking

Budget / Financial Implications

Nil.

Consultation

Property owners in the immediate vicinity of the subject site.



DETAILS OF PROPOSAL

The applicant proposes to park a 4.2 tonne Hino truck on the premises between the hours of 5:30pm and 7:30am. The vehicle will remain parked over the weekends at the premises.

The vehicle is 7.4m in length and 2.4m in height and it is proposed that, if the application is approved, a second cross-over and drive-way will be constructed on the property to allow the truck to be parked behind the front building setback line, behind gates.

COMMENT

Town Planning Scheme No.2

The specifications of the truck do not comply with the commercial vehicle parking provisions of the Town Planning Scheme, insomuch that 6 m. is the maximum length permitted on a lot of less than 1000m². The property size is 661m². The vehicle exceeds the maximum length by 1.4m.

Council has the discretion under clause 7.6 of the Scheme to relax a standard or requirement where Council is satisfied that approval would be consistent with the orderly and proper planning of the locality and the non-compliance will not have an adverse effect upon the inhabitants or amenity of the area. Provided a new driveway is installed on the property to allow for the truck to be parked behind the front building setback line, behind gates, then this aspect of the Scheme could be acceptable.

Clause 4.4.6 of Council's Commercial Vehicle Parking Policy requires that an application be advertised to adjoining/surrounding landowners for a period of not less than 2 weeks. Seven surrounding landowners were canvassed for their opinion with two responses being received.

Results of Advertising

Number of residents canvassed	:	7
Number of responses received	:	2
Number of objections received	:	2

Refer to Confidential Attachment "B6" of the Agenda for location plan of respondents.

Reasons for Objecting

1. *The truck is noisy and the owner moves the truck in the late evening (after 9:00pm).*

The residents of the area have a right to expect the quiet enjoyment of their property. A commercial vehicle, in proximity to their homes is likely to be a factor in increasing the level of noise currently experienced by the residents. The truck was being moved to allow for the applicant's partner to park her vehicle in the existing driveway. However, the applicant has advised that the truck will not be moved in the late evening, once the new driveway has been installed.

2. *The vehicle has disturbed us at night with its rattling and beeping when reversing, it looks unsightly when parked on the verge and driveway.*

The applicant has advised that he has installed a switch in the truck so that the reversing signalling alarm can be turned off. Once the second driveway has been constructed the truck will be parked behind the building setback line at all times and there will not be any necessity for it to be moved once parked.

The applicant previously lived in Tamarind Crescent, Kelmscott, and had an approved truck parking permit for that property – no complaints were received following the granting of the approval.

Town Planning Scheme No.4

The specifications of the truck would not comply with the commercial vehicle parking provisions of Town Planning Scheme No.4, as the maximum height permitted under this Scheme is 2m and the vehicle height is 2.4m. The truck also has a length of 7.4m and would therefore exceed the maximum permitted length of 5m.

OPTIONS

1. Given that the length of the vehicle does not comply with the Scheme provisions, in terms of the total length, Council may refuse the application.
2. Council can decide to use its discretion to relax the standards of the Scheme and approve the application. Should the applicant fail to comply with the provisions of the Scheme or substantiated complaints are received, Council has the discretion to revoke the approval or decline the annual renewal.

CONCLUSION

The objections submitted have been adequately addressed by the applicant, given the length of the vehicle would not seem to adversely impact on the surrounding neighbours and approval of the application should not have a detrimental affect on the amenity of the area, it is recommend that the application be approved.

RECOMMEND

1. **That in this instance, Council invoke clause 7.6 of Town Planning Scheme No.2 and relax the requirement that a commercial vehicle must not exceed a maximum length of 6m when parked on residential premises with a land area of less than 1000m².**
2. **That Council approve the application for the parking of a commercial vehicle at Lot 87 (25) O’Sullivan Drive, Westfield subject to the following conditions:**
 - a) **on-site provision for housing the vehicle in a garage or parking of the vehicle behind the front building setback line is to be made in a manner satisfactory to the Executive Director Development Services;**

- b) maintenance shall be limited to change of oil, greasing of parts, and change of wheels. Maintenance shall only be permitted between the hours of 8am and 8pm Monday to Friday and 9am and 6pm Saturday, Sunday and Public Holidays. No panel beating, spray painting, removal of body parts, wash-down or cleaning shall be permitted on the subject property;**
- c) that the means for collection and disposal of fuel, filters and lubricants to be in accordance with the approved Management Plan and to the satisfaction of Executive Director Development Services;**
- d) any noise created by the vehicle shall not exceed the standards for the relevant area set out in the noise provisions of the Environmental Protection Act 1986;**
- e) the amenity of the neighbourhood shall not be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust or the storage of unlicensed, derelict and or damaged motor vehicles;**
- f) the subject vehicle shall not be laden with or used for the transportation of livestock and or laden with an operating refrigeration unit or units and or unlicensed, derelict or damaged motor vehicle or motor vehicles whilst parked on the property;**
- g) the subject vehicle shall be parked on the property at all times and in accordance with the provisions of the City of Armadale Town Planning Scheme No.2;**
- h) compliance with the City of Armadale Environment, Animals and Nuisance Local Laws 2002;**
- i) this approval is valid for 12 months only and a fresh application is required at the expiry of the 12-month period.**

Moved Cr _____
Carried/Lost ()



COMMERCIAL VEHICLE PARKING – LOT 136 (16) ADELINA COURT, WESTFIELD

{ XE "TRUCK PARKING:COMMERCIAL VEHICLE PARKING – LOT 136 ADELINA CRT, WESTFIELD" }

WARD : HERON

FILE REF : A64884

DATE : 10 May 2005

REF : KLD/LF

RESPONSIBLE : PSM
MANAGER

APPLICANT : A & K May

LANDOWNER : AW & KI May

SUBJECT LAND : Lot 136 Adelina Court,
Westfield
Property size 706m²
Map 21.07

ZONING

MRS / TPS No.2 : Urban / Residential R 15
Draft TPS No.4 Residential R 15

In Brief:-

- Request to park a 6 tonne truck on a Residential R 15 property.
- Advertising attracted one objection to the application plus one unsolicited response.
- Does not meet Environmental Noise Regulations and Town Planning Scheme requirements regarding height.
- Recommend that the application be refused.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City - to balance the needs of development with suitable economic, social and environmental objectives.

Legislation Implications

Town Planning and Development Act 1928
Town Planning Scheme No.2.
Environmental Protection (Noise) Regulations 1977

Council Policy / Local Law Implications

Council Policy 4.4.6 Commercial Vehicle Parking
City of Armadale Environment, Animals and Nuisance Local Laws 2002



Budget / Financial Implications

Nil.

Consultation

- ◆ Property owners in the immediate vicinity of the subject site.

BACKGROUND

A complaint was made to Ranger Services on the 12 January 2005 in relation to the applicant parking a truck on the verge of his property. As a result an application for approval to park the same Mack truck on the property has been received.

DETAILS OF PROPOSAL

The applicant proposes to park a 6 tonne Mack truck on a 706m² residential property from between 5.00pm and 6.00am.

The vehicle is 5m in length and 3m in height and is to be parked behind the front building setback line, behind gates. Currently the truck is being parked at the front of the property however the applicant has advised that provision is possible and will be implemented to comply with the Scheme in this regard.

COMMENT

Analysis

Town Planning Scheme No.2

In the residential zones of the City, the parking of a commercial vehicle must conform to a number of criteria including the following;

- ◆ a commercial vehicle in excess of 8 tonne (ctw) and/or 6m in length will not be permitted to park on a lot less than 1000m²;
- ◆ a commercial vehicle, rigid or articulated, with or without trailers exceeding 10 tonne (ctw) and/or 11m in length will not be permitted on any Residential zoned property;
- ◆ on-site provision for housing the vehicle in a garage or parking of the vehicle behind the front building setback line, is made in a manner satisfactory to the Council;
- ◆ where the lot on which the vehicle is to be parked is less than 1000m², the vehicle and its load shall not exceed 3m in height;

The proposal complies with the above requirements.

Matters to be Considered by Council

Clause 7.3.2 sets out the matters that Council need to consider in making its decision regarding a planning application.

7.3.2 (a) The zone policy and provisions of the Scheme.

The policy statement for the residential zone states that the zone is primarily intended for residential living but recognises that opportunities for self employment could be accommodated where the amenity of the residential environment is not prejudiced.

7.3.2 (d) The existing and likely future character and amenity of the neighbourhood.

Given that the locality of the application is predominately residential in nature and is likely to remain so, there is a concern that the character and amenity of the neighbourhood could be adversely affected if the application is approved.

7.3.2 (i) The submissions received by Council.

One objection has been received relating to the application from a resident in close proximity to the site.

The matters noted above were also raised in a recent appeal before the then Town Planning Appeal Tribunal in Jeffery R Agar and Tania M De Campo v City of Armadale, where the City successfully defended an appeal on amenity grounds. The issue of operating hours was also similar in that particular case.

City of Armadale Environment, Animals and Nuisance Local Laws 2002

The applicant has indicated that he would be leaving for work on average around 6.00am. This hour does not comply with the requirements of Clause 55 of the City of Armadale Environment, Animals and Nuisance Local Laws relating to Truck Noise from Residential Land;

“A person shall not start or drive a truck on any lot adjoining land zoned, approved or used for residential purposes in compliance with the requirements of the City’s Town Planning Scheme between the hours of 10.00pm on any day and 7.00am on the following day, or, where the following day is a Sunday or a public holiday, 9.00am on that day.”

This Local Law is not a Scheme provision but has uniformly been imposed as a condition of approval.

Results of Advertising

In accordance with Council Policy 4.4.6 Part 3, the proposal was advertised to 7 property owners in proximity to the subject property.

Number of property owners canvassed : 7
Number of responses received : 2
Number of objections received : 2

Refer to Confidential Attachment “B7” of the Agenda for location of respondent.

Council received one unsolicited response from a resident of Adelina Crescent with concerns at the times that the applicant leaves his property. Over a 21 day period in March and April 2005 it was recorded that the vehicle left the property on three occasions before 7.00am and during the same period entered the property on one occasion at 2.30am.

Reasons for Objecting

1. Noise

Noise of truck leaving very early in the morning.

The truck is regularly started early in the morning – often before 6.00am, nearly always before 6.30am on weekdays.....

On a regular basis the truck is reversed into the yard with the warning beeping creating a noise nuisance....

The applicant could be advised to install a switch in the truck so that the reversing signalling alarm can be turned off and on. This would help to alleviate the noise nuisance to the surrounding residents.

The residents of the area have a right to expect the quiet enjoyment of their property. A commercial vehicle, in proximity to their homes is likely to be a factor in increasing the level of noise and pollution currently experienced by the residents. Should approval be contemplated access and egress is required to comply with Council’s Environment, Animals and Nuisance Local Laws 2002, which will preclude vehicle movement to and from the property between 10.00pm and 7.00am. However the applicant has indicated that the hours applied for are necessary for his particular circumstances. This has the potential to adversely affect the amenity of the neighbourhood. The aerial photograph included in the report demonstrates the location of the proposal in relation to existing residences.

