

CITY OF ARMADALE

M I N U T E S

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 10TH JUNE 2002, AT 7:00 PM.

PRESENT:

Cr H A Zelones JP	Chairman
Cr F R Green	Deputy Chairman
Cr G M Hodges	
Cr J Everts	
Cr J H Munn JP CMC	(Deputy for Cr J Knezevich)
Cr L Reynolds JP	
Cr R C Stubbs AM	

APOLOGIES: Cr J Knezevich

OBSERVERS: Nil

IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer (7.00pm to 8.45pm)
Mr J H A Adderley	Executive Director Development Services
Mr I Townson	Building Services Manager
Mr P Meyrick	Health Services Manager
Mr L Fouché	Planning Services Manager
Ms N Cranfield	Minute Secretary
Public	12

DISCLAIMER

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

DECLARATION OF MEMBER'S INTERESTS

Cr Hodges

Proposed Rezoning of Lot 4 Bay Court, Champion Lakes ----- Page 36
Proposed Acquisition of Reserve 28211, Sixty Street, Armadale----- Page 97

Cr Green

Proposed Rezoning of Lot 4 Bay Court, Champion Lakes ----- Page 36
Proposed Acquisition of Reserve 28211, Sixty Street, Armadale----- Page 97

Cr Everts

Proposed Acquisition of Reserve 28211, Sixty Street, Armadale----- Page 97

QUESTION TIME

1. Ms J Mills – 19 Kidbroke Place, Kelmscott

In relation to public access way closure Clenham Way / Kidbroke Place, Ms Mills queried the importance of security issues against the need for the public access way to provide for significant numbers of children accessing local primary school.

Chairman responded that Committee will evaluate this issue in the course of the meeting.

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 13th May 2002, were confirmed.

MOVED Cr Zelones
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.11/2002

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

- Report on Outstanding Matters – Development Services Committee.....D-1
- Health Services Manager’s Report for April 2002D-3
- Immunisation SurveyD-9
- Planning Services Manager’s Report for April 2002D-11
- PAW Closure Report – significant actions during April 2002D-14
- Town Planning Scheme No.2 & No.3 – Amendment TableD-15
- Subdivision Applications – Recommendation TableD-17
- Building Services Manager’s Report for April 2002.....D-18
- Financial Statements for the period ending 30th April 2002.....D-34

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

***SAND RECYCLING AND RECOVERY OPERATION –
LOT 15 OXLEY ROAD, FORRESDALE***

WARD : FORREST
FILE REF : A201739
DATE : 29 May 2002
REF : PRR
RESPONSIBLE : PSM
MANAGER
APPLICANT : Mineral Transport
LAND OWNER : J & K Meisnerowicz
SUBJECT LAND : Property size 16.7410ha
Map 17.01 & 17.40
ZONING : Rural / General Rural
MRS/TPS No.2

In Brief:-

- Application proposes the recycling of excess building site sand, to extract solid material such as bricks, metal and remnant vegetation, leaving a clean sand product for sale as a building material on a wholesale basis.
- The application was advertised to surrounding landowners and referred to Government Agencies, yielding eighteen submissions.
- Recommend that Council refuse the application on the grounds that it does not comply with elements of Town Planning Scheme No.2, Council's Rural Strategy, and has potential to impact detrimentally on the environment.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Scheme Act 1959
Environmental Protection Act 1986
Environmental Protection (Noise) Regulations 1997
Town Planning Scheme No 2.

Council Policy / Local Law Implications

Rural Strategy.

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners
- ◆ Department of Environmental Protection
- ◆ Water and Rivers Commission
- ◆ Department for Planning and Infrastructure (Transport)
- ◆ Department for Planning and Infrastructure (Properties and Parks)
- ◆ Department of Conservation and Land Management

BACKGROUND

Council received the application for a sand recycling and recovery operation on Lot 15 Oxley Road, Forrestdale on 27 February 2002. The application has been referred to Council for determination as the proposal considered a 'General Industry' use under Town Planning Scheme No. 2, which is not listed in the 'General Rural' zone. The application was advertised for public comment, yielding a number of objections, and due to these factors requires Council's determination.

DETAILS OF PROPOSAL

The applicant proposes to utilise the property to receive sand from development areas which is considered unfit for use in the building industry, run the sand through a trommel and a screen to remove excess materials (ie bricks, concrete, remnant vegetation etc) to produce a useable product. The trommel and screen are both powered by a diesel engine similar to that used in a tractor and are fitted with silencers. Additionally, a rubber tyred loader would be required to load the trommel and screen. A summary of the operation is set out below.

The applicant indicates that the operation will:

- ◆ Provide a source of sand for the currently undersupplied southern metropolitan area.
- ◆ Reduce the need for new sand to be excavated, and reduce the rate at which landfill sites are currently being filled.
- ◆ Provide a temporary storage facility for chipped vegetation to be used in the recycling industry.
- ◆ Comply with government initiatives for recycling.
- ◆ Maintain a record of loads received, including source and date of material received, type of material, volume of material and the consultant or cartage operator, as a precaution for any contamination issue.
- ◆ Licence and utilise an existing bore on site for the purpose of dust suppression.
- ◆ Require a workforce of one or two people, with the occasional truck driver on site.
- ◆ Require on average two semi-trailer trucks (25 tonne capacity) to enter and leave the site a day (access will be from Oxley Road).
- ◆ Providing visual screening through bunding and vegetation planting.

The applicant also indicates that the operation will not:

- ◆ Crush materials extracted from the sand on site.
- ◆ Be a landfill site.
- ◆ Be a collection point for any waste, materials or greenwaste from the public.
- ◆ Store large volumes of material on site.
- ◆ Undertake composting on site.

The works area would be approximately 2.5 hectares in area, located centrally on the lot, just to the west of the high tension power lines which cross it. The operation would conduct business from 7.00 am to 5.00 pm five days per week (Monday to Friday) and 7.00am to 1.00 pm on Saturday, public holidays being excluded.

COMMENT

Development Control Unit (DCU)

At its meeting held on 28 May 2002, DCU recommended that the item be referred to Council for refusal on the grounds that the proposal could potentially contaminate the surrounding area through chemicals present in the sands brought in (ie organo-chlorines/phosphates for termite treatment from demolition sites). The risk of this occurring is potentially increased as the site has a high ground water level that chemicals could be exported into.

Other reasoning included the potential for dust and noise to be created by the proposal and it was deemed that the proposal was not suitable for the location. Finally, it was noted that the use fits under the definition of General Industry as per Town Planning Scheme No.2, a use that is not listed under the General Rural zone use table. As such, the proposal is a prohibited ('X') use within the zone.

External Comments and Advice

The application was advertised to surrounding landowners for a period of two (2) weeks. A total of thirteen (13) submissions were received, some being from multiple landowners. The submissions all objected to the proposal, the issues raised are addressed in the analysis section. It should be noted that almost all of the issues raised below were consistently raised in most of the submissions, with the exception of issues 10, 12 and 13.

Advice was also sought from the Department for Planning and Infrastructure ((DPI) both the Transport and Properties and Parks ranches), the Department of Environmental Protection (DEP), the Water and Rivers Commission (WRC) and the Department of Conservation and Land Management (CALM). Both branches of the DPI and CALM held no objection to the proposal, the DEP conditionally supported the proposal and WRC did not support the proposal in its current form. The WRC did state that if the works area was relocated, then conditional support could be given. The comments offered by these agencies are incorporated into the analysis where appropriate.

ANALYSIS

Council's Rural Strategy

The lot in question is included in the Forrestdale Rural Planning Area, the Principal Policy 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 proposed development does not reflect this policy objective in terms of the concerns raised from the submissions, both government and public.

Similar Applications

Council has in the past considered and approved two soil blending facilities on Rowley Road. These uses were considered as a ‘Rural Industry’ which is an ‘AA’ use within the General Rural zone. It is noted that while these approved activities could be perceived as similar to the proposal put forward for Lot 15 Oxley Road, the land use circumstances of the two are different, which is why this proposal is being considered as a ‘General Industry’ and subsequently an ‘X’ use.

Submissions

The comments raised by the surrounding landowners and government agencies will now be analysed.

1. Noise and Vibration

The issue of noise was raised with respect to the three diesel plants that would be operating (trommel, screen and loader) and the reversing noise from the loader. The report accompanying the application states that the largest motor is about 79kW, with a smaller engine on the screen. The report states that the *Environmental Protection (Noise) Regulations 1997* would be adhered to, and that works would be confined to the permitted hours.

The report states the reversing beeper of the loader would be disconnected to reduce noise impact. This is potentially a safety concern, and the applicant should be advised that Council does not recommend this action, and that the relevant authority should be consulted before considering it, should any approval be given.

Vibration was also raised as a concern, but with no advice as to how vibration would affect the surrounding area it is difficult to determine the impact. The nearest objector’s residence is approximately 150m from the proposed work area. The potential for vibration to be generated by the proposal would have to be determined by a consultant with knowledge in that particular area as no evidence has been provided to substantiate the claim.

It is nevertheless conceded that the concerns regarding noise and vibration have not been totally alleviated in relation to the closest residents to the subject property.

2. Dust Generation

Dust generation was raised as an issue with respect to its affect on residents of the area, as well as on vegetation, posing health and environmental concerns as well as being a general nuisance. The report states that Lot 15 has an existing bore on site and that an application will be made to licence it for use in terms of dust suppression.

Whilst this would be encouraged, the City still holds concerns for the loading and use of the trommel and screen. The report states that the machines are designed to retain dust, however, it also states that material going into the machinery must be dry, otherwise the machinery will clog. This means that the material will not able to be watered for the purpose of dust suppression, and that some dust emissions may result during the loading process.

3. Environmental Impact

A number of the submissions addressed the impact that this proposal may have on the environment. Nearby areas that are considered to be environmentally sensitive include Bush Forever Sites 344 and 345 and System 6 area M95. The proposal is also less than 2km from the Forrestdale Lake Nature Reserve and CALM declared rare flora.

Concerns included the introduction of weeds and dieback to what is an environmentally sensitive area, as well as the possible contamination of the ground water table from any chemical residue in the material brought on to the site, and the potential risk of dieback being introduced. The potential for environmental impact is present with this operation and does raise some concerns for the City. Council's Environmental Officer noted that a plant species indicated for possible use in landscaping, *E. citriodora*, should not be used if approval was given, as it is considered to be a weed in this area.

Comments from the EPA state that the proposal has been referred to their licensing branch with regard to obtaining a works approval in association with any potential pollution factors. The licensing branch is waiting for Council's decision before determining their application. In relation to the non-pollution factors, the EPA has advised that the measures proposed in the report that accompanied the application should be implemented, should any approval be given.

The WRC advised that the proposal is currently within a 200m buffer area round Conservation Category Wetlands, and as such would not be able to support the application in its current form. The advice further stated that should the proposed works area be located outside the 200m buffer, the WRC could conditionally support the proposal, subject to adherence to two documents, one being *Toxic and Hazardous Substance Storage and Use*, and the other being *Industrial Sites Near Sensitive Water Resources (wetlands)*. The WRC also recommended that the applicant be advised that wastewater would not be permitted to be discharged into the wetland area, and that a bore licence would be needed if the intent was to draw water.

4. Health Risk

The issue of health risks associated with the proposed works was also brought to the fore, particularly from one landowner with asthmatic children. He argued that dust from the proposed operations could have a detrimental effect on the health of his children and surrounding residents. It would have to be determined, by the applicant or a consultant, whether there was significant dust generation to be carried to the surrounding properties, as this information has not been provided.

Legionnaires disease was also raised as a possibility if other elements (ie fertiliser) were introduced to the operation, although no approval for any material other than building site material has been sought. Addition of such material would be subject to a separate planning application, assessment and determination.

5. Odours

This issue was raised with regard to the chipped vegetation that would be temporarily stored on site, as well as exhaust from the diesel engines. As was specified in relation to vibration and health risk, no evidence has been provided to substantiate this claim, and an assessment would have to be done by a consultant to determine whether or not these odours would have a detrimental impact on the surrounding landowners.

6. Land Use Suitability

The lot in question is located in a 'General Rural' zone. Under Council's Town Planning Scheme No.2 (TPS No.2), the 'winning, processing or treatment of minerals' is specified within the definition of 'Industry'. The 'Industry' use is considered within the use class of 'General Industry', as it includes "...any industry other than a hazardous, light, rural, extractive or service industry."

It is considered that the proposal should therefore be considered as a General Industrial use, which is not provided for in the General Rural zoning table, and as such considered to be a prohibited land use ('X' use) within the General Rural zone. Therefore, the use would not be considered appropriate in terms of the proposed location and the City believes that any approval given would set a precedent for other General Industry uses to be located in the General Rural zone, which is not acceptable.

Should Council determine however, that the use does not fit into the 'General Industry' use, the proposal could be determined as a 'Use Not Listed' in accordance with the provisions of TPS No.2. Alternatively, the proposal could be considered as a variation on the 'Extractive Industry' or 'Rural Use' land uses of TPS No.2, but it should be noted that the definitions relating to these land uses are not considered entirely appropriate for the determination of the proposal.

7. Visual Aesthetics

This issue was raised in regard to the visual impact the proposal would have to public areas like Nicholson and Oxley Roads, as well as impact on the nearby residences. The applicant has chosen the site in relation to existing topography on the lot to provide some natural screening. As per the advice of the WRC, the works area would have to be relocated in the event of approval being given, and as such, the screening of the works area would require further assessment and subsequent endorsement from the City.

8. Property Devaluation

Some surrounding landowners expressed concern that should the proposal go ahead, their property values would be lowered. No evidence was supplied to substantiate these claims.

9. Traffic

Surrounding landowners have argued that the increase in traffic with the semi-trailers entering and leaving the site each day would be dangerous and would cause damage to the road surface, which would have to be constantly maintained. The suggestion was made that turning lanes should be provided to appease safety concerns.

The report states that warning signs would be provided with regard to trucks entering and leaving Nicholson Road. Council's DCU recommended that should approval be given, the intersection of Nicholson and Oxley Roads be upgraded. The DPI's transport branch stated that although there was an easement at the front of the property in relation to future road widening, no objection was held, as development did not encroach upon this easement.

10. 300 Metre Buffer

One objector raised the issue of a 300 metre buffer in relation to a poultry farm which is located north-north-west of the subject lot. This buffer is derived from Statement of Planning Policy No.5 (SPP No.5), which relates to poultry farms and applies to rural-residential applications in terms of zoning, subdivision and development. SPP No.5 states that an assessment may be required to demonstrate that an existing or approved poultry farm would not have an adverse impact on any new residents, the 300m distance being from any sheds associated with the poultry farm.

In this instance, where the use being proposed is not rural-residential, and the distance from the sheds associated with the poultry farm to the proposed works area is over 300m, there is no need to apply SPP No.5.

11. Future Expansion of Operations

The issue of potential expansion of the operation in the future should approval be given was also raised. Any approval given would be specific to the application details provided, and expansion of operations would also be subject to a planning application and subsequent assessment and determination based on individual merits.

12. Lack of Information Provided

Whilst the letter sent to the surrounding landowners provided only a brief summary of the proposed operation as with any proposal, the letter also stated that the full report submitted with the application was available for viewing at Council's offices, and contact details were provided should anyone have further questions. Some calls and counter enquires were dealt with by Council staff in relation to this application.

The comment was also made that the applicant neglected to inform surrounding landowners of the intentions for Lot 15 Oxley Road. This is not a legal requirement, and is therefore a private matter between the applicant and the surrounding landowners and should be resolved as such. Advertising of the application nevertheless provided neighbours the opportunity to comment on the development.

13. Length of Response Time

As with most proposals, a response time of two weeks from the date of the letter was provided – 26 March 2002 to 9 April 2002. Whilst the comment period included Easter, it was felt that adequate time was provided for surrounding landowners to formulate a response, and it seems that those concerned managed to do so, with only one submission being received after the due date.

14. Extent of Advertising

With regard to the extent of advertising and whether those in the built up area of Forrestdale had been included, all proposals are advertised to the immediately adjoining neighbours, and if considered necessary, those nearby that will be detrimentally affected. In this instance, the proposal was advertised to a number of properties along Nicholson Road as well as those adjoining the proposal, as it was felt that the impact of the extra semi-trailers visiting the property could detrimentally affect the surrounding area. As a result, the contact area was quite large, and included those who could possibly be directly affected.

OPTIONS

Option 1

Given the statutory requirements of Council's Town Planning Scheme No.2, the most appropriate option in this instance is for Council to refuse the application to develop the sand recycling and recovery operation on Lot 15 Oxley Road, Forrestdale, on the grounds that a General Rural zone makes no provision for a General Industrial use and as such it is considered to be an 'X' use within the zone.

Option 2

Should Council consider the proposal as appropriate in accordance with Clause 3.4 of Town Planning Scheme No.2, and elect to approve the use as a 'Use Not Listed', or alternatively as an 'Extractive Industry' or a 'Rural Use', any approval should be subject to conditions and advice notes relative to the concerns held as outlined.

CONCLUSION

In conclusion, the proposal has been presented with consideration being given to various issues raised as concerns, and management procedures proposed to address them. In most cases the proposed procedures are appropriate to address the concerns, but in others such as noise, vibration and environmental impact, those concerns remain.

It is recommended that the proposal be refused on the grounds that the potential for environmental degradation to the site and surrounds is too great, and the use is not catered for in a General Rural zone under Council's Town Planning Scheme No.2. Approving one use classed as General Industry would mean that others could potentially encroach on land zoned General Rural, and this is clearly not the intent as per the Policy Statement for the General Rural area in Town Planning Scheme No.2 or Council's Rural Strategy.

D84/02 RECOMMEND

That Council refuse the application for a sand recycling and recovery operation on Lot 15 Oxley Road, Forrestdale, on the following grounds:

- a) **The proposed use is considered to be a General Industrial use, which is not provided for in the General Rural zone (ie an 'X' use).**
- b) **The potential for environmental degradation to the site and surrounds presents too great a risk given the environmentally sensitive nature of the area.**
- c) **The proposal does not reflect the intent of the Policy Statement for the General Rural zone.**
- d) **The proposal does not reflect the intent of the Principal Policy Objective for the Forrestdale Rural Planning Area as outlined in Council's Rural Strategy.**

MOVED Cr Hodges
MOTION CARRIED (7/0)

PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 191 (24) & 194 (22) CLENHAM WAY AND BETWEEN LOTS 1012 (28) & 1022 (27) KIDBROKE PLACE, KELMSCOTT

WARD : WESTFIELD
FILE REF : WAY/3/97
DATE : 5 June 2002
REF : JA
RESPONSIBLE : DDS
MANAGER
APPLICANT : Mr Boris
LAND OWNER : As above
SUBJECT LAND : Pedestrian access way
(PAW) between Lots 191
(24) & 194 (22) Clenham
Way and between Lots
1012 (28) & 1022 (27)
Kidbroke Place, Kelmscott;
Map 22-06
ZONING : Urban / Residential 'R.15'
MRS/TPS No.2

In Brief:

- Closure proposal re-assessed to determine frequency of use by pedestrians
- Further liaison with Department for Planning & Infrastructure and relevant service authorities.
- Recommend that the request to close the PAW be approved.
- *Committee additionally recommended that the matter of physical closure of the reserve be reviewed following further consultation with adjoining landowners.*

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Social Infrastructure – “Facilitate initiatives to improve the safety and security of the community”.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Technical Services Directorate has indicated a cost of approximately \$3,500.00 to install a welded mesh type fencing and gate at each end of the PAW if Council resolves to close the PAW and establish the land as a Public Utilities Reserve with vesting in Council.

This cost has been included in the 2002/2003 Budget.

Alternatively, if Council resolves to decline the request to close the PAW, some improvement works will need to be carried out to increase the safety and security of the PAW as follows:

- 1) Basic upgrading including concrete repairs to the PAW and general tidying up at a cost of \$800.00.
- 2) Installation of vandal proof lighting along the fence line at a cost of approximately \$5,000.00. The type of lighting proposed is attached for Council's information.

These costs have not been included in the 2002/2003 Budget but will form part of Technical Services Directorate's 5-year Programme.

Consultation

- ◆ Technical Services Directorate
- ◆ Department for Planning & Infrastructure
- ◆ Service Authorities (Water Corporation & Telstra)
- ◆ Public Advertising

BACKGROUND

Council, at its Meeting on 18 February 2002 considered an application to close this PAW submitted by the applicant on grounds of the following:

- ◆ A number of break-ins with the perpetrators escaping via the PAW;
- ◆ Anti-social behaviour at all hours of the night;
- ◆ Blood stained syringes, broken glass and other rubbish being thrown into applicant's property from the PAW;
- ◆ Damage to padlocks and a siren box in an attempt to neutralise the alarm system;
- ◆ Property devaluation because of the presence of the PAW.

The proposal was advertised for public comment in the Comment News and to 27 neighbouring property owners and service authorities with the following results:

In favour of closure - 8 plus a petition containing 46 signatures.
Against closure - 3

Objections were also received from the Water Corporation, Telstra and the DPI.

Following consideration at that Meeting, Council resolved as follows (D18/02):

1. That Officers pursue the closure of the pedestrian access way (PAW) between Lots 191 (24) and 194 (22) Clenham Way and between Lots 1012 (28) and 1022 (27) Kidbroke Place, Kelmscott by:
 - a) Further assessment of the frequency of use of the PAW by pedestrians during the school term.
 - b) Further liaison with the Department for Planning & Infrastructure to reconsider its position on the closure of the PAW.
 - c) Further liaison with the relevant service authorities to consider the acceptance of easements to protect reticulated plant in the PAW and allow closure of the PAW and amalgamation with adjoining properties.

COMMENT

Further assessment of the frequency of use was carried out in the form of a pedestrian count. This was conducted on Monday 11 February, Tuesday 12 February & Wednesday 13 February 2002. In essence, 56 people used the PAW between the hours of 7.30 a.m. and 8.45 a.m. and 30 people used the PAW between the hours of 2.45 p.m. and 3.45 p.m. on the days in question.

Water Corporation

Objection to closure received from Water Corporation because of the presence of a water distribution main that cannot be disconnected in view of its importance for supplying the immediate area. Following Council resolution, further liaison with the Water Corporation elicited the following response:

- ◆ It is not considered appropriate to have mains inside private property.
- ◆ An easement does not provide adequate protection from unintended damage from excavation and does not prevent construction of fences, small structures and growing of trees.
- ◆ The Water Corporation does not want to waste resources policing the conditions of an easement or making sure there are no structures built over their pipe or large trees grown near it.
- ◆ An easement may cause difficulties for the maintenance crew to have quick access to minimise damage in the event that this pressurised main bursts.

