

CITY OF ARMADALE

MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 11TH FEBRUARY 2002, AT 5:20 PM.

PRESENT:

Cr H A Zelones JP	Chairman
Cr F R Green	Deputy Chairman
Cr J Everts	
Cr J Knezevich	
Cr L Reynolds JP	
Cr R C Stubbs	(7.00pm to 9.35pm)
Cr G M Hodges	(7.00pm to 9.35pm)

APOLOGIES: *Cr R C Stubbs & Cr G M Hodges (apologies for late arrival)*

OBSERVERS:

Cr D L Hopper JP	(5.20pm to 5.54pm)
Cr J D Cumming	(5.20pm to 7.32pm)
Cr J H Munn JP CMC	(5.20pm to 8.26pm)

IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer (5.20pm to 5.54pm)
Mr J H A Adderley	Executive Director Development Services
Mr I Townson	Building Services Manager
Mr P Meyrick	Health Services Manager (7.17pm to 9.35pm)
Mr L Fouché	Planning Services Manager
Mr H Carder	Planning Administrative Officer (5.20pm to 5.54pm)
Ms N Cranfield	Minute Secretary
Public	14

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability for information and advice given at Committee meetings was read by the Chairman (5.22pm).

QUESTION TIME (5.23pm)

Nil

DECLARATION OF MEMBER'S INTERESTS

Cr Knezevich

ERADE Village – Proposed Incubator Units – Lot 114 Warton Rd, Forrestdale -----Page 79

DEPUTATION

Mr Brian Goodchild (Secretary GNC) and Mr Ken Bushell (Network Logistics Manager - Mail Network Region) attended the meeting at 5.23pm.

Mr Goodchild discussed the proposed localities which have been referred for consideration of Geographic Names Committee. The matters arising from the discussion included:-

- ◆ *The Champion Lakes locality – whilst unusual in configuration, appeared to be reasonably justified given the unique proposed regional park complex and the clearly defined boundary demarcation manifested by the Tonkin Highway, Ranford Road, Lake Road and railway line. The logic of rounding off the locality at the north-east boundary by inclusion of the small portion of land in City of Gosnells had merit.*
- ◆ *Proposed localities of Seville, Neerigen and expansion of Mt Nasura were acceptable, subject to the names Seville and Neerigen being augmented with a unique reference eg. Seville Grove, Neerigen Brook, in order to be recognised uniquely in Australia.*
- ◆ *There are reservations in relation to the proposed Mt Richon locality on the basis of meeting heritage, population and area criteria and the subtraction of area from Wungong locality.*

The GNC representatives indicated that the proposed Champion Lakes locality would be further submitted to the Geographic Names Committee for determination in the next fortnight.

Mr Goodchild undertook to write to the City, summing up the matters discussed at the deputation and provide formal advice to Council.

CHAIRMAN thanked Mr Brian Goodchild and Mr Ken Bushell for their attendance.

Deputation retired at 5.54pm.

*Meeting adjourned at 5.54pm.
Meeting reconvened at 7.00pm.*

Cr Hopper did not return to the meeting.

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability for information and advice given at Committee meetings was read by the Chairman (7.00pm).

QUESTION TIME (7.01pm)

Mr H Whetters – 2 Bullock Road, Kelmscott

1. Mr Whetters queried in relation to Agenda item (Lot 211 Brookton Highway, Roleystone – roof/wall cladding) whether Councillors had attended the site in question?

Cr Stubbs responded affirmatively.

Ms K Coulthard – 110 Clifton Street, Kelmscott – (Representative for the Armadale & Districts Preservation Group Inc.)

1. Ms Coulthard queried whether it was Council's intention to invite the representatives of the Heritage Council and the National Trust in respect to the Bristle Brickworks site to gauge heritage matters associated with the site.

Chairman responded that the matter would be considered by Committee in relation to the relevant Agenda item.

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 14th January 2002, were confirmed.

MOVED Cr Zelones
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.3/2002

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

- ◆ Development Services Directorate – Key Performance Indicators
- ◆ Health Services Manager’s Report for December 2001
- ◆ WA Aids Council Needle Exchange Service
- ◆ Planning Services Manager’s Report for December 2001
- ◆ Review of Draft Residential Design Codes
- ◆ Compliance Officer’s Report for December 2001
- ◆ Pedestrian Access Way Closures – Report for December 2001
- ◆ Town Planning Scheme No.2 & No.3 – Amendment Table
- ◆ Building Services Manager’s Report for December 2001
- ◆ Report re Outstanding Matters

Cr Knezevich noted the composition of Building Approvals did not include substantial commercial and industrial developments.

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

***PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 10 & 11 KERUN COURT AND
BETWEEN LOTS 20 & 21 SCHRUTH STREET SOUTH, ARMADALE***

WARD : ARMADALE
FILE REF : WAY/7/99
DATE : 25 January 2002
REF : MF
RESPONSIBLE MANAGER : PSM
APPLICANT : J McCormack
LANDOWNER : As above
SUBJECT LAND : PAW between Lots 10 (8) & 11 (6A) Kerun Court and between Lots 19 (186) & 20 (184) Schruth Street South, Armadale. Map 22.04
ZONING : Urban/Residential 'R.12.5'
MRS/TPS No.2

In Brief:-

- ◆ Application to close PAW due to anti-social behaviour.
- ◆ Proposal not advertised for public comment due to the absence of agreement with the abutting landowners regarding land-sharing arrangements as per DOLA guidelines.
- ◆ Recommend that the decision regarding this PAW be deferred to enable Council Officers to once again pursue this matter with the abutting 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 \$1,500.00 to supply and install one security fence with an access gate. In addition, Council will be involved in ongoing maintenance costs.

Consultation

- ◆ Landowners abutting the pedestrian access way.
- ◆ Technical Services Directorate

DETAILS OF PROPOSAL

The applicant has requested the closure of the PAW due to anti-social problems occurring in the PAW including the following:

- ◆ Car windscreen smashed;
- ◆ Tyres slashed;
- ◆ Syringes thrown on applicant's lawn;
- ◆ General loutish behaviour caused by the local "druggies" who use the PAW for quick escape route and shooting up gallery;
- ◆ The PAW is unsafe at night because of anti-social behaviour, broken glass and used syringes.

COMMENT

The applicant lives some way away from this PAW, namely, Lot 3 (21) Galliers Avenue as shown on the location plan.

DOLA's guidelines indicate, among other things, that the PAW should not be closed unless the full length of the PAW can be sold. Standard letters suggested by DOLA guidelines were sent to the abutting landowners and whilst the two landowners abutting the PAW at the Schruth Street South have indicated their interest in purchase, the two landowners at the Kerun Court end are not interested in acquiring any portion of the PAW. Council Officers have pursued this matter with the landowners at the Kerun Court end but have had no success to date.

Analysis

This PAW leads from Kerun Court into Schruth Street South and provides access to the 'Deli' situated at Lot 20 Schruth Street South and to Kingsley Primary School for residents of Kerun Court. If this PAW is closed, the extra walking distance will be approximately 220 metres to the 'Deli' from Kerun Court along Galliers Avenue.

In the absence of agreement between the four abutting landowners, progress towards closure will be significantly hampered. For this reason, no advertising has yet commenced. Closing the Kerun Court end of the PAW (should Council resolve to close the PAW) by means of a security fence and gate may not necessarily achieve the desired outcome both from Council's viewpoint and from the point of view of the abutting landowners.

If Council resolves to physically close half the PAW by the installation of a security fence and gate, Council will be involved in ongoing maintenance costs. In addition, the installation of the fence and gate is unlikely to be carried out within the current financial year. Council Officers requested further details from the applicant regarding the problems associated with the PAW but no response has been received.

Options

It would appear that Council has two options:

Option 1

Decline the request to close the PAW on the grounds that in the absence of agreement between the abutting landowners regarding the land sharing arrangements and because the closure of the PAW by means of gates will not achieve a satisfactory outcome both from Council's point of view and from the point of view of the abutting landowners.

Option 2

Advertise the closure proposal to the surrounding landowners and to the service authorities and the Department for Planning and Infrastructure for comment to gauge the opinions of the local community.

CONCLUSION

The ideal situation is for the land to be sold and amalgamated with the abutting properties. The situation with regard to a security fence and gate may not achieve the desired outcome because of the likelihood of the area becoming a dumping ground for rubbish and the involvement of Council in ongoing maintenance costs. It is therefore suggested that officers should once again pursue the matter with the abutting landowners with a view to obtaining agreement to close and purchase the whole of the PAW.

D17/02

RECOMMEND

- 1. That the decision regarding the pedestrian access way (PAW) between Lots 10 (8) and 11 (6A) Kerun Court and between Lots 19 (186) and 20 (184) Schruth Street South, Armadale be deferred to enable officers to further pursue the matter of the land sharing arrangements with the abutting landowners.**
- 2. That, following further consultation with the abutting landowners, the proposed closure be advertised for public comment.**
- 3. That the applicant be informed of Council's determination.**
- 4. That the application regarding closure of the pedestrian access way between Lots 10 (8) and 11 (6A) Kerun Court and between Lots 19 (186) and 20 (184) Schruth Street South, Armadale be recommitted to the Development Services Committee.**

MOVED Cr Green
MOTION CARRIED (7/0)

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

WARD : WESTFIELD
FILE REF : WAY/3/97
DATE : 29 January 2002
REF : MF
RESPONSIBLE MANAGER : PSM
APPLICANT : Mr Boris
LAND OWNER : As above
SUBJECT LAND : PAW between Lots 191 (24) & 194 (22) Clenham Wy and between Lots 1012 (28) & 1022 (27) Kidbroke Plc, Kelmscott; Map - 22.06
ZONING : Urban/Residential 'R.15'
MRS/TPS No.2

In Brief:-

- ◆ Application to close PAW due to anti-social behaviour and house break-ins.
- ◆ Proposal advertised for public comment with submissions in favour of and opposed to the closure received.
- ◆ Recommend that Officers pursue the proposed closure of the PAW.

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 gates. This item will be submitted for consideration in the 2002/2003 Budget, should Council resolve to close the PAW.

Consultation

- ◆ Technical Services Directorate;
- ◆ Department for Planning and Infrastructure
- ◆ Service Authorities (Telstra, Water Corporation, Alinta Gas);
- ◆ 27 neighbouring property owners
- ◆ Signs erected at both ends of the PAW
- ◆ Proposal advertised in the Comment News

DETAILS OF PROPOSAL

The applicant has requested the closure of the PAW due to increased problems associated with the PAW including 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 as a result of the presence of the PAW.

COMMENT

Advertising period extended from 3 January to 5 February 2002. Council Officers considered undertaking a random pedestrian count to ascertain the usage of this PAW but felt that due to school holidays, the pedestrian count may not yield a fair result.

Analysis

Results of Advertising

No. of landowners/occupiers notified -	27
No. of service authorities notified -	4
No. of submissions received -	15
No. objecting to closure	
- Private	3
- Service Authorities	2
No. supporting/not objecting to closure	
- Private	8
- Service Authorities	2

A petition requesting closure of the PAW and containing 46 signatures has also been received.

Resumé of Objections

The objectors to the closure proposal (including one of the abutting landowners) have indicated as follows:

- ◆ The PAW provides the most direct and safest way for their children to walk to Grovelands Primary School.
- ◆ Since the PAW at Curlew Court was recently closed, the extra distance is extremely long and the closure of this PAW will add further walking distance for children attending Kelmscott Senior High School.
- ◆ The alternative routes available (i.e. through a Reserve) is unsafe. The children would have to walk through unknown streets.
- ◆ One objector who lives in Grasmere Way and uses a wheelchair states that the closure of the PAW will cut off direct pedestrian access to their daughter who lives in Kidbroke Place. The closure will also cut off access to the Westfield Shopping Centre and Westfield Seniors Centre.

The abutting landowners who object to the closure have questioned the timing of the advertisement for closure i.e. during school holidays. The closing date for responses is 5 February, the day after school re-opens. She feels that Council should fairly take students into consideration.

The Water Corporation has objected to the closure proposal on the grounds that an existing water distribution main located within the PAW will be affected. Owing to the importance of this main to the immediate area, it cannot be disconnected. The Water Corporation has indicated support for the creation of a 'Public Utilities Reserve' over the PAW provided that Council agrees to accept vesting of the 'Public Utilities Reserve' and erects fencing and gates at both ends of the PAW.

Telstra has objected to the closure on the grounds that its network plant is located within the PAW. Relocation of the plant is not a viable option because the cost would be in the region of between \$20,000.00 and \$80,000.00. The establishment of the PAW as a 'Public Utilities Reserve' with vesting in Council is acceptable to Telstra.

The Department for Planning & Infrastructure (DPI) has objected to the closure proposal on the grounds that the PAW appears to be an integral part of the local pedestrian movement system and facilitates connections with local and district public transport and community facilities.

However the DPI has requested further information regarding the importance or otherwise of the PAW and evidence to suggest that the PAW is unnecessary.

Resumé of Support for Closure

The supporters of the closure proposal have indicated as follows:

- ◆ Anti-social behaviour by people using the walkway at all hours of the night.
- ◆ Newspapers stolen and house break-ins and litter scattered over private property.
- ◆ The PAW is a very convenient manner of escape for thieves. One supporter of closure estimates that he has lost in excess of \$1,100.00 of goods.

- ◆ Riders of trail bikes ride speedily through the access way.
- ◆ Land and property prices will increase if the PAW is closed.
- ◆ Children use sticks along the fences to annoy and upset dogs.

SUMMARY

This PAW provides a direct pedestrian access for residents in Kidbroke Place to Grovelands Primary School, the Community Centre and the Westfield Shopping Centre. If Council resolves to close this PAW, the extra walking distance will represent approximately 544m. It should however be noted that nine residents in Kidbroke Place have signed a petition requesting Council to close the PAW.

House break-ins and anti-social behaviour has more often than not been a problem for abutting landowners because of the convenient means of escape for burglars through the PAW and noise at all hours of the night. The closure of the Paw in itself will not necessarily decrease anti-social behaviour or crime within the general area in which the PAW is located.

Closure of the PAW may however alleviate problems experienced by abutting landowners. While increased pedestrian travelling distances is a concern (especially for children, the elderly and disabled), it should be noted that the PAW does not represent “liveable neighbourhood” design principles in terms of the lack of legibility and observation from neighbouring properties and the street.

Both the Water Corporation and Telstra have objected to the closure because of the location of their apparatus in the PAW. Both support the establishment of the PAW as a ‘Public Utilities Reserve’ with vesting in Council. The sale and amalgamation of the PAW with the properties of the abutting landowners is therefore not an option.

The Department for Planning & Infrastructure is currently opposed to the closure proposal due to its integral part in the local pedestrian movement system but has indicated that it is willing to consider further evidence proving that the PAW is not essential to the community.

Although the residents supporting the closure of the PAW appear to outnumber those opposing closure of the PAW, the actual use of the PAW by pedestrians is still being assessed.

Options

Council appears to have two main options:

Option 1

Decline the request to close the PAW on the grounds that there is some opposition against the closure by some residents and service authorities. Council could consider the placement of barriers/bollards at the entrances to discourage vehicles using the PAW and investigate improving the lighting to improve safety in and around the PAW at night.

Option 2

Pursue the closure on the grounds that the PAW is continuing to cause problems for the local community. The frequency of use of the PAW by pedestrians is to be further assessed during the school term and additional liaison with the Department for Planning & Infrastructure will be required to obtain their support for the closure.