2. Visual Amenity and Environmental Concerns

Maintenance and repairs are regularly performed on the truck in the front yard....

Should Council consider granting its approval to this application, servicing will be limited and a management plan will be required for the collection and disposal of all oils and filters thereby addressing the concern.

If the truck is parked behind gates and the building setback line, the visual impact on the streetscape will be reduced.

OPTIONS

1. If Council is of the view that approving the application will have a significant adverse effect on the amenity of the surrounding residential neighbourhood, Council may refuse the application.
2. As the vehicle specifications comply with the Town Planning Scheme, Council may decide to approve the application but limit the hours of movement to between 7.00am and 10.00pm to accord with the Environment, Animals and Nuisance Local Laws 2002.

Should the applicant fail to comply with the provisions of the Scheme or substantiated complaints are received, Council has the discretion to revoke the approval or decline the annual renewal.

CONCLUSION

It would appear that residents in proximity to the subject site are concerned at the time the applicant proposes to leave the property.

Given the concerns regarding the operating times proposed by the applicant and the precedent of *Agar and De Campo v City of Armadale*, it is recommended that the application be refused in accordance with Option 1.

RECOMMEND

That Council refuse the application for the parking of a Mack commercial vehicle registration number 9JP 085 at Lot 136 (16) Adelina Court, Westfield for the following reasons:

- a) **The hours of operation proposed by the applicant have the potential to adversely affect the residential amenity of the neighbourhood.**
- b) **The application is not consistent with the zone policy of the Residential zone.**
- c) **The City has received objections in relation to this application.**

Moved Cr _____
Carried/Lost ()



***PROSECUTION FOR UNAUTHORISED USE –
LOT 1 CLIFTON STREET AND LOTS 2 AND 3 GILWELL AVENUE, KELMSCOTT***

{ XE "UNAUTHORISED USE:PROSECUTION FOR UNAUTHORISED USE – LOT 1 CLIFTON ST AND LOTS 2 & 3 GILWELL AVE, KELMSCOTT" }

WARD : RIVER

FILE REF : A 75144 (Lot 1 Clifton)
A 81927 (Lot 2 Gilwell Ave)
A 81931 (Lot 3 Gilwell Ave)

DATE : 10 May 2005

REF : SA/CHE

RESPONSIBLE : PSM
MANAGER

LAND OWNER : KC Nominees P/L

SUBJECT LAND : Property sizes
Lot 1 Clifton St. 978 m²
Lot 2 Gilwell Ave. 1019m²
Lot 3 Gilwell Ave. 1011m²
Map 23.07

ZONING : Rural
MRS/TPS No.2 Rural 'E'
DRAFT TPS4 Special Residential

In Brief:-

- Council successfully prosecuted the Company that owns the subject land in March 2005 for Illegal Storage/Depot Use.
- A multitude of various materials and objects including a sea container have been stored on the premises for a number of years without the consent of Council.
- Recommend that as a clean up of the site has not been undertaken, legal proceedings again be instituted for breaches of the Town Planning Scheme No.2.

Tabled Items

Nil

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Town Planning and Development Act 1928
Town Planning Schemes 1 & 2
Draft Town Planning Scheme 4
Sentencing Act 1995

Council Policy / Local Law Implications

Nil.



**Photographs illustrating the collection of materials on site -
Lot 1 Clifton Street and Lots 2 & 3 Gilwell Avenue, Kelmscott**

Budget / Financial Implications

Costs to budget allocation for legal expenses in seeking a legal remedy via prosecution proceedings, in this instance the cost is likely to be approximately \$5,000. Given that a previous conviction has been recorded for the same offence, the penalties are likely to be substantial in this instance and daily penalties will also be sought.

The maximum penalty under the Town Planning and Development Act is \$50,000, with a daily penalty of \$5,000 per day for each offence. However, as the Defendant is a Company, under the Sentencing Act 1995 the penalties increase 5 fold to \$250,000 and \$25,000 respectively.

Consultation

- ◆ Council's Solicitors (Mullins Handcock)

BACKGROUND

The City prosecuted KC Nominees P/L in November 2004 for, amongst other things, conducting an illegal storage/depot use on the site but the matter was not concluded until 15th March 2005 at which time the Magistrate found the City had proven its case. The decision, in effect, upheld the City's claim that the "non conforming use" on Lot 2 had been extinguished.

After the case the Directors of the Company were advised, in writing, that the property was to be cleared of the offending materials by 14th April 2005. An inspection of the property on that date revealed little or no attempt had been made to clear the site and since that date officers have been inspecting the subject sites on a weekly basis. Little or no effort has been made to clear the premises.

A sea container has also been sited on the premises, which has not received Council approval. It has been claimed that the sea container is part of the operation and is moved from time to time. As the operation is now not permitted on the site the sea container cannot be claimed as part of the business and nevertheless requires the approval of Council.

It should also be noted that, at the time of writing, the fines and costs of \$38,880 imposed by the Court in March 2005 have not been paid. No appeal against the Court decision has been lodged nor any request for time to pay submitted.

COMMENT

The outcome of the legal action in March 2005 and a letter from Council's Solicitors dated 21st March 2005 has made it clear to the Company that the accumulation of materials on the subject sites is not legal and individual letters were sent to each Director of the Company on 14th April 2005 advising of Council's position and the consequences of non-compliance. Instead of instigating measures to remove the offending materials the owners of the property have chosen not to do anything to rectify the situation.



**Photographs illustrating the collection of materials on site -
Lot 1 Clifton Street and Lots 2 & 3 Gilwell Avenue, Kelmscott**

ANALYSIS

Clause 7.1 of Town Planning Scheme No.2 requires;

“any persons who desire to develop land zoned or reserved under the Scheme for any purpose other than for the purpose of erecting a single house on land zoned Residential or General Rural by the Scheme, shall make application to the Council for planning consent to the development before applying for a Building License”.

From Officers observations activities continue to take place on the subject properties, (a Depot and siting of a sea container), without the consent of Council.

Application for Planning consent for the siting of a sea container has not been submitted.

Clause 7.1 of Town Planning Scheme No.2 (the Scheme) requires an application for any development in the Rural “E” zone. As the activity continues without the consent of Council, a breach of the Scheme has been committed.

A multitude of various materials have been on the site for some time. It would appear that little if any attempt has been made to remove any of these materials.

The Scheme defines a “Depot” as land or buildings used for the storage or transfer of goods or both. A Depot is a use of the land that is not permitted in the Rural ‘E’ zone.

Clause 7.7.3 of the Scheme states “Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed in the Act”. The Town Planning and Development Act prescribes a penalty of \$50,000 and a daily penalty of \$5,000. However, in this case as the Defendant is a Company, the following Section 40 (5) of the Sentencing Act 1995 is applicable;

Except where a statutory penalty is expressly provided for a body corporate, a body corporate that is convicted of an offence the statutory penalty for which is or includes a fine is liable to a fine of 5 times the maximum fine that could be imposed on a natural person convicted of the same offence.

Furthermore, as a conviction has been recorded against the company for Illegal Storage/Depot Use, daily penalties from the date of the conviction, 15th March 2005, are applicable for each and every day the offence continues.

OPTIONS

1. As the owner of the property continues not to comply with the relevant legislation, Council could resolve to institute legal proceedings immediately for breaching the provisions of Town Planning Scheme No.2 and seek daily penalties for the storage/depot use.
2. Permit a further period of grace (i.e. two weeks) for the clearance of the various materials and objects from the site.
3. Resolve not to pursue the matter at this stage.

CONCLUSION

A written request to the Directors of the Company that owns the land has not resulted in the materials and items being removed from the subject land. Also, applications for approval to conduct a Depot or site a sea container on the premises have not been submitted to, or approved by, the City. As this matter has already been before the Courts, it would appear that Council has little option but to again institute legal proceedings against the Company in accordance with Option 1 above.

RECOMMEND

1. That Council authorise the Senior Liaison and Compliance Officer/the Liaison and Compliance Officer to institute legal proceedings, subject to legal advice, against KC Nominees Pty Ltd of 53 Gilwell Avenue, Kelmscott for contravening the provisions of the City of Armadale Town Planning Scheme No.2 at Lot 1 Clifton Street, and Lots 2 & 3 Gilwell Avenue, Kelmscott (the site) for;
 - (a) carrying on a storage use without the consent of Council;
 - (b) siting a sea container on the site without the consent of Council;
2. That Council authorise the Senior Liaison and Compliance Officer/Liaison and Compliance Officer to swear the appropriate Complaints on behalf of Council.
3. That Council instruct its Solicitors to seek daily penalties for the continuing unauthorised use of the property.
4. That Council authorise the Chief Executive Officer to institute further legal proceedings against any person or Company with an interest in Lot 1 Clifton Street and Lots 2 & 3 Gilwell Avenue, Kelmscott until such time as the offending materials are removed from the subject properties.

Moved Cr _____
Carried/Lost ()

***APPOINTMENT OF COUNCIL DELEGATE –
ARMADALE CHAMBER OF COMMERCE AND INDUSTRY***

{ XE "MISCELLANEOUS:APPOINTMENT OF COUNCIL DELEGATE - ARMADALE
CHAMBER OF COMMERCE AND INDUSTRY" }

WARD : ALL
FILE REF : ORG/43
DATE : 10 May 2005
REF : HC
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- Council resolved that the appointment of a Delegate to the Armadale Chamber of Commerce be deferred until the first ordinary meeting of the Development Services Committee for a recommendation from that Committee.
- Recommend that Council nominate a Delegate to the Armadale Chamber of Commerce from Members of the Development Services Committee.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aims for communicating and marketing to:

- ◆ Maintain dialogue to understand the community needs and expectations;
- ◆ Communicate our achievements to the community; and
- ◆ Promote and market the City locally, nationally and internationally.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

Nil.

BACKGROUND

At its meeting on 9 May 2005 Council resolved that the appointment of a Delegate to the Armadale Chamber of Commerce be deferred until the first ordinary meeting of the Development Services Committee for a recommendation from that Committee.

COMMENT

The Armadale Chamber of Commerce is an appropriate forum for the exchange of ideas with local business people and presents an opportunity for networking and for Council to both be advised of local business community concerns and ideas, and to communicate Council's aims and achievements.

The Council delegate for the 2003/2005 period for the Armadale Chamber of Commerce was Cr J H Munn JP CMC.

Current practice is that the Delegate be nominated from the Development Services Committee.

RECOMMEND

That Councillor _____ be nominated as Council's Delegate to the Armadale Chamber of Commerce.

Moved Cr _____

Carried/Lost ()

***APPOINTMENT OF COUNCIL DELEGATE –
SOUTH EAST DISTRICT PLANNING COMMITTEE***

{ XE "MISCELLANEOUS:APPOINTMENT OF COUNCIL DELEGATE - SOUTH EAST DISTRICT PLANNING COMMITTEE" }

WARD : ALL

FILE REF : CTE/8

DATE : 10 May 2005

REF : HC

RESPONSIBLE : PSM
MANAGER

In Brief:-

- Council resolved that the appointment of a Member and Deputy Member for the South East District Planning Committee be deferred until the first ordinary meeting of the Development Services Committee for a recommendation from that Committee.
- Recommend that Council nominate a Member and Deputy Member to the South East District Planning Committee from Members of the Development Services Committee.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aims for developing our organisation to:

- ◆ Deliver high quality, professional governance and administration;
- ◆ Enhance our ability to embrace and manage change; and
- ◆ Ensure the Council is a proactive, enquiring organization.