Telstra

No objection to the creation of an easement if the PAW land is sold to the abutting landowners. Exact location of the cable should be determined by engaging an accredited cable locator to ensure that proposed boundaries are not in conflict with Telstra plant. Telstra plant must be 300mm minimum clear of such boundaries. The easement should be at no cost to Telstra.

Department for Planning & Infrastructure (DPI)

The DPI does not support closure on the grounds that the PAW provides direct access to local community and shopping facilities and because local residents have objected to the closure. DPI recommends that Council should pursue alternative measures to address concerns relative to the use of the PAW.

Analysis

The results of the pedestrian count suggest that on the 3 days in question, an average of 18 pedestrians used the PAW during the hours of 7.30 a.m. and 8.45 a.m. and an average of 10 pedestrians used the PAW during the hours of 2.45 p.m. and 3.45 p.m. Although the pedestrian count did not differentiate between adults and school children, the results suggest that the PAW is well used during school times on a regular basis.

However, the applicant appears to have been subjected to a number of break-ins and other anti-social behaviour problems over a period of time which the applicant claims have been caused as a result of the presence of the PAW. Indeed, the other supporters of the closure proposal do in essence agree with the applicant's claim.

There is an alternative access to community and shopping facilities and the Grovelands Primary School through the reserve adjoining Kidbroke Place through Munden Place and ultimately to Clenham Way.

Water Corporation does not support easement arrangements and if Council resolves to close the PAW, the only option supported by Water Corporation is for the land to be established as a 'public utilities reserve' and vested in Council.

The Department for Planning & Infrastructure (DPI) does not support closure despite further discussions with a representative from the DPI and a visit to the PAW site to ascertain the merits of the PAW relative to community and shopping facilities. DPI's position is that the PAW provides direct access to local community and shopping facilities.

Options

Council therefore appears to have two options:

- Option 1 - Resolve to close the PAW, notwithstanding results of the pedestrian count and objection from the DPI on the basis that the applicant has experienced a number of break-ins and damage to property claimed by the applicant to be as a direct result of the PAW. An expenditure of approximately \$3,500.00 will be involved in the installation of suitable fencing and gates at each end of the PAW, the expenditure for which has been included in Council's 2002/2003 Budget.
- Option 2 - Decline the request to close the PAW on the grounds that the PAW is being well used particularly during school times as evidenced by the results of the pedestrian count. This option will require general improvement works outlined in **Budget / Financial Implications** above to be carried out in accordance with Technical Services Directorate's 5-year Programme.

CONCLUSION

The results of the pedestrian count suggest that this PAW is being well used particularly between 7.30 a.m. and 8.45 a.m. and again between 2.45 p.m. and 3.45 p.m. In addition, the Department for Planning & Infrastructure does not support the closure proposal on the basis that the PAW provides direct access to local community and shopping facilities. However, the applicant appears to have been subjected to a number of break-ins and experienced anti-social behaviour problems. Council's philosophy in the past has been that where there is a conflict between issues of property security and convenience aspects, matters of security have always been considered of paramount importance.

Officer's report recommends –

1. That Council resolve to request the Department of Land Administration (DOLA) to close the pedestrian access way (PAW) between Lots 191 (24) and 194 (22) Clenham Way and between Lots 1012 (28) and 1022 (27) Kidbroke Place, Kelmscott and that the land be established as a 'public utilities reserve' with vesting in Council.
2. That subject to the approval of the closure in (1) above, Council's Technical Services Directorate be requested to erect a suitable fence and gate at each end of the reserved land to prevent pedestrian access.
3. That applicant and respondents be advised of Council's determination.

COMMITTEE expressed the view that closure of the PAW was the appropriate course to take in the circumstances, but recognised that gating was not necessarily the ideal solution.

In order to progress the issue but with some flexibility it was considered appropriate to proceed with parts 1 and 3 of the officer's report but the matters of physical closure should be further considered pending consultation with the adjoining landowners.

D85/02

RECOMMEND

- 1. That Council resolve to request the Department of Land Administration (DOLA) to close the pedestrian access way (PAW) between Lots 191 (24) and 194 (22) Clenham Way and between Lots 1012 (28) and 1022 (27) Kidbroke Place, Kelmscott and that the land be established as a 'public utilities reserve' with vesting in Council.**
- 2. That the matter of physical closure of the public utilities reserve be reconsidered following further consultation with adjoining landowners.**
- 3. That applicant and respondents be advised of Council's determination.**

MOVED Cr Reynolds
MOTION CARRIED (7/0)

UNLICENSED BUILDING WORKS - LOT 36 (NO 20) RISE COURT, ARMADALE

WARD : ARMADALE
FILE REF : A219520
DATE : 5 June 2002
REF : IT
RESPONSIBLE : BSM
MANAGER
APPLICANT : N/A
LAND OWNER : Mr & Mrs Clark
SUBJECT LAND : Property size 2000 m²
Map 23-01
ZONING : Residential (R5)
MRS/TPS No.2 : Urban

In Brief:-

- Report advising that unlicensed building works have been undertaken on the above lot.
- Recommendation that the owners of the lot be required to submit a comprehensive Structural Engineers Certification of the unlicensed works prior to the issue of a Building Licence.
- A further recommendation that a letter of warning be forwarded to the land-owners advising of the seriousness in which Council considers their actions and advising that any repeat will be dealt with via the legal processes.

Tabled Items

Photographs of work undertaken on site to date

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Local Government (Miscellaneous Provisions) Act 1960
Building Regulations 1989

Council Policy / Local Law Implications

Nil

Budget / Financial Implications

Nil.

BACKGROUND

The Department has become aware that unlicensed building works have been undertaken on Lot 36 (No.20) Rise Court, Armadale. The unlicensed works consist of concrete column base footings, steel columns and floor framing members (*refer to photograph*). A concrete retaining wall and an effluent disposal system on the site have been constructed with appropriate authorisations.

Mr and Mrs Clark intend to build their residence as Owner/Builders and have received approval from the Builders' Registration Board to apply for a Building Licence for the works from the City.

The City received a Building Licence Application on Monday the 27th of May 2002. The application is currently being held, pending the provision of further information and the outcome of Council's decisions on the matter. The unlicensed works, the focus of this report, were all constructed prior to the submission to the City of this application.

In this case, the works are significant in scale, but appear at this stage of the investigations, to have been constructed appropriately and sited in accordance with the Residential Planning Codes.

COMMENT

The City is in receipt of a letter from Mrs Clark's father. In the letter he takes full responsibility for undertaking the works and provides his reasoning for taking such actions. Notwithstanding this acknowledgement of responsibility, Mr and Mrs Clark have, by jointly allowing the works to commence, committed an offence under the Local Government (Miscellaneous Provisions) Act 1960. The works in question were constructed over about a four-day period around the middle of May 2002.

OPTIONS

Option 1

Take legal proceedings under the Local Government (Miscellaneous Provisions) Act 1960 against the owners of the site for undertaking unlicensed building works. In addition, Council could also decide to issue a Notice under Section 401 of the same Act requiring that the unlicensed building works be demolished and removed from the land.

Option 2

Require the owners of the land to submit a comprehensive Structural Engineering evaluation of the works constructed without a licence. Evaluate the report, in combination with site investigation by the Department, to ensure the structural adequacy of the works and licence the structure if it is demonstrated that all the works conform to the City's requirements and policies.

In addition, and combined with the above, Council should issue a written warning to the owners of the land advising that any repeat of their actions will result in an immediate pursuit of the matter via the legal process.

CONCLUSION

On the basis that the works appear, at this stage of the investigation, to be sound it is considered appropriate to pursue Option 2 in this instance.

D86/02

RECOMMEND

- 1. That the owners of Lot 36 (No 20) Rise Court Armadale be advised that before a Building Licence will be issued to complete the construction of a residence on the lot a full and comprehensive Structural Engineers certification of the completed works, to the satisfaction of the Building Services Manager, will be required.**
- 2. That the owners of the lot be issued with a stern written warning advising that any repeat offence under the Local Government (Miscellaneous Provisions) Act 1960, or associated Council Policy will be pursued vigorously via the legal process.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

***OUTBUILDING LOCATED IN FRONT SETBACK AREA –
LOT 501 (NO.32) WANGOOLA TERRACE, MT. NASURA***

WARD : ARMADALE
FILE REF : A60345
DATE : 4 June 2002
REF : SLH
RESPONSIBLE : IT
MANAGER
APPLICANT : E & R Billett
LAND OWNER : E & R Billett
SUBJECT LAND : Property size 806 m²
Map 23.03
ZONING : Urban / Residential
MRS/TPS No.2

In Brief:-

- Proposal to construct a 72m² brick with ‘Zincalume’ roof covering over proposed new swimming pool to match the existing residence.
- Located in the front setback area of the property with nil boundary setbacks to both the left hand boundary and the front boundary.
- Recommendation for approval on the grounds of the unlikely adverse impact on the adjacent properties and streetscape.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

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

Legislation Implications

Metropolitan Region Scheme
Town Planning Scheme No.2

Council Policy / Local Law Implications

Policy 4.5.20 Outbuildings in Residential and Rural Areas

Budget / Financial Implications

Nil.

Consultation

External

The proposal was advertised to five (5) neighbouring property owners for comment.

Internal

The proposal was referred to the DCU for comment.

BACKGROUND

Under the “City’s Outbuildings’ Policy”, the maximum aggregate floor area allowable is 60.5m² for this lot being 806m². As the proposed maximum aggregate floor area exceeds this requirement (i.e. the proposed pool cover, which is 72m² combined with the existing carport, which is 25m² totals 97m²), the application requires Council’s determination.

Also under the City’s Town Planning Scheme a building on land zoned Residential requires Council’s approval if proposing to utilise material on the roof or walls which is highly reflective or likely to cause glare. As this application proposes to utilise ‘Zincalume’ coated materials for the roof sheeting, further determination is required by Council.

DETAILS OF PROPOSAL

The applicant proposes to construct a 72m² brick with ‘Zincalume’ finish roof covering over the proposed new below ground swimming pool located in the front setback area of the property with nil boundary setbacks from the left- hand and front boundaries respectively.

The proposed new pool cover will be attached to and forward of the existing carport, which is proposed to be upgraded to incorporate a perimeter brick screen wall, bench seating and outdoor entertaining area.

The proposed pool cover is to be constructed of materials that will match the existing dwelling and carport. The roof pitch is relatively low at approximately 12 degrees. The existing roof finish has dulled somewhat and provides a low degree of reflectivity. The owners also propose to construct a 2.00 metre high infill brick screen wall, with feature metal security grille openings, to the pool cover area to ensure compliance with the current swimming pool regulations.

COMMENT

Consultation was undertaken with adjacent landowners who may be affected by the proposed new outbuilding. No objections were received.

Analysis

Officers have visited the site and confirmed that the existing dwelling and detached carport is constructed of brick and low pitched ‘Zincalume’ roof.

The primary concern with this application was whether the outbuilding would have an adverse effect on the adjacent properties and streetscape given the location and type of materials selected.

The elongated configuration of the lot combined with the substantial gradient, which falls towards the rear approximately 20.00 metres, restricts access to the property and any intended development hence the proposal to locate the pool cover, swimming pool and associated outdoor entertainment area within the front setback area.

Discussions with the owner, prior to reporting to Council, were in relation to the setback and also regarding utilising matching materials. The proposed structure incorporating a front boundary screen wall, would be matching the existing dwelling whilst also providing necessary safety fencing requirements around the proposed new pool area.

The owner has demonstrated that the proposed outbuilding would be partially screened with the brick screen wall and consequently would be unlikely to have an adverse impact on the adjacent neighbours or streetscape.

Options

In consideration of the above, it is believed that there are two options available to Council.

Option 1 Approve the application.

Option 2 Refuse the application.

CONCLUSION

Officers concur with the positive views expressed by the adjacent neighbours and consider that it is unlikely that this application will have an adverse affect on the surrounding properties or the streetscape and is therefore recommended for approval.

D87/02 RECOMMEND

That the application to construct a 72m² brick and ‘Zincalume’ roof cover to a proposed new swimming pool within the front setback area on Lot 501 (No.32) Wangoola Terrace, Mt. Nasura be approved.

MOVED Cr Munn
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Nil.

LOCAL LAWS

WARD : ALL
FILE REF : LAW/13
DATE : 29 MAY 2002
REF : IW
RESPONSIBLE : HSM
MANAGER

In Brief:

- Council resolved on 20th May to amend the *City Of Armadale Environment, Animals And Nuisance Local laws 2002* to remove inconsistencies with the *Health Act 1911*.
- Draft amendments have now been prepared.
- Recommendation that the proposed Amendment Local Laws be advertised as required by the *Local Government Act 1995*.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Nil.

Legislation Implications

Section 3.12 of the Local Government Act 1995 specifies the procedure for making local laws.

Policy / Local Law Implications

Proposed amendments to the *City Of Armadale Environment, Animals And Nuisance Local Laws 2002*.

Budget / Financial Implications

Provision has been made within the 2002-3 draft Budget for advertising minor amendments to Local Laws.

Consultation

Advisory Officer to the Parliamentary Joint Committee On Delegated Legislation.

BACKGROUND

At its meeting of 20th May 2002, in dealing with advice from the Parliamentary Joint Standing Committee on Delegated Legislation that two Clauses of the recently adopted Environment, Animals And Nuisance Local Laws were inconsistent with the nuisance provisions of the *Health Act 1911*, Council resolved in part:

“That the Parliamentary Joint Standing Committee on Delegated Legislation be advised that Council will:

- ♦ initiate suitable amendments to Clauses 20(2) and 29(1) of the *City of Armadale Environment, Animals and Nuisance Local Laws 2002* in the course of a review of some of its local laws to be undertaken in July or August of this year; and
- ♦ in the meantime, no enforcement action will be taken under those Clauses.”

(Part 1 of Resolution D67/02)

COMMENT

Two typographical errors have also been identified within the adopted local laws. A draft set of Amendment Local Laws rectifying these and dealing with the concerns of the Joint Standing Committee have now been prepared.

D88/02

RECOMMEND

- 1. That the following statement be read aloud by the Mayor at the Council meeting:**

“Notice is hereby given that the Council of the City of Armadale intends to adopt amendment local laws, the purpose and effect of which are to correct typographical errors in, and remove inconsistencies with the Health Act 1911 from, *City Of Armadale Environment, Animals and Nuisance Amendment Local Laws 2002*.”

- 2. That the following draft *City Of Armadale Environment, Animals and Nuisance Amendment Local Laws 2002* be advertised for public comment in accordance with the provisions of Section 3.12(3) of the *Local Government Act 1995*:**

Citation

- 1. These Local Laws may be cited as the *City Of Armadale Environment, Animals and Nuisance Amendment Local Laws 2002*.**

Principal Local Laws

- 2. In these Local Laws, the *City Of Armadale Environment, Animals And Nuisance Local Laws 2002* (published in the *Government Gazette (Special) No. 36 of March 1, 2002*) are referred to as the principal local laws.**

Section 9 amended

- 3. Section 9(b)(iii) of the principal local laws is amended by including the words “of the” immediately preceding the word “Act”.**

Section 20 amended

4. Section 20(2)(c) of the principal local laws is amended by deleting the words “the *Health Act 1911*” and substituting them with “these local laws”.

Section 29 amended

5. Section 29(1)(a) of the principal local laws is amended by deleting the words “or the *Health Act 1911*”.

Schedule 3 amended

6. Schedule 3 to the principal local laws is amended by deleting the words “IN A RURAL ZONE” appearing in its heading and replacing them with the words “ON A LOT OF AREA NOT LESS THAN 2000 SQUARE METRES.”

MOVED Cr Zelones
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Nil.

**AMENDMENT NO.173 AND ASSOCIATED SUBDIVISION GUIDE PLAN –
LOCATION 532 IRYMPLE ROAD, KARRAGULLEN**

WARD : ROLEYSTONE
FILE REF : SCH/2/173
DATE : 31 May 2002
REF : JRH
RESPONSIBLE : PSM
MANAGER
APPLICANT : K Oliver /
Marron Property Group
LAND OWNER : V A Bettenay
SUBJECT LAND : Location 532 Irymple Rd,
Karragullen
Property size 64.7497 ha
Map 28-08
ZONING : Rural / General Rural
MRS/TPS No.2

In Brief:-

- Council adopted Amendment No.173 to TPS No.2 and the associated Subdivision Guide Plan (SGP) at its August 2001 round of meetings. Following adoption, the Amendment and SGP were forwarded to the Western Australian Planning Commission (WAPC) for finalisation.
- WAPC requested referral of the proposal to Agriculture Western Australia (AgWA) and the Dept. of Conservation and Land Management (CALM) for comment, and requested Council reconsider the suitability of the proposed zoning in addressing the constraints of the site.
- Recommend that Council consider the submissions from AgWA and CALM, the request by WAPC, and resolve to modify Amendment No.173 to rezone the site to 'Special Use – Rural Residential'.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Town Planning Scheme No.2.
Town Planning and Development Act 1928

Council Policy / Local Law Implications

City of Armadale Draft Rural Strategy 1999

Budget / Financial Implications

Nil.

Consultation

- ◆ Western Australian Planning Commission
- ◆ Agriculture Western Australia
- ◆ Department of Conservation and Land Management
- ◆ Department of Health

BACKGROUND

At its meeting of August 2001, Council resolved to adopt the proposed Scheme Amendment and Subdivision Guide Plan (SGP), subject to the receipt of a revised SGP which incorporated a 40 metre wide vegetation buffer on the proposed lots adjacent to orcharding activities, and to modify the proposed subdivision design to achieve a minimum separation of 150 metres between the property boundaries of the existing orchards and the proposed development envelopes (D178/01). A modified SGP incorporating these changes was submitted, and the application was forwarded to the Western Australian Planning Commission (WAPC) for adoption.

The WAPC subsequently requested that Council obtain comments on the Amendment from the Department of Conservation and Land Management, Agriculture Western Australia and the Department of Health. The Commission has also requested that following the receipt of advice from these authorities, that Council reconsider the suitability of the proposed 'Rural D1' zoning to permit subdivision of the lot, in view of the environmental and land management constraints affecting the application area.

Council is now requested to consider the additional submissions received on the proposed Amendment and SGP, and to consider additional matters identified by the Commission.

DETAILS OF PROPOSAL

Amendment No.173

This amendment proposes to rezone Location 532 Irymple Road, Karragullen from 'General Rural' to 'Rural D1', to facilitate subdivision with a minimum lot size of two hectares. The subject lot is bounded to the north, east and south by the Stinton Cascades Nature Reserve, and existing orchards operating to the west and north-east.

Subdivision Guide Plan

The Subdivision Guide Plan submitted in association with the amendment application proposes the creation of 30 lots, to be accessed from an access road via Irymple Road. The SGP has been modified in accordance with Council's previous resolution, to provide increased separation from orcharding activities and to incorporate a vegetation buffer to minimise impacts from spray drift.

Additional Advertising of Amendment No.173 and associated Subdivision Guide Plan

The proposed Amendment and associated SGP was referred to Agriculture Western Australia (AgWA), the Department of Conservation and Land Management (CALM) and the Department of Health (DOH), to obtain additional comments prior to final adoption by WAPC. The comments received from the authorities are summarised in the attached Schedule of Additional Submissions.

Issues arising from additional Submissions

- 1. CALM would prefer an alternative road design consisting of a bitumen road around the perimeter of the subdivision, to minimise impacts around the nature reserve and to provide better fire protection.**

Comment

The road design as proposed by CALM has benefits in that it improves fire access to the nature reserve, and provides surveillance to minimise damage to the reserve through vandalism and the dumping of rubbish. Given that the subject property is bounded on three sides by the nature reserve, the extent of road within the subdivision will increase significantly.

It is considered that the benefits to the nature reserve in providing road access around the perimeter of the application area would be far outweighed by the cost of the road. In addition, the development of a road providing direct access to the reserve would also increase the incidence of unauthorised access, which could have negative impacts to flora and fauna within the reserve. The open rural style fencing proposed within the subdivision will permit surveillance by neighbours on adjoining properties, which would allow for any concerns to be identified and resolved.

Council's Fire Control Officer has reviewed the submission, and the proposed Fire Management Plan submitted by the applicant. It is considered that satisfactory fire access to the nature reserve may be obtained through firebreaks within the reserve, and through the proposed lots in an emergency situation. It is therefore recommended that the road design within the adopted Subdivision Guide Plan be retained.

- 2. The current policy of CALM is to request minimum lot sizes of 4ha for lots sharing a boundary with nature reserves, to ensure minimal impact of an increased number of neighbours on the reserves.**

Comment

The principle behind minimising the number of lots adjoining the reserve is to reduce the incidence of damage to the reserve. Whilst most property owners living adjacent to the reserve are likely to be aware of the significance of the reserve, there is still the potential that the reserve may be adversely affected. By reducing the number of neighbours, the risk of damage is reduced.

Although this principle has some merit, it does not consider the land capability of the site for rural residential subdivision, and it does not consider other factors which may be implemented to manage the quality of the reserve. Increased awareness of reserve by property owners, through information provided by CALM as part of their management of the reserve, would assist in this process.

COMMENT

Concerns Identified by WAPC

Land Capability for Rural Residential Use

WAPC had concerns with the original Land Capability report for the site submitted in support of the Amendment proposal, as it did not include details of bore hole testing conducted on the site, did not provide specific information on soil and landform types, and did not specify how construction works would deal with the duricrust and rock outcrops. This information was provided to the applicant, who engaged the consultant responsible for the original report to provide additional information on these matters.

The concerns identified by WAPC were based upon comparison of the land capability report with Darling Range Land Capability Study (DRLCS), which provided a broad scale assessment of the capability of the various landforms in the Darling Range, together with the most common soils found in each. The DRLCS identified the site as having a capability for rural residential development ranging from ‘low’ to ‘fair’. The consultant has stated that due to the broad scale of the DRLCS, it should be taken as a general guide only, with site specific analysis providing a more accurate indication of the suitability of any given location.

The site specific investigation conducted on Location 532 indicate that the condition of the site is quite different to that depicted within the DRLCS. This study has found that 40% of the site has a classification rating of Class II for housing and roads, with the remaining 60% having a rating of Class II for housing and roads and Class III for conventional on-site effluent disposal systems.