The land will need to be established as a 'Public Utilities Reserve' with vesting in Council. Council will be required to install welded mesh type fencing and gates at both ends of the PAW at an estimated cost of \$3,500.00. The installation of fencing and gates will however not be carried out immediately and will require consideration in Council's 2002/2003 Budget. Council will also be required to maintain the Reserve.

CONCLUSION

It is recommended that Council adopts Option 2 at this juncture and resolves to pursue the closure of the PAW. Should pedestrian surveys indicate that the PAW is well used and / or the support of the DPI not be obtained after further consultation, Council can revert to Option 1 (including measures to address safety and security concerns of users and abutting residents).

COMMITTEE observed that it would be preferable for service authorities to utilise easements over private property, rather than a utilities reserve arrangement to protect reticulated plant.

The recommendation was accordingly modified by the addition of an item (c) of Part (1) of the officer's recommendation.

D18/02

RECOMMEND

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 relevant service authorities to consider the acceptance of easements to protect reticulated plant in the PAW and allow closure of the reserve and amalgamation with adjoining private properties.**
2. **That the applicant and other respondents to the advertising of the PAW closure be advised of Council's determination.**
3. **That the application regarding 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 be recommitted to the Development Services Committee.**

MOVED Cr Reynolds
MOTION CARRIED (7/0)

**ZINCALUME ROOF / WALL CLADDING –
LOT 211 BROOKTON HIGHWAY, ROLEYSTONE**

WARD : ROLEYSTONE
FILE REF : A237453
DATE : 5 February 2002
REF : SLH
RESPONSIBLE : BSM
MANAGER
APPLICANT : Kensington Design
LAND OWNER : W Brickett & J Stevenson
SUBJECT : Property size 3454m²
LAND : Map 25.06
ZONING : Urban / Residential “R5”
MRS/TPS No.2

In Brief:-

- ◆ Proposal to construct a steel-framed dwelling with a ‘Zincalume’ roof and partial wall cladding.
- ◆ Located towards the Brookton Highway side of the property, which is a steeply sloping site with established trees and vegetation.
- ◆ Recommendation for approval conditional upon the residence being adequately screened from the adjoining properties with trees and vegetation.

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

Metropolitan Region Scheme
Town Planning Scheme No.2

Council Policy / Local Law Implications

Policy 4.5.19 Use of Zincalume Roofing Materials on Residences within Residential Areas

Budget / Financial Implications

Nil.

Consultation

- ◆ The proposal was advertised to four (4) neighbouring property owners for comment.

BACKGROUND

Under the City's Town Planning Scheme No.2 a single house on land zoned for residential purposes a landowner requires Council's approval if proposing to utilise materials on the roof or walls which are highly reflective or likely to cause glare. In terms of Council Policy 4.5.19 where an applicant refuses to modify the design to use less reflective materials the application is referred to the Development Services Committee.

DETAILS OF PROPOSAL

An application has been received from the building designer, on behalf of the owners, requesting Council's approval for a "Zincalume" roof and partial wall cladding on a residence proposed to be constructed on the subject lot.

COMMENT

Consultation was undertaken with the adjacent landowners who may be affected by the proposed reflective roof sheeting and partial wall cladding. Two (2) responses were received, both of which objected to the proposal. The concerns raised were in relation to the potential for glare and reflectivity if "Zincalume" coated materials were utilised.

Analysis

Officers have visited the site and considered the following:

- ◆ The property is a rear battleaxe block with access via a ROW located off Soldiers Road.
- ◆ The site is steeply sloping away from Brookton Highway with a fall of approximately 20.00metres into the valley.
- ◆ There are quite a lot of well-established trees scattered over the site in addition to extensive vegetation with the dwelling proposed to be nestled amongst the bushland setting.
- ◆ The proposed steel framed residence has a suspended upper level floor with the entrance and double garage contained below and accessed via a spiral staircase.
- ◆ The stepping of the residence suits the steep topography of the site and requires minimal disruption to the landform and vegetation.
- ◆ The proposed cladding, which consists of horizontally lined "Zincalume" sheeting and glazed louvred panels to the upper level with stone faced and rendered brickwork to the lower level in conjunction with the roof sheeting, appears to complement the surrounding environment and existing development.

- ◆ The proposed roof is pitched at approximately 23 degrees with a split midway through to create a feature overhang containing highlight windows.
- ◆ It was noted that there are a number of existing dwellings and outbuildings within close proximity of the subject lot clad and or roofed with “Zincalume” finish sheeting.

The primary concern with this application was whether the selected building materials [ie “Zincalume” roof sheeting and partial wall cladding] would have an adverse affect on the amenity of the adjoining property owners and streetscape.

The elongated configuration of the lot combined with the substantial gradient restricts access to the property and any intended development hence the proposal to locate the dwelling within the upper portion with a sweeping access driveway from Soldiers Road.

Discussions with the building designer, prior to reporting to Council, were in relation to the location and utilisation of suitable materials. Given the characteristic nature of the site it was considered that the framed construction and choice of cladding and roof sheeting were appropriate with the retention of extensive vegetation and trees to screen the development.

Options

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

- Option 1 - Approve the application as submitted conditional upon the retention of extensive vegetation to adequately screen the dwelling.
- Option 2 - Request that the applicant submits an amended proposal, which details the use of alternative roof sheeting and cladding materials

CONCLUSION

Officers concur with the positive views expressed by the building designer and consider that it is unlikely that this proposal would have any adverse impact on the surrounding properties or the streetscape and is recommended for approval.

Officer’s report recommends –

That the application to construct a residence with a “Zincalume” roof and partial wall cladding on Lot 211 Brookton Highway, Roleystone be approved, conditional upon the retention of established trees and vegetation to screen the development.

COMMITTEE expressed the view that the recommendation should refer to the maintenance of an established precedent of not approving highly reflective roof cladding materials in the locality. Accordingly, the officer's recommendation was varied as follows.

D19/02 RECOMMEND

That the owner's request for Council to issue Planning Consent to allow the use of a highly reflective roofing material on the proposed residence on Lot 211 Brookton Highway, Roleystone be refused because:-

- a) of the likely adverse impact on the amenity of the adjacent properties due to the topography of the land combined with the highly reflective roof material; and**
- b) a precedent has been established whereby highly reflective roof cladding materials have not been approved in the locality.**

MOVED Cr Stubbs
MOTION CARRIED (7/0)

Mr P Meyrick, Health Services Manager joined the meeting at 7.17pm.

REDEVELOPMENT OF PART OF SOUTH ARMADALE BRICKWORKS INDUSTRIAL SITE – PROPOSALS FOR SHARING KEY INFRASTRUCTURE COSTS

WARD : ARMADALE
FILE REF : A158863
DATE : 4 January 2002
REF : JR
RESPONSIBLE MANAGER : PSM
APPLICANT : Mitchell Goff & Associates
LANDOWNER : Bristile Ltd
SUBJECT LAND : Lots 12 & 104 South Western Hwy/Hobbs Dr
Property size 24.66ha
Map 22.01
ZONING MRS / TPS No.2 : General Industry / Showroom / Primary Regional Road

In Brief:-

- Over a period of several months, discussions have been held with Bristile regarding the general principles and issues of infrastructure costs pursuant to redevelopment of part of the brickworks site.
- A draft statutory planning policy and rezoning proposal have been initiated thus far, however, the strategic location of the site and complexity of redevelopment issues, requires a preliminary understanding to be reached between Council and Bristile on infrastructure issues, before more detailed work can progress.
- Bristile have indicated a willingness to acquire a new landholding adjacent to its site that would provide an important road connection to Dickens Place. Bristile has also indicated an equal 50:50 split of anticipated costs of a range of identified infrastructure, would be acceptable, subject to a general agreement with Council on a broader range of matters.
- Recommendations to agree to the main principles of the infrastructure funding arrangements proposed by Bristile, subject to Bristile also agreeing to a process of defining the detailed heritage values of the site, thereby laying foundations for its redevelopment and recognition of the appropriate heritage elements. Recommendations to explore with ARA the potential for state government agencies to offset the cost of rail infrastructure/intersection works.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Armadale Strategic Plan

Long Term Strategic Planning - 1.5 Provide incentives for commercial/industrial development eg. via:

- ◆ The rating system
- ◆ Transport and land use strategies
- ◆ Facilitative Town Planning Scheme provisions

Armadale Enquiry By Design Workshop Report (EBD Report) –

The EBD Report identified the opportunity to establish the South Armadale redevelopment area as an employment area geared towards the service sector, small and emerging businesses, and 'smart' businesses. It also identifies the potential for a new rail crossing and extension of Harber Drive to South Western Hwy. The report recommended that the City provide statutory support and adopt a Structure Plan for any future redevelopment in the South Armadale area.

In addition to recommending attention to the future use of Armadale Brickworks site, the EBD Report also identified the desirability of seeking more efficient uses of the Armadale Senior High School site in consultation with the Department of Education.

Municipal Inventory of Heritage Places –

The brickworks site is listed as a Management Category “C, which is the third highest category in terms of the recommended level of protection. Management Category “C” has a recommendation to: “*Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.*”. The sites listing on the Heritage list provides a level of protection through the application procedures of the Scheme and the Town Planning and Development Act.

Southern River Forrestdale Brookdale Wungong District Structure Plan –

The Plan indicates substantial future communities to be developed in Brookdale and Wungong which would substantially add to the commercial catchment of businesses located in the expanded South Armadale Industrial area, particularly if accessibility is improved with the new Harber Drive rail crossing recommended in the EBD Report.

Armadale Redevelopment Authority –

The announcement of the establishment of the ARA included the Brickworks site as a redevelopment project site, and hence development approval will come under control of ARA.

Legislation Implications

Town Planning & Development Act, 1928
Environmental Protection Act, 1986
Armadale Redevelopment Act, 2001
Heritage of WA Act 1990

Council Policy / Local Law Implications

Town Planning Scheme No.2 - Cl. 5.10 Heritage Provisions Conserving of Buildings and Places of Heritage Significance –

The Scheme provisions require the development application and approval process to be followed for development of places listed on the Heritage List (1995 Municipal Heritage Inventory). On receipt of a development application, Council shall have regard to any policy and may consult with relevant heritage bodies such as the Heritage Council.

Council may require a heritage assessment to be carried out or consider incentives / agreements for achieving the purposes of conserving or enhancing the heritage place.

Town Planning Scheme No.2 (Draft Amendment No.178) - Schedule 1 - Part 3 South Armadale Industrial Business Estate –

The draft policy provisions of Schedule 1 require a Structure Plan to be prepared prior to subdivision, which meets prescribed objectives for the road network design, the standard of developments in various land use precincts, and the heritage values of the site.

Budget / Financial Implications

Industrial and commercial small lot development will promote further capital investment in Armadale which has a potential to complement development in the City Centre, providing for growth in job opportunities available to the wider community and providing fiscal revenues to the City.

Current negotiations with Bristile indicate infrastructure costs estimated at \$331 000 commencing from 2004/5. Increase in Rates income is estimated at \$35 000 per year from 2005.

Matters of infrastructure provision and funding are key components of the charter of the newly established Armadale Redevelopment Authority and avenues for state government agencies to offset the funding for the rail infrastructure relocation and intersection work will need to be explored in conjunction with ARA.

Consultation

- ◆ Manager Technical Services
- ◆ Environmental Officer
- ◆ Department of Planning & Infrastructure – Urban Design and Major Places Unit
- ◆ Main Roads WA
- ◆ Consultants for Bristile Pty Ltd
- ◆ Brickworks Preservation Group - has an active interest in preserving the heritage values of the site and has made ongoing representations to Council concerning the brickworks site and have referred the site to the Heritage Council of WA for assessment under the Heritage of WA Act 1990.
- ◆ Heritage Council of WA – HCWA are seeking to evaluate potential heritage values of site and Council may be able to assist both HCWA and the owners by appropriate intermediary liaison in the context of the site's redevelopment.

PREAMBLE

Council's preferred direction for the future of the site, as defined by the EBD Report, has been synthesised with Bristile's intent to seek redevelopment of part of the site. This synthesis is embodied in a draft structure planning concept and rezoning Amendment.

At its July 2001 meeting, Council initiated a Scheme Amendment (draft Amendment No.178) to introduce statements of Structure Planning criteria for the site into Schedule 1 of the Scheme and a change in zoning for part of Lots 12 and 104 South Western Hwy / Hobbs Drive to Industrial Business Development Zone (D157/01).

The Amendment No.178 Scheme provisions require a Structure Plan to be prepared, which specifies a road network design, ultimately providing permeability between Dickens Place to the south and the Armadale Town Centre to the north. The concept Structure Plan overleaf is indicative of the main features proposed, however, these will be refined through the detailed statutory and consultation procedures.

The Structure Plan will be required to specifically provide for the following goals:

1. a new road extending Hobbs Drive adjacent to the rail reserve and linking to Dickens Place to the south (this may be dependent on a longer term second stage of subdivision wherein the brickworks site is fully redeveloped. While Bristile do not have current plans to relocate the brickworks plant, this element of the Structure Plan will provide the option for this possibility);
2. a new strategic connection to Dickens Place linking to the Brickworks subdivision which requires land with no current opportunities for road dedication apart from outright acquisition. (Bristile have indicated a willingness to acquire a lot in the adjacent industrial subdivision to provide the land for the strategic road link at no cost to the City (approximately \$135 000) subject to a general redevelopment / infrastructure agreement with Council);
3. a new road access point from South Western Highway and linking to the above extension of Hobbs Drive;
4. provision for lot access to the South Western Highway frontage;
5. provision allowing for road connections to a potential new rail crossing linking to Harber Drive to the west of the rail line, which is the preferred replacement location for the crossing currently located at Byron Road (this matter also implicitly requires the subdivider to determine the appropriate reference height levels and road designs capable of incorporating the requirements for the rail crossing, however, this is understood to be a relatively minor design task for the consultant engineers involved in the subdivision process). Based on an assumption that the Harber Drive/Wungong Rd intersection can be accommodated as a cross intersection (ie without a roundabout), Bristile have indicated a willingness to contribute 25% of the anticipated rail crossing relocation costs (which equates to approximately \$89 000 of the total estimate of \$355 000 for this option). However, should the more expensive roundabout be required, the Bristile offer would equate to a much smaller percentage of the total (ie approximately 14% of the higher estimated cost of \$645 000);
6. provision for Public Open Space provided within the redeveloped Brickworks Structure Plan area, in a location suitable to protect and / or preserve the elements of heritage value on the site as approved by Council;
7. provision for the ultimate linking of Byron Road and Dickens Place through normal subdivision processes. This is a longer term issue and not directly related to the proposal to redevelop part of the brickworks. It will depend on the ultimate subdivision of lot 209 on Dickens Road, which is currently un-subdivided and has an existing portion of un-zoned land suitable for a road reservation.

BACKGROUND

In response to Council's Structure Plan policy and rezoning proposal, Bristile have highlighted and put forward funding propositions, on a range of identified infrastructure items and issues, upon which they seek Council's preliminary agreement.

In August 2001, Council responded to initial proposals by Bristile concerning various identified infrastructure costs for sharing between the developer and the City (D192/01). It was specifically suggested that Bristile should share 50% of the cost of the rail crossing relocation at Harber Drive. However, further investigations subsequently produced the more comprehensive cost analysis, which is detailed in the table below.

Response from site owners Bristile

Bristile have indicated that it would be agreeable to proceed with the revised analysis outlined in the table based on Bristile contributing 50% of the estimated combined costs for the identified infrastructure. Bristile's agreement includes a 25% contribution to the rail crossing relocation at Harber Drive based on a cross-intersection at the Harber Drive/Wungong Drive intersection. Bristile are also seeking reciprocal assurance from the City on some matters requiring budget consideration and the level of effort to bring about the necessary changes in statutory and infrastructure planning that will assist in redevelopment of the area.