Aims for developing our City to:

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

Legislation Implications

Local Government Act 1995
Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Western Australian Planning Commission Act 1985

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

Nil.

BACKGROUND

At its meeting on 9 May 2005 Council resolved that the appointment of a Member and Deputy Member to the South East District Planning Committee be deferred until the first ordinary meeting of the Development Services Committee for a recommendation from that Committee.

COMMENT

The South East District Planning Committee (SEDPC) is a Western Australian Planning Commission Committee that advises the Commission and the Department for Planning & Infrastructure on planning matters relating to the South East Corridor of the Metropolitan Area.

The Planning Services Manager represents the City as a member of the Local Government Technical Officers Committee that serves the SEDPC.

The Council delegates for the 2003/2005 period for the SEDPC were Member: Cr H A Zelones JP and Deputy Member: Cr P J Hart.

Current practice is that the Member and Deputy Member be nominated from the Development Services Committee.

RECOMMEND

That Councillor _____ and Cr _____ be nominated as Member and Deputy Member respectively of the South East District Planning Committee.

Moved Cr _____
Carried/Lost ()

ATTENDANCE BY ELECTED MEMBERS AT TRANSIT ORIENTED DEVELOPMENT CONFERENCE TO BE HELD IN FREMANTLE FROM 5 TO 8 JULY 2005

{ XE "MISCELLANEOUS:ATTENDANCE BY ELECTED MEMBERS AT TRANSIT ORIENTED DEVELOPMENT CONFERENCE TO BE HELD IN FREMANTLE FROM 5 TO 8 JULY 2005" }

WARD : ALL
FILE REF : CRS/4
DATE : 26 April 2005
REF : HC
RESPONSIBLE : PSM
MANAGER

In Brief:-

- The Transit Oriented Development Conference is to be held in Fremantle from 5 to 8 July 2005.
- Given current commitments it is unlikely that an officer from the City will attend this conference.
- Matters to be covered should be of benefit to Councillors.
- Recommend that a Councillor be nominated to attend.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aims for Developing our Organisation to:

- ◆ Deliver high quality, professional governance and administration;
- ◆ Enhance our ability to embrace and manage change; and
- ◆ Ensure Council is a proactive, enquiring organization.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Council Policy ADM3 – Conferences and Training.
Council Policy EM1 – Re-imbusement of Councillor's Expenses.

Budget / Financial Implications

Conference attendance - \$805 (Full Delegate) or \$425 (Day Registrations)
Transport oriented Development Field Trip - \$22
Conference Dinner - \$100

Consultation

Details published in Information Bulletin dated 18 January 2005.

DETAILS OF CONFERENCE

The Planning and Transport Research Centre (PATREC) is conducting a conference entitled “Transit Oriented Development – Making it Happen” at the Esplanade Hotel Fremantle from 5 to 8 July 2005. *A copy of the Conference Document is at Attachment “A2” of the Agenda, (refer Summary of Attachments - yellow page).*

PATREC is a collaboration between four WA universities and offers high quality postgraduate education and independent research programs in transport and logistics. Its founding sponsors are:

- ◆ The Western Australian Department for Planning and Infrastructure;
- ◆ Main Roads WA;
- ◆ Curtin University of Technology;
- ◆ Edith Cowan University;
- ◆ Murdoch University; and
- ◆ The University of Western Australia.

Keynote and Plenary Speakers and Subjects at the Conference

Keynote and plenary speakers include:

Robert Cervero – Professor and Chair of the Department of City and Regional Planning, University of California, Berkeley. He is the author of numerous articles and research monographs on transit oriented development (TOD) and sustainable transportation planning, including TOD in the United States. In recent years Prof Cervero has been an adviser and consultant on transportation projects involving TOD in Dalian and Xi’an China, Bogota Colombia, Fortaleza Brazil, Dublin Ireland and numerous US cities. He has also developed models for predicting ridership benefits of TOD in Charlotte, St Louis, Salt Lake City and the San Francisco Bay area. He has also conducted original research for the Urban Land Institute on the land value impacts of TOD in California’s four largest metro areas and greater Washington DC.

His subject will be “*Strategies and Issues – the US Experience*”.

Luca Bertolini – Holds a Masters Degree in Architecture and a PhD degree in Urban Planning and Real Estate development, both from the Politecnico di Torino (Italy). Since his PhD dissertation – a pioneering cross-national, cross-disciplinary study on the redevelopment of railway station areas – he has been concentrating on research and teaching at the interface of urban and transport development. He is currently senior lecturer (associate professor) at the Geography and Planning Department of the University of Amsterdam (the Netherlands).

His subject will be “*Strategies and Issues – The European Experience*”.

Professor Peter Newman – Director of the Institute of Sustainability and Technology Policy at Murdoch University, chair of WA’s Sustainability Roundtable, and the Sustainability Commission in New South Wales. He was seconded to the WA Department of Premier and Cabinet as Director of the Sustainability Policy Unit 2001 – 2003 to oversee development and adoption of the Western Australian Sustainability Strategy, and was Director of Environmental Planning in the WA office of the Cabinet in 1989, Member of the WA Environmental Protection Authority and Metropolitan Planning Council and Board Member of Transperth in the 1980s.

His subject will be “*Themes and Issues from Australia*”.

Shelley Poticha – An American urban planner with expertise in land use planning, policy development and citizen involvement. She has over fourteen years of professional experience preparing plans for growing urban and suburban communities, regional agencies, non-profit groups and private developers. She directs Calthorpe Associates’ planning efforts with an emphasis on land planning, design guidelines and implementation programs. The firm focuses on the realization of walkable, mixed-use neighbourhoods, which are environmentally sound, economically diverse and socially responsible. The firm has been at the forefront of developing the concepts of Pedestrian Pockets, Transit-Oriented Development and “urban village’ planning.

Her subject will be “*Key Issues for Implementation – the US Experience*”.

Cr Janet Rice – a member of the Council of the City of Maribyrnong (Victoria) and a community campaigner. Her community work includes being a key organiser of the campaign to save and upgrade the Footscray Pool, School Councillor at Footscray City Primary School since 1998 (President 2001 – 2002), Chairperson of the Committee of Management of the Angliss Children’s Centre in 1994 – 95 and regional convenor of the Greens. Cr Rice’s working life has been in the fields of environment and community. She worked in the environment movement for almost ten years, and was part of the successful campaign to protect East Gippsland’s old growth forests. She worked for Bicycle Victoria developing and coordinating the Ride to Work Program (1993 – 1997). Since 1997 she has worked as a consultant in the areas of environmental planning and policy, community consultation and involvement and facilitation.

Her subject will be “*Community Responses and Issues*”.

Other key and plenary speakers include **Jeremy Dawkins**, Chairman of the Western Australian Planning Commission (“*Fifty Years of Strategic Planning in Perth*”), **Warwick Hemsley**, Managing Director of Peet & Co (“*Is TOD a Commercial Reality in Australia?*”) and **Paul Conti** (“*Sales and Marketing of Transit Oriented Developments*”).

There will be three streams of parallel sessions conducted at various times over the duration of the conference.

First Parallel Sessions

North American Experience of TOD – Speakers: G B Arrington - *“TOD in the United States: Experiences, Challenges and Prospects”*; Darren Enns - *“All Aboard? Transit Oriented Development Opportunities Around Suburban Commuter Rail Stations”*; John Renne - *“Thirty Years of Trends in Transit Oriented Development Across America”*.

Transit Systems for TOD – Speakers: Wendy Adam - *“Effective Bus-Based Transit Oriented Development”*; Graham Currie - *“Strengths and Weakness of Bus in Relation to Transit Oriented Development”*; Lachlan Daniel - *“Light Rail Systems – Assessing Their Technical Feasibility”*; Matthew Skinner - *“Changing Attitudes Towards Public Transport From a Tertiary Perspective”*.

Case Study – Subiaco, Western Australia – Andrew Howe - *“Subi Centro – Perth’s Internationally Acclaimed TOD”*; Geoff Glass - *“Honey, I’ve Shrunk the Railway Line. Do You Want Me to Tidy up the Rest of the Town?”*; Tony Morgan - *“Maximising the Benefits of TOD – Subi Centro and Claisebrook Village”*.

Second Parallel Sessions

From Policy and Regulation to Implementation – Ross Holt - *“Driving Delivery of TOD or Creative Implementation Strategies”*; Evan Jones - *“Implementing TOD at the Regional Scale: The Missing Link”*; John Renne - *“TOD – State and Local Government Policy in WA”*; Malcolm Mackay - *“TOD: Don’t Think Transit-Oriented Development, Think Transport-Oriented Development”*.

Managing Travel in Transit Oriented Developments – Colin Ashton-Graham and Gary John - *“TravelSmart + TOD = Synergy and Sustainability”*; David Meiklejohn - *“TOD and TDM: Ensuring Good Policy Outcomes in Melbourne”*; David Wake - *“Transit to Work: The Effect of Workplace Location and Travel Plans on Public Transport Use”*; Les Chandra - *“Putting the Transit into Transit Oriented Development”*.

Regional and Local Strategies – Chip Kaufman - *“Urban and Regional Structuring to Optimise TOD”*; Paul Dreschler and Nigel Smith - *“How Not To Do TOD”*; Louis Ainsworth - *“A Tale of 3 TODs”*.

Third Parallel Sessions

Successful Interaction of TOD and Transit - Paul McLeod - *“It’s all in the Timing: Use of Appropriate Infrastructure Investment to Influence Better Urban Planning Outcomes”*; Bruce James - *“Transport Infrastructure Funding and TODs – Can They Co-Exist?”*; Tor Medeln - *“Coordinated Land-Use and Transportation Planning – Norwegian Style”*.

Social and Community Environment – Daniela Stehlik - *“Integrating Social Capital Principles into Planning Design: A Case for a Multidisciplinary Approach to TOD”*; Brian Peddie - *“The Ghost of TODs Past – Schools Reconnecting”*; Luke Strange - *“Revitalising Main-Streets in Perth’s Sub-Centres: Policies, Processes and Outcomes in a Sustainability Framework”*; Brett Wood-Gush - *“Urbanscaping – Making Urban Places and Public Life in TOD Projects”*.

TOD In Queensland – Kathi Holt-Damant – “*Emerging Futures: Transit Oriented Development in SEQ*”; Bruce James – “*Evolution of the Importance of Transit Oriented Developments in SEQ*”; David Mephram – “*Opportunities of Transit Oriented Development in Brisbane, and Beyond*”.

Fourth Parallel Sessions

Successful Interaction of TOD and Transit – Laurie Piggott and Guy Mander – “*Fitting Railway and Bus Stations into the Urban Form*”; Ian Robson – “*POD - People Oriented Development*”; Allan Tranter – “*Does Good Planning Create Communities?*”.