An investigation of duricrust and rock outcrops has also found that the site does not contain sheets of duricrust laterite requiring blasting but only duricrust boulders. The majority of these boulders are less than 1m in size, with only a few larger boulders being up to 3m in diameter. The four rock outcrops are small and can be easily avoided in building or road construction works.

Drainage Management

WAPC required additional information on drainage management to address concerns identified within the DRLCS that runoff within the site is classified as ‘moderately rapid’ to ‘rapid’. To address this matter, the applicant engaged a Consulting Engineer to prepare a drainage plan for the site. The plan demonstrates that runoff from a 1 in 10 year storm can be contained within the site, in two drainage basins. Information provided within the land capability assessment also noted that the soils within the site consist of gradational gravelly loams and clay loams which are free draining, assisting in the disposal of runoff on site.

The City’s Technical Services Directorate have reviewed the plan and it is considered acceptable, but recommend that the drainage basins be relocated within the road reserve, to avoid their placement on private lots. This information is satisfactory to progress the Scheme Amendment, with further information on drainage to be approved by the City prior to the commencement of subdivision works on site.

The applicant has not provided details on erosion and sediment control, however this may be imposed as a Scheme provision prior to subdivision of the lots.

Spray Drift

The use of a 40 metre wide vegetated buffer along the boundary of all lots adjacent to orcharding activities was endorsed by WAPC, but the authority have concerns with the management of the buffer in the long term. Under the proposed Rural D1 zoning, there are no provisions to impose the retention and maintenance of this buffer. Should Council resolve to modify the proposed zoning of Amendment 173 from Rural D1 to Special Use – Rural Residential, these controls may be imposed through the Special Use zoning provisions.

Lot Yield

This concern was raised as a component of the applicant's original submission to rezone the site made reference to 25 lots, whilst the remainder of the document and Subdivision Guide Plan proposed the creation of 30 lots. The applicant has since confirmed that 30 lots are proposed, and reference to 25 lots was the result of a typing error. This is consistent with the Subdivision Guide Plan advertised and adopted by Council.

CALM and Agriculture WA Submissions

WAPC have requested that the Schedule of Submissions be amended to include the submissions by Agriculture Western Australia and the Department of Conservation and Land Management, and the City's response to the submissions. This will be addressed once the submissions have been determined by Council. The issues raised by the authorities have been considered elsewhere in this report.

Fire Management Plan

The proposed Fire Management Plan for Location 532 indicated emergency access points into adjacent private land, and WAPC had concerns as the plan did not indicate who would be responsible for the construction of accessways onto private land, whether agreement had been obtained from these landowners, and where the accessway will lead.

The applicant has provided a copy of an agreement with the owners of the adjacent Lots 102 & 103 Brookton Highway, which contain the emergency fire access from Location 532. Lots 102 and 103 Brookton Highway are the subject of Amendment No.180 to Council's TPS No.2, proposing the rezoning to Special Use – Rural Residential. This rezoning includes a Subdivision Guide Plan which proposes six lots and an accessway along the western boundary of Lot 102, which is proposed to be used for fire access from Location 532. This accessway will provide access to Brookton Highway in an emergency.

It should be noted that Amendment 180 has not received final adoption by Council at this stage. To ensure that emergency fire access is available in the event the Amendment No.180 is not adopted, it is recommended that the applicant enter into a legal agreement with the owners of Lots 102 and 103 to provide fire access through this lot, prior to the subdivision of Location 532. This requirement may be imposed as a condition of subdivision approval to any application over Location 532.

Final Adoption Details

The Amendment No.173 documents forwarded to WAPC noted in the conclusion that there were matters which still required attention, however it was not stated whether these matters had been attended to. The WAPC has queried whether these matters are still outstanding.

This component of the Amendment report was written after the initiation stage of the Amendment, and made reference to issues such as the impact of orcharding activities on the proposed lots, and the potential impact of the rezoning on the surrounding mature reserve. These matters were subsequently resolved as part of Council's final adoption to the Amendment, however the Scheme Amendment report was not modified prior to being forwarded to the WAPC.

Following Council's consideration of additional matters raised by WAPC, the Amendment No.173 report will be updated to address this matter.

Proposed Zoning

WAPC have requested that Council consider a more appropriate zoning to facilitate subdivision of Location 532, as the proposed zoning of Rural 'D1' is considered insufficient to address the constraints affecting the property. Should the site be rezoned to Rural 'D1', the TPS No.2 zoning provisions which relate to the land are regulations which are generic to all Rural 'D1' zoned land. The scope of these regulations are limited to broad land use controls, regulation on subdivision and limitations on tree clearing. Given this situation, the proposed zoning is not sufficiently responsive to site conditions or constraints, which may require administrative controls to ensure that environmental impacts or impacts to residents are avoided.

The WAPC considers that it would be more appropriate to rezone the site to Special Use – Rural Residential, and incorporate specific provisions relating to matters such as the management of impacts on the surrounding nature reserve, retention and maintenance of the vegetated buffer to orchards, and fire management. In consideration of the matters identified by WAPC, AgWA and CALM, the proposal to modify the proposed zoning to Special Use – Rural Residential would result in an improved development form on the site, and address the concerns identified by these authorities.

Analysis

Review of WAPC request to change the proposed zoning

The assessment of Amendment No.173 by WAPC, and the comments on the proposal provided by Agriculture Western Australia and the Department of Conservation and Land Management, has indicated that the proposed Rural 'D1' zoning would not satisfactorily address the issues raised by these authorities. The zoning of Special Use – Rural Residential does provide Council with the ability to impose specific land use controls within the application area, and has been applied in other development areas within the City in locations such as Churchman Brook Estate, Araluen, and Brookwood Estate.

Lots 102 and 103 Brookton Highway, to the north-east of the subject site, are also proposed to be rezoned to Special Use – Rural Residential through Amendment No.180 to TPS No.2, which was initiated by Council at its September 2001 round of meetings. The implementation of Special Use zoning provisions specific to Location 532 would resolve the concerns identified by CALM, AgWA and WAPC, and it is recommended that the proposed zoning be modified in this manner.

Within the Special Use – Rural Residential zoning for Location 532, the provisions of TPS No.2 relating to the Rural zone have generally been retained, and are to be complemented by controls specifically formulated for Location 532 on matters such as:

- ◆ Retention and maintenance of the 40m wide vegetated buffer, to minimise the impact of orcharding activities on the proposed lots;
- ◆ Limitations on access into the adjacent nature reserve; and
- ◆ The preparation of a Drainage Management Plan, and the submission of details on the management of erosion and sediment control within the application area.

The above modification to the subject Scheme Amendment should allay the concerns raised, and permit the subdivision and development of the lot in a manner which is responsive to the constraints affecting the site.

Impact of the Proposed Change on Amendment No.173

Amendment No.173 to Council's TPS No.2 has been subject to public advertising and final adoption by Council, based upon the proposed rezoning to Rural 'D1'. The concerns raised during the advertising period of the proposal largely related to the impact of creating 2ha lots in close proximity to orcharding activities, the impact of the proposed lots on the surrounding nature reserve, and the impact of the lots on the agricultural viability of surrounding orchards.

Should Council resolve to support the request by WAPC to modify the Amendment to Special Use – Rural Residential, this will not require re-advertising of the proposal prior to Council's adoption, as the development form within the Special Use zone would be similar to that proposed within the Rural 'D1' with respect to the minimum lot size and subdivision layout. The provisions of the proposed Special Use zone will provide additional development controls which address the concerns identified by submitters during the advertising period, in an improved method to that which could be achieved through the proposed Rural 'D1' zoning.

Consequently, the statutory requirements permit Council to consider the modifications requested by WAPC without re-advertising of the Amendment.

Options

With respect to the proposed Amendment, Council may consider two options:

1. Resolve to modify the proposed zoning within Amendment No.173 from Rural 'D1' to Special Use – Rural Residential, as recommended by WAPC;
2. Resolve to advise WAPC that Council intends proceeding with Amendment No.173 to rezone the site to Rural 'D1', as adopted by Council at its August 2001 round of meetings (D178/01).

CONCLUSION

The proposal by the Western Australian Planning Commission, to modify the proposed zone within Amendment No.173 to Special Use – Rural Residential, provides the ability to formulate and implement specific controls to address constraints and site conditions specific to Location 532, and ensure that the subdivision and development occurring within the application area does not result in negative impacts to residents of the proposed lots or adversely affect surrounding environmental features.

Given the above, it is considered that Council should support the recommendation of the WAPC and modify the proposed Amendment, in accordance with Option 1.

COMMITTEE considered the appropriateness of prohibiting the keeping of poultry within the estate as originally recommended in requirement nine (9) of the Special Use Zone.

On balance, it was concluded that reference to poultry should be excluded from requirement nine (9) and hence the Recommendation was accordingly amended by ~~strikethrough~~.

D89/02 RECOMMEND

1. That Council determine the additional submissions to Scheme Amendment No.173 and associated Subdivision Guide Plan in accordance with recommendations in the *Schedule of Submissions recorded at Attachment “A1” of the Minutes.*
2. That further to the advice from the Western Australian Planning Commission regarding its concerns with the suitability of the proposed Rural ‘D1’ zoning, and the consideration of additional submissions, Council supports the recommendation of the Western Australian Planning Commission to modify the proposed zoning within Scheme Amendment No.173 from Rural ‘D1’ to Special Use – Rural Residential, and modifies the Scheme Amendment by;
 - a) rezoning Location 532 Irymple Road, Karragullen from “General Rural” to “Special Use – Rural Residential”;
 - b) amending the Scheme maps accordingly; and
 - c) amending the Scheme text by inserting in appropriate numerical order, a new entry into the Special Use Development Table as follows:

Prescribed Special Use	Requirements	Particulars of Land
Rural/Residential - Public Utility - Dwelling House - Associated car parking in relation to these uses	<ol style="list-style-type: none"> 1. Subdivision and development shall be generally in accordance with the Subdivision Guide Plan prepared in accordance with Clause 5.2.1 of the Scheme and shall observe the following standards:- <ul style="list-style-type: none"> • overall maximum no of lots – 30 • minimum lot size – 2.0 hectares 2. All lots to be provided with underground power. 3. The following Clauses of the Scheme are applicable to the 	Location 532 Irymple Road, Karragullen

Prescribed Special Use	Requirements	Particulars of Land
<p>The Council may at its discretion, permit the following uses:-</p> <ul style="list-style-type: none"> - Home Occupation - Arts, Crafts and Handicrafts 	<p>land, with the exception of the areas nominated on the Subdivision Guide Plan for roadways and public utilities:-</p> <ul style="list-style-type: none"> • Clause 5.2.1(j) • Clause 5.2.2(b) • Clause 5.2.3 • Clause 5.9.8 • Clause 5.9.9 • Clause 5.9.10 <ol style="list-style-type: none"> 4. All lots to be provided with development envelopes to the satisfaction of Council, which are to maintain a minimum setback of 150 metres from any lots containing orcharding activities. 5. The proposed Lots 1 – 7, 17 and 18 on the approved Subdivision Guide Plan are to incorporate a vegetated buffer of 40 metres width to attenuate spray drift from surrounding orcharding activities. Vegetation within this buffer is to be installed and maintained to attenuate spray drift in accordance with a Vegetation Plan submitted to and approved by Council. 6. The clearing of vegetation on the lots outside the designated development envelopes shall not be permitted without the approval of Council. 7. Only one dwelling shall be permitted on a lot. 8. The subdivider shall prepare a Drainage Management Plan, also incorporating details on the management of erosion and sediment control, prior to the subdivision and development of lots within the application area. All development shall be designed and maintained in accordance with this plan. 9. The keeping of poultry, livestock and horses on the lots is prohibited. 10. All lots shall comply with Rural Zone Development Standards of the Scheme. 11. Boundary fencing shall be constructed of post and rail or post and wire construction in accordance with the Council’s Local Laws relating to Fencing, unless otherwise approved by Council. 12. The proposed fencing along the common boundary between the proposed lots and the Stinton Cascades Nature Reserve is to be to the satisfaction of the Department of Conservation and Land Management. 13. All other uses mentioned in the Scheme are not permitted. 	

MOVED Cr Stubbs
MOTION CARRIED (7/0)

Cr Hodges declared an interest in this item on the basis that this enterprise would be in direct competition with her current employer and left the meeting at 7:26pm.

Cr Green disclosed that he has an association with Dale Cottages Retirement Village Inc. As a consequence, there may be a perception that his impartiality on the following matter may be affected, but declared that he would disregard this association, consider the matter on its merits and vote accordingly.

PROPOSED REZONING OF LOT 4 BAY COURT, CHAMPION LAKES FROM “RURAL D” TO “SPECIAL USE: RURAL RETIREMENT RETREAT”

WARD : SEVILLE
FILE REF : A152780
DATE : 2 MAY 2002
REF : GIW
RESPONSIBLE MANAGER : PSM
APPLICANT : Dykstra & Associates
LAND OWNER : K & P Henville
SUBJECT LAND : Lot 4 Bay Court,
Champion Lakes
Property size 2.6182ha
Map 21.05
ZONING : Rural / Rural D
MRS/TPS No.2

In Brief:-

- Proposal involves rezoning the subject lot from “Rural D” to “Special Use: Rural Retirement Retreat” (Retirement Village).
- The proposal is incompatible with the surrounding rural environment and will establish an undesirable precedent within the locality.
- Recommend that Council resolve not to initiate the rezoning.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Town Planning & Development Act 1928
Town Planning Scheme No.2

Council Policy / Local Law Implications

Local Rural Strategy

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit (DCU)

BACKGROUND

The subject site contains an existing single residence, caretaker's residence, workshop and feature lake. These existing facilities are to be retained and integrated within this rezoning proposal to accommodate a retirement village for 43 home sites. The existing single residence is to be converted into a community / recreation building.

DETAILS OF PROPOSAL

Details pertaining to the proposal include the following:

- ◆ Rezone the subject site from "Rural D" to "Special Use: Rural Retirement Retreat";
- ◆ Proposal consists of a rural retirement village to accommodate approximately (43) home sites;
- ◆ Proposed home sites will be serviced by underground power, telecommunications, reticulated water and reticulated sewer;
- ◆ Existing residence, caretakers residence and workshop are to be retained and integrated into proposed development;
- ◆ Existing residence to be converted into proposed community / recreation building;
- ◆ Development concept plan has been prepared by the applicant to demonstrate building layout, internal driveways and revegetation areas.

The applicant has provided the following arguments in support of the proposed rezoning:

- ◆ The site is conveniently located to local facilities including the Champion Drive Shopping Centre and Medical Centre, proposed Champion Lakes Recreation Complex, Forrestdale Business Park and the Forrestdale Golf Course;
- ◆ The subject site is located within a Rural Residential precinct bordering Lake Road and planned urban area opposite- in close proximity to established service infrastructure and community facilities;
- ◆ The subject site lies within a narrow Rural Residential Precinct bound by Lake Road and the Southern River watercourse, which presents an opportunity for land use intensification, whilst maintaining rural character and appearance. This precinct would provide a transition area between the urban area south of Lake Road and the broader Rural Residential Precinct north of the Southern River;
- ◆ There is a growing demand for retirement complexes that offer a resort style of living;
- ◆ The existing infrastructure on site including the main residence, caretaker residence, workshop and feature lake display a resort style of living and provide an ideal setting for the proposal.

EXISTING SITUATION

The subject site lies within a “Rural D” zoned precinct north of Lake Road. The site contains a single residence, caretaker’s residence, workshop and feature lake. The south-eastern corner of the subject lot abutting Lake Road and Bay Court is heavily vegetated, and the western portion is cleared, open-grassland.

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 30 April 2002 recommended that the proposal not be initiated on the following grounds:

- ◆ The proposal is inconsistent with the surrounding rural character and intent of the Rural zone;
- ◆ The subject site is not conveniently located within close proximity to local facilities to warrant such a proposal.
- ◆ The proposal is likely to establish an undesirable present within the locality.

Environmental Officer

Council’s Environmental Officer advised that the subject site contains a Conservation Category Wetland towards the northwestern corner of the lot. Suitable development controls may need to be implemented should the Water & Rivers Commission or Environmental Protection Authority consider the wetland worthy of retention and or requiring management controls.

Analysis

Town Planning Scheme No.2

The subject site is zoned Rural D under Town Planning Scheme No.2. The primary objective of the Rural zone under TPS No.2 states as follows:

“A zone intended for fostering of semi rural use of land compatible with landscape conservation in conjunction with residential hobby farm uses...the rural landscape and amenity shall be retained, natural bushland shall be conserved and upon closer subdivision or upon new development, a high standard of servicing and amenity will be implemented”.

Land Use Compatibility within Rural Zone

The proposal to accommodate approximately 43 units on the site is equivalent to a residential density of between R15 and R20 (a minimum lot size of approximately 604m² per dwelling). Although this density is relatively low in residential terms, such density within the rural zone will pose inevitable land use conflicts with adjoining rural properties. Potential conflicts which may arise include: noise, odours, and dust emission associated with the keeping of livestock or other hobby farm activities. Approval of the proposal is therefore likely to adversely impact the viability of these rural zoned properties. In this regard, the proposal is considered to be incompatible with the surrounding rural zone.

Locational Suitability of Aged Persons Accommodation (Retirement Village)

Grouped housing development (including aged person or retirement villages accommodation as proposed) should be sited in close proximity (within 800m or 10 minutes walking distance) to local shopping, community, public transport and recreational facilities in accordance with Council's Grouped Housing Policy- to reduce dependency on private vehicles.

The nearest local shopping centre (Champion Drive Shopping Centre) is situated approximately 1.5km from the subject site. Although the site abuts a primary regional road, there is currently no bus route servicing Lake Road. In this regard, the subject site is inaccessible to local community, shopping, recreation and public transport facilities to facilitate such a proposal.

Contextual Analysis: Surrounding Zones

The "Rural D" precinct (in which the subject site resides) is zoned Rural under the Metropolitan Region Scheme and is earmarked for 'Rural Lifestyle / Landscape Protection' under Council's draft Local Planning Strategy- Strategic Plan.

The rural land situated directly north of the subject "Rural D" precinct is zoned Urban Deferred under the Metropolitan Region Scheme (within the City of Gosnells) and is earmarked for urban development under the Forrestdale / Wungong Structure Plan.

The Regional Reserve situated east of the subject "Rural D" precinct is earmarked for the proposed Champion Lakes Regional Park development, which proposes various active recreational facilities and a residential component.

The land situated south of the subject site is zoned Urban under TPS No.2 and is relatively undeveloped. This area is included within Council's Urban Unit A14 Consolidated Outline Development Plan, in which various sites have been identified for optional grouped housing.

With regard to the above contextual analysis, it is clear that present strategic and statutory planning initiatives intend the subject "Rural D" precinct to remain a rural zone, with surrounding areas anticipated to cater for future urban development. It is therefore envisaged that this precinct should retain its rural character, amenity and landscape qualities, whilst providing a buffer between the Southern River and planned urban development to the south and north of the precinct. In this regard, the proposed residential scale and nature of this rezoning is likely to establish an undesirable precedent within this rural precinct and encourage ad hoc zoning that will compromise the strategic objective and intent of this unique precinct.

Visual Amenity

The proposed building bulk and overall residential scale of the proposed development will considerably alter the existing rural character of the subject site. The western portion of the Lake Road property boundary is void of vegetation, and therefore would require significant revegetation measures (as a condition of approval) to effectively screen the site. Retention of existing vegetation along the southeastern boundary will provide partial screening of the proposed development. Although revegetating the site will lessen the overall visual impact of building bulk on site, it is arguable whether this will provide complete screening of the site from Lake Road and adjoining properties. In this regard, the residential scale and nature of the proposal is considered incompatible with the surrounding rural character.

Traffic

The residential nature and scale of the proposal is likely to significantly increase traffic volumes along Bay Court. These additional traffic volumes and movements are likely to adversely impact on the amenity of existing rural residential properties in terms of noise, and generate potential traffic conflicts at the intersection of Lake Road and bay Court.

It is acknowledged that alternative land uses, which may be considered under the “Rural D” zone (such as tourists uses and holiday accommodation) may pose similar impacts in terms of visual amenity and traffic generation.

Local Rural Strategy

The subject site is situated within the West Armadale Rural Planning Area. The principal policy statement states as follows: “*to protect water resources...whilst encouraging landscape enhancement and maintenance of rural character*”. The boundary abutting Lake Road is identified as possessing Secondary Landscape Quality. Appropriate measures are required along the Lake Road property boundary to preserve and maintain landscape quality accordingly.

Concept Development Plan

The Concept Development Plan prepared by the applicant identifies indicative building and internal road layout for (43) home sites; revegetation areas along the western and Lake Road property boundaries; proposed car parking; and existing vegetation and structures to be retained on site. The overall design of the concept plan is indicative (not to scale) only and the applicant would be required to provide additional detail with regard to car parking provision for individual home sites, pedestrian access, public open space areas and conservation / environmental initiatives to manage wetland areas on site.

Services

The applicant proposes to connect the proposed development to the reticulated sewerage system, reticulated water supply and underground power. The provision of such services is a minimum requirement to accommodate the proposed development.

Options

Option 1

Council may decline to initiate the rezoning on the grounds that the proposal is incompatible with the surrounding rural environment and is inconsistent with current strategic planning and is likely to establish an undesirable precedent within the Rural Zone.

Option 2

Council may initiate the rezoning if it is of the view that the proposed development could be effectively managed to preserve and maintain the rural amenity of the locality.

CONCLUSION

The residential scale and nature of the proposal is considered incompatible with the surrounding rural character in terms of visual amenity and land use compatibility. The subject site is relatively inaccessible to local community facilities and public transport routes. The proposal is therefore likely to establish an undesirable precedent within the subject “Rural D” zone and encourage ad hoc zoning that will compromise the strategic objective and intent of this unique rural precinct. In this regard, it is recommended that Council adopt Option 1 above and resolve not to initiate the proposal.

COMMITTEE gave careful consideration to this proposal and noted that in principle the concept of a rural retirement retreat had merit and that it may well be appropriate to consider suitable criteria for provision of this kind of use in rural areas within the framework of the City’s new District Town Planning Scheme.

In measuring an application such as the one before Council, matters to consider should include merits of the proposal such as locational advantage eg. quality of outlook, proximity to lifestyle attractions, access to transport, access to community services and facilities etc.