The previous proposition put to Bristile for a full 50% contribution towards the rail crossing cost alone could not be supported by Bristile, as it was taken in isolation of the other infrastructure matters towards which Bristile will be contributing as part of the wider site redevelopment. As outlined above Bristile have indicated support for the more comprehensive analysis, the subject of this report.

If the forthcoming traffic study (South West Armadale Traffic Study 2002) indicates a significantly more expensive roundabout option is required, a higher proportion of the total cost would need to be provided by public agencies (ie Bristile's currently indicated contribution of \$89 000 would amount to approximately 14% of the higher estimated cost of \$645 000 for a roundabout at Wungong Rd/Harber Drive).

The comprehensive preliminary agreement and understanding on a range of matters between the brickwork owners and Council would provide a basis for Bristile and the City embarking on preparing the local Structure Plan. Bristile's position is outlined in their recent letter of 13th December (*refer "Attachment A2" of the Agenda*) and previous letters of 13th August, 4th July 2001.

The table of analysis below sets out preliminary cost estimates for infrastructure based on the less expensive Wungong Road/Harber Drive cross-intersection assumption. It indicates an equitable 50:50 split of identified costs between Bristile and the City/state government agencies and including a 25% Bristile contribution to the cost of constructing the new rail crossing and Wungong Rd/Harber Drive cross-intersection treatments.

Identified item of infrastructure / issue subject of negotiation	Proposal for funding at Bristile's Cost	Comments & estimate of cost to City
1. a) Providing land for a road connection between Dickens Place and a proposed extension of Harber Drive within the current brickworks site.	a) Acquisition and dedication of land by Bristile \$135,000 .	This connection is seen as desirable and links the existing South Armadale industrial area to the subdivided brickworks lots and, if the rail crossing is successfully relocated to Harber Drive, ultimately linking to the developing areas of Brookdale (the subdivision plans for the brickworks will need to establish the vertical level of the crossing as the reference point for the roads that will be constructed in subdividing the brickworks site). Nil cost to City.
1. b) Road construction. (Total Cost \$195 000)	b) 50:50 sharing of the cost of construction of the road between Dickens Place and the current brickworks site by Bristile and Council, (with Bristile providing a subdivision road linking to its southern boundary) \$30 000 .	An estimated cost of \$30 000 for half of the cost of construction from Dickens Place to the southern boundary of the brickworks site.
2. Costs for the potential new level railway crossing at Harber Drive, protective devices etc and closure of the existing crossing, to be shared by the City and Bristile (total cost estimated at \$355,000 based on a cross-intersection at Wungong Rd/Harber Drive.	25% by Bristile = \$89,000 The Policy, Structure Plan and subdivision process provides mechanisms for sufficient land to be earmarked for a future rail crossing and connection to Harber Drive at such future time as it can be achieved.	75% by City/state government agencies = \$266, 000 The new crossing is a recommendation of the EBD Report, however, it would also support the redevelopment of the brickworks site. As a major regional infrastructure item, contribution from state agencies should also be sought through the auspices of ARA (if a roundabout is required on Wungong Rd/Harber Drive the total cost could increase up to a total of \$645 000).

Identified item of infrastructure / issue subject of negotiation	Proposal for funding at Bristile's Cost	Comments & estimate of cost to City
<p>3. Bristile will relocate the brick press machinery it is aware of being of historical interest, <u>to another open site</u> to be subsequently agreed. (However, should any housing structure be required to protect these items, this cost would not be met by Bristile) (Total estimate of costs for a POS site and roofing structure is \$106 000).</p>	<p>Nil is offered apart from the intrinsic value of the machinery items and implicitly any relocation costs. However, following Council August policy statement requiring heritage items to be included within new <u>Public Open Space park actually located on the current brickworks site</u>, an "opportunity cost" for land set aside as a 2000m² POS site can be assumed as \$76,000. This reflects the current zoning of the land as "General Industry" however, which would have to be ceded to the City free of cost, as Public Open Space under the initial stage of subdivision.</p>	<p>Council indicated that items of heritage value should be retained on site and detailing of heritage values will need to be resolved as part of the Structure Plan. If a roofing structure is required to protect the machinery, a nominal cost of \$30, 000 has been assumed. (It is standard WAPC policy that the costs of "developing" POS are normally at the cost of the local government (developers can opt to provide a portion as cash in lieu to develop the land for marketing reasons eg for landscaping etc however in industrial estates there is no specific percentage requirement for POS)).</p>
<p>4. Council is asked to agree to the "Industrial Business Development Zone" rezoning and use its best endeavours to complete the process as soon as possible.</p> <p>Council is asked to waive any normal Planning Fees associated with rezoning and assessing and approving a Structure Plan for the site on the basis that Bristile is happy to retain current zonings and simply subdivide the land (Total estimate of cost at \$5,000).</p>	<p>Nil is offered.</p> <p>However, Bristile will also be funding its own consultant to prepare subdivision plans for its own site and which will form the basis of the draft Structure Plan to be submitted for adoption by the responsible authorities (City, ARA and DP&I) after advertising for community comment.</p>	<p>Amendment No.178 has been initiated. It provides opportunities to the owners to explore expansion of land uses within the redeveloped site through the development of the Structure Plan and policy precincts and also implements part of the EBD Report recommendations.</p> <p>In statutory applications the administrative costs are normally charged to landowners to offset officer time, technical report documentation and advertising. An estimate would be \$5000. (Should an EPA Environmental Assessment be required its cost could not be guaranteed by Council and would need to be further discussed with the owners).</p>
<p>5. The frontage treatments along South Western Highway are to be satisfactory to Bristile (Nil estimate of cost).</p>	<p>Lot access is implicitly a normal development cost pursuant to lot production.</p>	<p>MRWA have provided preliminary advice on frontage requirements, however, this matter would be resolved as part of the Structure Plan process.</p>

Identified item of infrastructure / issue subject of negotiation	Proposal for funding at Bristile's Cost	Comments & estimate of cost to City
6. Council is asked to request the education authority's views on the future of the part of lot 104 which is zoned "Showroom Zone" and located on the northern side of Hobbs Drive (adjacent to Armadale High School) within 3 months and Bristile will accordingly agree not to make any proposal to subdivide this land within this period (Nil estimate of cost).		The issue of the future development of the High School site can be referred to the Education Dept and the Redevelopment Authority for discussion.
Current Status of Bristile's December 01 Proposal	Estimated Total Commitment by Bristile = \$330, 000	Estimated total commitment sought from City/state government agencies (assuming the minimum cost Wungong Road/Harber Drive cross-intersection treatment) = \$331,000
CONCLUSION	The above estimates of the costs of infrastructure to achieve the objectives of the Enquiry By Design Report while also facilitating the redevelopment of the brickworks site, indicate a 50:50 cost sharing between Bristile and Council.	

In their letter of 13th December 2001, Bristile agrees to work with the City to prepare the local Structure Plan and will proceed to acquire land for the strategic road connection to Dickens Place. In supporting these preliminary understandings, Bristile also seeks Council's further agreement on the following identified issues (Planning Department comments follow each identified issue):

a) *The Structure Plan preparation –*

Bristile's view is that the Structure Plan should be progressed at an acceptable rate and is not unnecessarily drawn out.

COMMENT - While it is acknowledged that the Structure Plan represents a major planning proposal, with the owners co-operation, there is no apparent reason why it cannot be progressed in a timely manner within the constraints of the normal procedures and resources of the City, particularly as the main elements of infrastructure have been established in the concept Structure Plan in this report.

b) *Bristile's land located on the north side of Hobbs Drive (adjacent to the High School)*

Bristile's view is that the Education Department's views on the Showroom zoned part of lot 104 to the north of Hobbs Drive should be established within three months, (Bristile will refrain from lodging a separate application for subdivision for this portion of the their land to allow this liaison to occur).

COMMENT - The views of the Department of Education on the land north of Hobbs Drive can be sought within the timeframe proposed, however, the resolution of this issue may require a longer term approach as it is not apparent that this site is a high priority for the Education Dept (it should also be noted that the major assumption behind the High School site development scenarios portrayed in the EBD Report that the brickworks is completely relocated, is not support by the current facts. Bristile's intention is for the recently upgraded brickworks to remain in operation for the foreseeable future and it may therefore be premature to consider the High School area in detail).

c) *Heritage Values of the Brickworks site –*

Bristile's cooperation with Council in the identification and maintenance of heritage values is requested to be reciprocated by Council ensuring that the industry's commercial operations and its options for future expansion are not hindered by the need to protect any item within the brick plant site. While Bristile agrees to the relocation of the historic brick presses, it advises it would not agree to protect any building on the site and would not be responsible for any costs associated with the relocation of any building structures.

COMMENT - The Armadale Brickworks/State Brickworks site is listed in the 1995 Municipal Heritage Inventory as the middle level of protection, Management Category "C", which recommends that the goal for listed places is to: "*Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.*"

The Statement of Significance for the brickworks in the Municipal Heritage Inventory describes that: "*The logical part of the property for listing is the southern section of the old works, which includes the machinery and buildings. All the pan mills and presses were imported, the press machines being second hand*".

The Statement of Significance also describes the present brickworks as the last of its type in WA, being built in 1950-2 on the classic three level principle of the era with only the Armadale works and a heritage listed Hoffman Kiln at Maylands remaining.

The Inventory description states that the Armadale works had feeders on one level (1) supplied with shale from a jaw crusher long since removed), side delivery Pan Mill crushers from which a blend of crushed shale and clay was supplied to the loft floor level two (2), by bucket elevators. The crushed material was then fed to a shaft mixer at level three (3) where moisture was added before being pressed in a brick shape and delivered to the setting table for forklift transport to the zig zag kilns (demolished in 1991). The Inventory notes that as it was no longer viable, the pressed brick plant was mothballed in 1993 and could be sold for scrap at any time.

It should be noted that, at the current time, neither the specific items of heritage interest nor the location of their ultimate preservation on the redeveloped site have been objectively defined. The Municipal Heritage Inventory which lists the site in the third highest priority category, is now some 6 years old and the information it contains on the site is limited.

The definition of the appropriate heritage elements are matters that will require addressing as part of the Structure Plan and prior to redevelopment of the site. Until such matters are defined and resolved, it is not possible to give unequivocal assurances to Bristile that there will not be a disparity between community objectives for heritage protection and the commercial operations of the brickworks site. This can only be resolved by a co-operative effort and objective process of site evaluation, upon which both the public and private parties can base their decision making responsibilities for both the commercial redevelopment of the site and the appropriate level and manner of preservation of heritage elements.

Council should seek Bristile's cooperation in maintaining the site's heritage values and in evaluating and detailing the heritage values and items contained on the site, so they can be subsequently incorporated into the local Structure Planning process for appropriate protection and/or management. The Heritage Council have also been requested by the Brickworks Preservation Group to assess any heritage significance the site may have.

Should the owners seek to redevelop the site (including demolition), prior to resolution of the detailed heritage matters, the development approval application procedure and assessment applies. The sites listing on the Heritage list provides a level of protection through the application procedure of the Scheme and the Town Planning and Development Act and legal avenues of redress are available, in the event of contraventions of the Scheme.

Subject to an agreement with Bristile, *inter alia* on proceeding with an evaluation of heritage issues, this report also recommends that normal fees associated with the rezoning/Structure Plan be waived as a reciprocal gesture.

Relocation of the historical brick press machinery to another site –

As indicated above, in August Council clarified its view on how the site's heritage items should be dealt with, by advising the owners of Armadale Brickworks that Public Open Space will be required to be provided within the redeveloped Brickworks Structure Plan area, in a location suitable to protect and/or preserve the places and items of heritage value on the site, as approved by Council.

While there are no set policies for POS in industrial areas, a new industrial estate of this size could be expected to provide a small area of POS for reasons of estate aesthetics and worker rest and relaxation. If one 2000m² area were set aside for POS, land prices in the area for unsewered land (\$38/m² for the currently General Industry zoned land) imply an opportunity cost of approximately **\$76,000** for that POS.

Housing Structure (if required) to protect historical brick press machinery supplied by the City (heritage items relocated by Bristile)

The Bristile proposal declines to meet any cost of housing the relocated brick making machinery so that if such housing were required, another funding source(s) would be required. This may imply a Council cost or external sources of funding for heritage protection could be explored. For preliminary discussion purposes a City cost of **\$30,000** for housing the historical brick press machinery is assumed.

Prior to redevelopment, a process will need to be undertaken to resolve the list of significant heritage items, details of their future preservation and the location and the size of associated Public Open Space required in the industrial subdivision site to accommodate appropriate elements. Council should seek a commitment that Bristile will assist in expediently identifying the heritage values so that arrangements for appropriate heritage conservation can be evaluated. Bristile will also then have the necessary information and level of certainty in respect to specific heritage elements, which once defined will allow the company to firm up its ongoing operational and redevelopment plans.

d) Treatment of Frontage to Main Roads WA Road –

Bristile's goal is for a satisfactory frontage treatment and lot access being achieved along the South Western Highway frontage.

COMMENT – The frontage issue needs to be resolved as part of a total Local Structure Plan design and in liaison with Main Roads WA who have jurisdiction over the South Western Highway.

Options

The synthesis of the Council's Enquiry By Design Report recommendations with Bristile's intentions to redevelop part of the site, offers potential for many advantages of mutual benefit to the City and Bristile. As the site redevelopment proposals are of a significant scale, there will be a need for ongoing liaison / negotiation on a range of more detailed issues that will inevitably be thrown up by the statutory and consultation procedures. This is best achieved in a context provided by establishing understanding between the parties and henceforth progressing the project through an orderly planning process, in which a spirit of co-operation has been established.

Option 1

Council agree to the main principles of the preliminary funding arrangements proposed in the discussions with Bristile to date, and incorporate these matters into discussions, through the auspices of ARA, on the potential for contributions by state government agencies to the rail crossing relocation infrastructure costs. Council's support should be clearly subject to Bristile also agreeing to cooperate in a process to identify heritage values of the site and maintain them until resolution through the Structure Plan process. This option represents a way forward in ultimately achieving the broad goals of the Enquiry By Design Report for the South Armadale area while also satisfying Bristile's intentions for partial redevelopment.

Option 2 –

Alternatively, should Council take the view that the preliminary understandings and infrastructure contribution arrangements are premature or excessively burdensome, Council could decline the propositions on infrastructure funding. However, the consequence of this option would be Bristile withdrawing its offer to acquire land for a road connection between the Brickworks site and Dickens Place and seek subdivision approval from the DPI under existing zones. Given the rapid rate of development of vacant land on Dickens Place, this may result in the opportunity to acquire land fronting Dickens Place and hence for a connection north to Hobbs Drive slipping away and threatening the long term goals of the Enquiry By Design Report. While Council could potentially acquire the land for the road connection to Dickens Place through its own direct actions, the necessary funding to achieve this has not been earmarked in the current budget. This option also would not achieve the broad understanding and cooperative framework that appears necessary and is so far being established, to progress the planning of this complex site.

SUMMARY

The applicants proposals for the brickworks site redevelopment, have been placed within a context of a wider local Structure Plan area, in which some anticipated infrastructure costs are proposed to be met by Bristile and others are to be met by the City or the City in conjunction with relevant state agencies. The outcomes of the Structure Plan and partial rezoning of the brickworks, offer a range of net benefits to Bristile in terms of subdivision and land use opportunities. Benefits to the City include stimulation of the local economy through lot production, new building investment and establishment of new businesses and employment opportunities and a new entry node to the business district of the Town Centre on the South Western Highway.