Local Accessibility – Peter Lawrence – “*Beyond Walking Distance?*”, Billie Giles-Corti – “*Increasing Walking Through Urban Design*”; Craig Woolridge – “*Cycling - The Forgotten Transport Mode*”; Frank Primerano – “*Neighbourhood Completeness as a Measure of Accessibility to Local Activities*”.

Issues for Local Government – Gary Evershed – “*Bassendean Town Centre Revitalisation Case Study*”; Ian Ker – “*Common Sense and Opportunism in Transit Oriented Development*”; Lucy Carew-Reid – “*Local Government Opportunities*”; Julie Webb – “*Challenges to Promoting Transit*”.

TOD Field Trip

The conference also includes a TOD field trip on Friday 8 July 2005 by train and bus to Midland, East Perth and Subiaco to examine various TOD related development projects.

CONCLUSION

Given current commitments it is unlikely that an officer from the Planning Department will attend the conference.

The Conference should be an informative and interesting gathering. The item is raised for information for any Councillors who may wish to nominate to attend.

RECOMMEND

1. That Councillor _____ be nominated to attend the Transit Oriented Development Conference to be held in Fremantle from 5 to 8 July 2005, with costs incurred to be charged to GL Account 7040111.7504.702.

Or

2. That there be no nomination from the Development Services Committee members to attend the Transit Oriented Development Conference.

Moved Cr _____
Carried/Lost ()

COMMUNITY HERITAGE ADVISORY COMMITTEE – APPOINTMENT OF COUNCIL DELEGATES, COUNCIL STAFF AND COMMUNITY MEMBERS

{ XE "MISCELLANEOUS:COMMUNITY HERITAGE ADVISORY COMMITTEE – APPOINTMENT OF COUNCIL DELEGATES, COUNCIL STAFF AND COMMUNITY MEMBERS" }

WARD : ALL
FILE REF : CTE/40
DATE : 10 May 2005
REF : HC
RESPONSIBLE : PSM
MANAGER

In Brief:-

- At its meeting on 9 May 2005, Council resolved that the appointment of Delegates to the Community Heritage Advisory Committee (CHAC) be deferred until the first ordinary meeting of the Development Services Committee for a recommendation from that Committee.
- Community and Council Officer representatives to CHAC require appointing.
- Recommend that Council:
 - Nominate Delegates to CHAC from Members of the Development Services Committee
 - Nominate previous Community Members; and
 - Nominate Officers as outlined.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aims for communicating and marketing to:

- ◆ Maintain dialogue to understand community needs and expectations; and
- ◆ Communicate our achievements to the community.

Aim for developing our City to sustain and maintain the distinctive character of the City.

Legislation Implications

- ◆ Local Government Act 1995 - Section 5.8 requires that Council formally appoint Committees by an absolute majority.
- ◆ Heritage of Western Australia Act 1990.
- ◆ Town Planning Scheme No.2 and No.3.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

\$1200 per annum budgeted for Heritage Committee administrative support.

Consultation

Nil.

BACKGROUND

At its meeting on 9 May 2005, Council resolved that the appointment of Delegates to the Community Heritage Advisory Committee (CHAC) be deferred until the first ordinary meeting of the Development Services Committee for a recommendation from that Committee.

As there is a new Council following the Local Government elections, there is also a need to appoint the Community and other Members of CHAC.

At its meeting of 20 August 2001, Council resolved to appoint Mrs Doreen Bloomfield, Mrs Margaret Bettenay, Mr Kim Fletcher and Mr Terry Holton as Community Members of CHAC, and the Planning Services Manager and Administrative Officer Planning as Officers of Council on the Committee.

COMMENT

Council Delegates

The Council Delegates for the 2003/2005 period were Cr H A Zelones JP and Cr F R Green. Cr Green has now retired from Council. It is current practice that the Council Members of CHAC be nominated from the Development Services Committee.

Community Membership

Council declined to advertise the Community positions for nomination following the 2003 Local Government election as the membership had been appointed for less than two years and was functioning well as a Committee. The Committee continues to function well and it is suggested that, as a review of the Municipal Heritage Inventory is being undertaken, the membership be continued to enable the members to participate in the ongoing review of information they have been involved in.

Officers of Council

It is suggested that Officers be represented by the Coordinator Planning Services and the Administrator Planning Services. To provide flexibility and expertise when necessary, it is suggested that the Senior Statutory Planner be nominated as a Deputy to the Coordinator Planning Services.

The current Minute Secretary is an Officer of the City (Manager Property Services) as well as a qualified architect. It is suggested that in view of his expertise that he be appointed to the Committee.

OPTIONS

Council has two (2) options regarding Community Members for CHAC:

1. Reappoint the Community Members currently serving on CHAC;
2. Place advertisements in local newspapers seeking expressions of interest from suitable Community Members to be appointed to CHAC.

CONCLUSION

The current Community Members of the Committee are familiar with the heritage aspects of the Municipality and are in a position to be of great assistance during the forthcoming review of the MHI. It is recommended that rather than go to the time and expense of advertising for new expressions of interest at his time that Council reappoint the current Community Members as outlined in Option 2.

RECOMMEND

1. That Cr _____ and Cr _____ be nominated as Council's Representatives on the Community Heritage Advisory Committee.
2. That Council appoint the following persons as Community Representatives to the Community Heritage Advisory Committee:
 - ♦ Mrs Doreen Bloomfield;
 - ♦ Mrs Margaret Bettenay;
 - ♦ Mr Kim Fletcher; and
 - ♦ Mr Terry Holton.
3. That Council appoint the following Officers of Council to the Community Heritage Advisory Committee:
 - ♦ Coordinator Planning Services (Deputy – Senior Statutory Planner);
 - ♦ Administrator Planning Services; and
 - ♦ Manager Property Services.

*** ABSOLUTE MAJORITY REQUIRED**

Moved Cr _____
Carried/Lost ()

PUBLIC CONSULTATION PROCEDURES

{ XE "MISCELLANEOUS:PUBLIC CONSULTATION PROCEDURES" }

WARD : ALL
FILE REF : PSD/1
DATE : 26 April 2005
REF : IM
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- At its April 2005 meeting Council resolved that officers review and report back to Committee on a strategy to determine how many residents be notified when applications are to be advertised for public comment.
- The report surveys the policies of other local governments and concludes that the City of Armadale's processes do provide a reasonable opportunity for the community to comment on development applications affecting them, taking account of the costs and benefits of consultation.
- Recommend that Council note the report on consultation procedures relating to development applications.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Communicating and Marketing:

Improve two way communication with the local community by developing the City's extensive consultation processes into a policy.

Legislation Implications

Town Planning Scheme No.2 and 3
Draft Town Planning Scheme No.4
Town Planning and Development Act Regulations (Fees and Charges)
City of Armadale Schedule of Fees and Charges.

Council Policy / Local Law Implications

Currently no specific Council policy however, Delegation 719 provides guidance on the necessity, duration and extent of advertising development applications.

Budget / Financial Implications

There are budget implications arising from extending consultation requirements in terms of administrative costs, newspaper advertising, printing and postage.

Consultation

This report addresses this issue of consultation processes in respect of planning applications. Further consultation will be undertaken in the event of the preparation of a local planning policy. The policies of the following local governments have been consulted: Augusta-Margaret River, Belmont, Bunbury, Cambridge, Fremantle, Nedlands, Subiaco and Victoria Park.

BACKGROUND

At its meeting on 26 April 2005 Council resolved that officers review and report back to Committee on a strategy to determine how many residents are notified when applications are to be advertised for public comment.

The issue of consultation arrangements was raised in two recent applications. In each case public requests were received that consultation arrangements be extended and as a result additional time to respond was provided and letters inviting submissions were sent to owners within 500m of the subject property. Notwithstanding the extended submission arrangements complaints were received that the level of consultation was inadequate.

The current arrangements for the advertising of proposals within the City of Armadale depend in part on the nature of the proposal. The City has no formal public consultation policy although various statutory provisions apply through the town planning schemes.

The most common advertising circumstances are for variations to the Residential Design Codes (RD Codes). Neighbour Consultation requirements are set out in the RD Codes themselves wherein affected owners are required to be advised and given at least 14 days to make a submission. When requested Council is required to provide the applicant with the opportunity to respond to comments received.

For other development applications the specific procedures applying to the City are in part set down under Clause 7.2 of Scheme 2 and Clause 11.7 of Scheme 3 (similar provisions are contained in TPS 4). This requires that one or a combination of the following actions be taken:

- ◆ Council serve a notice of the proposal on the owners and occupiers of the land within an area determined by the Council as likely to be affected by the proposal;
- ◆ Publish a notice of the proposal in a local newspaper;
- ◆ Erect a sign on site describing the proposal.

The EDDS, PSM and BSM have delegation (Delegation 719) to determine the necessity, extent and duration of advertising with respect to 'AA' and 'SA' uses and developments under the RD Codes. Generally 'AA' uses are to be advertised for 14 days and 'SA' uses, 'Uses not listed' or 'Non-Conforming Uses' are to be advertised for 21 days unless they are considered to be of a relatively minor nature. It is current practice to advise ward Councillors of all advertised applications.

ANALYSIS

An analysis of the policies adopted by other local governments has been undertaken. This has drawn attention to areas where greater opportunities to make submissions may be provided than is the general practice in the City of Armadale. While Council has requested a report on the issue of the distance to apply consultation to, other issues related to consultation procedures are also discussed below.

Accepted principles and purpose of consultation

What community consultation should be is most succinctly described in the Town of Victoria Park's policy wherein it is stated that the purpose of community consultation is to (i) inform the community about matters under consideration by Council and, (ii) enable Council to make better informed decisions. The RD Codes forewarn that "the purpose of neighbour consultation is not to shift the responsibility or power away from the Council and on to its affected residents."

There is a distinction between community consultation and community participation. In the latter the community is more directly engaged and a key determining factor in the decision making process.

Notification of those affected

Some local governments provide clear guidance in their policies on which properties should be consulted as being directly affected. For instance whether those opposite or over a laneway should be consulted sometimes needs clarification. Suitable diagrams to guide officers in arranging consultation are provided in policies for the City of Fremantle. For some uses specific distances are established within which property owners are invited to make a submission. For instance the Town of Cambridge notifies those within 300m of telecommunications infrastructure, within 100m of proposals where residences could be impacted by proposals in non residential zones, and within 50m for 'SA' uses. The Town of Victoria Park notifies those within 100m of telecommunications infrastructure and the City of Subiaco notify those within 100m where impacts are deemed to affect a wider area.

To notify owners at some distance from a proposal in a rural area may be appropriate and lead to the notification of only a small number of owners. However, in an urban area a similar notification would include many hundreds of letters resulting in a considerable cost in postage and administration. The Shire of Augusta Margaret-River has addressed this issue by requiring notification of controversial applications to owners within 100m in urban areas and 500m in rural areas.

Most local governments notify those deemed to be affected based on an assessment made by a planning officer. Certainly there is often a discrepancy between who a planning officer may believe to be affected and members of the public who may see themselves as affected. This is particularly fraught where there is a view that a proposal would lower the tone of the locality or attract significant traffic through a wide area.