COMMITTEE concluded that on balance, the Lot 4 Bay Court site was not ideally located to meet relevant criteria for establishment of a successful and sustainable rural retirement retreat.

D90/02 RECOMMEND

That Council decline to initiate the proposed Scheme amendment to rezone Lot 4 Bay Court, Champion Lakes from “Rural D” to Special Use: Rural Retirement Retreat” for the following reasons:

- a) **The proposal is incompatible with the surrounding rural character and intent of the Rural Zone under Town Planning Scheme No.2.**
- b) **The proposal is inconsistent with strategic planning for the locality.**
- c) **The subject site is not conveniently located within close proximity to local community facilities.**
- d) **The proposal is likely to establish an undesirable precedent for development intensification of lots within the locality.**

MOVED Cr Zelones
MOTION CARRIED (6/0)

Cr Hodges returned to the meeting at 7.42pm.

REZONING AND SUBDIVISION GUIDE PLAN – LOTS 1 –10 CARRADINE RD AND LOTS 11 – 21 LOCKE VIEW, BEDFORDALE FROM “RURAL D” TO “RURAL D1”

WARD : ARMADALE

FILE REF : SCH/2/181

DATE : 30 June 2002

REF : EP

RESPONSIBLE
MANAGER : PSM

APPLICANT : Dykstra & Associates

LANDOWNER : Various

SUBJECT LAND : Lots 1- 10 Carradine Road
and Lots 11 – 21 Locke View,
Bedfordale; Map 24-03

ZONING
MRS / TPS No.2 : Rural / Rural “D”

In Brief: -

- Council initiated the proposed amendment at its September 2001 round of meetings.
- Council to consider submissions received during the advertising period.
- Recommend Amendment and advertised SGP be finally adopted, subject to modification to the SGP.

Tabled Items

Nil.

Officer Interest Declaration

Nil

Strategic Implications

“Development - to balance the need of development with sustainable economic, social and environmental objectives”

Legislation Implications

Town Planning and Development Act 1928
Town Planning Scheme No.2

Council Policy / Local Law Implications

City of Armadale Draft Rural Strategy 1999

Budget / Financial Implications

Nil.

Consultation

- ◆ Referral to Government authorities and surrounding property owners by mail
- ◆ Sign on site and advertising in “The Western Australian” newspaper
- ◆ Council’s Environmental Officer
- ◆ Development Control Unit (DCU)

BACKGROUND

At its meeting of 17 September 2001 Council resolved to initiate the proposed Scheme Amendment and Subdivision Guide Plan (SGP) for advertising purposes. Council when initiating the amendment also resolved to advise the applicant that if the rezoning proceeds, Council will request as conditions of any subsequent subdivision approval that:

- a) an erosion and sedimentation control plan to be submitted to the satisfaction of Council, and such plan being implemented prior to clearance of subdivision;
- b) any drainage improvement required to Locke View due to the impact of the said development be at the applicant’s cost including cost to reinstate / reconstruct Locke View;
- c) property boundary fencing to be constructed by the developer;
- d) a comprehensive landscape plan indicating the revegetation of cleared land within the subdivision area to the satisfaction of the Manager Parks be submitted and approved and such plan being implemented to the satisfaction of the said Officer prior to clearance of the subdivision.

The proposal was subsequently advertised for public comment and attracted 9 submissions (including Government Agencies).

Council is now requested to consider final adoption to the proposed Amendment, and the SGP over the four lots proposed to be subdivided.

EXISTING SITUATION

The land abuts a Regional Recreation Reserve to the south, and southwest, “Residential” zoned land to northwest and “Rural C” zoned land to the north and northeast.

The subject land comprises 21 lots with a total area of 63.7ha. The topography of the area is dominated by a centrally located, east-west ridgeline with moderate to steep slopes either side. The steep slopes on portions of the area preclude agricultural activities and the use of machinery. Rock outcrops occur on the upper slopes. The land is generally suitable for grazing with only portions suitable for cultivation. The site drains west then southwesterly and northwesterly into adjoining valley systems and streams that eventually drain into Neerigen Brook.

Dwelling houses have been erected on 18 of the 21 lots within this precinct.

DETAILS OF PROPOSAL

This amendment proposes to rezone Lots 1 –10 Carradine Road and 11 – 21 Locke View, Bedforddale from “Rural D” to “Rural D1” to facilitate the subdivision of the remaining four large lots within this precinct, which would have the potential to be subdivided under a “D1” Rural zoning. The remaining 17 lot sizes range from 2.2ha to 3.4ha; hence do not have further subdivision potential under a Rural “D1” zoning.

Development Control Unit (DCU) Comments

DCU considered this matter at its meeting on 30 May 2002 and indicated support for the adoption of Amendment No.181 for final approval.

Subdivision Guide Plan

The proposed Subdivision Guide Plan reflects the proposal to re-subdivide the four (4) existing “Rural D” properties thereby creating an additional 4 rural / residential lots, between 2.0 ha and 2.5 ha. The subdivision of the four lots has been designed with consideration to the topographical constraints affecting the subject land.

Public Advertising of Amendment No.181 and associated Subdivision Guide Plan

The proposed Amendment and the associated SGP was advertised from 27th March 2002 to 8th May 2002. The advertising consisted of affected property owners being notified by mail, sign on site, notification to external authorities and an advertisement in the ‘West Australian’ newspaper.

Submissions on the proposed amendment and SGP (Submissions received relate to both Amendment and SGP)

Total no. of responses received : 9 (including Government Agencies)
No. opposed to the proposal : 4
No. in favour / no objections : 5

COMMENT

The results of advertising indicated that a few surrounding local residents objected to the amendment. The issues identified in the submissions raised a number of common issues and these are discussed below. ***For a detailed assessment of individual submission please refer to schedule of submissions at Attachment “A2” of the Agenda.***

Draft Rural Strategy

The subject land is located within the “Canns Rural Planning Area”. The Draft Rural Strategy generally supports the proposed rezoning as it recommends encouraging rural residential development in most sectors of this precinct, other than areas categorised Low Potential or Undesirable.

The proposed new lots in the submitted Subdivision Guide Plan (SGP) have been designed so that building envelopes can be positioned on relatively flat locations, which have been identified as having fair capability and fair potential for residential development.

Some submissions point out that the properties proposed to be subdivided are fairly steep in terrain with rock outcrops and therefore are unsuitable to be built on. The same argument can be applied to justify the rezoning and subdivision, as the terrain and rock outcrop constraints this rural land from being utilised to its optimum in terms of viable agricultural use. This rezoning would maximise the potential of these properties for rural residential living without compromising the existing rural life style of the locality. Proposed revegetation of the lots will assist in achieving the principal policy objective of the Rural Strategy for this precinct, which is *“to preserve the scenic and environmental quality of the area”*

Visual Impact

Several submissions suggest that the residential developments resulting from the proposed subdivision will create an unacceptable visual impact. The importance of this area is identified in the Rural Strategy as being “Prime Landscape Quality Area”.

The applicant has submitted a Landscape Impact Assessment Report to demonstrate the capability of the subject land to sustain further subdivision without compromising the prime landscape / scenic quality of the area. The location of the three new building envelopes on the proposed lots has been determined based on a visual assessment of the properties taking into consideration the height and location of existing vegetation, plus the height of the land. The Subdivision Guide Plan incorporates strategically located tree planting to improve privacy and screening of potential development. Further, notes have been added to the Subdivision Guide Plan to emphasise the importance of the building envelope locations depicted on the Plan and the limited ability to alter their locations.

Access and Traffic

Seven lots of the proposed eight lots will have direct access off Locke View, with one lot incorporating a battle-axe leg. Some submittees have objected to the subdivision of the lots, as more lots would increase the traffic flow on Locke View. Council’s Technical Services Directorate has advised that existing standard of Locke View can safely accommodate the marginal increase (three extra residences) in residential traffic. Any drainage improvements required to Locke View due to the impact of the said development will be at the applicant’s cost including cost to reinstate / reconstruct Locke View.

Drainage and Nutrient Management

The Draft Rural Strategy identifies a major portion of this land as being very highly susceptible to water erosion. This reason has been identified as a ground for objecting to the rezoning. This need not prevent the closer subdivision proposed. Council’s Technical Services Directorate advised that the applicant will need to demonstrate that the run-off from the subdivided land will be no greater than the run-off from the land in its natural state.

The applicant states that conventional on-site effluent disposal systems will be positioned in accordance with the building envelopes and the soils will significantly reduce off-site nutrient export. Council's Health Department has indicated that the proposed lot sizes are acceptable from an effluent disposal viewpoint and that on-site effluent disposal systems could be accommodated within the identified building envelopes.

Bush Fire Control

Bush fire control within the steeply sloping blocks is also raised as a concern by submittees. Council's Bush Fire Officer has considered the Subdivision Guide Plan and has advised that boundary firebreaks are required to be maintained under the Bush Fires Act 1954 and Local Laws. Utilising chemical firebreaks is considered acceptable as this would assist in less clearing and less erosion problems. Access gates along the strategic firebreak for each dividing fence would be required. The strategic firebreaks can be negotiated as part of the bushfire management plan required upon subdivision.

Subdivision Guide Plan (SGP)

A landowner within the proposed subdivision area has raised concerns regarding the proposed new lot boundaries of the SGP not having necessary boundary clearance from an existing residential building to comply with the Town Planning Scheme No.2 requirements. This can be addressed by requesting the applicant to submit a modified subdivision design to satisfy this requirement prior to Council's final endorsement of the Subdivision Guide Plan.

Concerns have also been raised regarding the long narrow configuration of the lots proposed in the SGP, as the lot frontages would be half the width compared to the majority of existing blocks on Locke View. It is argued that this would reduce the distances between the existing and proposed houses thereby affecting the existing substantial house separation on lots within this precinct. These arguments cannot be supported as, under Town Planning Scheme No.2, irrespective of the size / width of a rural property any building or structure is only required to be set back 15m from any property boundary. The road frontages proposed for the new lots in the SGP are not uncommon within the rural zones.

Analysis

The Landscape Impact Assessment report has addressed concerns regarding the proposed lot configurations, land management and preserving the scenic quality of the area.

Given the topographic constraints of the subject land, the proposed lot configuration appears to be the most practical design for the proposal. With the majority of the proposed lots having direct access off Locke View, the drainage run-off and erosion that could be caused by a battleaxe lot configuration design would be reduced. Utilising chemical firebreaks would also assist in better land management.

The increased setbacks from Locke View and proposed revegetation across the front of the properties as indicated on the Subdivision Guide Plan would minimise any visual impact from the road. The staggered building envelopes will not only restrict development within appropriate locations obscured by existing vegetation, it would also assist to maintain the rural character with increased building separation thereby not compromising the scenic quality of the area.

Town Planning Scheme provisions in place for rural property development could also control aspects such as colour schemes, building material types, and revegetation of properties at the stage of property development to ensure visual harmony of any future proposed building with the rural character of the locality.

The proposed lot sizes in the SGP reflect the existing standards of the area and therefore this land is capable of sustaining further development without compromising the already established socio- economic standards and lifestyle in this locality.

CONCLUSION

This amendment proposes to facilitate the subdivision of the few remaining large parcels of land within this precinct to optimise the use of rural land, which is under-utilised in terms of viable agricultural use. It is considered that the applicant has adequately addressed concerns regarding lot configuration, landscaping and land management and scenic quality issues.

Whilst Council has received four submissions objecting to this Amendment and the SGP, it is considered that all the issues raised may be satisfactorily addressed, and are not significant enough to preclude Council's adoption of the Amendment and the SGP. The lot sizes proposed in the SGP would be consistent with the surrounding lot sizes and as such will be compatible with the already established lifestyle in this locality. It has been demonstrated that the scenic quality of the locality will not be jeopardised by the proposal.

Given the above, subject to submission of an amended SGP to reflect adequate setbacks from existing buildings to proposed new lot boundaries, it is considered that the proposed Amendment should be finally adopted.

D91/02

RECOMMEND

1. **That Council determine submissions to Scheme Amendment No.181 and associated Subdivision Guide Plan in accordance with recommendations in the *Schedule of Submissions recorded at Attachment "A2" of the Minutes.***
2. **That Council under and by virtue of the powers conferred upon it by the Town Planning and Development Act, 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended), hereby adopt Town Planning Scheme Amendment No.181 without modification by:**
 - a) **rezoning Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 Carradine Road and Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 Locke View, Bedforddale from "Rural D" to "Rural D1"**
 - b) **amending the Scheme maps accordingly.**

3. That Council endorse the proposed Subdivision Guide Plan for Lots 13, 14, 15 and 16 Locke View, Bedfordale subject to the following modification:
 - a) All existing buildings on the above subject lots having necessary clearance from the proposed new lot boundaries.
4. That upon receipt of the revised Subdivision Guide Plan incorporating the above modification to the satisfaction of the Executive Director Development Services the amendment documents to be forwarded to the Western Australian Planning Commission.
5. That Council authorise the Mayor and the Chief Executive Officer to execute the amendment documents.
6. That the applicant be advised that, if the rezoning is adopted by WAPC and the Minister for Planning and Infrastructure, Council shall request as conditions of any subsequent subdivision approval that:
 - a) an erosion and sedimentation control plan to be submitted to the satisfaction of Council, and such plan being implemented prior to clearance of subdivision;
 - b) any drainage improvement required to Locke View due to the impact of the said development be at the applicant's cost including cost to reinstate / reconstruct Locke View;
 - c) property boundary fencing to be constructed by the subdivider to a rural standard to the satisfaction of Council.
 - d) a comprehensive landscape plan indicating the revegetation of cleared land within the subdivision area to the satisfaction of the Manager Parks be submitted and approved and such plan being implemented to the satisfaction of the said Officer prior to clearance of the subdivision.

MOVED Cr Zelones
MOTION CARRIED (7/0)

PROPOSED MRS AMENDMENT TO URBAN ZONE FROM RURAL ZONE - FORRESTDALE

WARD : FORREST
FILE REF : PSC/36
DATE : 24 May 2002
REF : JR
RESPONSIBLE MANAGER : EDDS
APPLICANT : Roberts Day Group
LANDOWNER : G Allen
SUBJECT LAND : Lot 2 Nicholson Road, Forrestdale
ZONING MRS/TPS NO.2 : Rural (MRS) General Rural (TPS No.2)

In Brief:-

- One of the major development group participants in the first stage for a new development front in north Forrestdale seek Council support to include Lot 2 Nicholson Road in the first stage Metropolitan Region Scheme Amendment.
- Recommendation to request that the portion of Lot 2 Nicholson Road to the north of the Western Power easement corridor, which represents a logical rounding off of the initial Urban Cell, be included in the MRS Amendment.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Strategic Plan – 1. Long Term Strategic Planning - Promote employment and residential growth, encouraging the economic well-being of the community.

1.4 Complete the structure plans for Brookdale and Forrestdale, focusing on provision of high quality residential development.

Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (WAPC) – The site forms part of Area 2: Forrestdale in the District Structure Plan which proposes an Urban area of 526ha with an ultimate population of 14, 250 people.

Legislation Implications

Metropolitan Region Town Planning Scheme Act.
Metropolitan Region Town Planning Scheme
Town Planning & Development Act.

Council Policy / Local Law Implications

Town Planning Scheme No 2.

Budget / Financial Implications

Urban Zoning in Forrestdale will make possible increases in population through residential subdivision and increases in local taxation revenue based on increasing land values.

Consultation

Informal consultation was undertaken with Department for Planning & Infrastructure Officers. Written submissions were invited from the established developers working group comprising of planning consultants as follows:

- ◆ Roberts Day Group;
- ◆ Chappell Lambert & Associates;
- ◆ Development Planning Strategies;
- ◆ Dykstra & Associates.

Council's Health Services Manager and Environmental Officer reviewed the reports and provided advice to the Planning Department. The matter was also canvassed at a meeting of the Forrestdale MRS Amendment & Local Structure Plan Steering Group held at the City of Armadale on 10th May 2002.

PREAMBLE

Planning of the first stage Urban rezoning in Forrestdale has been undertaken to date, by means of coordination of the individual landowner interests through the Forrestdale Steering Group. The current applicant Roberts Day Group is a participant in the group in respect to other landowners with the owner of Lot 2 being a new client of the Roberts Day Group.

BACKGROUND

Following January 2001 completion of the final Southern River/Forrestdale/Brookdale/Wungong District Structure Plan Council resolved in August 2001 (D182/01) to seek the introduction of a Metropolitan Region Scheme Amendment to introduce a new development front in north Forrestdale by requesting the WAPC to initiate an MRS Amendment to zone approximately 468 ha of land defined by the above Plan to Urban zone and including the following:

- ◆ Lots 46, 49, 50, 1000, 1001, 14 and Pt 388 Wright Road,
- ◆ Lots 3, 4, 6, 13, 15 and 48 Nicholson Road, and
- ◆ Lots 10, 111, 112, 113, 114 and 143 Warton Road

The development of a new Urban front in the north Forrestdale locality of the City of Armadale will be achieved over a number of years with several stages of Amendment to the MRS.

Land Selection Criteria

The initial area for the first staging of an Urban zone was based on delineating a logical planning unit defined by the following land selection criteria:

- ◆ Land represented by experienced planning project management teams with significant work in hand demonstrating potential for Urban zoning;
- ◆ Land relatively unconstrained by significant constraints that may distract or derail the amendment process (eg excluding land such as the existing kennel area, Forrestdale Lake Environmental Management Area);
- ◆ Land defined by significant physical demarcations:
 - Parks and Recreation Reserves and Bush Forever sites
 - Jandakot Mound Groundwater (Protection) Area
 - Bounded by roads recognised by identification in Town Planning Scheme No.2.

Consolidated MRS Amendment Report

An MRS Amendment Report document prepared by the developer groups under the coordination of the Forrestdale Local Structure Plan Steering Group, was subsequently sent to the Department for Planning & Infrastructure. The report provides an analysis of the relevant planning considerations in addition to a detailed assessment of the site and its context within the wider corridor. The MRS Amendment Report is supported by separate documents including an Environmental Assessment (Chappell Lambert/ATA Environmental), a Drainage and Nutrient Management Concept Report (Jim Davies and Associates Pty Ltd), a Wetland Assessment Report (URS) and a Consideration of Future Road Requirements Report (Riley Consulting Engineers).

DETAILS OF PROPOSAL

The Roberts Day Group has made a submission seeking the inclusion of Lot 2 Nicholson Road into the first stage of the Urban zone. Roberts Day Group advise that the lot was previously omitted from the first stage structure planning exercise because it was constrained by the buffer zone for a poultry farm located adjacent to its south east boundary, however, as the poultry farm has now ceased operating, the buffer requirements no longer apply.

Accordingly the Roberts Day Group considers the inclusion of Lot 2 Nicholson Road as a logical rounding off of the initial first stage proposal for a new Urban zone in Forrestdale.

COMMENT

The Canning Vale Southern River corridor of urban residential development has established itself as an area of strong demand for high quality housing. The strong growth experienced in this corridor is expected to overflow into the north Forrestdale area if suitably zoned and serviced land is made available.

The proposal is consistent with the Southern River Forrestdale Brookdale Wungong District Structure Plan. Its inclusion is rationally based on the above land selection criteria and is consistent with a logical planning process for a contiguous urban cell. However there are objections and conflicting opinions expressed in the submissions from Steering Group members. The opposing views can be summarised as arguments for the inclusion of Lot 2 based on it being a logical rounding-off of the current Amendment, and arguments against its inclusion, based on a risk of losing the confidence already established with government agencies and risk of introducing delays to the whole Amendment process.

Submissions in respect to the Roberts Day Group proposal were made by other members of the Steering Group and are summarised as follows:

Chappell Lambert & Associates

Subject to no delay to the first stage Amendment there is no objection to its inclusion as it represents a logical rounding off of the proposed Urban area to Hale Road.

Dykstra & Associates

No objection to its inclusion.

Development Planning Strategies

Our client the Stockland Trust Group does not support the inclusion of Lot 2 Nicholson Rd. The larger more experienced developers should be allowed to “show the way” by establishing benchmark developments. Smaller individual landholdings should be addressed in a second stage of rezoning because the area of rezoning has already been defined and the inclusion of peripheral individually owned landholdings risks eroding the confidence already established to date through continuous consultation and it would inevitably slow or stall the rezoning process. This will add to frustration and result in increased land prices when the residential lots are eventually released. There have already been significant delays in the urbanisation of Forrestdale.

Lot 2 Nicholson Rd was not included in the current MRS Amendment document that was forwarded to the DPI and key environmental agencies and was not included in the transport and traffic evaluation. This may detract from the whole proposal and increase the likelihood of delays.

The cost sharing that will be required for infrastructure to be extended and funded becomes more complex and slower where smaller multiple ownerships are involved, whereas for larger established developers it can be funded by agreement.

Options

- Option 1 - The portion of Lot 2 Nicholson Road, which represents a logical rounding off of the initial first stage Urban Zone, be included in the next available Amendment to the Metropolitan Region Scheme.
- Option 2 - To decline to recommend the inclusion of Lot 2 Nicholson Road in the initial first stage Urban Zone and hold its consideration over until subsequent Amendment stages.

CONCLUSION

The Urban Water Management Study recently completed by the Water and Rivers Commission, is still pending finalisation and approval by the EPA. The DPI advise that first stage MRS Amendment proposal has not advanced significantly to date and the boundary could be modified without difficulty if Council supports it. The majority of participants in the Steering Group either support or have no objection to its inclusion.

There may be opportunity for Council to consider minor modifications if they represent a logical rounding-off of the first stage Amendment and do not result in delays to the MRS amendment process. If there is any indication of a delay then the lot 2 should not be included and the first stage amendment should proceed as submitted by Council in August 2001.

The documentation and servicing reports demonstrate the suitability of the locality for urban residential development. The proposed amendment to MRS Urban zone would provide the certainty and a statutory foundation for more detailed planning to be carried out for land in the initial MRS Amendment, which will include a local TPS Amendment, a local Structure Plan and provision of infrastructure.

While the proportion of Lot 2 which is north of the Western Power major infrastructure easement may be considered a logical rounding-off of the planning unit for the first stages of urban residential development, the area to the south of the easement is clearly part of a separate distinct Urban Cell which should be addressed at a future stage.

Option 1 is recommended.