If deemed appropriate the preservation of relevant elements of the old brickworks machinery would recognise this part of Armadale's industrial history and cultural heritage, however, considerable expert research and advice will be required before heritage values of the site are determined by the relevant authorities, and the appropriate responses can be made in terms of the site's redevelopment.

However, achieving these potentials will require Council and the owners working in close co-operation to overcome and resolve the detailed planning issues in conjunction with the relevant state government agencies.

Costs - comparison of infrastructure funding arrangements as currently proposed

The estimated dollar costs of the various commitments identified by Bristile and requesting reciprocal commitments by Council/state government agencies, as outlined in the table above, total the following:

Actions by Bristile - \$330,000

Expected Reciprocal Actions by Council - \$331, 000

The rail crossing relocation and Wungong Road/Harber Drive intersection treatment is a large scale infrastructure investment and represents the largest single cost item however, the City will need to explore offsetting the cost of these items with state government agencies and ARA, in addition to the contribution pledged by Bristile. The 25% or \$89 000 contribution supported by Bristile reflects that the rail relocation would also provide considerably enhanced accessibility and economic viability to the Bristile site.

Timing of development works

At its August meeting Council highlighted the fact that all matters requiring expenditures on infrastructure are subject to normal budget and five year planning processes and hence no precise commitments can be made in respect to the timing of any particular infrastructure works. Council further emphasised that relocation of the rail crossing to Harber Drive will be dependent on approvals being granted by a range of state government agencies prior to implementation.

The timing of Bristile's initial stages of subdivision is similarly indefinite at this time, however, a budget accommodation for the identified City expenditures on infrastructure has been initially assumed for years 2004 – 5 in the City's current Five Year Financial Plan.

Benefits to Bristile include the broadening of potential land uses through the new Industrial Business Development zone and enhanced subdivision potentials. Proposed new road connections also include opportunities for significantly enhanced exposure of the site to passing traffic, particularly if the new rail crossing to Harber Drive can be achieved. The latter would give the brickworks land good exposure and marketing opportunities to traffic passing between new commercial catchments in the proposed Brookdale and Wungong development areas, in addition to South West Highway and the Town Centre. If implemented, these opportunities would be expected to be reflected in increased value of the redeveloped brickworks land.

CONCLUSION

Using the general principle of an equitable 50:50 contribution on the full range of issues (assuming the cross intersection at Wungong Road/Harber Drive, as outlined in the above preliminary analysis table), it is recommended that the City proceed with negotiations with Bristile on the Structure Plan and rezoning process. This agreement on infrastructure issues will provide an initial foundation for a positive working relationship with Bristile in dealing with the strategic location of the brickworks site and the complex development issues its redevelopment entails.

Following clarification of heritage aspects of the site, it is proposed that the City will work with Bristile and ARA to develop a comprehensive local Structure Plan to guide future staged subdivision and development in the South Armadale Development Area.

COMMITTEE gave careful consideration to this matter, particularly aspects related to heritage conservation. It was felt that part (2) of the officer's recommendation illustrated clearly Council's intent to thoroughly evaluate the salient heritage conservation needs of the site.

However, Committee did seek to highlight a strong Council preference to retain heritage elements on the site rather than the prospect of relocation, hence the additional wording to this effect added to part (2) of the recommendation.

D20/02 RECOMMEND

- 1. That Bristile be advised of Council's view that the rezoning of a portion of the Brickworks and Structure Planning for the South Armadale Industrial Area should proceed on the understandings that:**
 - a) Bristile's acquisition of land fronting Dickens Place for a linking road will be reciprocated with the City sharing 50% (estimated at \$30, 000) of the road construction cost between Dickens Place and the southern boundary of the Brickworks site;**
 - b) Bristile's cooperation with Council in expeditiously conducting a process to identify the heritage values of the site in sufficient detail for them to be addressed by the Scheme Structure Plan and subdivision processes, will be reciprocated by Council:**
 - ♦ using its best endeavours in resolving the heritage issues raised by the partial redevelopment of the brickworks site through appropriate liaison with the company, the relevant state agencies and the community, while also endeavouring to take the needs of Bristile's ongoing commercial brick making operations into its decision – making role in respect to the site's heritage preservation requirements, to the extent that these are compatible with the proper and orderly planning and good governance of the municipality;**
 - ♦ waiving Council's standard rezoning and structure planning fees (excluding any Environmental Review documentation if it is required by the EPA);**
 - ♦ using Council's best endeavours to conclude the rezoning Amendment to rezone the area to Industrial Business Development Zone and finalising the Local Structure Plan including reaching an outcome for the South Western Highway frontage that accommodates as far as possible the objectives of the company, the City and Main Roads WA;**
 - ♦ using Council's best endeavours to establish the Education Department's views on the future of the Bristile land located on the northern side of Hobbs Drive (adjacent to Armadale High School) within 3 months;**

- c) **Bristile's cooperation with Council in providing an area of on-site POS for securing the specific matters of heritage value referred to in point (b) above, will if determined necessary, be reciprocated by Council developing the POS to provide a weather protection structure or treatment for the heritage items, up to a value of \$30,000.**
 - d) **Bristile's cooperation with Council in providing a 25% (\$89 000) contribution to the estimated cost of a new rail crossing/cross-intersection treatment at Wungong Road/Harber Drive, will be reciprocated by the City in conjunction with the relevant state agencies, endeavouring to provide the balance of the cost required to expeditiously relocate the rail crossing to the Harber Drive site.**
2. **That Council further seek Bristile's cooperation in establishing an agreed process for resolution of the heritage issues in the context of the general agreement in point (1) above by providing access for evaluation of the site by agents of the City and relevant state agencies. In this regard, Council conveys its strong preference for elements of heritage conservation (machinery, dust room) to be conserved on site as far as practicable.**
3. **That the funding of the road links and infrastructure items identified above be referred to the Technical Services Committee for inclusion in the third year (2004/2005) of the Five Year Plan.**
4. **That the matters of agency co-ordination, infrastructure provision and funding be referred to the newly established Armadale Redevelopment Authority for appropriate actions including seeking a moiety contribution to the major cost of the rail crossing relocation to Harber Drive.**

MOVED Cr Green
MOTION CARRIED (7/0)

Cr Cumming left the meeting at 7.32pm and did not return.

***PROPOSED 12 SINGLE BEDROOM DWELLINGS –
LOTS 3 AND 52 FORREST ROAD, ARMADALE***

WARD : WEST ARMADALE

FILE REF : A27747

DATE : 4 February 2002

REF : SG

RESPONSIBLE : PSM
MANAGER

APPLICANT : Paterson Group Architects

LANDOWNER : Department of Housing &
Works

SUBJECT : Lots 3 and 52 Forrest
LAND Road, Armadale
Property size 2142m² (after
amalgamation); Map 22.03

ZONING : Urban
MRS / TPS No.3 Residential R40/ Local
Road Reservation

In Brief:-

- ◆ Application for 12 single bedroom dwellings considered by Council at December 2001 meeting with recommendation for deferral.
- ◆ Further information submitted by applicant addresses concerns raised by Council about the proposal.
- ◆ Proposal is generally consistent with Town Planning Scheme, R-Codes and Policy provisions.
- ◆ No substantial new issues were raised during the public meeting regarding Homeswest development in Armadale.
- Recommendation for conditional approval.

Tabled Items

Elevation plan

Officer Interest Declaration

Nil

Strategic Implications

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

Legislation Implications

Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No.3
Residential Planning Codes

Council Policy / Local Law Implications

Council Policy 4.3.13 for Group Housing Development

Budget / Financial Implications

Nil

Consultation

Development Control Unit
Surrounding landowners

BACKGROUND

Council, at its meeting on 17 December 2001, considered an application for twelve single bedroom dwellings on the corner of Forrest and Abbey Roads in the Armadale City Centre, and resolved as follows (D291/01):

1. *That application for twelve (12) Single Bedroom Dwellings, with a minimum front setback of 3m in lieu of 6m, at Lots 3 and 52 Forrest Road, Armadale, be deferred pending further advice from the proponent as to potential measures to address residential amenity (noise attenuation) and presentation (design and materials) of the development.*
2. *That the applicant submit coloured elevation drawings to more accurately represent the presentation of the development for Council consideration.*
3. *That the Department of Housing be requested to provide advice on its overall planning strategy in relation to group housing development in the City of Armadale.*

COMMENT

Summary of assessment contained in previous report

- ◆ Objections relating to issues of amenity and tenancy type were received from surrounding landowners. Given the medium density residential zoning of the area, the design of the proposed development is not considered to compromise the existing character, streetscape, safety or amenity of the area.
- ◆ The application seeks the 50% density bonus for Single Bedroom Dwellings under the R-Codes.
- ◆ The proposal complies with the City Centre Residential Zone objectives of Town Planning Scheme No.3. Car parking, open space and provision of additional facilities comply with the provisions of the R-Codes. The front setback variation of 3m in lieu of 6m to Abbey Road is considered acceptable, given the variety of uses in the surrounding streetscape.
- ◆ The application satisfies provisions of Council's Grouped Housing Development Policy relating to architectural design and layout, vehicle access, fencing, communal open space and landscape areas. The location of visitor car parking within the front setback is not consistent with the Policy, however it is considered appropriate as it provides easy and accessible parking for visitors and is proposed to be adequately screened by landscaping.

Matters raised by Development Services Committee at its meeting on 10 December 2001

Committee noted that other similar developments in the locality are well presented and well managed, notably Coralie Court and Railway Avenue/Lowanna Way. Reservations were however expressed regarding the proposed reduced street setbacks and the need for noise attenuation measures, given the level of noise generated by traffic on Forrest and Abbey Roads and the rail crossing nearby. Committee also considered that quality materials are appropriate in the prominent site close to the City Centre, that clay tiled roofing should be considered rather than colorbond or concrete tile, and that a colour scheme would be of advantage for further consideration of the proposal.

Response to Committee's concerns

Street setbacks

Abbey Road setbacks

With regard to the Abbey Road frontage, where a front setback of 3m in lieu of 6m is proposed, the R-Codes provide for front setback reductions up to 50%, provided Council has regard to existing setbacks in the immediate locality. Setbacks to existing residences on Abbey Road in the locality vary from approximately 6m to 12m. The house immediately adjoining the subject site to the north (Lot 153) is set back approximately 12m, and a 1.8m high boundary fence is located immediately opposite on the corner of Abbey and Forrest Roads, reducing the visual 'openness' of setbacks in the immediate area.

It should be noted that the site is included in a small pocket of land zoned Residential R40 under Town Planning Scheme No.3, in contrast to the wider surrounding residential land immediately north of the site which is zoned Residential R15 under Town Planning Scheme No.2. The R40 zoning under TPS No.3 provides different prospects for higher density development linked to the City Centre and different streetscape expectations.

The impact of the development on the streetscape, when viewed in the context of the entire Abbey Road frontage, is considered minimal. The visual bulk of the three units which front Abbey Road is reduced as the development does not present a continuous façade to Abbey Road, but rather is broken up by the wide access driveway, landscaping and open carports associated with Units 1 and 2 and to some extent, Unit 3.

The site is also peripheral to, and somewhat separated from, the surrounding residential area with the Buffalo Hall immediately adjoining and the Fire Station located opposite on Forrest Road. These existing developments add to the visual variety of the existing streetscape, and the proposal is considered to add quality and additional residential variety to the area in close proximity to the City Centre.

The proposed 3m front setback is therefore not considered to adversely impact on the existing varied streetscape in the immediate locality and consequently complies with the provisions of the R-Codes in regard to reduced setbacks.

Forrest Road setbacks

A 1.5m setback is proposed to Forrest Road. The R-Codes provide for an “as of right” 1.5m setback to the nominated secondary street which is, in this case, Forrest Road.

Side setbacks

Side setbacks adequately comply with the R-Codes requirements. The impact of the side setbacks on the adjoining residential property which fronts Abbey Road is significantly reduced due to the location of open space areas for units 1, 5, 6, 7 and 8 which provides a wide landscaped buffer of varying widths from 2m to 7m between the existing residential lot and proposed units.

Noise attenuation

The applicant has advised that as a State Housing Authority, Homeswest is charged with the responsibility of building houses in many and varied locations. Many of these are built in similar circumstances with no adverse affects on the amenity of the residents. Homeswest has advised that the design of the development meets all its design criteria and it does not wish to make any further adjustments.

It is acknowledged that the subject site is located in a heavily trafficked area in close proximity to the railway line, with noise levels being relatively high, especially during peak traffic hours. However there are single residences located in similar circumstances on Forrest Road and Abbey Roads and the site is considered, in many cases, more appropriate than many other high density developments occurring close to railway lines in heavily trafficked areas throughout the metropolitan area.

Council has not previously required noise attenuation measures for residential properties fronting major roads in the locality. There is no statutory or Policy provision to provide for noise attenuation, either in the Building Code of Australia, the Noise Regulations 1977, the R-Codes or any Council policy. Although noise attenuation measures may be desirable along major roads and railway lines, it is not considered essential in this location.

Material selections

The applicant has submitted colour elevations and advised that the development will enhance the immediate locality and assist in meeting Council’s long term objectives to upgrade and revitalise the City Centre. Walls are proposed to be of masonry in two colours, with complementary colours used for metalwork and window frames, as depicted on the elevations. The applicant has also advised that given the design and prominent location of the site, a Colorbond roof is most appropriate, utilising the darker grey slate colour.

Both clay tiles and Colorbond are considered quality materials, appropriate for use in the prominent location close to the City Centre. Given the steep pitched design of the roofs, Colorbond is considered an appropriate material due to its lightness of construction and contemporary appearance.

Homewest's strategy in relation to grouped housing development within Armadale

The Director General of Homewest has provided advice in regard to its overall planning strategy in relation to grouped housing development within the City, in accordance with Council's resolution (D291/01) of 17 December 2001. The advice is as follows:

I confirm the commitment of the Department to the primary objectives of the New Living Program which are to renew and revitalise the public housing stock in the area and to both reduce and diversify our presence. The ongoing support and involvement of the City of Armadale has been invaluable and the New Living Program is proving to be a very successful innovation.

Our stated intention to reduce the overall numbers and concentration of public housing remains unchanged and you will be aware that progress has been made in this regard. The Department is committed for example to the upgrading and sale of units in the Coralie Court complex and other similar concentrations of units which are no longer considered appropriate to the requirements of our client base.

New construction is an integral part of this renewal process and is considered to be necessary as the Department of Housing and Works addresses the changing demographics and requirements of customers. There is a substantial demand for accommodation for single people aged under 55 which is addressed in the proposed developments in Sixth Road, Forrest Road and Little John Road. To date the Department has had no suitable housing for this customer group and demand remains for more suitable family accommodation.

The original program identified 223 properties within the City of Armadale, of which 106 have been refurbished and sold, 54 were refurbished and retained for ongoing rental and 63 remain to be dealt with as the program progresses. For the 2002/03 program a further 36 units at Coralie Court are identified for sale and 11 townhouses within the environs of the complex are earmarked for refurbishment.

In Kelmscott, of the 72 properties included in the New Living Program, 43 have been sold, 15 have been refurbished and 14 properties remain under consideration.

Overall the Department budgeted to refurbish 50 properties in 2001/02 of which 27 had been completed successfully as at 1 December 2001.

The developments proposed by the Department are located to take advantage of R40 zonings and will meet the strong demand in the area from local residents seeking affordable housing with access to facilities within the City of Armadale.

I confirm that the proposed developments will satisfy the existing requirements of the Department within the area and it is anticipated that the Department will be able to meet current demand for singles housing in the area without the need for further construction. There remains a need for further family accommodation however the proposals in question essentially meet the demand anticipated at this time.