While it may be tempting to institute a standard policy requiring the wider circulation of letters inviting comment this could lead ratepayers to query whether they really needed to be worried about a proposal that would be unlikely to affect them notwithstanding that other people would see themselves affected in the same situation. There would also be an issue regarding the additional costs of such an approach.

Signs on site

In many cases a sign placed on the site is a reliable method of informing a wider public. A number of local governments include in their policies guidance on the situations where a sign is required on site.

The employment of signs on site could be said to inform those likely to be impacted by the development of the site as it is they who would notice the sign. In addition, while landowners can be easily contacted from rate records, affected property occupiers are less likely to be informed by letters than by a sign on a nearby site.

Newspaper advertising

All local governments have the option of publishing notices of applications within the local newspaper. In most cases this is restricted to significant proposals affecting a wide area or the whole district. The City of Fremantle's policy identifies those proposals specifically requiring advertising.

Subiaco, and more recently Nedlands, publish notices in the Subiaco Post advising of all applications irrespective of their significance. A half page advertisement in the Subiaco Post costs around \$900. There is no doubt that this method keeps the public well informed of all developments proposed in the district, however the costs would amount to tens of thousands of dollars each year in advertising alone. An alternative to newspaper advertising could be publishing a notice of all applications on the City's website.

Provision of plans to the public

Generally the nature of a proposal is summarized in the letter sent to those deemed affected and additional details such as the plans may be viewed at the Administration Centre. In the past it has been considered that there is a copyright issue associated with sending plans out to those affected and there would certainly be an administrative cost in reducing and copying the plans notwithstanding the fact that it is often difficult to understand the impact of a proposal without viewing plans. The Town of Victoria Park requests the applicant give written approval to the Council in respect of circulating plans when making the application. This would assist, however, it would be difficult to compel an applicant to approve the circulation of plans as there could be a legitimate copyright concern.

Time period for advertising

Generally local governments require a 14 day advertising period for standard development applications and 21 days for specified applications or situations.

The City of Armadale requires at least 14 days for development applications under the Schemes and the RD Codes, but at Council discretion a longer period may be provided. 21 days advertising is required under the Scheme for structure plans and a similar period under Delegation 719 for 'SA' uses, 'Uses not listed' and 'Non-Conforming Uses'. There is normally a time constraint brought about by the timing of the next Committee meeting, however, for controversial issues time periods are extended and the practice has been to accept late submissions up to the Committee meeting notwithstanding the administrative difficulties.

There is a statutory time period of 60 days within which applications are required to be determined before an applicant has the right to appeal. The provision of longer submission periods must take account of these statutory constraints and of the additional time required by planning officers to properly report on the matter to the Council.

Cost of Advertising

Generally local governments cover the cost of advertising without seeking recompense from applicants. However, the cost of advertising is generally not covered by the development application fee and provisions are available in the Regulations to enable costs to be recouped.

Applications requiring extensive advertising do incur considerable costs to the City in mail out and administration. While this may be seen as a legitimate cost of good governance, there needs to be a balance between the benefit of keeping a wide community informed and the better decisions that may result on one hand and the cost and administrative burden on the other.

Role of precinct groups/ratepayers associations and Advisory Committees

Where there is an active residents association there may be merit in advising the association of applications. The City of Fremantle has formalized this process to enable the relevant precinct committee (which is run by the Council) to comment on relevant applications. Unless such associations meet regularly it is sometimes difficult to ensure that responses are timely. The City of Armadale refers applications for comment to a number of progress, residents' and community associations (such as the Araluen Estate Progress Association, the Bedforddale Residents' Association and the West Armadale Progress Association).

Notification of Council's decision to all submittees

Some Councils ensure that those making a submission are advised of the outcome following Council's decision. The City of Armadale follows this practice.

City to undertake advertising procedures

Most Councils undertake the advertising process rather than leaving it to the applicant as questions can arise as to whether pressure is brought to bear on would-be submittees by the applicant notifying nearby owners of a proposal. The City of Armadale undertakes the consultation rather than allowing this to be undertaken by the applicant, (indeed this is a requirement under the town planning scheme) although the applicant is normally responsible for organizing signs on site where required.

Need for policy

Most local governments do not have specific policies relating to public consultation while some have a policy that does little more than restate the statutory requirements – such is the case with the City of Nedlands and City of Belmont policies. A search of metropolitan and selected country local government websites has revealed eight local governments with local planning policies relating to public consultation.

It is noted that the Strategic Plan 2005-2009 identifies as one of the initiatives to be undertaken over the next five years the development of the City's extensive consultation processes into a policy. It should be noted that processes relating to planning applications is only one part of the consultation processes engaged in by the City.

OPTIONS

Council could:

1. Note the report and the current practices outlined therein.
2. Request a policy be prepared to set out and provide guidance on consultation procedures.

CONCLUSION

In general Councils leave discretion to the planning officers to determine how far consultation should occur for a particular application. It is sometimes difficult to predict those situations that result in wider community concern, often because the planning officer is looking at a proposal from a technical planning perspective. Where controversy results the officers and Council should be able to respond by extending the submission period and using various alternative approaches to ensure that the community is well informed. Indeed it would be of concern if a proposal which subsequently was proved to be controversial was determined by Council prior to the community finding out about it. As demonstrated in the recent examples, the system is working in that at the point at which Council is required to make a decision the community has been made aware of the proposal and given ample opportunity to comment.

While the preparation of a policy would provide clearer guidance to officers, each situation is different and officers who are diligent and aware of Council and community sensitivities should be able to effectively provide appropriate consultation opportunities under current arrangements.

In any event it needs to be reiterated that the purpose of public consultation, at least in the planning area, is to inform the community and assist Council in its decisions. Policies that result in significant additional requirements could be onerous and impose costs on developers and the administration without necessarily furthering these objectives.

RECOMMEND

That Council note the report on consultation procedures relating to development applications.

Moved Cr _____
Carried/Lost ()



RESERVE FOR RECREATION - LOT 4999 ON DEPOSITED PLAN 38136 – BROOKTON HIGHWAY, KELMSCOTT

{ XE "MISCELLANEOUS:RESERVE FOR RECREATION – LOT 4999 ON DEPOSITED PLAN 38136 – BROOKTON HWY, KELMSCOTT" }

WARD : RIVER

FILE REF : A225731

DATE : 5 May 2005

REF : MF

RESPONSIBLE MANAGER : PSM

APPLICANT : Department for Planning and Infrastructure – Land Asset Management Services

LAND OWNER : CROWN

SUBJECT LAND : Property size 1915m²
Map 23-06

ZONING

MRS/TPS No.2 : Urban / Residential R10

DRAFT TPS No.4 : Residential R10

In Brief:-

- Request received from Department for Planning and Infrastructure as to whether Council is prepared to include the adjoining Lot 4999 Brookton Highway, Kelmscott into Reserve 30253 and to accept a Management Order over the combined area.
- Recommend that Council resolve to include Lot 4999 Brookton Highway, Kelmscott into Reserve 30253 and to accept a Management Order over the combined area.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Providing Physical Infrastructure and Caring for the Natural Environment – Ongoing Service Delivery for Infrastructure and the Environment: Parks and Reserves Development and Maintenance.

Legislation Implications

Land Administration Act 1997
Town Planning and Development Act 1928
Town Planning Scheme 2.
Town Planning Scheme 4

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

The cost of managing a minor passive reserve is about \$1,600 per hectare per annum.

Consultation

- ◆ Department for Planning and Infrastructure – Land Asset Management Services.

BACKGROUND

At its meeting of 18 October 2004 Council resolved, among other things, that subject to no adverse comments being received through the public consultation process, Council accept vesting of the portion of Reserve 30253 at the end of Hicks Road, Kelmscott.

No adverse comments were received during the public consultation process and therefore Council in accordance with the Public Open Space Strategy will accept a Management Order for this Reserve.

DETAILS OF PROPOSAL

The City has received a letter of request from the Department for Planning and Infrastructure – Land Asset Management Services as to whether the City will agree to the inclusion of Lot 4999 on Deposited Plan 38136 into Reserve 30253 and whether the City will accept a Management Order over the combined area. This will add 1915m² to Reserve 30253.

COMMENT

Lot 4999 on Deposited Plan 38136 was ceded free of cost to the Crown and without payment of compensation by the Crown under Section 20A of the Town Planning and Development Act as a condition of subdivision approval which was given on 19 June 2001.

ANALYSIS

Since Council has resolved to accept a Management Order over the portion of Reserve 30253, it seems logical to include abutting Lot 4999 into this Reserve.

OPTIONS

Council has two options:

1. Resolve to decline the request to include Lot 4999 into Reserve 30253.
2. Resolve to accept the inclusion of Reserve 4999 into Reserve 30253 and accept a Management Order over the combined area.

CONCLUSION

It is recommended that Council should adopt Option 2 and accept the inclusion of Lot 4999 into Reserve 30253 and accept a Management Order over the combined area.

RECOMMEND

- 1. That Council resolve to agree to the inclusion of Lot 4999 Brookton Highway, Kelmscott shown on Deposited Plan 38136 into Reserve 30253 and to accept a Management Order for the combined area.**
- 2. That the Department for Planning and Infrastructure – Land Asset Management Services be advised of Council's determination.**

Moved Cr _____
Carried/Lost ()

DRAFT POLICY - ARALUEN RESIDENTIAL ESTATE PLN 3.7

{ XE "COUNCILLORS' ITEMS:CR HART - DRAFT POLICY - ARALUEN RESIDENTIAL ESTATE PLN 3.7" }

At Council's meeting on 26th April 2005, Cr Hart referred the following –

That the matter of Draft Policy PLN 3.7 clearly identifying “buildings blending with the landscape” characteristics, be referred to the Development Services Committee.

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

A recent application for a house development on the Araluen Estate saw the application challenged by the Araluen Progress Association along with 85 signatures from Araluen Estate residents on a petition. They did not believe the proposed property's architectural style was in line with those homes already built on the estate over the last 10 years. They believed that it would detract from the overall visual amenity and set a precedent for future applications. They also requested that the Policy be referred back to Development Services to be strengthened to ensure the overall strengths and understandings of the previous covenants were embraced stronger in the new policy.

There were real concerns that definition of Australian Vernacular as previously interpreted for the Estate over the past 10 years was not demonstrated with this development application.

They want the wording in the new policy - after Australian Vernacular to include the wording from the previous covenants including –

“Dwellings shall be designed to be unobtrusive, in harmony with the natural environment; respectful of streetscapes and neighbourhood dwellings”.

– Following the lifting of the 10 year old covenants the residents had been assured following meetings and discussions with Council officers and Councillors that the wording of Policy PLN 3.7 would ensure that the overall intent would be enshrined in the new policy. They believe that Councils approval of this application clearly demonstrates that this is not the case and requests that this be addressed in ways which will give assurance to all those residents that had built homes previously on the site that the overall visual amenity, quality and style will continue as previously under the old covenants.

For discussion and recommendation.

RECOMMEND

To be considered.