D92/02 RECOMMEND

- 1. That Council advise the Western Australian Planning Commission and the Roberts Day Group that it has no objection to the portion of Lot 2 Nicholson Road, which represents a logical rounding off of the previously submitted initial first stage Urban Zone, being included in the next available Amendment to the Metropolitan Region Scheme, subject to there being no resulting delays to the commencement of the MRS Amendment processes. If there is any indication of a delay, then the first stage amendment should proceed as submitted by Council in August 2001 with the lot 2 Nicholson Road proposal being considered as part of the next stage in MRS rezonings.**
- 2. That Council encourage the three development groups involved in the first stage MRS Amendment proposal to continue to work together and with City and State agencies in addressing the planning processes associated with bringing this new development front into fruition.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

KELMSCOTT ENQUIRY BY DESIGN WORKSHOP

WARD : KELMSCOTT
FILE REF : PSC/32
DATE : 4 June 2002
REF : SG
RESPONSIBLE MANAGER : PSM
LANDOWNER : Various
SUBJECT LAND : Various properties within An 800m radius of the Kelmscott Town Centre
ZONING MRS / TPS No.2 : MRS – Urban, Reservation for Parks and Recreation
TPS No.2 - Various Zones including Shopping Zone & Residential Zone

In Brief:-

- Preparatory planning for the Kelmscott EBD Workshop is progressing well in conjunction with the DPI.
- Tentative dates are proposed for the Workshop, commencing 5th October 2002 in Council's Function Room.
- Recommend that the Minister for Planning and Infrastructure be invited to participate in the opening of the Workshop.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Strategic Plan – Physical Infrastructure

3. Develop an integrated transport system, including road safety aspects.
 - 3.3 Work with the Department of Transport to:
 - a) Achieve a more flexible and accessible public transport system.
 - b) Develop plans for -
 - ◆ Armadale bus/rail transfer station, and
 - ◆ Kelmscott station precinct

Legislation Implications

Town Planning and Development Act 1928 (as amended)

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

At its meeting on 15 October 2001, Council resolved that funds (\$30,000) currently held and earmarked for the Kelmscott Enquiry by Design Workshop be carried forward to the 2002/3 financial year. These funds comprise \$10,000 Council contribution and \$20,000 Department of Transport (DOT) contribution.

Consultation

On-going liaison has been conducted with the DPI, DOT and key landholders in Kelmscott.

BACKGROUND

In October 2001, (D251/01) Council resolved that funds be carried forward for the EBD Workshop (as outlined above) and that the DPI be requested to contribute towards consultants or provide necessary expertise and staff resources to reduce costs.

DETAILS OF PROPOSAL

Proposed dates for the Workshop

In order to allow greater elected member and stakeholder involvement in the Workshop, it is suggested that it commence on Saturday morning 5th October 2002 for a half day session with another 2½ days the following week.

Proposed venue

Initial consideration was given to venues in the Kelmscott area, but none really suited needs ideally. Council's Function Room is considered the most appropriate location in terms of its central location, appropriate size and facilities available. Council staff and office resources are also at hand and can be readily called upon at any time. Kelmscott is also close enough for easy access by car during the Workshop if necessary.

Analysis

Responsibilities of participating agencies

General responsibilities of agencies participating in the Workshop are identified as follows:

- ◆ Because of its varied and wide range of expertise, it is considered appropriate that the City play the lead role in hosting the project.
- ◆ The DPI will play a key role in relation to funding contributions and provision of consulting resources.
- ◆ The DOT will also play a significant role in light of its funding contribution and state government plans for a major redevelopment of the Kelmscott Rail-Bus interchange.
- ◆ Workshop technical groups and consultation groups, including local business, community representatives and focus groups, will provide input prior to and during Workshop sessions.
- ◆ The Minister for Planning and Infrastructure has expressed interest in being involved in the Workshop.

Scoping Paper / Pre-workshop Preparation

A Scoping Paper for the Workshop has been prepared which contains the following elements:

- ◆ The anticipated issues and objectives for the Workshop.
- ◆ The necessary pre-workshop urban design analysis.
- ◆ A Workshop preparation framework and Workshop agenda.
- ◆ The anticipated workshop outcomes and follow-up actions.

In terms of pre-workshop preparation, the Scoping Paper identifies key tasks to be undertaken with an update of progress in relation to the different tasks provided as follows:

- ◆ Main issues, workshop aims and objectives, areas for investigation, and outputs have been identified under the headings of Social, Environmental and Economic issues (the three components of sustainability) and Infrastructure.

A copy of the Issues Paper is contained at Attachment “A3” of the Agenda.

- ◆ Workshop Dates / Agenda

It is proposed that the Workshop be conducted over the following dates with the following general draft agenda proposed:

- Saturday morning 5th October 2002 – Registration, welcome address (Mayor, Minister for Planning and Infrastructure), introductory presentation, briefing topics.
 - Monday morning 7th October – Site briefing, site tours.
 - Tuesday all day 8th October – Design and review Workshop sessions.
 - Wednesday all day 9th October – Design and review Workshop sessions, final presentations.
- ◆ The following investigative studies are required prior to the Workshop.
 - Traffic engineering and management.
 - Balanced transport planning.
 - Urban economic study – retail information.

Consultants’ briefs are currently being prepared and it is proposed that the City appoint appropriate consultants, in conjunction with the DPI, as soon as practicable.

- ◆ The following groups are proposed to participate in pre-Workshop activities and Workshop sessions:

Workshop Technical Group (in attendance throughout the workshop)

- City of Armadale officers
- DPI officers
- WA Government Railway officers
- Consultants

Workshop Consultation Group (in attendance at key sessions of the workshop)

- City of Armadale Councillors
- The Minister for Planning and Infrastructure
- Board members of the Armadale Redevelopment Authority (ARA)
- Key town centre business operators and landowners
- Other key affected landowners
- Local business representative (Chamber of Commerce and Industry)
- WA Government Railways
- Department of Housing and Works
- Main Roads WA
- Local community group representatives
- Heritage representatives

Focus Groups (to be conducted prior to the Workshop with group leaders attending key sessions)

- Kelmscott Retail Traders Group
- Local resident group
- Youth group
- Aged group
- Aboriginal group

The City is currently compiling a list of participants and invitations are expected to be sent out after confirmation of Workshop dates. With regard to the Focus Group participants, Elected Members may wish to nominate suitable community representatives for inclusion in pre-Workshop group sessions.

SUMMARY / CONCLUSION

- ◆ Planning for the Kelmscott EBD Workshop is well underway with the City's officers and DPI personnel collaborating on various preparatory tasks.
- ◆ At this juncture, it is proposed that the Kelmscott EBD Workshop be conducted on Saturday morning 5th October, Monday morning 7th October, and Tuesday and Wednesday 8th and 9th October 2002.
- ◆ The Function Room at Council's Administrative Offices is considered the most appropriate venue for the Workshop due to its central location with facilities being readily available, including staff and office resources.
- ◆ Whilst recognising the partnership approach to the project in conjunction with the DPI, DOT and other state agencies, it is considered appropriate that the City play the lead role in hosting the Workshop. It is proposed that Council invite the Minister for Planning and Infrastructure to participate with the Mayor in the formal opening of the Workshop.
- ◆ Elected Members may wish to provide suggestions for appropriate community representatives to be included in pre-Workshop Focus Group sessions.

COMMITTEE noted the desirability of undertaking the Pre-Workshop Focus Groups, particularly local business / traders in a venue in or around the Kelmscott Centre rather than in Armadale.

D93/02 RECOMMEND

- 1. That Council note the proposed dates for the Kelmscott Enquiry by Design Workshop as follows:**
 - ◆ **Saturday morning 5th October 2002**
 - ◆ **Monday morning 7th October 2002**
 - ◆ **Tuesday and Wednesday 8th and 9th October 2002**
- 2. That the Workshop be held in the Function Room of Council's Administrative Building.**
- 3. That the Minister for Planning and Infrastructure be invited to participate in the Workshop.**
- 4. That Elected Members be invited to provide suggestions for appropriate community representatives to participate in pre-Workshop Focus Group sessions.**
- 5. That consultants be appointed to undertake the following investigative studies prior to the Workshop:**
 - ◆ **Traffic engineering and management.**
 - ◆ **Balanced transport planning.**
 - ◆ **Urban economic study.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

REF : GIW
FILE : SUB/118801

CONTEMPLATED SUBDIVISION REFUSAL	WARD - FORREST
SUBDIVISION NO.	SUB/118801
LANDOWNER	I & R Kaye
APPLICANT	I & R Kaye
LOCATION	Lot 300 Wungong Road, Wungong
ZONE	Rural E
RURAL STRATEGY	Wungong Rural Planning Area
LAND SUITABILITY	Fair
LAND CAPABILITY	Fair
STRATEGIC PLAN	Development- to balance the need of development with sustainable economic, social and environmental objectives.
PROPOSAL	Subdivision to create two (2) lots of 1.0088ha and 1.1547ha respectively.
<i>PROPOSED RECOMMENDATION</i>	
<i>Refusal on the following grounds:-</i>	
<ol style="list-style-type: none"> 1. The proposal does not meet the average lot size (2ha) requirement for the Rural “E” zone of Town Planning Scheme No.2; 2. The proposal is likely to further promote an undesirable proliferation of below average lot sizes; 3. The proposal has the potential to compromise the Southern River / Forrestdale / Brookdale / Wungong District Structure Plan. 	

D94/02

RECOMMEND

That the proposed recommendation to refuse Subdivision Application No. 118801 be adopted.

MOVED Cr Zelones
MOTION CARRIED (7/0)

PROPOSED DAIRY CALF RAISING FACILITY - LOT PT 202 SOUTH WESTERN HIGHWAY, BEDFORDALE & LOT 2 WALTERS ROAD, BYFORD

WARD : ARMADALE
FILE REF : A184799
DATE : 31 MAY 2002
REF : GIW
RESPONSIBLE : PSM
MANAGER
APPLICANT : Landvision
LAND OWNER : Kargotich Brothers
SUBJECT LAND : Lot Pt 202 South Western Highway, Bedfordale & Lot 2 Walters Road, Byford
Property size approx. 112.8ha & 215.7ha; Map 22.40
ZONING : Parks & Recreation (Region)
MRS/TPS No.2 /Parks & Recreation (Region)

In Brief:-

- Proposal to develop a dairy calf raising facility to accommodate 1000 cattle.
- Lot 202 South Western Highway is situated within the City of Armadale and Lot 2 Walters Road is situated within the Shire of Serpentine-Jarrahdale.
- The application will be determined by the Western Australian Planning Commission under Clause 29 of the Metropolitan Region Scheme and has been referred to Council for comment.
- Recommend that the Western Australian Planning Commission be advised that Council does not support the proposal.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Local Rural Strategy

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit (DCU)
- ◆ Shire of Serpentine-Jarrahdale
- ◆ Department of Environmental Protection
- ◆ Department of Conservation and Land Management

BACKGROUND

The application was submitted to the Shire of Serpentine-Jarrahdale and referred to the Western Australian Planning Commission for determination under Clause 29 of the Metropolitan Region Scheme, as the subject site is reserved as Regional Parks & Recreation under the MRS.

Lot 202 South Western Highway is located within the City of Armadale, and subsequently the Western Australian Planning Commission has referred the application to the City for comment. As the subject property is reserved under TPS No.2, the application is referred to Council for comment.

DETAILS OF PROPOSAL

Details pertaining to the application include the following:

- ◆ Rearing 1000 cattle on the subject site;
- ◆ Clearing approximately two thirds of the vegetation on site to accommodate improvements;
- ◆ Numerous paddocks to hold livestock. (Refer to site plan);
- ◆ Associated machinery and infrastructure (including dams, water tanks, storage and feed sheds, silos, machinery shed and calf rearing shed).

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 30 May 2002 recommended refusal of the application on the grounds that the proposal is inconsistent with the intent of the Regional Reserve and Council's Local Rural Strategy.

Department of Conservation & Land Management

The Department of Conservation & Land Management comments regarding the proposal include the following:

- ◆ The proposed land use and development is inconsistent with the Parks & Recreation Reserve and function of a Regional Park;

- ◆ It appears that there is likely to be environmental impacts on the Darling Regional Park and adjoining State Forest including: proliferation of weeds, altered drainage patterns and loss of landscape amenity;
- ◆ It is unlikely that the Department would permit a private access route through this section of the Park;
- ◆ A Notice of Intent to Clear pursuant to the Soil and Conservation Act must be lodged with the Department of Agriculture.

Department of Environmental Protection

The Department of Environmental Protection would support refusal of the application on planning grounds and has provided the following advice for consideration:

- ◆ The subject site forms part of the Darling Range Regional Park and is identified as a ‘Protection and Conservation’ zone within the Darling Range Regional Park and Landscape Study 1993. The objective and appropriate use for this zone are as follows:

Limited public access, vehicles prohibited except for management vehicles...Development of facilities restricted to minor nature trails, signs, cycle tracks and nodes with picnic facilities...Rehabilitation of vegetation...Habitat protection for birds species and fauna...Education and research uses.”

- ◆ The proposal would therefore be incompatible with the future planned use and management of the Darling Range Regional Park.

The Department of Environmental Protection also advised that should the Commission consider approving the proposal, formal referral to the Department of Environmental Protection would be required under Part 4 of the Environmental Protection Act 1986 to assess potential environmental impacts.

Shire of Serpentine-Jarrahdale

The Shire of Serpentine-Jarrahdale advised that it does not support the application for the following reasons:

- ◆ The proposed use and development are considered to be incompatible with the conservation objectives for the Darling Range Regional Park;
- ◆ The proposal is inconsistent with the Parks & Recreation Reserve and is contrary to the objectives of their Rural Strategy.

The Shire also recommended that the Commission consider acquisition of this land under the provisions of the Metropolitan Region Scheme Act.

Analysis

Town Planning Scheme No.2 & Darling Range Regional Park

The subject site is reserved as “Parks and Recreation: Region” under Town Planning Scheme No.2 and forms part of the Darling Range Regional Park. As noted in comments provided by the Department of Conservation and Land Management and the Department of Environmental Protection above, the intent of the Regional Reserve is primarily for ‘protection and conservation’ of the Park’s natural environment. The proposed intensive agricultural land use and extensive clearing of vegetation is therefore considered inconsistent with the intent and purpose of the Parks and Recreation Reserve (Darling Range Regional Park).

Local Rural Strategy

The subject site is located within the Wungong Rural Planning Precinct under Council’s Rural Strategy. A key objective of this planning precinct is to control clearing and preserve the high scenic quality of the Darling Scarp. The site contains remnant vegetation, is identified as possessing Secondary Landscape Quality, and is highly susceptible to water erosion. In this regard, the proposed intensive agricultural activities and extensive clearing of vegetation (including remnant vegetation) will significantly disturb the scenic quality of the site and therefore compromise the intent of Council’s Rural Strategy.

CONCLUSION

Based on the information provided, it is considered that the intensive agricultural land use activities proposed and significant land clearing of the site are inconsistent with the intent of the Parks & Recreation reserve (Darling Range Regional Park) and Council’s Local Rural Strategy. It is therefore recommended that the Western Australia Planning Commission be advised that Council does not support the proposal.

D95/02 RECOMMEND

That the Western Australian Planning Commission be advised that Council recommends refusal of the application to develop a calf raising facility on Lot Pt 202 South Western Highway, Bedfordale and Lot 2 Walter Road, Byford for the following reason:

- ♦ **The proposed development is inconsistent with the intent and purpose of the Parks and Recreation Reserve (Darling Range Regional Park) and Council’s Local Rural Strategy.**

MOVED Cr Green
MOTION CARRIED (7/0)

PIONEER VILLAGE – LOT 100 ALBANY HIGHWAY, ARMADALE

WARD : ARMADALE
FILE REF : A185084
DATE : 29 May 2002
REF : JRH
RESPONSIBLE MANAGER : EDDS
LAND OWNER : Summer Moon Enterprises Pty Ltd
SUBJECT LAND : Lot 100 Albany Hwy, Armadale
Property size 4.0628 ha
Map 23.03
ZONING : Urban
MRS/TPS No.2 : Special Use Zone No.2

In Brief:-

- ◆ The Overall Concept Plan for Pioneer Village, was considered by Council at its February 2002 round of meetings. Council resolved to seek comments from the broader community and Pioneer Village Strata Members, prior to determining further action on the matter
- ◆ Consultation has been undertaken. One submission received.
- ◆ Works deemed satisfactory.
- ◆ Recommend legal action not be taken in this instance against the owner for unauthorised works within the Village, but a stern warning be issued.
- ◆ *Committee additionally recommended that further inspection of the new entrance be undertaken to assess the necessity for vehicle / pedestrian separation and safety issues, and a report be submitted for further Council consideration.*

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

- ◆ To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle.
- ◆ Development – to balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Town Planning and Development Act 1928
Town Planning Scheme No.2
Local Government (Miscellaneous Provisions) Act 1960
Building Regulations 1989
Strata Titles Act

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Costs arising from legal action against the owners of Pioneer Village, should Council resolve to prosecute the owners for the unauthorised works.

Consultation

- ◆ Technical Services Directorate
- ◆ Health Department
- ◆ Building Department
- ◆ Pioneer Village Strata Body Corporate Members
- ◆ Surrounding landowners

BACKGROUND

At Council's meeting of February 2002 (Recommendation D17/02), Council considered the matter of works which had been conducted at Pioneer Village without Council approval. Council's resolution on the matter is as follows:

1. That the Overall Concept Plan for Pioneer Village, as submitted by the landowner to Council for information purposes, be received;
2. That Council seek advice on town planning issues arising from the new entry statement works undertaken at the Pioneer Village from the Pioneer Village Strata Members and the broader community. Advertising/comment period to be limited to 21 days.
3. That the Development Control Unit undertake technical appraisal of the entry statement works.
4. That the Pioneer Village landowner, responsible for the entry statement works, be advised of Council's extreme concern at the conduct of undertaking works on the Pioneer Village site without Council's consent and that any further instance of Town Planning Scheme contravention will be responded to by appropriate legal action.

Following Council's meeting, written notification of the works and a request for comments was forwarded to surrounding property owners and the Pioneer Village Strata Body Corporate. Members of Council's Development Control Unit have also reviewed the submitted information and conducted an inspection of the works, to determine whether the works are acceptable from a technical perspective. The landowner was also advised of Council's resolution, in accordance with item 4 above.

DETAILS OF PROPOSAL

Nature of Unauthorised Works

The works subject to consideration by Council include the following:

1. The demolition of a timber and iron building, and the removal of sleeper retaining walls and timber fencing, along the north-eastern boundary of the Village;

2. The creation of an additional entrance into the Village in the north-eastern portion of the site fronting Albany Highway, identified by an entry statement consisting of a paved pathway, limestone retaining walls and a ‘Southern Cross’ windmill;
3. Maintenance and upgrading works within the Village to accommodate new retail tenancies.

The above works have been completed without the relevant Council approvals being obtained. The applicant has advised that the demolition of the timber building occurred due to severe termite damage, and that most of the remaining buildings within the complex had been subject to extensive vandalism and disrepair due to neglect.

Council is to determine whether further action shall be taken, following consideration of the assessment of works by technical officers, and the outcome of public notification on the works.

Results of Public Advertising

Correspondence from Council was forwarded to the Pioneer Village Strata Body Corporate and property owners surrounding Pioneer Village, seeking comments on the works which had taken place at Pioneer Village. It was noted in the correspondence that Council was interested in receiving comments, either favourable or unfavourable, on matters of a town planning nature such as any impacts on amenity, character or servicing, or impacts resulting from alterations to pedestrian/vehicle accessways and car parking within the development.

ISSUES ARISING FROM SUBMISSIONS

Impact on Car Parking Provision within the Village

During the advertising period of the unauthorised works, one submission was received from the Pioneer Village School, expressing concern with the proximity of the new entrance to the existing entrance of the school. The issue identified by the school was that the new location of the village entrance was considerably closer to the school entrance, and had resulted in ‘dangerous and chaotic traffic and parking problems’.

This issue was also identified during the advertising period for the proposed Micro-Brewery within Pioneer Village, with objectors preparing a traffic study on this matter for Council’s consideration. The application for the micro brewery, including the submission on traffic and car parking concerns, was considered by Council at its May 2002 round of meetings. In considering this matter, it was noted that sufficient parking existed on site to cater for the operation of the Village and the school at peak times.

Impact on Access within the Village

The existing car parking area within the within the Pioneer Village development is accessed from Albany Highway at two locations; a left in/left out intersection to the west of the site adjacent to the Narrogin Inne, and a full intersection in the centre of the site.

Vehicles travelling from the north and west of the site (such as Perth, or the Armadale City Centre) may only enter the site through the full intersection, which is positioned to the west of both the Pioneer Village School and the unapproved entrance to Pioneer Village.

The Pioneer Village School has objected to the unapproved entrance, due to traffic congestion at the school resulting from the closer proximity of the new Village entrance to the existing school entrance. It should be noted that the car parking and access arrangements for the site have not changed since the Village re-opened and the unapproved entrance was created, but conflicts are occurring as patrons for both facilities attempt to park as close as possible to their respective entrances.

Car parking is otherwise well distributed throughout the development, with the majority of bays able to be accessed without the need to directly pass the school entrance. Bays are available to the east of the site adjacent to the school entrance, which could be marked exclusively for use by parents and visitors to the school. In addition, signage could also be installed within the car park to identify available parking for patrons of the village, and to encourage the use of the western intersection to Albany Highway where possible during peak times of the school. This would direct traffic related to the Village away from the school, and minimise congestion within the development.

Based upon the above, it is considered that the concerns experienced within the Village are also the result of the re-opening of the Village, and not entirely the result of the unapproved entrance. Modifications to the internal access arrangements and use of parking bays within the Pioneer Village are a management issue, which can be appropriately addressed by the Body Corporate as and when necessary.

Development Control Unit Comments

Council's Development Control Unit has reviewed the Overall Concept Plan for Pioneer Village submitted by the owner. This has also included viewing photographs of buildings and other sites within the village prior to the works occurring, and a site inspection of the completed works on the site.

Following this review, the Development Control Unit has determined that the works have been completed to a reasonable standard, and there are no concerns of a technical nature in respect to these works.