Public meeting with Homeswest representatives

A meeting on 10 January 2002 was organised by local residents concerned about Homeswest applications in both Abbey/Forrest Roads and Littlejohn Road. Issues raised with Homeswest representatives in relation to the subject application included the following (responses also provided):

- 1. The proposal does not cater for disabled persons and would be better used for disabled or aged persons.**

Response

Four of the proposed twelve dwellings are single storey, however the allocation of units to potential residents would be at the discretion of Homeswest who also provide for the needs of aged and disabled persons in the area. Sufficient land is available within the City Centre for development to cater for aged persons.

- 2. Occupants will compromise the security of surrounding residents.**

Response

The issue of tenancy type is not a planning matter, however Homeswest oversee tens of thousands of residential tenancies in WA and should be able to deal with any tenancy problems should they arise.

- 3. The proposal represents an over-development of the site.**

Response

Medium density development is preferred in close proximity to the City Centre in order that greater numbers of people benefit from close proximity to transport, community and commercial facilities within the area. An objective of the WAPC's Statement of Planning Policy for Metropolitan Centres is to "encourage higher density housing and a mix of housing types in and adjacent to centres". The WAPC's Development Control Policy in relation to land use in areas accessible to major public transport infrastructure also promotes higher residential densities within Strategic Regional Centres.

- 4. The design of the Forrest Road frontage is inappropriate due to reduced setbacks.**

Response

The setbacks comply with the R-Codes.

5. The proposal will increase traffic levels in the area where there are already buses, fire trucks and racing vehicles along Abbey Road.

Response

The proposal for single bedroom dwellings would generate no more, and potentially less traffic than 'as of right' development for grouped dwellings under the R40 density coding which may permit up to 8 grouped dwellings. Using the R-Codes car parking requirements as an indicator of potential vehicles entering and exiting the property, 16 car parking spaces would be required for grouped dwellings and only 14 car parking spaces are required for single bedroom dwellings (15 spaces are provided in the application due to provision of an additional on-site visitor bay). In addition, potential traffic generation is less for the twelve people only who would be residing in the proposed units, as compared to the potential for many more people residing in up to 8 grouped dwellings, which may have three or even four bedrooms.

Further submission received

A submission has been received on behalf of the West Armadale Progress Association expressing the following concerns:

- ◆ The density of the development is too high. The number of units should be reduced to eight.
- ◆ The proposal will increase traffic in the area, especially when the residents have visitors.
- ◆ The setback on Forrest Road should be 3.5m.

Response

The issues of density, increased traffic and setbacks are detailed in the previous section and also in Council's previous report on the matter (D291/01).

- ◆ There is concern regarding the on-going maintenance of the properties.

Response

All communal open space areas are reticulated and maintained by Homeswest. Private garden areas are maintained by the residents.

CONCLUSION

The applicant has submitted information to address the issues raised by Committee relating to residential amenity (noise attenuation), presentation (design and materials) and street setbacks. The concerns expressed by Committee are acknowledged, however the issues are considered to be addressed adequately for the following reasons:

- ◆ There is no statutory or policy provision to provide for noise attenuation measures and the impact of noise from rail and vehicle traffic on the residential amenity is not considered sufficient to warrant special attenuation measures.

- ◆ The elevations and information submitted in regard to colours, materials and presentation of the proposal provide for a quality development in the highly prominent site close to the City Centre.
- ◆ The proposed 3m front setback to Abbey Road is not considered to adversely impact on the existing varied streetscape in the immediate locality and the setback therefore complies with the R-Codes requirements.
- ◆ All other setbacks comply with the provisions of the R-Codes and are considered to take appropriate account of adjoining and surrounding land uses.
- ◆ No substantial new issues relating to the development were raised during the recent public meeting on Homeswest development in Armadale.

In general terms, the application is consistent with TPS No.3, R-Codes and Policy requirements and the proposal is considered an appropriate development for the high profile site in close proximity to the City Centre. It is therefore recommended that the application be approved subject to appropriate conditions.

Officer's report recommends –

That Council resolve to waive Clause 3.3.3 of its Grouped Housing Development Policy in respect to visitor car parking within the front setback and approve the application for twelve (12) Single Bedroom Dwellings, with a minimum front setback of 3m in lieu of 6m, at Lots 3 and 52 Forrest Road, Armadale, subject to conditions including the following principal requirements:

- a) Evidence to be provided to the satisfaction of the Planning Services Manager that amalgamation of Lots 3 and 52 Forrest Road is completed.
- b) A comprehensive landscape plan which is to include the verge between the roadway and the property boundary and the treatment of internal paved areas to the satisfaction of the Manager Parks and Reserves.
- c) Submission of a detailed schedule of materials, textures and colours for the proposed development (including all internal and boundary fencing) to satisfaction of the Planning Services Manager. The development is to be completed in accordance with the approved schedule.

COMMITTEE considered this matter at some length expressing a range of concerns including the following:-

- ◆ *The inadequacy of visitor car parking.*
- ◆ *The minimal setback on Forrest and Abbey Roads.*
- ◆ *The inappropriateness of single bedroom accommodation.*
- ◆ *The architectural design qualities.*
- ◆ *Overall building bulk.*
- ◆ *The density of the development.*

The Executive Director Development Services informed the COMMITTEE that the development proposed conformed with the R40 Residential zone requirements and was designed within the parameters of the Residential Planning Codes.

Council's powers to refuse or modify the proposal should be focused on areas of discretion exercised under the Codes.

COMMITTEE concluded that it was not satisfied that the development in the form proposed was appropriate and exercised its discretion to refuse the development based on declining the 50% density bonus provided under the R-Codes.

D21/02 RECOMMEND

That Council refuse the proposal for twelve (12) Single Bedroom Dwellings on Lots 3 and 52 Forrest Road, Armadale on grounds that the 50% density bonus for single bed dwellings under the R-Codes is unacceptable because:-

- ♦ **The site is exposed to high traffic volumes and traffic noise which impact on the amenity of the site.**
- ♦ **The overall number of units and disposition on the site will be sensitive to traffic noise and impact negatively on the Forrest Road and Abbey Road streetscape.**
- ♦ **The proposal represents an overdevelopment of the site incompatible with the character of the immediate locality.**

Council resolved at its Ordinary Meeting on 18th February 2002 that Recommendation D21/02 be amended by the addition of (2) dot points, as follows:

- ♦ *Front setback - reduction of 3 metres in lieu of 6 metres is inconsistent with the existing setback of adjoining and surrounding residences;*
- ♦ *The location of the visitor car parking spaces within the front setback does not comply with Clause 3.3.3 of Council's Grouped Housing Development Policy.*

MOVED Cr Knezevich
MOTION CARRIED (7/0)

Cr Munn left the meeting at 8.00pm.

*Meeting adjourned at 8.09pm.
Meeting reconvened at 8:16pm*

“Cr Stubbs, Cr Everts and Cr Munn were not present when the meeting reconvened”.

LOCALITY NAMING

WARD : ALL
FILE REF : NAM/6
DATE : 6 February 2002
REF : CCB
RESPONSIBLE : PSM
MANAGER

In Brief:-

- ◆ Council has supported the creation of new “Champion Lakes” locality and is considering new localities in Armadale and Wungong.
- ◆ Committee consider matters arising from discussion with GNC on proposed new localities and 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

Nil.

Consultation

- ◆ Geographic Names Committee (GNC)
- ◆ City of Gosnells
- ◆ Armadale-Kelmscott Historical Society
- ◆ Advertising to local residents (by mail and in local newspaper)

BACKGROUND

At its meeting of 21 May 2001 Council resolved (D123/01) to seek approval from the GNC to name a new locality in Westfield and Armadale to “Champion Lakes”. The GNC requested Council on 26 June 2001 to provide an appropriate historical name for the new suburb, not to include the developed area of Westfield to the north-east of Wright Lake and considers including more of the Armadale locality to maintain its size. On 20 August 2001 Council resolved (D206/01) to request the GNC to reconsider its position given the Community’s and Council’s strong support for the proposal.

At its meeting of 16 July 2001 Council resolved (D157/01) to adopt a “Suggested new Boundaries and Names Map No.5” illustrating possible new localities within the present Armadale and Wungong locality boundaries.

The GNC has advised that it has not made a decision on Council’s Champion Lakes request but seeks an opportunity to discuss with the Development Services Committee that issue and other locality renaming issues currently being considered by Council.

At its meeting of 21 January 2002 Council resolved (D10/02) to extend an invitation to members of the Geographic Names Committee to meet with the Development Services Committee at its next ordinary meeting.

DETAILS OF LOCALITY NAMING PROPOSALS (SEE ATTACHED PLANS)

Westfield & Armadale Localities - “Champion Lakes

(Area bounded by Lake Road, Ranford Road, Seaforth Avenue and Tonkin Highway. Land size 581.87ha (including portion of City of Gosnells). Currently portions of Westfield and Armadale Localities. Supported by the City of Gosnells.

(Council will also be seeking the proposed amendment of the Local Government boundary with the City of Gosnells between Ranford Road and Seaforth Avenue by moving the boundary northwards to the centreline of the Tonkin Highway.)

Amalgamating a portion of Armadale with Mt. Nasura Locality

This proposal involves the extension of the Mt. Nasura locality to the railway line and affects the current Armadale locality between the railway line and the Albany Highway, north of Armadale Road.

New Locality boundaries and names

- ◆ “Seville” - Area bounded by Lake Road, Champion Drive, Braemore Street and Armadale Road (449ha). Currently Armadale Locality.
- ◆ “Neerigen” - Area bounded by Braemore Street, Railway Avenue, Forrest Road and Eighth Road (533ha). Currently Armadale Locality.

- ◆ “Armadales” - Area bounded by Forrest Road, Armadale Road, South Western Highway and Tijuana Road (294ha). Currently Armadale Locality.
- ◆ “Mt. Richon” - Area bounded by South Western Highway, Albany Highway and remainder of western boundary of Bedforddale Locality (402ha). Currently Armadale and Wungong Localities.

DEPUTATION (5.25pm) - Refer to deputation notes on page 2.

D22/02 RECOMMEND

That Council note the discussions held with representatives of the Geographic Names Committee particularly the advice that:-

- ◆ **The Champion Lakes locality proposal is to be progressed directly.**
- ◆ **The proposed division of the Armadale locality to establish Seville, Neerigen and extended Mt Nasura are generally acceptable and in accordance with GNC criteria.**
- ◆ **The GNC Secretary will be writing to the City summing up overall advice in relation to Council’s currently proposed locality changes.**

MOVED Cr Green
MOTION CARRIED (7/0)

Cr Stubbs, Cr Everts and Cr Munn returned to the meeting at 8.17pm.

FRONT SETBACK VARIATION - LOT 378 INVERNESS CIRCLE, WESTFIELD

WARD : WESTFIELD
FILE REF : A198122
DATE : 2 February 2002
REF : SH
RESPONSIBLE : BSM
MANAGER
APPLICANT : S Cuff & T Molyneux
LAND OWNER : S Cuff & T Molyneux
SUBJECT LAND : Property size 781m²
Map 22.08
ZONING : Urban / Residential "R15"
MRS/TPS No.2

In Brief:-

- ◆ Proposal to construct an ancillary accommodation unit with a nil boundary side set back and a reduced front boundary setback of 1.5m.
- ◆ Recommendation for approval on the grounds of the unlikely adverse impact on the streetscape and neighbouring properties.

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

Metropolitan Region Scheme
Town Planning Scheme No.2
Residential Planning Codes

Council Policy / Local Law Implications

Granny Flats – Control of Additional Accommodation Units

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ The proposal was advertised to five (5) neighbouring property owners for comment.

BACKGROUND

Under the Residential Planning Codes, the minimum setback from the primary street alignment may be reduced by up to 50%. Notwithstanding the minimum setbacks specified in the Codes, Council may, in a particular case, allow a lesser setback, provided that in doing so Council shall have regard to the objectives set out in the Codes and the effect such variation on the amenity of any adjoining lot, the existing and potential future use and development of any adjoining lots, and existing setbacks from the street alignment in the immediate locality.

As the proposed ancillary accommodation unit, which is under the main roof of the existing dwelling, is located forward of the existing building line [ie a 1.5m reduced front boundary setback] the application has been referred to Council for determination.

DETAILS OF PROPOSAL

The applicant proposes to construct a brick and tile ancillary accommodation unit under the main roof of the existing single storey brick and tile dwelling with a nil boundary right hand side setback and a reduced front boundary setback of 1.5m.

COMMENT

Consultation was undertaken with adjacent landowners who may be affected by the building and the reduced front setback variation, however no objections were received.

DCU considered this proposal at its meeting on 31 January 2002. Given that the proposed ancillary accommodation unit complies with the current policy and is compatible with the existing dwelling, the front setback variation was supported.

Analysis

Officers have visited the site and confirmed the following:

- ◆ The property is located along the bend of the semi – circular road, which abuts the John Wollaston Community School's oval.
- ◆ The site is relatively level with the existing dwelling being approximately 0.5m above the natural ground level, as will the proposed ancillary accommodation unit, which will be under the main roof.
- ◆ The existing dwelling is a single storey cream, tumble brick and light green tiled roof. The proposed ancillary accommodation unit is to match the existing residence in materials, colours and architectural design.
- ◆ There is an existing 1.8m high, light green coloured, corrugated fence partially along the front right boundary, which is to be retained along with the mature vegetation, both of which will provide screening of the proposed development.

The primary concern with this application was whether the development would have an adverse affect on the amenity of the adjoining lots and streetscape given the proposed front setback variation.

The triangular configuration of the lot combined with the utilisation of the rear yard for entertainment with a swimming pool and pergola area, restricts access to the property and any intended development hence the proposal to locate the ancillary accommodation unit in the front right hand corner of the site.

Discussions with the building designer, prior to reporting to Council, were in relation to the setback variation complimenting the existing dwelling, the full utilisation of the triangular shaped block and selection of matching materials and colours to create a well - balanced development. The final concept appears to have achieved these objectives.

Options

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

Option 1 - Approve the application as submitted.

Option 2 - Request that the applicant submits an amended proposal, which details the location of the ancillary accommodation unit at a minimum setback of 3.0m from the front boundary, with a redesigned unit layout as a consequence of the increased setback.

CONCLUSION

Officers concur with the positive views expressed by the adjacent neighbours and consider that it is unlikely that this proposal would have an adverse impact on the surrounding neighbours and streetscape and is therefore recommended for approval.

D23/02

RECOMMEND

That the application to construct an ancillary accommodation unit with a reduced front setback of 1.5m on Lot 378 (No.58) Inverness Circle, Westfield be approved on the grounds of the unlikely adverse impact on the streetscape and neighbouring properties.

MOVED Cr Zelones
MOTION CARRIED (7/0)

PROPOSED GARAGE - LOT 32 [NO.34] JOBSON LOOP, BROOKDALE

WARD : FORREST
FILE REF : A219124
DATE : 4 February 2002
REF : SLH
RESPONSIBLE : BSM
MANAGER
APPLICANT : N Earle
LAND OWNER : N Earle
SUBJECT : Property size 460m²
LAND : Map 22.01
ZONING : Urban
MRS/TPS No.2 : Residential "R15"

In Brief:-

- ◆ Proposal to construct a 45.5m² metal – framed garage/carport with ‘Colorbond’ smooth cream finish cladding and ‘Zincalume’ roof sheeting.
- ◆ Located in the rear left-hand corner of the property 1.0m from the respective boundaries.
- ◆ Recommendation for approval on the grounds of the unlikely adverse impact on the streetscape and neighbouring properties.

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

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

The proposal was advertised to five [5] neighbouring property owners for comment.