Moved Cr _____
Carried/Lost ()

LATE ITEMS

COUNCILLORS' ITEMS

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS

In view of likely confidential aspects of this Report, public and staff in attendance, other than Chief Executive Officer and Executive Director Development Services, may be requested to retire from the meeting.

MEETING DECLARED CLOSED AT _____

DEVELOPMENT SERVICES COMMITTEE

SUMMARY OF “A” ATTACHMENTS

17TH MAY 2005

ATT NO.	SUBJECT	PAGE
BUILDING		
HEALTH		
A1	Correspondence re Public Buildings Management	205
PLANNING		
A2	Copy of Conference document re Transit Oriented Development Conference to be held in Fremantle from 5 th to 8 th July 2005	215

Our Ref : HLT/23
Enquiries : Mr P Meyrick

5 April 2005

Mr S Brodie
Environmental Health Branch
Department of Health
PO Box 8172
PERTH BUSINESS CENTRE 6849

Dear Mr Brodie

A NEW APPROACH TO PUBLIC BUILDING MANAGEMENT IN WA

I refer to your letter of 2nd March in which you seek comment from local government with respect to the discussion paper (the paper) outlining a proposed "policy position" on management of public buildings to be developed between the Department of Health (the Department) and local government.

All of the City's Environmental Health Officers have been provided with the opportunity for input and the comments that follow attempt to incorporate all of the views expressed, and are directed in the main at the longer term development of public buildings legislation.

1. GENERAL COMMENT

Before commenting upon the specific issues raised within the paper, I again outline my belief (expressed to the Department both in writing and verbally over many years), that addressing the more significant difficulties impacting upon effective implementation of the public buildings provisions of the Health Act 1911 (the Act) and its attendant Health (Public Buildings) Regulations 1992 (the Regulations) is relatively simple, being pretty well dependent upon two basic actions.

1.1 The definition of "public building" within the Act needs to be changed so that it is clear and unambiguous.

While it is noted that this is intended during development of the new Public Health Bill, it is considered that, while the demand that may be placed upon local government resources is obviously an issue, the principles underpinning any new definition must give first priority to maintenance of public safety. In other words, a definition should not be constructed specifically to avoid an imposition upon resources but rather to ensure that all of those buildings considered to pose similar types of risks are captured.

Further, while the paper argues that the public buildings provisions of the Act and Regulations, by virtue of the use of the terms "or place" and "or other place" have application to places other than buildings because:

- ◆ the Interpretation Act 1984, in indicating what extrinsic material may be used in interpreting a provision of a written law, allows consideration of the speech made in Parliament by the Minister moving the Bill containing the provision;
- ◆ in order to facilitate some form of control over "rave parties", the State Government introduced the Acts Amendment (Assemblies and Noise) Bill 1996, and it was this that saw the words "or other place"; and
- ◆ in his Second Reading Speech, the Minister said "Clause 4 of the Bill amends Section 173 to extend the definition of 'public building' to cover places other than buildings, structures, tents, galleries, enclosures or platforms. This amendment will provide for the regulation of events that are intended to be held at venues other than buildings"

that position is not seen as unequivocal.

While it is conceded that it may be true that any place can constitute a public building (dependent upon the nature of use), consideration of the speech made in Parliament by the Minister moving the Bill is only one of eight extrinsic matters that may be considered under Section 19(2) of the Interpretation Act in determining the meaning of a written law, and that subsection needs to be read in the context of the whole of Section 19. Subsection (3), for instance, says that, in considering extrinsic material to determine the meaning of written law, regard shall be given to the desirability of persons being able rely on the ordinary meaning conveyed by the text and the need to avoid prolonging legal proceedings, while subsection (1) limits the use of such material to those circumstances where that is necessary to confirm that meaning of the provision is the ordinary meaning or to determine the meaning where the context in written law leads to a result that is manifestly absurd or unreasonable.

In this instance, it seems that basing the interpretation upon the Ministerial speech alone leads to a position that is manifestly absurd or unreasonable. When seen in the context of the remainder of the relevant provisions of the Act and Regulations that interpretation is incongruous. For example:

- ◆ Section 176 requires an application to be made to "construct, extend or alter" a public building, those words obviously implying some form of physical structure;
- ◆ Section 178 requires a Certificate of Approval to be issued before a public building is opened or used (it again being nonsensical to refer to opening a place that has no physical limit, border or boundary);
- ◆ Section 179 sets out powers of inspection and control (all of which infer an actual building, structure or the like);
- ◆ Section 180 provides the power to make Regulations, all of the provisions therein inferring notions of physical structures;

- ◆ Regulation 7 controls maximum numbers and all examples are buildings or physical structures;
- ◆ Regulation 7B, relates to the assessment of floor area, again inferring notions of buildings and other physical structures;
- ◆ Regulation 7B(b) clearly implies that "external areas" are regarded as part of a public building only in so much as they are associated with the public building; and, finally;
- ◆ Regulation 8 requires the display of the Certificate of Approval in the main entrance of the public building - how this could be achieved in relation to an open space or place defies the imagination.

It is important, then, in framing any new definition, that the meaning to be placed upon the term is both consistent and congruous with the context in which it is used throughout the Act and Regulations. It seems clear that the Act is not the appropriate vehicle for implementation of controls over mere places, and if such powers and controls are desired they ought to be separate and distinct from (but certainly in harmony with) public buildings legislation.

This raises the question, of course, of whether the Act is really the best vehicle for the exercise of public buildings controls at all. I believe this issue should be thoroughly considered, and the experience of other states and countries taken into account, during development of the Public Health Bill.

1.2 All of the structural and occupancy number standards within the Regulations should be completely consistent with the Building Code of Australia (the Code) adopted by the Building Regulations 1988, with the focus of the additional (Health Act) regulatory requirements being upon maintenance and operational issues.

This is so obviously necessary, and has been so for such a long period of time, that it is astonishing that the 1992 Regulations were promulgated in the form that they were.

This would overcome the many enforcement problems caused by ambiguity and inconsistency between the Regulations and the Code, such as the increasing tendency among owners and occupiers of public buildings, particularly sporting clubs and the like, to install steel gridded padlocked security screens immediately adjacent to all doors to the buildings.

While this practice has been driven by property security considerations and often been actively promoted by insurance companies, the question of conformity or otherwise with the requirements of the Regulations and the very real life safety risks created have never been adequately addressed. Given the seriousness of the issue as well as the responsibilities and liabilities of both local government and its officers, it is imperative that all local governments are able to take a definitive, uniform and legally sustainable position.

The present position is unsustainable, as can be easily demonstrated by example.

Regulation 14(3)(b) specifies that only espagnolette, panic or strap bolts or other fittings approved by the local government are to be fitted to exit doors, while Regulation 14(4) prohibits the use of barrel bolts.

At first sight, the intent of this would appear to be twofold – firstly to ensure that doors are easily opened by a single action and secondly to eliminate human error in doors being left locked. Regulation 15, however, prohibits the locking of any exit door, or gate in an exit path, while a public building is in use (unlike Regulation 14, which operates without this qualification) thereby suggesting that devices other than those specified may be used on exit doors (or gate in an exit path) provided they are not used when the building is in use.

It should be noted that the “gates” or security screens usually occupy the very doorway of the exits they protect and almost always use barrel or pad bolts or other types of prohibited latching mechanisms.

Clause D2.21 of the Code, on the other hand, is much more explicit in its requirements, and states that a door in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily able to be opened without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900 mm and 1.2 m from the floor, with specified exceptions.

The Code clearly does not envisage or permit the installation of locked security screens across doorways used as required exits, but the lack of maintenance provisions and the fact that many buildings predate the Code makes its application other than at the time of construction impracticable.

Despite the confusion and potential danger to human life which must inevitably arise in the absence of clarification on this issue both the Information to Local Government on Health (Public Buildings) Regulations 1992 published in 1992 and the two versions of the Guidelines on the Application of the Health (Public Buildings) Regulations 1992 published by the Department of Health in 1992 and 2002 respectively are both silent on the issue of security screens, although:

- ◆ the former on page 13 illustrates examples of “Types of door latches not permitted because of their capacity to be padlocked”; and
- ◆ the latter (2002 version) also illustrates prohibited latching mechanisms and on page 34 says: “The intent of the regulation is to permit exit doors to be operated at any time by a person, possibly under duress, seeking egress without use of a key or prior preparation. The discretion (provided by Regulation 14 to local government to approve other types of latches) should be exercised carefully to ensure that this basic intent is achieved.”

There are many other examples, but this will suffice to make the point. The problems can be easily solved, and the Regulations made much simpler and more workable by:

- ◆ repealing the Health (Public Buildings) Regulations 1992; and
- ◆ replacing them with a new set of regulations which, dependent upon the outcome of consideration with respect to the definition canvassed at 1.1:
 - (i) adopt the relevant parts of the Code as the standard for all structural matters and occupancy numbers for all major buildings in which the public gather;

- (ii) incorporate a clause providing a "period of grace" (say 5 or 10 years) within which all existing buildings will be required to meet core safety provisions of the Code (egress pathways etc);
- (iii) possibly stipulate minimum fire safety equipment to be provided; and
- (iv) detail repairs and maintenance provisions (there are currently none); and
- (v) specify operating standards.

This would not only provide a much more effective, useful and easily understood regulatory regime, but would also reduce the demand upon local government resources by allowing Building Surveyors alone to fulfil their role in managing the building approval process while Environmental Health Officers focus on ongoing operational matters.

Given that neither the Building Regulations 1988 nor the Code itself include any maintenance provisions, this reduction in demand on Environmental Health Officers' time could be put to good use in the event that the public building definition finally adopted captures significantly more buildings than currently regularly monitored.

2. ISSUES UPON WHICH SPECIFIC COMMENT IS SOUGHT

2.1 Classification by risk category

While a pre-determined risk category approach by type is workable, a prescriptive approach limits efficient and effective risk analysis and appropriate management. A preferred method would involve individual classification of risk through initial assessment, allocating points for designated risk factors in each case, and assigning a class with respective inspection frequency. (Refer to the model in the Appendix to this letter).

2.2 Frequency of inspections

It is considered that the suggested inspection frequencies are reasonable as far as they go, but it would be advantageous for even low risk buildings to be inspected annually. With an appropriate risk classification system as suggested above the frequencies could be subject to minor adjustment (ie. High Risk – three inspections annually).

2.3 Should public buildings provisions apply only to a threshold number (say 50 people)?

Buildings accommodating less than 50 persons should not be regarded as "public buildings" for the purposes of the Act. Consideration could be given to a higher threshold number where there is direct communication with external open space.

2.4 When does a meeting room become a public building?

See 2.3.

2.5 How should public buildings requirements be applied to gatherings in unenclosed spaces?

In my opinion they should not and can not. If such controls are desired there ought to be separate and distinct legislation. See more detailed comment at 1.1. Temporary structures associated with such events (tents, marquees, stages etc) would, of course, be assessed in accordance with the Act and Regulations.

2.6 Should retail stores etc be treated as public buildings?

If the suggestion at 1.2 is pursued this issue won't exist. All major buildings in which the public gather will be subject to the construction standards within the Code and, where appropriate, operational and maintenance standards appropriate to the particular building type.