Legal Obligations of Council with respect to Compliance with Scheme Provisions

Town Planning Scheme No.2

The development works within Pioneer Village, which have occurred without the relevant Planning approvals being obtained, constitute a breach of the provisions of Council's Town Planning Scheme No.2. Section 7.7 of Scheme No.2 specifies that no person shall carry out development in any form other than in compliance with the provisions of the Scheme, and that where a planning consent has been issued subject to conditions, no person shall commit a breach of those conditions. 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 is liable to penalties.

In this instance, Council has identified that a breach of its scheme provisions has occurred, and requested further information on the unapproved works. This information has been provided by the owner, and assessed by the City's officers and the broader community. This assessment indicates that the works which have been conducted without approval are generally acceptable from a technical perspective. Consultation with affected persons has identified issues which may be addressed by the Strata Body Corporate. Consequently, it is not considered necessary to require the landowner to remove the works and reinstate the development to its previous form.

In the intervening period since the unauthorised works took place, the landowner has obtained the necessary approvals from Council with respect to other additional works within the Village. The landowner is aware of his obligations, and there is not the need to prosecute to ensure that further breaches do not occur. The completed form of the unauthorised works is also satisfactory to permit its retention. On this basis it is considered that there would be very little practical benefit in prosecuting the landowner for conducting the unauthorised works.

Strata Titles Act

The construction of the new entry statement has occurred over the Strata Lot Pt 69, which contained the Old Station Building. The works have involved the demolition and erection of buildings on the Strata Lots, which is prohibited without the prior approval of the Strata Company under Section 7 of the Strata Titles Act. In this instance, the approval has neither been sought nor granted. The City sought legal advice on this matter during its assessment of the Micro-Brewery application, as this proposal also involved the alteration of a wall on a strata boundary. The advice received noted that compliance with Section 7 is not a pre-condition to the lodgement of an application for planning approval, or the granting of planning approval by Council.

The approval of the Strata Body Corporate is a separate matter for resolution between the landowner and the Strata Body Corporate.

COMMENT

Analysis

During the inspections of the site by Council's officers, it was observed that the completed works have largely complemented the character and quality of the Village, with the removal of graffiti, repair work to damaged structures, landscaping and enhancement of the site from public vantage points. The works have returned the site to the standard expected of a regional tourist facility, and has resulted in the site being well patronised.

Whilst the re-opening of Pioneer Village is a desirable outcome for the City of Armadale, the demolition and removal of structures on the site without approval is of considerable concern and should not be condoned by Council. The owner has been informed that should any additional development works occur on the site, without the relevant approvals from Council, legal action may be taken to rectify the matter. Since this advice was forwarded, the owner has followed the correct procedure and submitted the necessary applications for development within the Village.

Council's technical assessment of the proposed works has not identified any major concerns with the functionality and serviceability of the site. In addition, notification to the Strata Body Corporate and broader community did not present any issues which are not capable of being satisfactorily resolved. The location of the new entrance to the Village is closer to the Pioneer Village School, but there is sufficient parking available within the development to service all land uses. There are also two access points from Albany Highway, which would facilitate the separation of traffic generated by the school and the Village if required. It is considered that this matter may be addressed by the Pioneer Village Strata Body Corporate, through internal management and signage within the car park.

Options

With respect to the unauthorised works which have occurred within the Pioneer Village, Council may seek to conclude the matter in accordance with one of the following options:

1. Should Council determine that the works undertaken are not acceptable in the interest of proper and reasonable town planning, Council may initiate proceedings against parties responsible for unauthorised works in the Pioneer Village for contravention of Council's Town Planning Scheme No.2, and in consequence may also serve notice to seek reinstatement of the site to its previous built form; or
2. Should Council determine that the works whilst unlawfully undertaken are otherwise acceptable in the interest of proper and reasonable town planning, Council may determine that remedial legal action need not be taken in this instance. The landowner should also be reminded that any further instances of works undertaken on site without the necessary approvals being obtained will result in Council prosecuting parties involved in such works.

CONCLUSION

The demolition works which have occurred on site, and the construction of the new entry statement, have all been conducted without the necessary approvals from Council being obtained. Council's officers have assessed the works undertaken and consider that the works as completed are generally acceptable, and the outcome of the consultation period with affected parties also generally concurs with this finding.

Notwithstanding the above, the demolition of structures and development without consent from Council is a serious issue. In the event that the unauthorised works had been unacceptable, considerable time, expense and resources would have been expended by Council to resolve the situation. The landowner has obtained the relevant approvals from Council, for works proposed since the unauthorised works were completed, and the unauthorised works are considered to be of an acceptable standard. Consequently, it is considered at this stage that little benefit would be gained from prosecution in relation to the unauthorised works.

It is therefore recommended that Council resolve the matter in accordance with option 2 above,

Officer's report recommends –

1. That Council determine that the unauthorised works which have occurred within Pioneer Village, consisting primarily of the demolition of a timber and iron structure, alterations to the north-western façade of the development and the construction of a new entrance into the Village, whilst unlawfully undertaken are not contrary to the interest of proper and reasonable town planning.
2. That remedial legal action not be taken in this instance.
3. That the Pioneer Village landowner be reminded of Council's extreme concern at the improper conduct of undertaking works on the Pioneer Village site without Council's consent, and that any further instance of Town Planning Scheme contravention will be responded to by appropriate legal action.

COMMITTEE queried the particular characteristics of the new entrance works in relation to vehicle / pedestrian separation and safety issues and requested further inspection and report to determine whether additional measures need to be undertaken to affect an appropriate level of safety.

COMMITTEE was also of the view that the unlawful action of the proponent warranted stronger wording in Part 3 of the officer's report.

D96/02 RECOMMEND

- 1. That Council determine that the unauthorised works which have occurred within Pioneer Village, consisting primarily of the demolition of a timber and iron structure, alterations to the north-western façade of the development and the construction of a new entrance into the Village, whilst unlawfully undertaken are not contrary to the interest of proper and reasonable town planning.**
- 2. That remedial legal action not be taken in this instance.**
- 3. That the Pioneer Village landowner be reminded of Council's extreme concern at the improper conduct of undertaking works on the Pioneer Village site without Council's consent, and accordingly issues a stern written warning advising that any further instance of Town Planning Scheme contravention will be responded to by appropriate legal action.**
- 4. That further inspection of the new entrance be undertaken to assess the necessity for vehicle/pedestrian separation and whether additional traffic management or other safety measures are appropriate. A report on this aspect be submitted for further Council consideration.**

MOVED Cr Stubbs
MOTION CARRIED (7/0)

***PROPOSED SUNDAY MARKETS- PIONEER VILLAGE –
LOT 100 ALBANY HIGHWAY, ARMADALE***

WARD : ARMADALE
FILE REF : A185084
DATE : 4 JUNE 2002
REF : GIW
RESPONSIBLE MANAGER : PSM
LAND OWNER : Summer Moon Enterprises Pty Ltd
SUBJECT LAND : Lot 100 Albany Hwy,
Armada
Property size 4.0628 ha
Map 23.03
ZONING : Urban /
MRS/TPS No.2 : Special Use Zone No.2

In Brief:-

- ◆ Council has received an application to conduct Sunday Markets behind existing shops within the Pioneer Village.
- ◆ The proposal is considered to be consistent with the “Special Use – Public Amusement” zoning of the Pioneer Village site.
- ◆ Recommend approval subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

- ◆ To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle.
- ◆ Development – to balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Town Planning and Development Act 1928
Town Planning Scheme No.2

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

Development Control Unit (DCU)

BACKGROUND

A report to Council's December 2001 round of meetings detailed information on the imminent reopening of Pioneer Village, and the recent upgrading and refurbishment works which have taken place on the site. Many of the previous tenancies have re-opened, including various gift shops, the old Pioneer Village Tea Rooms, and the Pioneer Village Restaurant.

DETAILS OF PROPOSAL

Details pertaining to the application include the following:

- ◆ Sunday Markets to be conducted on enclosed grassed area behind existing shops within the Pioneer Village. (Refer to site plan);
- ◆ Individual stalls to be erected each week for the purpose of selling home grown/made consumables including: fruit and vegetables, gourmet food, jams and confectionary items.

The applicant has provided the following in support of the application:

- ◆ The area is fully landscaped and partly sheltered by existing buildings, and therefore will not obstruct pedestrian movements through the village or involve any improvements to the site;
- ◆ The markets will be an important attraction to promote the viability of the Pioneer Village.

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 30 June 2002 recommend approval of the application on the grounds the proposal is compatible with the Special Use No.2 zone.

Analysis

Town Planning Scheme No.2

The "Special Use" zoning of Lot 100 Albany Highway is described in Town Planning Scheme No.2 as follows;

"Pioneer Village being 19th Century building exhibition and including ancillary to such, a Motel, a Hotel, Restaurants, Cafes, Shops of 19th Century character, making or selling goods or crafts incidental to the nature of the Village."

The proposed Sunday Market is considered to be consistent with the above definition. In terms of land use, the proposal will be compatible with existing uses on site such as the Pioneer Village restaurant, motel, pub and various souvenir / specialty shops within this complex.

Within the context of the special use zoning, a market forms part of the Pioneer Village concept and is a compatible land use with the 19th Century village atmosphere, involving the sale of traditional home made consumables consistent with the village theme.

Parking Requirements

There are no prescribed car parking requirements for stall / markets uses within Town Planning Scheme No.2. However, the proposed use is incidental to the Pioneer Village and will provide an attraction to existing patrons / tourists visiting the site. The proposal is therefore unlikely to produce a significant increase in traffic generation and car parking demand.

In addition, as the peak traffic periods for tourist activities do not coincide with the peak traffic times of some of the uses such as the Pioneer Village school on site which has a peak traffic time of approximately 20 minutes a day between 2.50 pm and 3.15 pm Monday – Friday, and given the proposal will operate on Sunday, parking is not considered a significant issue.

It should be noted that there are currently over 200 parking bays available at the Pioneer Village site. This is considered adequate in terms of the total on site parking requirements to service the activities operating from the Village.

CONCLUSION

The proposal is consistent with the intent of the Special Use No.2 zone; is compatible with existing uses on site and poses minimal impact in terms of traffic generation and car parking demand. It is therefore recommended that Council approve the application subject to appropriate conditions.

D97/02

RECOMMEND

- 1. That Council approve the application to conduct Sunday Markets at Lot 100 Albany Highway, Armadale subject to the following principal condition:**
 - ♦ The proposed markets are to be contained to the area identified on the approved site to the satisfaction of Planning Services Manager.**
- 2. That the applicant be advised that in the establishment and operation of the Sunday Markets, all stall holders are required to meet the requirements of the Health (Food & Hygiene) Regulations 1993.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

***HERB NURSERY AND LECTURE ROOM –
LOT 15 (No.124) ALBANY HIGHWAY, BEDFORDALE***

WARD : ARMADALE
FILE REF : A003795
DATE : 29 May 2002
REF : PRR
RESPONSIBLE : PSM
MANAGER
APPLICANT : M Eves
LAND OWNER : M & C Eves
SUBJECT LAND : Property size 1.5935ha
Map 23.02
ZONING : Rural / Rural 'C'
MRS/TPS No.2

In Brief:-

- Application for herb nursery and lecture room was received 5 October 2001.
- Additional information and plans received 13 May 2002.
- Recommend that Council conditionally approve the herb nursery and lecture room.
- *Committee recommended that this application be recommitted pending further investigation and clarification of appropriate provision of a water supply to irrigate the Herb Nursery.*

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Rural Strategy
4.3.2 - Highway Development Policy

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Surrounding landowners
- ◆ Water and Rivers Commission
- ◆ Main Roads Western Australia

BACKGROUND

Council received the application for the herb nursery and lecture room on 5 October 2001. After substantial assessment was conducted, the applicant was requested to provide additional information and amended plans with respect to the application on 27 November 2001. The information and plans were received 13 May 2002.

DETAILS OF PROPOSAL

The applicant proposes to utilise part of the property to grow herbs, which would be potted and sold on site from an outdoor retail area. Herb seeds and associated herb products would also be sold from the site.

Additionally, the applicant proposes to utilise one room of the existing residence as a lecture room (maximum of ten people), to pass on information regarding organic plant cultivation and the use of herbs.

The original intent of the applicant was to utilise water from Neerigen Brook for the purpose of irrigating the herb nursery. This was not acceptable to the Water and Rivers Commission (WRC), and the applicant has now put forward an alternative watering method through the use of a bore.

COMMENT

Development Control Unit (DCU)

At its meeting held on 25 October 2001, DCU recommended that the issues of car parking and effluent disposal be addressed, and the item be resubmitted.

At its meeting held on 28 May 2002, DCU recommended that the item be referred to Council for determination, based on the information received 13 May 2002.

Surrounding Landowners

The application was advertised to surrounding landowners for a period of three weeks. One (1) submission was received objecting to the proposal in four main areas as follows:

1. *That the applicant had been operating the nursery for several years without approval*

A site visit on 8 May 2002 found that herb gardens were being cultivated, but there were no signs advertising the property as a nursery, or any obvious evidence of retail activity.

2. *That traffic would be increased in direct relation to the proposal*

Traffic would increase slightly as a result of this application being approved, but it would not be a major concern should the advice received from Main Roads Western Australia (MRWA) be implemented.

3. *That pollution of Neerigen Brook may result*

The City's Environmental Officer recommended that commercial planting be set back a distance of 10m from the seasonal water course on the subject property, and that unfertilised buffer vegetation be planted in this 10m setback. With regard to the parking as indicated on the site plan, it was also indicated that any parking bays within the 10m buffer to the creek should be permeable (ie grassed). As such, any approval given to the nursery should incorporate these measures.

4. *That Neerigen Brook was currently being used as the water source.*

The site inspection on 8 May 2002 could not confirm this issue, but any approval would be conditional that water used to irrigate the herb nursery was not obtained from Neerigen Brook.

Water and Rivers Commission

As a result of the public submission received, further advice was sought from the Water and Rivers Commission (WRC) with regard to Neerigen Brook. The WRC advised that, as per the Neerigen Brook Access Agreement, the use of Neerigen Brook as the water source for the development was not supported. Additionally, if an alternate source of groundwater could be found, the applicant could use it, as the subject site was not in a proclaimed groundwater area.

The applicant has indicated that a potential water source has been located on the property by three separate diviners. The applicant further states that should approval be obtained, a bore would be sunk to tap this source.

Main Roads Western Australia (MRWA)

Advice from MRWA was received on 6 November 2001, outlining that the proposal was acceptable subject to the following conditions:

1. Vehicle access limited to the driveway only.
2. Vehicle access to be left in – left out only. No median opening shall be provided.
3. Rectification of traffic issues as a direct result of this development shall be at the developers cost. This shall include costs involved in the design and construction.

It is recommended that these conditions be applicable to any approval given, as the measures proposed by MRWA are attainable.

ANALYSIS

With regard to the herb nursery, horticulture is considered to be a Rural Use under Council's Town Planning Scheme No.2, which is an 'AA' use in the Rural zone.

With regard to the lecture room component, an educational establishment is considered to be a 'SA' use in the Rural zone. As such, both the nursery and lecture room components of the application require determination by Council.

Rural Strategy

The subject lot is within the Bedforddale Rural Planning Area, the Principal Policy Objective of which is "*to preserve the scenic and environmental quality of the valley.*" Horticulture is listed under the Desirable / Condition Land Uses for the Bedforddale Area, but one of the key issues identified is the provision of water for horticulture uses. Provided the applicant could address the issue of water supply for the herb nursery, the City is of the opinion that the proposed use is appropriate in terms of Council's Rural Strategy.

4.3.2 Highway Development Policy

Council's Highway Development Policy deals with development control along Highways and Regional Roads to protect and improve existing traffic movements for community safety, the economy of vehicle movements and the efficiency of the road system. With regard to this, the Policy outlines that if a proposed use is not a 'P' (permitted) use for the zone in which it is proposed, Council should only approve said use if it is considered that it will generate equal or lesser traffic to 'P' uses.

Given that the proposal is of a small scale, unlikely to generate a significant traffic increase and is consistent with the Rural Strategy and the Policy Statement for the Rural zone in Town Planning Scheme No.2, deviating from the Policy is considered warranted.

Water Usage

A significant factor of this application was the original intent to utilise Neerigen Brook as the water supply for a commercial operation. The WRC have made it clear that this would be unacceptable and based on such the application should be refused. They have also indicated however, that should water be found elsewhere on the property, the applicant is free to utilise it and this would satisfy the concerns held. As indicated, the proposed bore would be acceptable to the City.

Retail Component

As the applicant has specified that the commercial aspect of the operation would involve the sale of the herbs grown, seeds, pot plants as well as items made using herbs like aromatic oils and pot pourri. As such the herb nursery can be considered as a Rural Use, as per the definition in Council's Town Planning Scheme No.2, which outlines that Council may at its discretion approve the sale of produce grown on the property.

It is recommended that any approval granted for this use is subject to conditions limiting the commercial nature of the proposal to produce grown on the property and herb related products, as anything beyond this would mean the development should be considered as a Retail Garden Centre, which is an 'SA' use in a Rural zone and as such would be treated with the potential to be a much larger scale operation.

Lecture Room

Council's Building and Health Departments advised that further assessment would be required with regard to the proposed lecture room when the applicant submits a Building Licence, in terms of upgrading the current effluent disposal system to a nutrient removal system, as well as demonstrating compliance with the Health (Public Buildings) Regulations 1992 and Building Code of Australia 1996.

Parking

It was recommended that 4 bays be provided as being sealed, marked and maintained as such thereafter, with an additional 6 overflow bays to accommodate for the lectures being held. As has been previously indicated, any parking bays within 10m of the creek line on the property should be permeable, to reduce potential for pollution.

OPTIONS

Option 1

Council could approve the application for herb nursery and lecture room on the subject property, subject to appropriate conditions.

Option 2

Council could refuse the application for herb nursery and lecture room on the subject property, on the grounds that concerns are held for the impact on the environment, including Neerigen Brook, and traffic.

CONCLUSION

It is recommended that Council pursues Option 1 with respect to the application and approve both components of the application as the use is appropriate for the Rural C zone and measures have been identified to address concerns held in terms of water usage, retail limits, traffic management and buffers to the creek line on the property. The applicant should also be advised that the lecture room component is subject to a Building Licence application.

Officer's report recommends –

That Council approve the proposed herb nursery and lecture room on Lot 15 Albany Highway, Bedforddale, subject to the following principal conditions:

- a) Herb/garden beds to be a minimum distance of 10m from the creek line on the property, and this buffer area to be vegetated, to the satisfaction of the Environmental Officer.
- b) All hard stand areas, including car bays 1 to 4 on the approved site plan, crossover and driveway to be constructed, drained, and maintained to the requirements of the Manager Technical Services.
- c) Overflow parking bays within the 10m buffer area are to be permeable (ie grassed), to the satisfaction of the Environmental Officer.
- d) Adherence to the conditions outlined by Main Roads Western Australia in their correspondence dated 1 November 2001.
- e) Retail component to be limited to produce grown on the property and herb related products.
- f) Water for the proposed herb nursery is not to be obtained from Neerigen Brook, as per Water and Rivers Commission advice.

COMMITTEE expressed concern that appropriate provision of a water supply to irrigate the Herb Nursery needed further investigation and clarification. Accordingly, consideration of the application should be deferred.

D98/02 RECOMMEND

That the application for a proposed Herb Nursery and Lecture Room on Lot 15 Albany Highway, Bedforddale be recommitted for further consideration in conjunction with an additional report clarifying arrangements intended for an adequate water supply for irrigation of the Herb Nursery.

MOVED Cr Green
MOTION CARRIED (7/0)

PROPOSED SINGLE RESIDENCE - LOT 3 CROYDEN ROAD, ROLEYSTONE

WARD : ROLEYSTONE
FILE REF : A120163
DATE : 4 June 2002
REF : EP
RESPONSIBLE : PSM
MANAGER
APPLICANT : A Roebuck
LAND OWNER : Water Corporation
SUBJECT LAND : Lot 3 Croyden Road,
Roleystone
Property size 1.17ha
Map 26-06
ZONING : Rural / Rural"E"
MRS/TPS No.2

In Brief:-

- The application proposes the construction of a single residence on a property, which directly abuts the Canning River.
- The property is considered to have major environmental constraints for conventional type development.
- Recommend that Council advise the Western Australian Planning Commission that the application should be refused.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Nil

Budget / Financial Implications

Nil.

Consultation

- ◆ Swan River Trust
- ◆ Department of Environmental Protection-Water and Rivers Commission
- ◆ Council's Environmental Officer
- ◆ Development Control Unit

BACKGROUND

In May 1998, the City wrote to the Water Corporation seeking advice on intentions for the subject Lot 3 Croyden Road, Roleystone as the property has significant environmental constraints for conventional type development. In response the Water Corporation advised that the land was to be auctioned in late May 1998.

Advice received from Water and Rivers Commission in June 1998 indicated that the majority of the subject site is suitable for inclusion into a "Parks and Recreation Reservation". This advice was based on a planning study along the Canning River in the City of Armadale to ascertain the potential development of the land along the river carried out by Swan River Trust in conjunction with the then Department of Planning and Urban Development (now Department for Planning and Infrastructure).

In November 2002 Water Corporation wrote to Council advising that the above parcel of land has been identified as surplus to their needs and queried whether Council was interested in purchasing this property. The Water Corporation was advised that the City had no interest in purchasing the subject land. To assist in the disposal of the site the Water Corporation has lodged an application for the development of a residence on the lot.

The Western Australian Planning Commission under Clause 30A (i) A (ii) of the Metropolitan Region Scheme is presently considering this application and seeks Council's recommendation on this proposal.

EXISTING SITUATION

Lot 3 Croyden Road is configured as a narrow, elongated strip of foreshore land between the road and the Canning River. It is generally very steeply sloped to the riverbank and therefore, access to the site is very difficult. The Lot is 60m wide at its widest point (western boundary) and 15m wide at its narrowest point (eastern boundary). The property also contains a disused pipeline.

DETAILS OF PROPOSAL

The applicant proposes to construct a brick and tile single residence with a setback of 8m from Croyden Road and 15m from the western side boundary. An Alternative Treatment Unit (ATU) is proposed as the effluent disposal method.

COMMENT

Swan River Trust

Swan River Trust officers have advised that given the environmentally sensitive nature of the subject site this application will not be supported.