BACKGROUND

Under the City's 'Outbuildings' Policy' the maximum aggregate floor area allowable is 34.5m² for this lot being 460m². As the proposed maximum aggregate floor area exceeds this requirement [ie the proposed garage is 30m² and the attached carport is 15.5m²], the application requires Council's determination.

DETAILS OF PROPOSAL

The new garage / carport is proposed to house the owner's vehicles, tools and garden implements. Discussions with the shed supplier, prior to reporting to Council, confirmed that the garage was to be used for domestic purposes only.

COMMENT

Consultation was undertaken with the adjacent landowners who may be affected by the outbuilding. Four [4] responses were received, all of which were 'no objections'.

Analysis

Officers have visited the site and considered that the proposal is unlikely to have an adverse impact on the adjacent neighbours or streetscape given the proposed location, which is in the rear left hand corner of the subject lot screened from view by the main dwelling.

Options

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

Option 1 - Approve the application as submitted.

Option 2 - Request that the applicant submits amended plans of the garage / carport with a reduced floor area of 34.5m² to comply with Council's Outbuildings' Policy, however the structure would then be unsuitable for the purpose intended.

CONCLUSION

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

D24/02 RECOMMEND

That the application to construct a 45.5m² metal-framed with 'Colorbond' finish cladding and 'Zincalume' finish roof garage / carport on Lot 32[No.34] Jobson Loop, Brookdale be approved.

MOVED Cr Zelones
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Nil.

***BROOKDALE LIQUID WASTE TREATMENT FACILITY –
DRAFT ENVIRONMENTAL CONDITIONS***

WARD : FORREST
FILE REF : A61266
DATE : 30 January 2002
REF : PM
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- The EPA has sought Council's comment on its proposed conditions for the proposed Change to Plant Processes and Waste Acceptance Criteria at the Brookdale Liquid Waste Treatment Facility.
- Time constraints did not permit referral of this matter to Council prior to responding.
- Recommendation that the response forwarded be endorsed.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Potential for impact upon land use planning and development as well as social amenity in the locality of the Facility..

Legislation Implications

Comment upon the proposed conditions concludes the Consultative Environmental Review conducted under the provisions of Section 38 of the *Environmental Protection Act 1986*.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

Original comments on proposed conditions resulted from consultation between all Directorates.

BACKGROUND

At its meeting of 17th September 2001, Council formally determined its response to the Consultative Environmental Review (CER) into the proposed change of status of the Brookdale Liquid Waste Treatment Facility, as well as endorsing a supplementary report dealing with matters outside the CER's ambit. The CER response was forwarded to the Environmental Protection Authority on 19th September, and appropriate Ministers and Members of Parliament have since been made aware of Council's position.

On 21st January 2002, Council reiterated and affirmed its longstanding objection to the treatment of hazardous wastes at the Facility and was appraised of the formal recommendations of the Environmental Protection Authority (EPA) on the proposal as well as the Ministerial statement with respect to the cessation of receipt of hazardous wastes in the medium term future.

On 15th January, correspondence was received from the EPA inviting comment within 14 days on its set of draft conditions for the proposal. It should be noted that the EPA's recommendation, upon which the Minister for the Environment has yet to issue any formal determination, differ from the joint statement issued by the Ministers for the Environment and Planning as indicated in the following table.

TREATMENT / STORAGE OF MATERIALS TO BE PHASED OUT		
Material	Date of Cessation of Receipt	
	Ministers' Statement	EPA's Recommendation
Perchloroethylene (PERC)	23.12.01	By 28.02.02
Polychlorinated biphenyls (PCBs)	31.01.02	By 28.02.02
Chlorinated pesticides	None stated – " <i>As soon as other options become available</i> ".	30.6.02
Acids & bases, free cyanide and hexavalent chromium	None stated – " <i>As soon as other options become available</i> ".	30.6.02
Remainder of hazardous waste	None stated, although acknowledges finalisation of an alternative site would take around 2 years.	As soon as practicable, but no later than 31.12.03.

This is important because the EPA's proposed conditions for the proposal appear predicated upon the assumption of a longer phasing out period than that indicated by the two Ministers.

Comments made within the City's Submission on the CER do not seem to have been taken into account in formulating this latest draft. In instances relating to timing the issues do not appear to have been thought through at all, and this has resulted in some very significant incongruities. One example is that the proponent is allowed 60 days to undertake the simple task of notifying a change of contact details, while the Forrestdale Plant Liaison Committee is provided with only 14 days to comment upon matters as potentially complex as Air and Water Management Plans. As was previously pointed out, it is not reasonable to expect a community group to present informed comment within that time.

Because of the short time frame for comment, it was not possible to refer this matter to Council prior to replying and the Health Services Manager has therefore responded administratively on Council's behalf. A copy of the EPA's correspondence and proposed conditions as well as the response forwarded is *at Attachment "A1" of the Agenda*. Council's endorsement is sought.

COMMENT

Analysis

Because Council's comments made within its CER Submission are not reflected within the draft submission, the response does little more than reiterate them.

Options

Council may either endorse the action taken or decline to do so, although the latter option would represent a change of position from that taken at the time of formulating its CER Submission last September.

CONCLUSION

In view of the fact that the action taken has effectively done little more than reiterate a position previously agreed by Council it is considered that the submission in response to the CER draft conditions should be endorsed.

Cr Hodges tabled Minutes of the Brookdale Waste Management Stakeholder Reference Committee and Inspection Report regarding BLWTF for information of Committee.

D25/02

RECOMMEND

That the comments upon the draft conditions for the proposed Change to Plant Processes and Waste Acceptance Criteria at the Brookdale Liquid Waste Treatment Facility forwarded to the Environmental Protection Authority on 18th January and forming part of Attachment "A1" of the Minutes be endorsed as Council's formal response.

MOVED Cr Hodges
MOTION CARRIED (7/0)

Cr Munn left the meeting at 8.26pm and did not return.

COUNCILLORS' ITEMS

Nil.

***PROPOSED REZONING AND SUBDIVISION GUIDE PLAN –
PART LOT 29 TAYLOR ROAD, FORRESTDAL***

WARD : FORREST

FILE REF : A231023

DATE : 1 February 2002

REF : JRH

RESPONSIBLE : PSM
MANAGER

APPLICANT : Dykstra & Associates

LAND OWNER : M. Van Holt

SUBJECT LAND : Pt Lot 29 Taylor Rd, Forrestdale
Property size 21.9033 ha
Map 16.01

ZONING : Rural
MRS/TPS No.2 Rural – Groundwater Protection,
General Rural

In Brief:-

- ◆ Applicant proposes the rezoning of the subject lot from ‘General Rural’ to ‘Special Use – Rural Residential’ with an associated Subdivision Guide Plan (SGP) to facilitate the subdivision of 8 lots with a minimum lot size of 2 ha.
- ◆ Proposal is consistent with the developing Rural Residential subdivision pattern of Forrestdale, and responds to the environmental constraints of the lots.
- ◆ Recommend that the proposed Scheme Amendment and SGP be initiated, subject to minor modifications to the SGP.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

City of Armadale Draft Rural Strategy 1999

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Council's Environmental Officer

BACKGROUND

Since 1996, several Scheme Amendments have been initiated and adopted by Council, to facilitate the creation of two hectare lots within the Forrestdale locality. These include Amendment No.143 over Pt Lot 449 Taylor Road and Lot 501 Oxley Road, the Rural - Groundwater Protection Zone in close proximity to Council's municipal boundary with the City of Cockburn, and Amendment No.170 over Lots 420 & 450 Taylor Road. The subdivision Guide Plan associated with Amendment No.143 also includes six lots within the Rural – Groundwater Protection zone to the south of Oxley Road.

Council is now requested to consider a Scheme Amendment and Subdivision Guide Plan for Part Lot 29 Taylor Road, Forrestdale, to permit further subdivision of the lot.

DETAILS OF PROPOSAL

The applicant proposes a Scheme Amendment to rezone part of the subject lot from 'General Rural' to 'Special Use – Rural Residential', permitting further subdivision of the lot whilst incorporating land use controls to provide for the environmental repair and management of the site. A Subdivision Guide Plan (SGP) associated with the rezoning proposes the subdivision of 8 lots varying in area from 2.27ha to 3.22ha.

COMMENT

Analysis

City of Armadale Draft Rural Strategy 1999

The subject lot falls within the Forrestdale Precinct of the Draft Rural Strategy. All land within this precinct is classified as "Unsuitable" for rural residential development.

Notwithstanding the above, Section 5 of Council's Draft Rural Strategy recognizes the potential for rural residential development of Unsuitable land where "substantial environmental management and improvement is achieved." Environmental management and improvement is defined as:

- ◆ Rehabilitation to improve the condition of degraded land, wetland and rivers;
- ◆ Introduction of enhanced catchment management including nutrient management measures;
- ◆ Enhancement and management of land to provide habitat for flora and fauna, and;
- ◆ Protection, rehabilitation and management of wetlands or remnant vegetation.

Incorporation of the Environmental Repair and Management Commitments within the proposed Amendment, as detailed within Amendment Nos. 143 and 170, would satisfy the requirements of the Draft Rural Strategy.

These commitments will ensure that the subdivision and development of the site results in demonstrable environmental benefits such as a reduction in nutrient inputs, wetland protection, and substantial revegetation.

Land Capability Assessment

A Land Capability and Geotechnical Assessment (LCGA) for the subject lot has been conducted, which has identified that the site is suitable for the creation of lots with a minimum area of two hectares. Suitable locations exist within the application area for the establishment of development envelopes which are capable of on site effluent disposal, subject to minor modification to the proposed Subdivision Guide Plan.

The site has previously been subject to extensive clearing, with two areas of remnant Banksia Woodland occurring on the site in the south western corner and in the north east. The south western portion is very degraded with several dead trees, whilst the vegetation in the north east is in better condition and is worthy of protection. The positioning of development envelopes within the SGP will maximise the protection of existing trees, and the incorporation of revegetation works as a Scheme provision within the Special Use zoning for the site would improve vegetation quality within the application area.

A conservation category wetland exists directly east of the subject lot, and a perched water table occurs temporarily on site in the west and north west. This water drains east along a constructed drain through the centre of Lot 29. The proposed Subdivision Guide Plan will require minor revision in response to these constraints.

Subdivision Guide Plan

The Subdivision Guide Plan (SGP) submitted by the applicant demonstrates the subdivision of the lot into 8 lots. Three lots are proposed along the Taylor Road frontage, consisting of a 3.22ha lot accommodating the existing residence on the site and two lots of 2.27ha. Five lots with an area of 2.95ha are proposed along Oxley Road, which is presently unconstructed but will be developed along the frontage of Lot 29 as part of the subdivision works for the application area.

The subject lot is located more than 400 metres from the poultry farm on Lot 434 Taylor Road, Forrestdale. Consequently, the proposed lots are not affected by the 300 metre poultry farm buffer, as specified within the Statement of Planning Policy No.5 – Poultry Farms Policy.

The SGP will require revisions to be completed prior to advertising of the proposal. The proposed SGP incorporates development envelopes which are largely located within a portion of the site with a separation of less than 500mm between the highest known groundwater level and the ground level. The proposed development envelope for the 2.95ha lot on the eastern boundary of Pt Lot 29 is to be relocated to a site which complies with the Government Sewerage Policy, maintains a minimum 50 metre setback from the Conservation Category wetland to the east of Pt Lot 29, and minimises the extent of clearing of existing vegetation.

The proposed development envelope for the centre lot fronting Taylor Road is also not acceptable. To facilitate compliance with the Government Sewerage Policy it is recommended that the boundary between the two 2.27ha lots fronting Taylor Road be realigned to a north-south orientation. The development envelope would be repositioned near the Taylor Road/Oxley Road intersection, where adequate groundwater separation can be achieved.

The submission on the proposed Scheme Amendment and SGP refers to the existence of perched water within Lot 29 Taylor Road, however this is not identified on the SGP. The SGP will require modification to incorporate this information.

Special Use Zoning Provisions

The Special Use Zone Requirements are intended to ensure that the Environmental Repair & Management Commitments provided by the applicant are met, and that the use of the land accords with its environmental qualities. These provisions are generally identical to those within the other Special Use zones proposed for Forrestdale through Amendment Nos. 143 and 170.

Amendment No.170 incorporates provisions which allow for the stabling and keeping of horses, and was finally adopted by Council in May 2001. During the advertising period of Amendment No.143, concern was identified by Agriculture Western Australia (AgWA) with respect to the suitability of the site for the keeping of horses, and it was recommended that horses be excluded from the application area. This was due to the environmental sensitivity of the application area of Amendment No.143, positioned immediately south of Pt Lot 29 with similar environmental constraints. This matter is currently with the Department of Environmental Protection for determination, through the finalisation of the formal Environmental Review associated with the Amendment.

Consequently, the stabling and keeping of horses has been incorporated within the subject application as an 'AA' use at this stage. This matter will be subject to determination by Council in considering final adoption to the proposal, following the outcome of Amendment No.143 and advice on the matter from the Department of Environmental Protection and AgWA.

Options

In relation to the subject application, Council has two options:

1. Resolve to initiate the proposed rezoning for advertising purposes, subject to modifications to the Subdivision Guide Plan to ensure compliance with the Government Sewerage Policy;
2. Resolve not to initiate the proposed rezoning, due to the environmental conditions on site.

Given the above information, option 1 is considered most appropriate.

CONCLUSION

The proposed rezoning represents the expansion of Special Use – Rural Residential development, over land which has significant environmental constraints, in a manner which provides a framework and controls for the environmental rehabilitation and enhancement of the site. Whilst there are still some items relating to the Subdivision Guide Plan which will require further attention, it is considered that Council may initiate the Amendment for advertising purposes, with these items to be addressed prior to the commencement of the advertising period.