2.7 Buildings for which it is difficult, impractical or unnecessary to assign occupancy numbers.

Again, this issue won't exist if the suggestion at 1.2 is pursued.

2.8 Assemblies in private residences.

It's difficult to believe this proposition is serious. Assuming liability for safety at private parties under the Act or Regulations seems ridiculous for many obvious reasons, not least of which is lack of notification. My understanding is that there is ample legal precedent to the effect that an event to which specific invited people attend cannot be regarded as open to the public, and the guests cannot be regarded as "the public" for the purposes of the Act.

There is a different argument, of course, when there is an attempt to operate some sort of commercial or genuinely "public" function, such as dances and so forth. This has occurred, and while primarily a Planning issue there is often a need for Health input.

2.9 Buildings in Schedule of Public Buildings that were not in the 1992 list.

I have long held the view that the Act's meaning of "public building" is much broader than those various meanings ascribed by the Department over the years, and don't believe it's possible (or prudent) to somehow attempt to confine the meaning by preparation of a schedule. An approach as indicated at 1.2 will dispose of this question.

2.10 Any other types of buildings that should be added to the Schedule.

See 2.9.

2.11 Determination of risk category by the Executive Director.

I can see no advantage in that and believe an approach along the lines of 2.1 is far preferable.

2.12 Child care and retirement village issues.

My views on this are predicated upon the belief that, as far as is possible, buildings and their operators should be subject to only one regulatory authority. Generally speaking, therefore, where there is another set of legislation (Commonwealth or State) prescribing construction/operational standards (such as the Community Services (Child Care) Regulations 1988) it would be preferable for those regulations to incorporate all relevant requirements and for one Department (the Department of Community Development in that case) to administer those requirements.

With respect to the use common areas of retirement villages (I suspect that nursing homes is meant when there is reference to people with dementia) for bingo and so forth, to say that the Office of Racing, Gaming and Liquor "generally requires these places to be public buildings" is, I think, stretching the fact a little. The Office requires assurance that the building complies with the requirements of the Act, and, once again, the approach suggested 1.2 will deal with that issue.

In closing, I advise that there is a general acceptance of a risk based approach to public buildings management and control – indeed, that is very much existing practice - but a system of determining risk along the lines indicated at 2.1 seems more likely to deliver a workable outcome than a prescriptive "scheduling".

The statement on P2 of the paper, however, that if a local government can show that it has acted in accordance with the policy "it will be supported by the Department in any proceedings that may arise" is somewhat bemusing. It is not clear exactly what support is envisaged (or, indeed, what could be offered) since, in the final analysis, it is the Courts rather than the Department that determine what interpretation should be put upon the law.

I trust that these comments are helpful to you and look forward to the production of the final paper.

Yours faithfully

D P MEYRICK
HEALTH SERVICES MANAGER

APPENDIX

File Number _____

ENVIRONMENTAL HEALTH SERVICES
RISK WEIGHTING ASSESSMENT - PUBLIC BUILDINGS

NAME OF PREMISES: _____

DATE: _____ CONTACT: _____

Risk Category & Description	Weighting Factor
Patron Loading	
Low to medium load	0
High to maximum load	1
Potential for overloading	3
Alcohol Consumption	
No alcohol consumed	0
Low consumption/with food	1
High consumption/full bar	3
Time of Operation	
Daytime use only	0
Limited night/evening use	1
Regular/late night use	3
Building Area Location	
Ground level/direct exit	0
First floor/indirect exit	1
Basement or above first floor	3
Egress Path	
Little or no obstruction	0
Some furniture/fixed seating	1
Much furniture/loose seating	2
Patron Orientation	
Patrons familiar with premises	0
Limited patron familiarity	1
Unfamiliar patronage	2

Patron Dependency	
Independent patrons	0
Elderly or child patronage	2
Special needs patronage	3
Duration of Assembly	
0 to 2 hours	0
2 to 4 hours	1
Over 4 hours	3

Classification Rating Scale

Risk Weighting 0 to 10 = Low Risk 11 to 15 = Medium Risk 16 or above = High Risk

Total Weighting Factor _____ Risk Classification _____

Officer _____ Signed _____



Transit Oriented Development - Making It Happen
5 - 8 July 2005
Esplanade Hotel Fremantle,
Western Australia
Registration

- Home**
- Sponsorship**
- Conference Themes**
- Submit Abstracts**
- Speakers**
- Register**
- Provisional Program**
- PATREC**
- Optional Program**
- Accommodation**
- General Information**
- Major Sponsors**

You can use our on-line system to register your interest in attending or taking part in the conference.

[Register](#)

Please note: It is essential for all participants including delegates, presenters and accompanying persons to send in a completed registration form together with payment of registration fees. All fees stated in this document are in Australian Dollars. [Check here for a convenient currency converter.](#)

FEES	before 10 May 2005	after 10 May 2005
Full Delegate	\$715.00 AUD	\$805.00 AUD
Student (*)	\$220.00	\$250.00
Day Registrations	\$385.00 per day	\$425.00 per day
Student (*)	\$110.00 per day	\$135 per day

(*) Only persons engaged in full time study, either as an undergraduate or a postgraduate student, are entitled to the Student Registration Fee. The University/School Head of Department must send a letter of confirmation of full time student status and state their degree program.

ENTITLEMENTS

Fully registered delegates and students are entitled to:

- attend all conference sessions
- conference satchel
- all conference publications
- welcome cocktail party
- morning, afternoon teas and lunches

(The Conference Dinner and Field Trip are NOT included in the Registration Fee)

Day delegates/students are entitled to:

- attend all sessions on nominated day/s
- conference satchel
- all conference publications
- morning, afternoon teas and lunches on nominated day/s
- Accompanying persons are requested to purchase tickets to attend the welcome reception and conference dinner



PAYMENT

- Registration Enrolment Forms must be accompanied by payment of the registration fees and accommodation deposits.
- All amounts are in Australian Dollars. Overseas registrants should arrange payment by bank draft payable in Australian Dollars at an Australian bank.
- Registration fees may be paid by MasterCard, Visa and Bankcard.
- Delegates will receive a confirmation letter, which includes the receipt and tax invoice.

GOODS & SERVICES TAX

A Tax Invoice will be issued with the receipt of registration and this must be given to the Accounts Department for GST records.

Unless otherwise requested in writing at the time of sending the registration enrolment form, the Tax Invoice will be in the name of the delegate. Reprints for Tax Invoices will be subject to a \$20 administration fee.

For international visitors, a tax refund may be sought at the airport for goods which are taken with them in their hand luggage when leaving the country. A tax refund is not available for goods or services consumed in Australia – and therefore the GST component of conference registration fees, accommodation, tours, etc are not claimable.

CANCELLATION POLICY

1. All cancellations of attendance must be made in writing to the Conference Secretariat.
2. A full refund, less a cancellation fee of \$50 will be made on those received before 3 May 2005
3. A refund of 50% of the registration fee will be made on cancellations received between 3 May 2005 and 31 May 2005
4. No refund will be made after 31 May 2005
5. All refunds will be paid after the conclusion of the conference

Conference Secretariat:

Congress West Pty Ltd
PO Box 1248, West Perth WA 6872, Australia
Tel: +61 8 9322 6906, Fax: +61 8 9322 1734
Email: conwes@congresswest.com.au

[Privacy Policy](#) | [Disclaimer](#)



Transit Oriented Development - Making It Happen
5 - 8 July 2005
Esplanade Hotel Fremantle,
Western Australia
Provisional Program

Home

(Program subject to change)

Sponsorship

Transit Oriented Development - Making it Happen

Conference Themes

Esplanade Hotel Fremantle, Western Australia 5- 8 July 2005

Submit Abstracts

Speakers

Register

Provisional Program

PATREC

Optional Program

Accommodation

General Information

Major Sponsors



PRE-CONFERENCE: 5 July 2005	
1730 - 1900	Welcome Cocktail Reception (Mussel Bar, Fremantle)
DAY 1 : 6 July 2005, 0845 - 1730	
0845 - 0900	Conference Opening (Esplanade Hotel, Fremantle) Welcome and Conference Opening
0900 - 0930 0930 - 1000 1000 - 1030	Keynote papers Robert Cervero - <i>Strategies and issues - The US Experience</i> Luca Bertolini - <i>Strategies and issues - The European experience</i> Jeremy Dawkins - <i>Fifty Years of Strategic Planning in Perth</i>
1030 - 1100	Energy Break - coffee/tea
1100 - 1300	Parallel Sessions North American Experience of TOD GB Arrington - <i>TOD in the United States: Experiences, Challenges and Prospects</i> Darren Enns - <i>All Aboard? Transit Oriented Development Opportunities Around Suburban Commuter Rail Stations</i> John Renne - <i>Thirty Years of Trends in Transit Oriented Development Across America</i>
1100 - 1300	Transit systems for TOD Wendy Adam - <i>Effective Bus-Based Transit Oriented Development</i> Graham Currie - <i>Strengths and Weakness of Bus in relation to Transit Oriented</i> Lachlan Daniel - <i>Light Rail Systems - assessing their technical feasibility</i> Matthew Skinner - <i>Changing Attitudes towards Public Transport from a Tertiary Perspective</i>
1100 - 1300	Case Study - Subiaco, Western Australia Andrew Howe - <i>Subi Centro - Perth's internationally acclaimed TOD</i>

	Geoff Glass - <i>Honey, I've sunk the railway line. Do you want me to tidy up the rest of the town?</i> Tony Morgan - <i>Maximising the Benefits of TOD - Subi Centro and Claisebrook Village</i>
1300 - 1400	Lunch
1400 - 1600	Parallel Sessions From Policy and Regulation to Implementation Ross Holt - <i>Driving delivery of TOD' or Creative Implementation Strategies</i> Evan Jones - <i>Implementing TOD at the Regional Scale: the Missing Link</i> John Renne - <i>TOD - State and local government policy in WA</i> Malcolm Mackay - <i>TOD: Don't think Transit-Oriented Development, think Transport-Oriented Development</i>
1400-1600	Managing Travel in Transit Oriented Developments Colin Ashton-Graham & Gary John - <i>TravelSmart + TOD = synergy and sustainability</i> David Melklejohn - <i>TOD and TDM: ensuring good policy outcomes in Melbourne</i> David Wake - <i>Transit to Work: the effect of workplace location and travel plans on public transport use</i> Les Chandra - <i>Putting the Transit into Transit Oriented Development</i>
1400-1600	Regional and Local strategies Chip Kaufman - <i>Urban and Regional Structuring to Optimise TOD</i> Paul Drechsler & Nigel Smith - <i>How Not To Do TOD</i> Louise Ainsworth - <i>A Tale of 3 TOD's</i>
1600-1630	Energy Break - coffee/tea
1630 - 1700 1700 - 1730	Plenary Session Shelley Poticha - <i>Key issues for implementation - the US Experience</i> Peter Newman <i>Themes and issues from Australia</i>
1900 - 2300	Conference Dinner - Maritime Museum, Fremantle
DAY 2: 7 July 2005, 0845 - 1730	
0845 - 0915 0915 - 0945 0945 - 1015	Plenary Session Warwick Hemsley - <i>Is TOD a commercial reality in Australia?</i> Paul Conti - <i>Sales and Marketing of Transit Oriented Developments</i> Janet Rice - <i>Community responses and issues</i>