Department of Environmental Protection, Water and Rivers Commission

The map provided by the consultant is incorrect and it appears that it is not possible to meet the 50m set back requirement from the Canning River. As identified in earlier advice from WRC the lot concerned is well vegetated and has been identified in the System Six report as being worthy of protection. (Site M75). Given the identified conservation value of the lot concerned the WRC maintains its position recommending that a minimum setback of 50m must be maintained between the development and the river.

Council's Environmental Officer

The Environmental Protection Authority's System Six Recommendation (M75), which recommends that the Canning River become part of a Regional Park, affects Lot 3 Croyden Road. (Note: Bush Forever recommendations have not superceded the System Six recommendations in the Darling Range.) Support for development on this lot would be conditional on adequate setbacks, suitable means of effluent disposal, implementation of erosion control measures and protection and rehabilitation of existing vegetation. It appears that conditions that would need to be met for the development to be supported cannot be met on this lot. Therefore development would not be supported.

Development Control Unit (DCU)

DCU at its meeting on 28 May 2002 considered the above application and recommended that that the application not be supported because of the major environmental constraints associated with the property.

Draft Rural Strategy

The subject property is identified as being located with the "Canning Valley Rural Planning Area". The site is identified as having the following characteristics:

- ◆ Very high or highly susceptible to water erosion;
- ◆ Secondary landscape quality;
- ◆ Low capability for rural residential development;
- ◆ Low potential for rural residential development with significant constraints.

Analysis

Under Town Planning Scheme No. 2 (TPS No.2) a single residence is a Permitted "P" use in the rural zone and requires a 15m setback from all property boundaries. The applicant's submitted plan shows an 8m setback from Croyden Road and a 15m setback from the western property boundary.

The applicant's submitted site plan is not accurate in terms of dimensions / distances from the property boundaries and the Canning River. The distances shown calculate to a 72m depth on this property, which is only 60m wide at its widest point (western property boundary). Given this situation, it is unlikely that the application will comply with the setback requirements of Town Planning Scheme No.2.

In brief, the environmental issues involved in this application are as Follows:

- ◆ The property is identified as being located within a System 6 site;
- ◆ Indigenous vegetation would need to be removed for construction of the residence;
- ◆ Proximity to Canning River and its irregular shape with dimensions of 328m road frontage, 60m widest depth and 15m narrowest depth;
- ◆ The steeply sloping nature of the site would make it susceptible to erosion in the event of clearing of any vegetation;
- ◆ Inadequate width of the property to place an ATU in compliance with the 50m horizontal separation and 2m vertical separation to nearest groundwater, as required by the Swan River Trust Policy.

Despite a number of requests made by Council officers the applicant has still not provided clarification on the inaccuracies identified on the submitted site plan, or provided details of methods proposed to be utilised to overcome the environmental issues identified above.

CONCLUSION

The site plan submitted with the application is inaccurate to fully appreciate and properly assess the application in terms of location of the house and setback requirements under the Town Planning Scheme No.2. Given the depth of the site and its foreshore location, it is unlikely that the application will be able to satisfy the setback requirement of the Town Planning Scheme No.2.

Given the major environmental constraints identified above, and the concerns raised by the environmental agencies, this site is not considered suitable for conventional type development. The configuration of the lot and its location abutting the Canning River makes the site more suitable for inclusion within the “Parks and Recreation Reservation” under the MRS.

D99/02

RECOMMEND

1. **That Council advise the Western Australian Planning Commission that it recommends refusal of the proposed single house development on Lot 3 Croyden Road, Roleystone for the following reasons:**
 - a) **The proposed development will have an adverse impact on the Canning River by virtue of its close proximity to the foreshore and the waters of the River.**
 - b) **The submitted site plan does not demonstrate that the required separation of the development from the river and the property boundaries as required by the Town Planning Scheme No.2 can be achieved.**
2. **That Council advise the WAPC to consider rezoning the land to Parks and Recreation Reservation under the MRS.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

DANCE STUDIO – LOT 4 GILLAM DRIVE, KELMSCOTT

WARD : WESTFIELD
FILE REF : A204898
DATE : 29 May 2002
REF : PRR
RESPONSIBLE : PSM
MANAGER
APPLICANT : David O’Neil
LAND OWNER : Peter Risk
SUBJECT LAND : Property size 1.1206ha
Map 22.05
ZONING : Industrial / General Industry
MRS/TPS No.2

In Brief:-

- Applicant proposes to relocate an existing dance studio from a premises on Gillam Drive to the subject unit within an established showroom development.
- Given that a dance studio is classed as a public amusement under Town Planning Scheme No.2, which is an AA use, the application has been referred to Council for determination.
- Recommend that Council approve the application for the dance studio.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit

BACKGROUND

Council received the application for a 'change of use' from a motorbike shop to a dance studio on the subject property on 8 May 2002.

DETAILS OF PROPOSAL

The applicant, acting for the David Birrell Dance Studio, has advised that the studio is currently located at Unit 4, No. 95 Champion Drive, Kelmscott, and the owner is now proposing to relocate. Dance classes would be conducted from the subject showroom unit after school finishes and also from 7.00pm to 10.30pm. Patronage is estimated at approximately 10 people per class.

COMMENT

Development Control Unit (DCU)

At its meeting held on 23 May 2002, DCU recommended the proposed dance studio be approved and that the item be referred to Council for determination.

ANALYSIS

A dance studio is considered to be a 'Public Amusement' use under Council's Town Planning Scheme No. 2, which is an 'AA' use in the General Industry zone. As such, the application requires determination by Council.

Parking

The previous use in the unit was a motorbike shop, which required 8 bays per 100m² floor area. The unit has a total floor area of 228m² and the motorbike shop was required to provide 18.2 bays. A total of 158 parking bays have been provided for the entire development on the property.

The parking requirements for a 'Public Amusement' use in a General Industry zone are "as determined by Council". The same use in other zones is required to have 1 bay per 4 attendance. The applicant states that existing numbers are approximately 10 people a class, and that this is not expected to increase significantly. This means the dance studio should be required to have 2.5 bays, significantly less than the motorbike shop. Given that the classes would be run 10am to 12pm, part of which is 'after hours' with relation to most other shops, it is not considered necessary to provide further parking facilities.

Impact on Surrounding Land Uses

Another unit in the complex currently houses an indoor children's playground, which is also considered to be a Public Amusement use. Records demonstrate that no complaints about adverse effects from this approved use have been received. A letter on file states that the other tenants were supporting of an amusement use that would attract more people to the units. As the dance studio is likely to be quieter than the indoor playground and not run on a constant basis (ie only at class times), it is believed that adverse effects are unlikely.

Land Use Suitability

In considering whether the proposal is appropriate for the zone, it is noted that another Public Amusement use has already been approved in the same unit complex. Given that the surrounding land uses are compatible, it is considered that the use is appropriate for the proposed location.

OPTIONS

Option 1

Council could approve the application for a dance studio on the Lot 4 Gillam Drive Kelmscott, subject to advice being provided with regard to the need to comply with the Building Code of Australia 1996, the Health (Public Buildings) Regulations and the Health Act 1911.

Option 2

The application can be refused if Council is of a view that the land use is inappropriate for the General Industrial zone in Kelmscott, and have concerns about possible detrimental impacts on surrounding land uses.

CONCLUSION

It is recommended that Council pursue Option 1 with regard to this application and approve the application for the dance studio, as no issues detrimental to the locality can be identified.

D100/02 RECOMMEND

That Council approve the application for a change of use from a motorbike shop to a dance studio at Lot 4 Gillam Drive, Kelmscott.

MOVED Cr Zelones
MOTION CARRIED (7/0)

***PROPOSED CHALET ACCOMMODATION - ARALUEN COUNTRY CLUB –
LOT 701 HERITAGE DRIVE, ROLEYSTONE***

WARD : ROLEYSTONE

FILE REF : A214304

DATE : 28 May 2002

REF : EP

RESPONSIBLE MANAGER : PSM

APPLICANT : Bollig Design Group

LAND OWNER : Araluen Golf Resort Pty Ltd

SUBJECT LAND : Property size 3.65 ha
Map 22-08

ZONING : Rural / Special Use No.66 –
MRS/TPS No.2 Golf Course & Rural
Residential Development

In Brief:-

- ◆ Application proposes the construction of 20 holiday accommodation chalets in the eastern valley of the Araluen Estate.
- ◆ The proposal complies with the Special Use No.66 development table provisions as outlined in the Town Planning Scheme No.2.
- ◆ Recommendation for approval subject to appropriate conditions.

Tabled Items

Nil

Officer Interest Declaration

Nil.

Strategic Implications

“Development – to balance the need of development with sustainable economic, social and environmental objectives”

Legislation Implications

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

Council Policy / Local Law Implications

Araluen Design Guidelines and Covenants (private estate requirements).

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit (DCU)
- ◆ Manager Parks and Reserves
- ◆ Environmental Officer
- ◆ Council Rangers

BACKGROUND

The Scheme Text Amendment No.119, which allowed for residential subdivision in the Araluen Estate also provided for three chalet nodes to establish 50 chalets in the eastern valley of the Estate. This amendment was gazetted in April 1997.

Council at its meeting on 21 August 2000 approved an application to construct 10 chalets as stage 1 of the Holiday Accommodation development in the Eastern Valley of the Araluen Estate. This development did not proceed, and the ownership of Araluen Estate has changed since the previous approval.

Council at its meeting on 18 March 2002 considered an application to construct 20 holiday accommodation chalets at the node identified as chalet node “A” in the eastern valley of the Araluen estate as the first stage of a 50- chalet holiday accommodation development and resolved as follows:

“That the proposed application to construct 20 chalets as stage 1 of a 50 chalet Holiday Accommodation development in the Eastern valley of the Araluen Estate (Lot 701 Heritage Drive, Roleystone) be recommitted for further consideration upon receipt of plans, perspective and colour schemes which illustrate the intended visual qualities and impact on the landscape of the proposed chalets.”

The applicant has now submitted coloured elevation plans of the chalets and a location plan identifying the substantial trees that need to be removed to accommodate the proposed development.

The previous report is reproduced hereunder with appropriate updates.

DETAILS OF PROPOSAL

The applicant seeks approval to construct 20 holiday accommodation chalets at the node identified as chalet node “A” (west of the club house) in the eastern valley of the Araluen Estate as the first stage of a 50-chalet holiday accommodation Development in the Araluen Estate.

The proposal entails the following:

- ◆ Five clusters of accommodation chalets, each comprising of four (4) cabins, including two (2) disabled units.
- ◆ Extending the existing buggy / pedestrian paths to service the proposed chalets, with 20 buggy parking bays.
- ◆ Enlarging the existing public parking area to accommodate 32 additional parking bays to service the chalets.

COMMENT

Development Control Unit Comment (DCU)

DCU, at its meeting on 23 May 2002 recommended approval of this application subject to the following:

- ◆ Submission of a comprehensive landscape plan, details of emergency access to the chalet site and details of nutrient removing effluent disposal system.

Environmental Officer Comments

There are no significant environmental impacts associated with the construction of the chalet proposal. Minimum vegetation clearing is recommended.

Analysis

Holiday Accommodation within this Special Use zone is a discretionary use and therefore requires Councils determination.

The Town Planning Scheme No.2 Special Use No.66 provisions require all chalets to be designed, located and constructed in such a manner that they blend in with the natural landform and minimise clearing of existing vegetation of the site.

Site details

The chalet site is situated on moderately sloping ground at the south west of the estate. The chalets are proposed to be of pole construction, with no cut and fill or slab laying. This construction technique involves minimal ground disturbance, thus the stability of the slope will not be impaired.

Vegetation

The chalets will be located within a site which is predominantly forest regrowth consisting of Marri and Jarrah with a few very old Grass trees (*Xanthorrhoea preissii*) considered worthy of retention. The chalet arrangement being in clusters rather than single units would minimise any clearing and disturbance to the vegetation. The applicant has advised that they will closely monitor clearing during construction of the chalets to ensure that the vegetation retention objectives are met. An amended site plan submitted on 8 May 2002 details the extent of the areas proposed to be cleared and identifies the substantial trees that would be removed to accommodate the proposed chalets.

After a site inspection Council's Parks Department is satisfied that the clearing to accommodate the chalets is unlikely to have any detrimental impact on the environs.

Building Design and Colour Scheme

The submitted elevation plans suggest that the design generally complements the existing clubhouse building. The proposed roof pitch of 12° to 18° for the chalets is not in accordance with the Araluen Design Guidelines stipulation of 25° to 45° for the roof pitch. In justifying the proposed roof pitch, the applicant asserts that it matches the existing clubhouse.

Given the chosen design for the chalets, the 12° pitch of the central living area and the 18° pitch of the chalets on either side will minimise the height and subsequent impact of the roof on the surrounding tree canopy. This will result in less impact on the trees and minimising both visual and physical impact of the chalets on the surrounding native bushland.

The difference in architectural design between the roof pitch of the chalets and the clubhouse building is unlikely to be clearly noticeable given the 90m separations between the two developments. The bushland setting would generally obscure and soften the appearance of the buildings thereby minimising the effect of visual comparison. Therefore, the proposed design of the chalets can be considered acceptable under these circumstances. The densely vegetated and sloping nature of the Eastern Valley area will reasonably obscure the proposed chalet development from the existing residential properties along Ridgehill Rise and Heritage Drive at this location. Although the chalets are likely to be visible from the golf course, its bush setting would reduce its visual impact.

The recently submitted details of colour schemes indicate that rooves will be of “Colorbond” material in a colour to the satisfaction of Council. It is suggested that “Rivergum” or “Caulfield Green” will be suitable to blend in with the bush setting environs. The external walls are proposed to be constructed with a combination of Toodyay stone, cedar cladding and glass.

Landscaping

The applicant has not provided any details of proposed landscaping abutting the chalets. A comprehensive landscaping plan with specific details such as proposed plant species, density of planting and other relevant information will be required as part of the approval of the development.

Access and Parking

A 32 parking bay extension is proposed to the existing public parking area of the clubhouse to service the proposed stage I of the chalet development. Buggy paths are proposed to be extended to access the cabin areas. Visitor luggage will be transported to and from the chalets from the main reception area using motorised carts via proposed buggy paths.

Under Town Planning Scheme No.2 the parking requirement for holiday accommodation is “as required by Council”. The existing on site parking provision is 184 bays, while the required number of parking bays to service the existing clubhouse and the associated uses is 165 bays. This provides an oversupply of 19 parking spaces. The 32 new parking bays plus the 19 bay oversupply will be more than adequate to service the Holiday Chalet facility.

Given the lack of information regarding emergency access to the building area, the applicant should be requested to provide such details as a condition of the planning approval, prior to the issue of a Building Licence.

Effluent Disposal

The Town Planning Scheme Special Use provisions for this site require all chalets to be serviced with nutrient removing effluent disposal systems to the satisfaction of Council. The submitted plans / details do not include such information.

The applicant has advised that the effluent disposal system has yet to be fully designed and would form part of their documentation to be submitted for a building licence.

Contribution to Pedestrian Network

When Council considered the scheme text amendment No.119 to allow for holiday accommodation chalets and a subdivision guide plan for residential and chalet lots in the Eastern Valley of the Estate, it was agreed to allow an increase in the residential lot yield from initially agreed 57 to 60 lots to assist in the project's capacity to financially support the Council's requested Canning Valley / Araluen pedestrian circulation system. Consequently the previous owner (Sangora Holding Pty Ltd) agreed to contribute \$200,000 towards improvement of the pedestrian network over a period of 4 years. Council at its meeting in May 1997 resolved to accept this proposal (D337/97).

It is prudent that Council remind the new owners of this obligation and advise that the matter will be dealt with at the time of implementing future residential subdivision of the Eastern Valley of the Estate. The applicant should be requested to liaise further with Council officers to determine the terms and conditions regarding such contribution.

Other issues

When final approval was granted for this Amendment the Bush Fire Board indicated that the cells created by additional paths will enhance fire protection but other fire protection measures will also be required. Council's Fire and Ranger Services have advised that a Fire Management Plan for this estate is already in place and this should adequately address any prospective fire issues.

The applicant has advised that all storm water will be controlled within the site minimising any potential for erosion. On site stormwater management will be addressed at the Building Licence stage in further detail.

The chalets will have to be connected to Alternative Treatment Units (ATU's) for the purpose of effluent disposal. The ATU design will have to accommodate emergency wastewater discharge to accommodate power failures and mechanical breakdown in order to avoid effluent discharge during such circumstances.

Options

There are two options available for Council's consideration.

1. Approve the application with conditions including alterations to the roof pitch and colour scheme of the proposed chalets to comply with the Araluen Design Guidelines and better complement the existing clubhouse.
2. Approve the application as submitted subject to appropriate conditions.

Option No. 2 is recommended.

CONCLUSION

The development application generally complies with the Special Use No.66 Development Table provisions as outlined in the Town Planning Scheme No.2. Given the 90m separation between the proposed chalets and the existing clubhouse building and the dense vegetation screening, the difference in architectural design with the existing clubhouse building is acceptable. The proposed development will benefit tourism in the City of Armadale and employment in the area and increase the attraction of the Araluen Country Club Estate.

On the basis of the information provided above, and subject to relevant issues being addressed, conditional approval for Stage 1 of the Holiday Accommodation Development in the Eastern Valley of the Araluen Estate is recommended.

Officer's report recommends –

1. That Council approve the application to construct 20 chalets as stage 1 of a 50 chalet Holiday Accommodation development in the Eastern valley of the Araluen Estate (Lot 701 Heritage Drive, Roleystone) subject to conditions including the following principal requirements:
 - a) A schedule of the colour/s, and building material proposed for the chalets to be submitted to Council and approved by the Planning Services Manager. The development is to be completed in accordance with the approved schedule.
 - b) A comprehensive landscape plan for the site incorporating the existing vegetation where possible (mainly the Grass Trees) and indicating the extent of proposed vegetation clearing to accommodate the chalet development is to be submitted to Council for approval.
 - c) Submission of details regarding emergency vehicle access to the chalet area to the satisfaction of the Manager Technical Services.
 - d) Submission of plans and specifications for an Alternative Treatment Unit (ATU) for the effluent disposal system to the satisfaction of the Health Services Manager and such plan to be approved by the said officer and the Health Department of WA. The effluent disposal system must include the capacity to cater for emergency wastewater storage to the satisfaction of the Health Services Manager.
2. That Araluen Golf Resort Pty Ltd be approached to further the matter of financial contribution to the Canning Valley / Araluen pedestrian circulation system.

COMMITTEE engaged in discussion on architectural merits of the proposed chalets.

Executive Director Development Services indicated that the chalets are sited in an unobtrusive, internally orientated site, well camouflaged amongst vegetation and accordingly external visual impacts are probably not of great significance other than consideration of highly reflective surfaces. The site lends itself otherwise to imaginative architectural expression.

COMMITTEE was of the view that some further refinements of the design could be appropriate to pursue a design compatible with its environment and the Clubhouse and utilising quality materials.

D101/02 RECOMMEND

- 1. That Council approve the application to construct 20 chalets as stage 1 of a 50 chalet Holiday Accommodation development in the Eastern valley of the Araluen Estate (Lot 701 Heritage Drive, Roleystone) subject to conditions including the following principal requirements:**
 - a) Further liaison between the City and the architect with a view to refining the architectural design of the proposed chalets to –**
 - ♦ ensure compatibility of the structures of the site with the character of the immediate area, including reference to the Clubhouse building.
 - ♦ ensure the utilisation of quality resilient materials.
 - ♦ avoid the use of highly reflective materials.
 - b) A comprehensive landscape plan for the site incorporating the existing vegetation where possible (mainly the Grass Trees) and indicating the extent of proposed vegetation clearing to accommodate the chalet development is to be submitted to Council for approval.**
 - c) Submission of details regarding emergency vehicle access to the chalet area to the satisfaction of the Executive Director Technical Services.**
 - d) Submission of plans and specifications for an Alternative Treatment Unit (ATU) for the effluent disposal system to the satisfaction of the Health Services Manager and such plan to be approved by the said officer and the Health Department of WA. The effluent disposal system must include the capacity to cater for emergency wastewater storage to the satisfaction of the Health Services Manager.**
- 2. That Araluen Golf Resort Pty Ltd be approached to further the matter of financial contribution to the Canning Valley / Araluen pedestrian circulation system.**

MOVED Cr Stubbs
MOTION CARRIED (7/0)

***REQUEST FOR TIME TO PAY FINES AND COSTS –
LOT 334 LOWANNA WAY, ARMADALE***

WARD : WEST ARMADALE
FILE REF : A236041
DATE : 16 May 2002
REF : SA
APPLICANT : S J Green
LAND OWNER : S J & W Green
SUBJECT LAND : Property size 4163 m²
Map 22.04
ZONING : Urban
MRS/TPS No.2 Residential R15/40

In Brief:-

- Fines and costs imposed by the Court as a result of a successful prosecution brought by Council.
- Request by the defendant to pay the \$3697 @ \$5 per month.
- Recommend that the request be declined and that a maximum of 1 year be permitted to pay the imposed sum in full.
- *Committee recommended that full payment of the outstanding fines be paid within 30 days.*

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

- ♦ To achieve maximum community benefit from the effective use of resources (staff, finances and information technology).
- ♦ To maintain the City of Armadale as a place where the average family can enjoy a good lifestyle.

Legislation Implications

Local Government Act 1995.
Health Act 1911.
Town Planning & Development Act 1928.

Council Policy / Local Law Implications

Health Local Laws.

Budget / Financial Implications

Nil.

Consultation

Nil

BACKGROUND

At its meeting of 15th October 2001 Council resolved, amongst other things, to institute legal proceedings against the owners of the subject property for contravening the provisions of the Health Act 1911 and the Town Planning Scheme.

The matter came before the Court on 13th May 2002 and the Defendant was found guilty on four of the five charges. As a consequence the Magistrate imposed fines and costs totalling \$3697.

DETAILS OF PROPOSAL

The applicant proposes to repay the sum imposed at \$5 per month.

COMMENT

Analysis

The proposal as presented by the applicant would require 61.6 years to repay the entire sum.

In the past, where a Defendant has not been in the position to repay the penalties imposed by the Court, Council has required the monies to be repaid over twelve (12) months. Should Council consider that the 12 months is appropriate, a sum of \$308.08 per month will be the minimum payment required.

The subject property, which is jointly owned by the applicant and his wife, is currently on the market for sale and the applicant and his wife jointly own a residential property in the City of Gosnells.