D26/02 RECOMMEND

1. That Council initiate a Scheme Amendment to Town Planning Scheme No.2 pursuant to Section 7 of the Town Planning and Development Act (1928) by:
 - a) rezoning Part Lot 29 Taylor Road, Forrestdale 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
<p><u>Rural /Residential</u></p> <p>Permitted (P) uses:</p> <ul style="list-style-type: none"> ◆ Single House (one per lot only) ◆ Public Utility <p>Uses that may only be permitted at the discretion of the Council (AA):</p> <ul style="list-style-type: none"> ◆ Home Occupation ◆ Stabling and keeping of horses <p>All other uses mentioned in the Scheme are not permitted.</p>	<ol style="list-style-type: none"> 1. Subdivision and development shall generally be in accordance with the Subdivision Guide Plan prepared in accordance with Clause 5.2.1 of the Scheme, and shall generally observe the following subdivision standards:- <ul style="list-style-type: none"> ◆ Overall maximum number of lots being in accordance with the approved Subdivision Guide Plan. ◆ Minimum lot size of 2.0ha. 2. Clause 5.9.8 and Sub-Clause 5.2.2 a) of the Scheme applies to all lots within the Zone. All effluent disposal systems are to be located within approved development envelopes. 3. No effluent disposal system shall be permitted within: <ul style="list-style-type: none"> ◆ 50 metres of a Conservation category wetland identified on the Subdivision Guide Plan; or ◆ 100 metres of any Water Corporation production bore, unless otherwise approved by the Water Corporation. 4. All lots are to have suitable effluent disposal envelopes nominated. Such envelopes are to be nominated at the subdivision stage, based upon 	<p>Part Lot 29 Taylor Road, Forrestdale</p>

PRESCRIBED SPECIAL USE	REQUIREMENTS	PARTICULARS OF LAND
	<p>a Geotechnical report which demonstrates that each envelope can achieve the minimum site requirements for unsewered subdivision as specified in Appendix 1 of the Government Sewerage Policy – Perth Metropolitan Region.</p> <p>5. All dwellings to be provided with Alternative Treatment Units (ATU's) to the satisfaction of the Council in consultation with the Health Department of Western Australia.</p> <p>6. No trees or other remnant vegetation or native flora shall be removed from the portion of any lot outside of the approved development envelope without the prior written consent of Council, except where:</p> <ul style="list-style-type: none"> ◆ The trees or vegetation are dead, diseased or dangerous; or ◆ The removal is necessary for the establishment of a required firebreak or approved fence or accessway. <p>7. Prior to the commencement of works, the following Environmental Management Plans in accordance with the specifications set out in Schedule 1, Part Three are to be prepared by the subdivider to the satisfaction of Council;</p> <ul style="list-style-type: none"> ◆ Rehabilitation and Landscape Plan; ◆ Fire Management Plan; and ◆ Drainage and Nutrient Management Plan <p>8. No dwelling or outbuilding shall be constructed within 15 metres of any lot boundary.</p> <p>9. The stabling and keeping of horses requires the consent of Council, and no other livestock are to be kept within the zone. An application for stabling and keeping of horses will be determined in conjunction with relevant government departments, and on any lot may be refused if environmentally unacceptable, or be limited to a certain carrying capacity. Stock shall be excluded from the adjoining Conservation category wetland with stock-proof fencing.</p> <p>10. All boundary and other fencing shall be of open post and wire construction and shall be installed and maintained to the satisfaction of Council. Side and rear boundary fencing is prohibited where those boundaries fall within a Conservation category wetland identified on the Subdivision Guide Plan.</p>	

PRESCRIBED SPECIAL USE	REQUIREMENTS	PARTICULARS OF LAND
	<p>11. The subdivider(s) shall make arrangements satisfactory to Council to ensure that prospective purchasers of the lots are advised of those provisions in the City of Armadale Town Planning Scheme No.2 which relate to the land use and management of the land within the zone.</p> <p>12. Groundwater abstraction by prospective lot owners will be permitted only within the limits set by the Water and Rivers Commission. Each lot owner will sign an acknowledgement of groundwater abstraction limits and no land uses requiring high groundwater usage will be allowed.</p>	

- ♦ in appropriate numerical order within Schedule Two of Council's Town Planning Scheme No.2, the following Environmental Conditions:

Environmental Management plans shall be prepared in accordance with the following specifications:

Rehabilitation and Landscape Plan

- a) A Rehabilitation and Landscape Plan will be prepared in consultation with the Water and Rivers Commission.
- b) The Rehabilitation and Landscape Plan will include but is not limited to:
 - i) Rehabilitation of the 50m buffer areas for the Conservation category wetlands;
 - ii) The appropriate buffers for the Resource Enhancement category wetlands and rehabilitation of these buffers;
 - iii) Revegetation strategies to apply to other parts of the subdivision area;
 - iv) Maintenance of the rehabilitated areas; and
 - v) Allocation of responsibilities and timing for implementation of the Plan.

Fire Management Plan

The Fire Management Plan will include but is not limited to:

- i) Strategies to limit the spread of fire and protect residents and areas of significant vegetation, including the location and dimensions of firebreaks;
- ii) Mechanisms to avoid or minimize the affects of firebreak installation on remnant vegetation, including siting of firebreaks in areas without significant vegetation and using of methods of installing firebreaks, such as slashing, which reduces the requirement for clearing;
- iii) Maintenance to be undertaken to ensure the continued effectiveness of fire breaks or other management measures; and
- iv) Allocation of responsibilities and timing for implementation of the Plan.

Drainage and Nutrient Management Plan

- a) A drainage and Nutrient Management Plan is to ensure the maintenance of water levels and quality in Conservation Category wetlands and the maintenance or enhancement of surface water quality discharging from the site.
- b) The Drainage and Nutrient Management Plan will be with the concurrence of the Department of Environmental Protection and the Water and Rivers Commission and will include but is not limited to:
 - i) Management actions and objectives consistent with the Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992, Statement of Planning Policy No.2 (1992) and best management practices;
 - ii) Mechanisms to protect the water quality and water levels in onsite and adjacent Conservation Category wetlands;
 - iii) A monitoring program, including definition of performance criteria, to demonstrate that management objective are being achieved;
 - iv) Contingency measures to be implemented in the event that performance criteria are not being met; and

v) Allocation of responsibilities and timing for implementation of the Plan.

- 2. That Council further resolves:**
 - a) that the Scheme Amendment is consistent with those purposes for which Schemes may be made in accordance with the First Schedule of the Town Planning and Development Act (1928) and therefore will proceed directly to advertising;**
 - b) to advertise the proposal in accordance with the Town Planning Regulations 1967 (as amended) including referral to the Environmental Protection Authority for environmental assessment; and**
 - c) to forward a copy of the amendment to the Western Australian Planning Commission for information.**
- 3. That the Mayor and Chief Executive Officer be authorised to execute Amendment documents.**
- 4. That Council's final determination of the suitability of the site for the stabling and keeping of horses be subject to further advice on the matter from the Department of Environmental Protection and Agriculture Western Australia, prior to Council's final adoption of the Amendment.**
- 5. That Council receive the Subdivision Guide Plan/Structure Plan with a view to advertise the Subdivision Guide Plan/Structure Plan simultaneously with the Scheme Amendment by:-**
 - a) notifying by mail all affected landowners in the area;**
 - b) an advertisement being placed in the local newspapers circulated in the district; and**
 - c) sign(s) to be erected on the lot to advise surrounding landowners of the proposed changes.**
- 6. That the applicant to be advised of the need to incorporate the following revisions to the Subdivision Guide Plan, prior to advertising of the proposal:**
 - a) The proposed development envelope for the 2.95ha lot on the eastern boundary of Pt Lot 29 is to be relocated to a site which complies with the Government Sewerage Policy, maintains a minimum 50 metre setback from the Conservation Category wetland to the east of Lot 29, and minimises the extent of clearing of existing vegetation;**

- b) The boundary between the two 2.27ha lots fronting Taylor Road is to be realigned to a north-south orientation, and the development envelope is to be repositioned near the Taylor Road/Oxley Road intersection, where adequate groundwater separation can be achieved;**
 - c) The extent of the perched water table within Part Lot 29 is to be identified on the Subdivision Guide Plan.**
- 7. That the Western Australian Planning Commission be advised of Council's proposed course of action in relation to the Subdivision Guide Plan/Structure Plan.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

***PROPOSED (8) EIGHT UNIT GROUPED HOUSING DEVELOPMENT –
LOT 7 (No.3081) ALBANY HIGHWAY, ARMADALE***

WARD : ARMADALE
FILE REF : A238798
DATE : 7 February 2002
REF : GIW
RESPONSIBLE : PSM
MANAGER
APPLICANT : Dykstra & Associates
LAND OWNER : Heritage Pioneer
Developments Pty Ltd
SUBJECT LAND : Lot 7 (No.308) Albany Hwy,
Armadale
Property size 2028m²
Map 22.05
ZONING : Urban / Residential R12.5
MRS/TPS No.2

In Brief:-

- ◆ Proposal involves development of six (6) additional grouped dwellings and retention of two (2) existing dwellings on the subject site.
- ◆ Density increase from R12.5 to R40 is proposed.
- ◆ Recommend approval subject to a reduction of the proposed density to R30.

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 & Development Act (as amended)
Town Planning Scheme No.2

Council Policy / Local Law Implications

Grouped Housing Policy 4.3.13

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit (DCU)
- ◆ Surrounding landowners

BACKGROUND

The subject site accommodates two (2) existing duplex units fronting Albany Highway. The application proposes to retain the existing units and develop the rear portion of the site to accommodate six (6) additional units.

As “Grouped Dwellings” are a discretionary use (“AA Use) under Town Planning Scheme No.2 and the application is not supported as submitted, it is referred to Council for determination.

DETAILS OF PROPOSAL

Details pertaining to the application include the following:

- ◆ Retain and upgrade two (2) existing units fronting Albany Highway;
- ◆ Develop the rear portion of the site to accommodate (6) additional two-bedroom units;
- ◆ Vehicular access to proposed units will be via Serles Street over adjoining Lot 5;
- ◆ Rights of carriageway to be negotiated over Lot 5 for vehicular access;
- ◆ A density increase from R12.5 to R40 is proposed;
- ◆ A relaxation of communal open space is requested as the narrow lot configuration prevents integration of useable open space areas.

The applicant has provided the following justification for the proposal:

- ◆ Town Planning Scheme No.2 makes provision for Council to approve grouped dwellings up to R40 at its discretion;
- ◆ The subject site is strategically located within close proximity to the Armadale Health Campus and public transport routes along Albany Highway;
- ◆ There is a strong demand for conveniently located units for staff of the Armadale Health Campus;
- ◆ The proposed layout and design of units provides surveillance of the adjoining pedestrian accessway;
- ◆ A Right of Carriageway is to be negotiated over Lot 5 for vehicular access;
- ◆ Development to be connected to reticulated sewerage system and existing septic tanks to be decommissioned.

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 7 February 2002 recommended approval of the application subject to a reduced density not exceeding R30 and the development being connected to the reticulated water and sewerage system.

Referral to Neighbours

During the 14-day advertising period (25) surrounding landowners were consulted and no submissions were received.

Analysis

Town Planning Scheme No.2

Grouped Dwelling development is a discretionary use under Town Planning Scheme No.2. The Residential Zoning table of TPS No.2 stipulates that 'Council may approve grouped dwelling development not exceeding a maximum of R40, where it is satisfied that the amenity of the locality will not be prejudicially affected'.

The prevailing residential density code of the subject site is R12.5 under TPS No.2, however the applicant is requesting a density increase to R40 under the abovementioned provision of TPS No.2.

Residential Planning Codes

The development complies with setback, private open space and private car parking requirements in accordance with the R40 density provisions of the R Codes.

A minimum of two (2) visitor car parking bays are also required to be allocated on site in accordance with Clause 3.2.2 of the R Codes. No visitor bays have been provided for the proposed development. In this regard, it is recommended that a revised plan be submitted by the applicant to demonstrate compliance with the R Code visitor car parking requirement.

Grouped Housing Policy (GHP)

Communal Open Space

Developments comprising eight or more units require a communal open space provision calculated at 12.5m² per unit. The subject site requires a minimum 100m² of communal open space. No communal open space has been provided on site.

Building Design and Layout

The proposed dwellings are sited with frontages to the adjoining Pedestrian Accessway (PAW). A picket-styled fence will be erected along the northern boundary to create an open-styled streetscape along the PAW, whilst allowing for passive surveillance of the pedestrian accessway from the proposed development.

The steeply pitched roof design of each unit combined with varied roof pitches for the double carports provide a level of interest to the streetscape, whilst minimising the building bulk and scale of the development. A detailed schedule of colours and textures will be required in order to ensure a high standard of non-reflective finish is obtained for the proposed development.

The southern boundary is to be fenced with colourbond inserts between the 2.8m high parapet walls of the storage rooms.

No details have been provided with respect to the type or style of fencing to be erected along the front property boundary. It is recommended that a high quality fence (brick/masonry with tubular/picket inserts) be erected to provide privacy to the adjoining courtyard of unit 1 and to maintain a semi open-styled streetscape to Serles Street.

Retention of Existing Dwellings

The two existing brick and tile dwellings fronting Albany Highway will be upgraded with a rendered finish and repainted roof. The dwellings are suitably segregated from the proposed units via a “super-six”/ fibro cement fence and both have separate vehicular access and frontage to Albany Highway. In this regard, it is not considered necessary to attempt to match the existing units with the proposed units in terms of architectural design, materials or colour scheme.

Site and Location

The site is situated within close proximity to public transport routes (bus stops) along Albany Highway, the Armadale Health Campus and Kingsley Primary School. The Right of Way abutting the proposed development provides for direct pedestrian access from Serles Street through to Albany Highway and the Armadale Health Campus.

Although the site has convenient access to the above facilities, it is arguable whether this criteria alone provides adequate justification for the maximum density of R40 to be granted. The subject site is not exclusive in this respect as a majority of lots within the locality also have similar locational qualities. In accordance with Western Australian Planning Commission policy, higher densities should be achieved near major public transport infrastructure such as train stations and regional shopping centres. The subject site is relatively inaccessible to either of these facilities.

Density Requirements

A density bonus 10 units per hectare above the prevailing Density Code may be granted under Council’s Grouped Housing Policy represents a density of R20 for the subject site. The Policy also stipulates Council will not recommend approval where an existing unit site is located on the same side of the street closer than 6 lots from the proposed development. The proposal exceeds both these requirements.

The Policy permits Council to waive the above provisions if no objections have been raised by abutting or nearby neighbours, the development will achieve a high quality of design and otherwise complies with the intent of policy objectives. Although no objections have been received by surrounding neighbours and a reasonable standard of development and urban design will be achieved including surveillance of the adjoining pedestrian accessway, the site is not strategically located within close proximity to a major public transport node or the Town Centre to substantiate the proposed increased density to R40. The lot shape (long and narrow) is not conducive to accommodate a high quality R40 residential development. There are particular concerns with regard to treatment of the long southern boundary adjoining Lot 6 as a result of pursuing what appears to be too many units on the site.

In this regard, should Council grant an increase in density for the subject site, it is recommended that development of the site not exceed the R30 density code requirements for the following reasons:

- ◆ The R30 density coding is consistent with the existing grouped housing development at Lot 47 Lathwell Street within close proximity to the subject site;
- ◆ The site is not strategically located in relation to major or local shopping centres, a major public transport node or the Town Centre to warrant a maximum density coding of R40;
- ◆ The required number of visitor car parking bays can be accommodated at R30;
- ◆ The overall building bulk and scale of development will be significantly reduced at R30, consequently reducing the design compatibility problems associated with the southern boundary interface with Lot 6;

Approval of the application to comply with the R30 density code will require two units to be deleted from the current proposal.

Response to Applicant's Submission

Liaison with the applicant resulted in a further submission on three key points to justify the proposed increase in density:

1. *The subject site is strategically located to the Kingsley Primary School, Armadale Health Campus and public transport routes along Albany Highway;*

The subject site is not strategically located within close proximity to a major public transport node (i.e. train station), shopping centre or the Town Centre to substantiate the proposed increased density up to R40.

2. *The proposed development is integrated with the 10-metre wide pedestrian accessway to provide ongoing surveillance of the laneway.*

The proposed orientation of the units will provide passive surveillance of the pedestrian accessway. Provided individual units front the pedestrian accessway, passive surveillance of the laneway will be achieved irrespective of the number of units on site.

3. *There is little difference in the building bulk between the R30 and R40 density code considering the development provides an open frontage to the adjoining pedestrian accessway;*

The building bulk would be significantly reduced from eight (8) units to six (6) if the R30 density code was applied in-lieu of the proposed R40 density code. It is acknowledged that there is minimal impact on the streetscape (along Serles Street) between the two codes given the narrow lot configuration, layout and design of the units fronting the pedestrian accessway.

Precedent- Adjoining Lots

Although this application may not significantly affect the existing amenity of the locality in terms of traffic congestion and impact on the streetscape, consideration must be given to the creation of a precedent allowing adjoining landowners along Serles Street to seek similar density bonuses and concessions in the future. In this regard, the narrow lot configuration of adjoining lots are not conducive to accommodate grouped housing development, as the inevitable layout and design will prevent dwellings addressing Serles Street.

Options

1. Council may approve the application at the proposed increased density of R40;
2. Council may approve the application subject compliance with the R30 density requirements;
3. Council may refuse the application on the grounds that the proposal exceeds the prevailing R12.5 density coding of TPS No.2 and Grouped Housing Policy density bonus.