1015 - 1045	Energy Break - coffee/tea
1045 - 1245	<p>Parallel Sessions Successful Interaction of TOD and Transit Paul McLeod - <i>It's all in the timing: Use of appropriate infrastructure investment to influence better urban planning outcomes</i> Bruce James - <i>Transport Infrastructure Funding and TOD's - can they co-exist ?</i></p>
1045 - 1245	<p>Tor Medelen - <i>Co-ordinated land-use and transportation planning - Norwegian style</i> Social and Community Environment Daniela Stehlik - <i>Integrating Social Capital Principles into Planning Design: A case for a multidisciplinary approach to TOD.</i></p>
1045 - 1245	<p>Brian Peddie - <i>The Ghost of TOD's Past - Schools Reconnecting</i> Luke Stange - <i>Revitalising main-streets in Perth's sub-centres: policies, processes & outcomes in a sustainability framework</i> Brett Wood-Gush - <i>Urbanscaping - Making Urban Places and Public Life in TOD Projects</i> TOD in Queensland Kathi Holt-Damant - <i>Emerging Futures: transit-oriented development in SEQ</i> Bruce James - <i>Evolution of the Importance of Transit Orientated Developments in SEQ</i> David Mephram - <i>Opportunities for Transit Oriented Development in Brisbane, and beyond</i></p>
1245 - 1345	Lunch
1345 - 1545	<p>Parallel Sessions Successful Interaction of TOD and Transit Laurie Piggott & Guy Mander - <i>Fitting Railway and Bus Stations into the Urban Form</i> Ian Robson - <i>POD - People Oriented Development</i></p>
1345 - 1545	<p>Allan Tranter - <i>Does Good Planning Create Communities?</i> Local Accessibilty Peter Lawrence - <i>Beyond Walking Distance?</i></p>
1345 - 1545	<p>Billie Giles-Corti - <i>Increasing walking through urban design:</i> Craig Wooldridge - <i>Cycling-The forgotten Transport Mode</i> Frank Primerano - <i>Neighbourhood Completeness as a measure of accessibility to local activities</i> Issues for Local Government Gary Evershed - <i>Bassehdean Town Centre Revitalisation Case Study</i> Ian Ker - <i>Common Sense and Opportunism in Transit Oriented Development</i> Lucy Carew-Reid & - <i>Local Government Opportunities and</i> Julie Webb - <i>Challenges to Promoting Transit</i></p>
1545-1615	Energy Break - coffee/tea

1615 - 1715	Closing Plenary Session: Making it happen - issues and future directions Robert Cervero Shelley Poticha Reece Waldock
1715 - 1730	Luca Bertolini Jeremy Dawkins Ross Holt Peter Newman Warwick Hemsley Ruth Durack Stuart Hicks - Closing comments: Strategy & implementation - a research and policy agenda
DAY 3 : 8 July 2005,	
0900 - 1600	TOD field trip by train and bus: Midland, East Perth and Subiaco

Conference Secretariat:

Congress West Pty Ltd
PO Box 1248, West Perth WA 6872, Australia
Tel: +61 8 9322 6906, Fax: +61 8 9322 1734
Email: conwes@congresswest.com.au

[Privacy Policy](#) | [Disclaimer](#)



Transit Oriented Development - Making It Happen

5 - 8 July 2005
Esplanade Hotel Fremantle,
Western Australia
Key Speakers

Home

Sponsorship

Conference Themes

Submit Abstracts

Speakers

Register

Provisional Program

PATREC

Optional Program

Accommodation

General Information

Major Sponsors



Robert Cervero



is Professor and Chair of the Department of City and Regional Planning, University of California, Berkeley. He is the author of numerous articles and research monographs on TOD and sustainable transportation planning, including *Transit Oriented Development in the United States: Experiences, Challenges, and Prospects* (2004, National Academy Press), *Development Around Transit* (2005, Urban Land Institute, 2005), *Travel Characteristics of TOD in California* (2004, CalTrans), *The Transit Metropolis* (Island Press, 1998); *Informal Transport in the Developing World* (UN Press, 2000), and *Transit Villages for the 21st Century* (McGraw-Hill, 1997).

In recent years, Professor Cervero has been an advisor and consultant on transportation projects involving TOD in Dalian and Xi'an China, Bogota Colombia, Fortaleza Brazil, Dublin Ireland, and numerous U.S. cities. He has also developed models for predicting ridership benefits of TOD in Charlotte, St. Louis, Salt Lake City, and the San Francisco Bay Area. Professor Cervero also has conducted original research for the Urban Land Institute on the landvalue impacts of TOD in California's four largest metro areas and greater Washington D.C.

He is currently leading a comparative international study on transportation and land-use integration through the Volvo Foundation, evaluating travel behavior impacts of carsharing in San Francisco, and the connection between built environments and physical activity in Bogota Colombia. Over the past five years, he has been a regular instructor of transportation planning courses for the National Transit Institute and the World Bank Institute. In 2004, Professor Cervero was the first-ever recipient of the Dale Prize for Excellence in Urban Planning Research.

He won the Article of the Year award from the Journal of the American Planning Association in 2003. Professor Cervero presently serves on the editorial boards of *Urban Studies*, *Journal of Planning Literature*, and *Journal of Public Transportation*, chairs the National Advisory Committee of the Active Living Research Program of the Robert Wood Johnson Foundation, and is a Fellow with the Urban Land Institute and World Bank Institute.

Luca Bertolini



Luca Bertolini holds a Masters degree in Architecture and a PhD degree in Urban Planning and Real estate development, both from the Politecnico di Torino (Italy). Since his PhD dissertation – a pioneering

cross-national, cross-disciplinary study on the redevelopment of railway station areas - he has been concentrating on research and teaching at the interface of urban and transport development. He is currently senior lecturer (associate professor) at the geography and planning department of the University of Amsterdam (The Netherlands).

Peter Newman



Professor Newman is Director of the Institute of Sustainability and Technology Policy (ISTP) at Murdoch University (Perth, Western Australia), chair of WA's Sustainability Roundtable and Sustainability Commission in New South Wales. Peter was seconded to the WA Department of Premier and Cabinet as Director of the Sustainability Policy Unit 2001-2003, to oversee development and adoption of the Western Australian Sustainability Strategy, and was Director of Environmental Planning in the WA Office of Cabinet in 1989, Member of the WA Environmental Protection Authority and the Metropolitan Planning and Council and Board Member of TransPerth in the 1980's. He was elected Councillor for City of Fremantle 1976-80. He has also been involved in federal government programs such as State of Environment Reporting, Better Cities and Ecologically Sustainable Development. His major areas of teaching are city policy and global environmental Issues. His principal research interests are sustainable cities; transport and land use; environmental policy and links to technology transfer and appropriate technology, particularly renewable energy.

Shelley Poticha



Shelley is an urban planner with expertise in land use planning, policy development, and citizen involvement. She has over fourteen years of professional experience preparing plans for growing urban and suburban communities, regional agencies, non-profit groups, and private developers.

With Calthorpe Associates, she directs the firm's planning efforts, with an emphasis on land planning, design guidelines and implementation programs. She has been involved with the writing of two documents for the U.S. Department of Housing and Urban Development: Vision/Reality: Strategies for Community Change and the Empowerment Zone Guidebook.

The firm focuses on the realization of walkable, mixed-use neighbourhoods, which are environmentally sound, economically diverse and socially responsible. The firm has been in the forefront of developing the concepts of Pedestrian Pockets, Transit-Oriented Development, and "urban village" planning.

Cr Janet Rice, Maribyrnong



Janet Rice is member of the Council of the City of Maribyrnong (Victoria) and a community campaigner.

Her paid work is as a community consultation and involvement specialist and facilitator. Her community work includes being a key organiser of the campaign to save and upgrade the Footscray Pool, School Councillor at Footscray City Primary School since 1998 (President 2001- 2002), Chairperson of the Committee of Management of the Angliss Children's Centre in 1994-95 and regional convenor of The Greens.

Cr Rice's working life has been in the fields of environment and community. She worked in the environment movement for almost ten years, and was part of the successful campaign in the late '80s for National Parks to protect East Gippsland's old growth forests. She worked for Bicycle Victoria developing and co-ordinating the Ride to Work program (1993-1997). Since 1997, she has worked as a consultant in the areas of environmental planning and policy, community consultation and involvement and facilitation.

Conference Secretariat:

Congress West Pty Ltd
PO Box 1248, West Perth WA 6872, Australia
Tel: +61 8 9322 6906, Fax: +61 8 9322 1734
Email: conwes@congresswest.com.au

[Privacy Policy](#) | [Disclaimer](#)



Transit Oriented Development - Making It Happen

5 - 8 July 2005

Esplanade Hotel Fremantle,

Western Australia

Optional Program

Home

Sponsorship

Conference Themes

Submit Abstracts

Speakers

Register

Provisional Program

PATREC

Optional Program

Accommodation

General Information

Major Sponsors



Welcome Cocktail Party

Tuesday 5 July 2005

1730 - 1900

Mussel Bar, Fremantle (not in the Esplanade Hotel - see map)
Fee included in the Delegate Registration fee Guest tickets @ \$55

Conference Dinner

Wednesday 6 July 2005

1900 for 1930 till late

Maritime Museum, Fremantle
\$100 per person (not included in registration fees)

Transport Oriented Development Field Trip

Friday 8 July 2005

0900 Departs Esplanade Hotel Fremantle
1530 Returned to the Esplanade Hotel Fremantle \$22 per person (not included in registration fees)
Tickets are not available for guests and partners



Sponsored by Public Transport Authority, Government of Western Australia

The fieldtrip will provide delegates with an interactive view of some of the TOD work that is being undertaken in Perth. Participants will travel from Fremantle to Midland via Transperth train, departing Fremantle train station at 9.00 am.

Whilst in Midland delegates will be given a presentation on the former Railway Workshops and the TOD work that the Midland Redevelopment Authority is undertaking for this outer metropolitan brown field site. Morning tea will be provided at the heritage listed Railway Workshops Power House.

The field trip will then move via Hydrogen Cell Ecobuses, provided courtesy of the Public Transport Authority. A light lunch will be provided at the Royal Bar and Brasserie located on East Perth's celebrated Claisebrook Cove. Over lunch the East Perth Redevelopment Authority will provide an overview of the very successful inner city redevelopment project.

Transit Oriented Development

Page 2 of 2

After lunch the group will move via the EcoBus to Subiaco where the Subiaco Redevelopment Authority will provide discussion on the successfully completed, world class TOD, Subi Centro project.

From Subiaco delegates will be returned to Fremantle via Transperth train 4.00 pm.

Conference Secretariat:

Congress West Pty Ltd
PO Box 1248, West Perth WA 6872, Australia
Tel: +61 8 9322 6906, Fax: +61 8 9322 1734
Email: conwes@congresswest.com.au

[Privacy Policy](#) | [Disclaimer](#)