Options

1. *Accept the offer as presented by the applicant.*

In his application Mr Green claimed that he earns a modest sum per week, which would suggest that he has limited funds. The offer as presented is however seen as being unreasonable and that 61.6 years to pay off the debt is excessive.

2. *Require the total penalty to be repaid over 12 months at \$308.08 per month.*

Council has in the past (as an exception) allowed payment of fines and costs over a maximum of twelve (12) months irrespective of the amount. Should Mr Green fail to honour this agreement the matter can be placed with the Fines Enforcement Registry for collection of the outstanding balance.

3. *Require the entire sum to be paid within 30 days.*

Given that Mr and Mrs Green have interests in two properties, the properties can be used as collateral to raise a loan to repay the entire sum. The Courts require that payment is made within 28 days of the sentence but Council is under no obligation to grant any extension of time to pay after the expiry of that period.

4. *Obtain an agreement in writing from Mr Green stating that he owes the money and that he agrees to a caveat being placed on his land by the City, to secure the debt.*

The subject property is on the market to be sold. A caveat provides for the penalty to be paid out of the proceeds of the sale before any remaining monies are paid the Mr Green. There is no guarantee that the property will be sold in the immediate future, or at all and that the owners have sufficient equity in the land to cover the debt. Should Council consider this option, it is suggested a maximum time period for the sale be imposed, say 6 months, after which the option expires and option 3 be invoked.

CONCLUSION

Whilst it is not the intention to cause hardship, an offer of \$5 per month to repay a sum of \$3697 does not seem to be practical. Given that in previous situations Council has required such debts to be repaid over 12 months it is suggested that a consistent approach be maintained and option 2 is therefore recommended.

Officer's report recommends –

1. That the offer presented by Mr S J Green to repay the fines and costs totalling \$3697 imposed on him by the Armadale Court on 13th May 2002 at \$5 per month, be rejected on the grounds that the time to amortise the debt of 61.6 years is excessive.
2. That Mr Green be advised that Council will accept the repayment of the fines and costs over a twelve (12) month period at \$308.08 per month.

COMMITTEE was of the view that Option 3 was more appropriate and accordingly the Recommendation was amended as follows.

D102/02 RECOMMEND

1. **That the offer presented by Mr S J Green to repay the fines and costs totalling \$3697 imposed on him by the Armadale Court on 13th May 2002 at \$5 per month, be rejected on the grounds that the time to amortise the debt of 61.6 years is excessive.**
2. **That Mr Green be advised that Council requires that full payment of the outstanding fines should be paid within 30 days.**
3. **That in the event of default the matter of payment of the outstanding fine be placed with the Fines Enforcement Registry for collection of the outstanding balance.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

Cr Hodges declared an interest in this item on the basis that this enterprise would be in direct competition with her current employer and left the meeting at 8.40pm.

Cr Everts declared an interest in this item on the basis that he has a financial interest in this matter and left the meeting at 8.40pm.

Cr Green disclosed that he has an association with Dale Cottages Retirement Village Inc. As a consequence, there may be a perception that his impartiality on the following matter may be affected, but declared that he would disregard this association, consider the matter on its merits and vote accordingly.

PROPOSED ACQUISITION OF RESERVE 28211 – SIXTY STREET, ARMADALE

WARD : WEST ARMADALE
FILE REF : A181757
DATE : 30 May 2002
REF : MF
RESPONSIBLE : PSM
MANAGER
LAND OWNER : Crown Land
SUBJECT LAND : Reserve No.28211 –
Sixty Street, Armadale
Property size 8095m²
Map 22-03
ZONING : Urban/
MRS/TPS No.2 Parks & Recreation Local

In Brief:-

- The matter of the possible disposal of Reserve No.28211 to Fairhaven Retirement Village raised by Cr Everts in Council.
- Reserve identified in POS Strategy report for retention.
- Recommend that sale of reserve be declined.
- *Committee recommended that this item be recommitted pending contact with Fairhaven Retirement Village to ascertain the specific interest sought by Fairhaven.*

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

“To maintain and improve the physical infrastructure for the economic and physical well being of the local community.”

Legislation Implications

Nil.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

If Council resolves to sell this Section 20A reserve, the guidelines relating to disposal of Section 20A reserve will need to be followed, including public advertising etc. The monies received from the sale of this reserve will have to be used for improvement of other reserves in the vicinity.

Consultation

- ◆ Environmental Officer
- ◆ Technical Services
- ◆ DCU

BACKGROUND

At the Ordinary Meeting of Council on 19 November 2001, Cr Everts raised the question as to possible disposal of Reserve No.28211 to adjoining Fairhaven Retirement Village. Council recommended that this matter be referred to the appropriate Directorate for relevant action and/or report back to Committee.

Dykstra & Associates made a similar enquiry in January 2001 on behalf of the Fairhaven Retirement Village with a view to establishing a stronger connection between the Retirement Village and the nearby Free Reformed Church to allow better access to the Church by the occupants of the Retirement Village. Council Officers sent a response indicating that Officers did not support the proposal to sell or lease the Reserve.

COMMENT

This reserve is vested in Council for the designated purpose of 'public recreation' and has been identified for retention in the Public Open Space Strategy Assessment Report.

DCU considered the enquiry from Dykstra & Associates but did not support the proposal to lease or dispose of the reserve. It also suggested that improving the connectivity between the Church and the Retirement Village was an option that could be further investigated.

Council's Technical Services Directorate does not support disposal of the reserve and in terms of improving the utility of the reserve has suggested the following:

- ◆ Installation of a lockable gate in the fence dividing the reserve and the retirement village.
- ◆ A paved pathway linking the gate to the verge fronting Sexty Street and bollard lighting to increase security and light the pathway during the evenings.
- ◆ The expenditure for these works is not anticipated to be included in Council's improvement programme in the next 5 to 10 years.
- ◆ Any development options for upgrading to be funded by the retirement village can however be discussed and considered.
- ◆ Cost of Council's suggested works is estimated at approximately \$16,000.00.

Analysis

This reserve falls within the Coastal Plains South (1) precinct in the POS Strategy report. The report suggests that there is an overall undersupply of approximately 3.7 ha of POS within this precinct.

The POS report indicates that this reserve, although having poor surveillance, has moderate access for users, is of economic size to maintain, and satisfies social/recreational need. The POS report recommends that as a result, this reserve should be retained.

Options

Council has two options:

Option 1 - Resolve to sell the land for acquisition by the adjoining Fairhaven Retirement Village.

Option 2 - Resolve that the sale of the recreation reserve to the Fairhaven Retirement Village be declined on the grounds that the reserve has been identified in the POS Strategy report for retention and because of the undersupply of overall POS in the area described as Coastal Plains South (1) Precinct in the POS Strategy Report.

CONCLUSION

It is recommended that Council resolve to decline the sale of the reserve to the Fairhaven Retirement Village in accordance with Option 2 as this option provides the greatest Community benefit.

Officer's report recommends –

That the request to sell Reserve No.28211 situated in Sixty Street, Armadale be declined on the basis that this reserve has been identified for retention in the Public Open Space Strategy Assessment Report and that retention of the Reserve provides the greatest Community benefit.

COMMITTEE gave careful consideration to this matter and indicated that there may be merit in some proportion of the reserve being utilised by Fairhaven Retirement Village.

The present circumstance did not clearly identify the interest of Fairhaven and it would be appropriate to clarify such an interest before considering this matter further.

D103/02 RECOMMEND

That the matter of disposing Reserve No.28211 Sixty Street, Armadale be recommitted pending contact with Fairhaven Retirement Village to ascertain the specific interest sought by Fairhaven.

MOVED Cr Stubbs
MOTION CARRIED (5/0)

*Cr Hodges and Cr Everts returned to the meeting at 8.45pm.
Chief Executive Officer, Mr R Tame left the meeting at 8.45pm and did not return.*

REQUEST TO RENAME HALE ROAD, FORRESTDAL

WARD : FORREST
FILE REF : NAM/2
DATE : 30 May 2002
REF : CCB/HC
RESPONSIBLE : PSM
MANAGER
SUBJECT LAND : Hale Road,
Forrestdale
APPLICANT : Mr & Mrs Chester

In Brief:-

- A request has been received to rename Hale Road, Forrestdale as confusion arises with Hale Road, Forrestfield and mail is often misdirected. Emergency services may also be misdirected.
- Various possible suitable names are outlined and discussed.
- Recommend that council support a name change for the road to Skeet Road and proceed with public consultation.
- *COMMITTEE recommended that letters of consultation be forwarded to the affected landowners, Forrestdale Progress Association and Armadale Kelmscott Historical Society seeking alternative road names.*

Officer Interest Declaration

Nil.

Legislation Implications

Land Administration Act 1997

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Minimal postal costs.

Consultation

Geographic Names Committee (GNC).

BACKGROUND

Council has received correspondence from Mr & Mrs Chester in relation to difficulties with the name of Hale Road in Forrestdale because it is often mistaken for Hale Road Forrestfield and vice versa. They have requested that Council consider changing the name of the road.

It appears that incidents have occurred in the past where Police/Emergency services were unable to locate persons in Hale Road due to confusion between the Forrestdale and Forrestfield localities. There is constant concern about mail being delivered to the wrong suburb and people getting lost by mistaking Hale Road Forrestdale for Hale Road Forrestfield and vice versa.

The applicants have received support for the name change from some of the landowners on Hale Road Forrestdale. Possible road names that have been suggested for consideration include:

- ◆ Apsley Road
- ◆ Banksia Road
- ◆ Bushland Road
- ◆ Bushman Drive
- ◆ Nangkeen Street
- ◆ Willeroo Road
- ◆ Bur-dook (a Noongar word meaning “short way”)

COMMENT

Analysis

There are 12 properties on Hale Road in Forrestdale that will be affected by a name change. In view of the identification problems outlined it would appear prudent to consider renaming Hale Road in Forrestdale to accommodate ratepayers’ concerns and stop future misunderstanding of the whereabouts of the locality.

Geographic Names Committee (GNC) criteria for road naming suggest that “Preferred sources of names include names from Aboriginal languages, pioneers of the State or area, or citizens who have made a significant community contribution”.

GNC also suggest that “When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, and must be at least 10 km from existing duplication”.

It seems preferable that a unique name is chosen if a change is proposed. Of the names supplied, Apsley, Banksia, Bushland and Bushman have been duplicated elsewhere and Willeroo is perhaps close enough to be mistaken with Willeri (in Willetton) and thus not suitable. Nangkeen and Bur-dook are original though Bur-dook, with its aboriginal background, appears preferable.

A number of pioneer families related to the Forrestdale area have had streets in the municipality named after them. Two names related to Forrestdale that could perhaps be further considered are Skeet and D’Voretsky.

The D’Voretsky family established a successful dairy farm in the area and helped lay the foundation for the district’s fine dairy farming reputation. There is no similar name noted in the Street Directory.

In 1885 Alfred and William Skeet were granted a ‘Special Occupation’ licence for 100 acres around what is now Lake Forrestdale where they grew vegetables and crops, ran dairy cattle and sold wood. They were very active in the district and prominent in a campaign to obtain telephone facilities for the district. They were also involved in the building of the settlers’ hall. Mrs Skeet suggested the name Forrestdale (after Lord Forrest) for the area and this was gazetted on 15 April 1915.

There is no other Skeet Road recorded in the Street Directory. The only similar names are Skate Court in Sorrento (some 45 kms away) and Skeit Road in Madeley (some 50 kms away). Brief discussion with a GNC Officer indicates that whilst the matter will need to be considered on its merits, it should meet GNC road naming criteria.

OPTIONS

The most suitable options appear to include:

1. Decline to support the name change of Hale road, Forrestdale.
2. Support a name change to Bur-dook, D'Voretsky or Skeet Road.
3. Support a name change for Hale Road but seek suggestions from the community on a suitable name.

CONCLUSION

It is suggested that the name Skeet Road be considered as a suitable name change for Hale Road, Forrestdale. The Skeets played a major role in the early life of the Forrestdale area. Whilst there are the Alfred Skeet and William Skeet ovals in Forrestdale, it seems fitting that their name is also memorialised in a road name.

Officer's report recommends –

That Council support the proposal to rename Hale Road, Forrestdale to Skeet Road and proceed with public consultation by means of letters to affected landowners and the Armadale-Kelmscott Historical Society.

COMMITTEE acknowledged the argument for a name change but preferred to canvass for suitable names at this juncture.

D104/02 RECOMMEND

That Council support the proposal to rename Hale Road, Forrestdale and seek suggestions for an appropriate name by means of letters of consultation to affected landowners, Forrestdale Progress Association and the Armadale-Kelmscott Historical Society.

MOVED Cr Zelones
MOTION CARRIED (7/0)

REQUEST TO RENAME A PORTION OF THE FORRESTDALE LOCALITY

WARD : FORREST
FILE REF : NAM/2
DATE : 30 May 2002
REF : HC
RESPONSIBLE MANAGER : PSM
APPLICANT : Development Planning Strategies
LAND OWNER : Various
ZONING MRS/TPS No.2 : Urban, Rural, Parks & Recreation and Rural - Water Protection / Rural Kennels, General Rural, Rural – Groundwater Protection and Parks & Recreation (Region)

In Brief:-

- Proposal received to create a new locality in North Forrestdale in the area proposed for the ERADE Village and future urban development.
- Reasons advanced by applicant to support the proposal outlined and compared with Geographic Names Committee criteria.
- Recommend that Council support the proposed new locality and seek public comment on the boundaries and suggested names and invite input from the community on a suitable name for the locality.
- *COMMITTEE recommended that letters be sent to all landowners, Forrestdale Progress Association and Armadale Historical Society seeking alternative locality names.*

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To foster ownership, pride and a supportive and caring community

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Estimated - Advertising costs \$1500, Postal costs \$300.

Consultation

Nil.

BACKGROUND

A request has been received on behalf of Stockland (WA) and other supportive major landowners in the area to rename a portion of the Forrestdale locality north of Armadale Road. The area in question is bounded by Armadale, Warton, Ranford, Hale and Keane Roads and some Regional Reserves. It is effectively a request to create a new locality from portion of the present Forrestdale locality.

DETAILS OF PROPOSAL

The applicant states:

“The development of the City of Armadale in the south eastern sector of the Perth Metropolitan Region is about to enter a most exciting phase. Propelled principally by the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan, and by the establishment of the Armadale Redevelopment Authority, the municipality is about to embark upon an unprecedented era of growth and development.

The expansive locality of Forrestdale is poised to accommodate a significant portion of this growth. In recognition of this imminent transformation, and in order to better define the first major development phase (in essence, the area north of Armadale Road), it is proposed to formally pursue a corresponding partial locality name change.”

The main points of the proposal are summarised as follows:

- ◆ The Southern River/Forrestdale/Brookdale/Wungong District Structure Plan effectively provides a reference guide for more detailed stages of subsequent planning, including the structure planning process. The area in question is recommended to be one of the first to be rezoned to “Urban” under the Metropolitan Region Scheme (MRS) as it is relatively unconstrained and close to the encroaching urban fronts of Canning Vale and Southern River.
- ◆ The principal owners submitted a proposal to rezone the area to “Urban” under the MRS which was endorsed by Council in August 2001, referred to and endorsed by the South East District Planning Committee and forwarded to the Perth Region Planning Committee for formal initiation in October 2001. The Amendment was held in abeyance pending the outcome of the Urban Water Strategy for the area but is understood to be now in the final stages of endorsement and is being considered by the Environmental Protection Agency.
- ◆ As part of the MRS Rezoning submission, a draft structure plan was prepared for the study area. Principal land use components included Village and Neighbourhood Centres, an “ERADE Village”, a mixed-use precinct, educational facilities, public open space and residential uses. The development vision was defined as “to create a fully integrated urban community providing a broad based and diverse residential, employment and recreational environment, whilst achieving the highest standards in urban design, environmental performance management and sustainability.” A fully self-sustained urban cell is envisaged comprising approximately 4,000 home sites or in excess of 10,000 residents.

The case presented for the renaming is summarised as follows:

- ◆ A locality name change is seen as a critical element of the proposed urban development of the northern portion of Forrestdale under the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan (similar to the successful new suburb of Ridgewood, formerly Merriwa, in Wanneroo).
- ◆ It has received support from owners of major land parcels identified for future residential development.
- ◆ The area constitutes a clearly and easily definable cell featuring logical borders in the form of existing roadways, existing municipal boundaries and a large area of future Regional Open space.
- ◆ The area is of sufficient size and has the ability to accommodate in excess of 10,000 persons.
- ◆ With the current large size of Forrestdale there is a concern that the public may become confused when trying to determine the exact whereabouts of the planned development in the locality. The proposed name change will effectively overcome the potential for confusion.
- ◆ The renaming will be able to be determined ahead of the ensuing residential development and will not be influenced by estate names or other marketing schemes.
- ◆ There is the opportunity to consult the wider community in respect to the proposal.

Stockland (WA) Pty Ltd advises a strong preference for the subject portion of Forrestdale to be renamed to Princeton. It is stated:

“The name ‘Princeton’ is presented as a tangible link with the future and is directly associated with the principal land use catalyst for the development of the area – the proposed ERADE village. The ERADE village is to have a strong academic link with the University of Western Australia. Associating the development with the university/higher learning and the Princeton University will reinforce the academic link with the ERADE village. Further, associating the new urban cell with a progressive, high-tech image, at the new gateway to Armadale, will contribute to the up-market, prestigious community being created.

It is therefore argued that the name ‘Princeton’ will be progressively associated by the existing wider community with the ERADE village. By the time new residents are able to settle within the study area in another 2 to 3 years, the public recognition of the ERADE village as an integral contribution to the development of the study area will be sufficient to justify the proposed locality name change to ‘Princeton’.”

COMMENT

Analysis

Forrestdale currently covers some 4,420 hectares. The proposed new locality encompasses an area of some 1,230 hectares and has readily defined and relatively strong cadastral boundaries.

As an area of proposed future urban development, it appears reasonable to differentiate this from the area of Forrestdale that will remain predominantly rural and rename it prior to urban development occurring.

Whilst being larger than the Geographic Names Committee's (GNC) ideal size for urban localities (suggested ideal 500 hectares), the proposed locality meets other size criteria. The GNC advises that a locality renaming proposal should also have some of the following typical requirements:

- ◆ The proposal is supported by a broad-based community survey indicating very strong community support for the name change.
- ◆ The proposal has strong local government support.
- ◆ The proposal is to rename all or part of a locality before urban development occurs.
- ◆ The proposal is based on a locality being divided by a newly constructed major road or railway.
- ◆ The current name can be easily confused with another name, has mail delivery or emergency services problems.
- ◆ The proposed name has some long-standing association with the locality.
- ◆ The proposal is based on a change to local government boundaries.

Whilst the proposal for the area has the support of a group of owners and meets some of the above criteria, it needs testing in the wider community.

There is less support in the criteria for the name preferred by the applicants, Princeton. Whilst recognising the desire to utilise a name with elements of academic excellence and prestige, it may be difficult to promote to the GNC a name with American Ivy League connotations rather than an association with the Forrestdale area or a more Australian emphasis.

GNC criteria favour a name associated with the area (Aboriginal – feature or descriptive, locational or descriptive, Pioneer name, early property name, or flora or fauna association) or a name associated with the development of the state (e.g. Statesman or former politician, or something such as a ship or event).

A name for consideration that utilises both an aboriginal connotation and a feature of the area is Balannup, after the lake shared by the Cities of Armadale and Gosnells. It should not be easily confused with Balingup in the South West.

Many of the early settlers of the Forrestdale area have had streets in the Municipality named after them. One such name that is not duplicated in Australia and may stand as a strong locality name in its own right is Buchanan. The Buchanans were one of one of the pioneer families named in connection with the opening of the Settlers' Hall erected in 1914 opposite the East Jandakot (later Forrestdale) Station.

Options

The options include:

1. Decline to support the proposal to consider a new locality taken from the portion of Forrestdale previously outlined and rename it.
2. Support the proposal to consider a new locality taken from the portion of Forrestdale previously outlined and rename it Princeton.

3. Support the proposal to consider a new locality taken from the portion of Forrestdale previously outlined but propose the name Balannup.
4. Support the proposal to consider a new locality taken from the portion of Forrestdale previously outlined but propose the name Buchanan.
5. Support the proposal to consider a new locality taken from the portion of Forrestdale previously outlined and seek further community and Armadale-Kelmscott Historical Society input on a suitable name.

CONCLUSION

The proposal for a new locality comprising the proposed future urban development area of Forrestdale prior to major development appears reasonable. The choice of a suitable name appears more problematical. Princeton, strongly proposed by the applicants, whilst having academic credentials in an American sense does not carry such high credentials for a local, indigenous, West Australian or Australian content in relation to GNC locality naming guidelines. It is suggested, however, that it is worthy of further consideration and should be tested by advertising to the wider community, with alternative names, and give the community an opportunity to comment or suggest a more suitable name.

Officer's report recommends –

That Council support the proposal to consider a new locality to be established in the area bounded by Armadale, Warton, Ranford, Hale and Keane Roads and Regional Reserves as outlined in the map appended in the Officer's report, and proceed with public consultation in the following manner:

1. That a letter be sent to the Armadale-Kelmscott Historical Society seeking advice on suitable names for the proposed locality.
2. That letters be sent to all landowners within the proposed new locality seeking comment on the proposed new locality and its boundary and canvassing the suggested names of Princeton, Balannup and Buchanan and such other names advised by the Armadale-Kelmscott Historical Society.
3. That advertisements be placed in the local newspapers (in the terms of 2 above) seeking wider public comment.

COMMITTEE was of the view that further canvassing for an appropriate locality name should be undertaken with particular focus on a name that would capture the character and quality of a new and dynamic residential estate intended for the area as outlined in the urban structure planning work undertaken to date.

D105/02 RECOMMEND

That Council support the proposal to consider a new locality to be established in the area bounded by Armadale, Warton, Ranford, Hale and Keane Roads and Regional Reserves as outlined on the map contained in the Officer's report, and proceed with public consultation in the following manner:

- 1. That letters be sent to all landowners within the proposed new locality, Forrestdale Progress Association and Armadale Kelmscott Historical Society canvassing for suitable names which will reflect the character and quality of the area proposed as a major new residential estate as identified in recent urban structure planning for the area.**

- 2. That advertisements be placed in the local newspapers (in the terms of 2 above) seeking wider public comment.**

MOVED Cr Munn
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Nil.

MEETING DECLARED CLOSED AT 9.05 PM

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10TH JUNE 2002

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