CONCLUSION

It is recommended that Council adopt option 2 above and approve the application subject to the R30 density coding requirements based on the following grounds:

- ♦ The R30 density coding is consistent with the density bonus granted for an existing grouped housing development at Lot 47 Lathwell Street;
- ♦ The site is conveniently located to the Armadale Health Campus and public transport routes along Albany Highway to justify an increase above the prevailing density code;
- ♦ The site is not strategically located in relation to major or local shopping centres, a major public transport node or the Town Centre to warrant a maximum density coding of R40;

- ◆ The required number of visitor car parking bays can be accommodated;
- ◆ The overall building bulk and scale of development will be significantly reduced to an acceptable level.

COMMITTEE noted the anomaly that Lot 5 Serles Street obstructs legal access to Lots 6 and Lot 7. It was considered desirable that DOLA be approached to consider disposal of Lot 5 to adjoining landowners Lot 6 and Lot 7 in order to regularise frontage and access to Serles Street. Accordingly a part (2) is added to the recommendation.

D27/02

RECOMMEND

- 1. That Council grant the Executive Director Development Services/ Planning Services Manager authority to issue an instrument of Planning Approval for a revised application which complies with the following principal requirements:**
 - a) Submission of a revised plan to demonstrate compliance with the R30 Density Code requirements in accordance with the Residential Planning Codes to the satisfaction of the Planning Services Manager.**
 - b) The landowner of Lot 7 shall enter into a legal agreement with the adjoining landowner of Lot 5 to provide for a Right of Access over Lot 5 Serles Street in favour of Lot 7 Albany Highway to the satisfaction of the Planning Services Manager.**
 - c) Development is to be connected to the reticulated water and sewerage system to the satisfaction of the Health Services Manager.**
 - d) Submission of a detailed schedule of materials, textures and colours for the proposed development (including all internal and boundary fencing) to satisfaction of the Planning Services Manager. The development is to be completed in accordance with the approved schedule.**
- 2. That Council approach DOLA recommending disposal of Lot 5 in order to amalgamate relevant sections with adjoining Lots 6 and Lot 7 Albany Highway.**

MOVED Cr Green
MOTION CARRIED (7/0)

***PROPOSED SALE OF PRODUCE & RETAIL ITEMS FROM ORCHARD –
PT LOT 102 BROOKTON HIGHWAY, KARRAGULLEN***

WARD : ROLEYSTONE
FILE REF : A167359
DATE : 7 February 2002
REF : GIW
RESPONSIBLE : PSM
MANAGER
APPLICANT : V Civa
LANDOWNER : V Civa
SUBJECT : Pt Lot 102 Brookton Hwy,
LAND : Karragullen Property size
119407m²; Map 28.08
ZONING : Rural / General Rural

In Brief:-

- ◆ Proposal involves retail sale of produce grown on the land and other goods not originating from the subject property.
- ◆ Retail sale of produce originating from the locality is a discretionary use under the ‘Rural Use’ definition of Town Planning Scheme No.2.
- ◆ Recommend approval of retail sale of produce grown on the land only 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 & Development Act 1928
Metropolitan Region Scheme Act 1959
Town Planning Scheme No.2

Council Policy / Local Law Implications

Nil

Budget / Financial Implications

Nil.

Consultation

- ◆ Main Roads Western Australia
- ◆ Department for Planning & Infrastructure
- ◆ Development Control Unit
- ◆ Surrounding landowners

BACKGROUND

The subject site presently operates as an orchard offering fresh fruit for sale by retail to passing traffic from an existing fruit shed.

No approval has been issued for retail sale of produce from the subject property, although the applicant indicates in his application that fresh fruit grown on the land has been sold from the site over the past eight years.

The current application involves the sale of fresh fruit grown on the property plus additional produce not originating from the subject site.

DETAILS OF PROPOSAL

Details pertaining to the application include the following:

- ◆ Retail sale of produce grown on the subject land (fresh fruit) and assorted pre-packed produce not originating from the subject premises (including nuts, honey, fruit juice, soft drink and confectionary items);
- ◆ Quantities of produce offered annually for retail sale include: fresh fruit (96 000kg), chocolate (30kg), nuts (100kg), dried fruit (100kg), honey (40-50kg), apple juice (50 bottles) and other cool drinks (1 fridge);
- ◆ Sale and storage of produce to be conducted within existing fruit storage shed (500m²). The shed is primarily used for the storage of fruit, with a portion of the floor area being allocated to conduct the sale of incidental produce;
- ◆ Existing informal car parking area provided on site;
- ◆ Applicant anticipates that the number of patrons visiting the site will vary between 10- 50 vehicles per day;
- ◆ Vehicular access is proposed via two existing crossovers from Brookton Highway and Gardiner Road;
- ◆ Delivery of produce to occur once a week.

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 7 February 2002 recommended approval for the sale of produce grown on the land only subject to appropriate conditions, and favourable advice being received from the Department for Planning & Infrastructure.

Main Roads Western Australia (MRWA)

As the subject site abuts a Class 3- Regional Road Reservation (Brookton Highway), the application was referred to MRWA for comment. MRWA raised no objection to the proposal subject to the following condition:

- ◆ The existing crossover onto Brookton Highway shall be removed at the owners cost. Access shall be via the existing crossover from Gardiner Road.

Department for Planning & Infrastructure (DPI)

As the subject site abuts a Regional Parks & Recreation reserve, the application has been referred to DPI for comment. No response has been received to date. Although the proposal is unlikely to pose any impact on the adjoining reserve, it is recommended that favourable comment be received from the authority prior to approval being issued for the proposal.

Referral to Surrounding Landowners

During the 14-day advertising period (9) nine surrounding landowners were consulted and (1) objection has been received.

Analysis

Response to Submission

1. *The retail sale of produce not originating from the subject property will adversely impact the retail trade of an adjoining Service Station.*

The sale of retail items should be conducted from appropriately zoned properties such as the service station and commercial or tourist sites.

Town Planning Scheme No.2

The retail sale of produce grown or produced on the land is a discretionary use under the “Rural Use” definition of Town Planning Scheme No.2. The objective of the “General Rural” zone of TPS No.2 states that: “*where compatible such uses promoting tourism, recreation and entertainment where it does not impact on the amenity of the surrounding properties may be permitted*”.

Land Use Suitability

The predominant item offered for sale on the subject site is fresh fruit grown on the property. Selling produce grown on the land is considered to be a compatible use that is incidental to the predominant orchard activities conducted on site.

The sale of items not originating from the subject site however is considered to be incompatible use as the items are not incidental or associated with the orchard activities. The items proposed to be offered for sale are more suited to retail shopping outlets and other retail or tourist sites.

Approval of such none related retail activities is likely to establish an undesirable precedent within the Rural Zone. In addition, the retail sale of produce not originating from the subject site does not comply with the 'Rural Use' definition of TPS No.2 in that only produce grown or produced on the land is permitted for retail sale at Council's discretion.

Traffic Generation & Car Parking

The anticipated number of customers visiting the site per day (10-50 vehicles) is unlikely to generate traffic concerns in this location, due to the adequate provision of existing informal parking and manoeuvring areas on site.

The increased traffic generation on site poses minimal impact on the surrounding area as the subject site is bound by Regional Reserve and neighbouring orchards, and is relatively isolated from residential development.

The informal car parking area is well screened from Brookton Highway and Gardiner Road respectively, and therefore poses no adverse impact on the visual amenity of the site.

Options

Council may determine the application in accordance with one of the following options:

1. Council may resolve to approve the sale of produce and other items from the subject premises.
2. Council may resolve to refuse the sale of produce and other items from the subject premises.
3. Council may resolve to approve the sale of only produce grown on the land (i.e. fresh fruit) from the subject premises.

CONCLUSION

It is recommended that Council adopt option 3 above and approve the proposal to sell only produce grown on the subject land based on the following grounds:

- ◆ The sale of produce grown on the land is incidental to the predominant orchard activities conducted on site;
- ◆ The sale of produce grown on the land is a compatible land use on the subject site and consistent with the General Rural zone;
- ◆ The expected increase in traffic generation poses minimal impact on the surrounding locality;

- ◆ The sale of produce not originating from the subject property is incompatible with the orchard activities conducted on site;
- ◆ The sale of produce not originating from the subject land does not comply with the ‘Rural Use’ definition of TPS No.2;
- ◆ The sale of produce not originating from the subject land is likely to establish an undesirable precedent within the General Rural zone.

D28/02

RECOMMEND

- 1. That subject to favourable advice being received from the Western Australian Planning Commission, Council approve the application to sell produce grown on the subject land from Lot Pt 102 Brookton Highway, Karragullen.**
- 2. That Council refuse the application to sell produce not originating from the subject property for the following reasons:**
 - a) The sale of produce not originating from the subject land does not comply with the ‘Rural Use’ definition of TPS No.2;**
 - b) The sale of produce not originating from the subject land is likely to establish an undesirable precedent within the General Rural zone.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

PROPOSED ABSEILING TOWER– LOT 56 (No.86) ADMIRAL ROAD, BEDFORDALE

WARD : ARMADALE
FILE REF : A159897
DATE : 4 February 2002
REF : GIW
RESPONSIBLE : PSM
MANAGER
APPLICANT : D Pleysier
LAND OWNER : Swan Christian Education
Association
SUBJECT LAND : Lot 56 Admiral Road,
Bedfordale
Property size 91052m²; Map
25.39
ZONING : Rural / Public Purpose:
MRS/TPS No.2 Primary School / High School

In Brief:-

- ◆ Recommitted item.
- ◆ Proposal involves the erection of a 33 metre high Abseiling Tower at the Armadale Christian College.
- ◆ The subject site is reserved as Public Purpose under Town Planning Scheme No.2, requiring determination by Council.
- ◆ Recommend approval subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No.2

Council Policy / Local Law Implications

Local Rural Strategy

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Bedforddale Residents Association
- ◆ Bungendore Park Management Committee

BACKGROUND

Council at its meeting held on 17 December 2001 resolved as follows (D304/01):

“That the application to erect a 33-metre high abseiling tower on Lot 56 Admiral Road, Bedforddale be recommitted pending further advertising of the proposal to residents of the locality”

Following advertising of the proposal to surrounding landowners in accordance with the above resolution, the application is referred to Council for determination.

DETAILS OF PROPOSAL

The application proposes to erect a 33m high abseiling tower on the subject site. Details pertaining to the application include the following:

- Erection of a 33 metre high Western Power High Tension Power Line tower to facilitate abseiling activities on the subject site. (refer elevation plans);
- The face of the tower is to be covered with galvanised mesh (6 metres in width) to act as a “push-off platform” for abseilers to descend the tower;
- Three platforms will be constructed with handrails on the tower at heights of 9m, 17m and 29m;
- A 15m high climbing wall will be constructed on the northern side of the tower;
- The tower is to be constructed of non-reflective galvanised materials;
- A 2.1m high fence will be erected around the tower to prevent unauthorised use.
- The applicant intends to allow cadets, schools, youth, and other community groups in the area to utilise the facility for training and team building purposes.

COMMENT

Development Control Unit

DCU at its meeting held on 20 November 2001 recommended approval of the proposed abseiling tower subject to appropriate conditions.

Bedforddale Residents Association

Council officers contacted the Secretary of the Bedforddale Residents Association by telephone to advise of the proposal, and to arrange for plans to be presented at an Association meeting. The Secretary advised that the Association were aware of the proposal, would not require copies of the plans for viewing, and therefore had no objection to the proposal.

Bungendore Park Management Committee

Details of the application were forwarded to the Bungendore Park Management Committee and concerns were raised that the proposal may pose an adverse visual impact from vantage points along Admiral Road.

Referral to Surrounding Landowners

During the 14-day advertising period (37) surrounding landowners were consulted. Two (2) objections and eleven (11) letters of support have been received.

Analysis

Reponses to Submission

1. *The tower may pose an adverse visual impact from vantage points along Admiral Road;*

The proposed tower is oriented with the broadest side of the structure facing the southwest and northeast, to minimise any potential adverse visual impacts from vantage points along Admiral Road. It is considered that the proposed orientation of the tower, and the treed surroundings and backdrop of Bungendore Park provide sufficient screening of the tower from Admiral Road.

2. *The tower will interfere with television and radio receptions within the locality;*

The tower appears to be located beyond the line-of-sight of existing television and mobile phone transmission towers within the Bedforddale locality and therefore is unlikely to affect local reception.

3. *Legal action may be taken against Council in the event injuries or fatalities are sustained;*

The tower is privately owned and operated by the Armadale Christian College. It should be noted that Council has no association with the operation of the tower and therefore has no legal obligation in this regard.

Land Use Suitability

As the proposed tower is directly associated with the outdoor educational activities of the school, it is considered to be a compatible land use for the subject site. Although other local community groups may occasionally utilise the tower, its usage will be incidental to the predominant school use of the site.

Visual Amenity

Although the proposed tower is relatively large in scale and bulky in appearance from the immediate vicinity of the school grounds, it is considered that the potential adverse visual impact of the tower on the surrounding rural environment will be minimal given the following:

1. The subject site is surrounded by the isolation of a regional park (Bungendore Park);
2. The surrounding locality is well treed and will provide sufficient screening of the tower from public vantage points;
3. The closest neighbour is located approximately 220 metres from the subject site and is partially screened by surrounding trees. (This neighbour supports the application);
4. The steep topography rising towards the west provides a treed backdrop for the tower to be obscured from public vantage points;
5. The tower can be painted in a colour scheme that will blend in with the surrounding environment;
6. The 2.1m high security fence surrounding the base of the tower will not be visible from public vantage points.

Safety

The Armadale Christian College has advised that an employee qualified to instruct abseiling will oversee the safe operation of the tower. The base of the tower is to be surrounded in sheet metal cladding to a height of 2.5m to prevent individuals scaling the tower. In addition, a fence will be erected to prevent unauthorised use of the tower. It should be noted that the school will be responsible for the safety of users of the tower.

At the Building Licence stage, the applicant will be required to submit evidence from a suitably qualified Structural Engineer certifying that the tower is structurally sound.

Options

Option 1

Council may refuse the application on the grounds that the proposal has the potential to adversely impact on the visual amenity of the surrounding rural locality.

Option 2

Council may approve the application on the grounds that proposal is incidental to the school use, and will be sufficiently screened by existing trees in the location to minimise any potential visual impact on the locality and the rural environment.

CONCLUSION

It is considered that Council may reasonably recommend approval of the application to erect a 33-metre high abseiling tower on the grounds that the proposal is incidental to the school use, and the heavily treed surroundings will provide sufficient screening of the tower to minimise any potential visual impact on the rural surroundings.

Officer's report recommends –

That Council approve the application to erect a 33-metre high abseiling tower on Lot 56 Admiral Road, Bedforddale subject to conditions, including the following principal requirement:

- ◆ A detailed colour schedule for the proposed tower is to be submitted by the applicant to the satisfaction of the Planning Services Manager. The tower is to be completed in accordance with the approved colour scheme.

COMMITTEE was of the view that the tower should remain unpainted as this will represent minimal visual impact in the particular environs where it is to be erected.

D29/02

RECOMMEND

That Council approve the application to erect a 33-metre high galvanised steel abseiling tower on Lot 56 Admiral Road, Bedforddale.

MOVED Cr Green
MOTION CARRIED (7/0)

Cr Knezevich declared an interest in this item on the basis that he is a member of the Immunogenetics Research Foundation Inc. (Board representing C.Y. O'Connor ERADE Village) and left the meeting at 8.50pm.

ERADE VILLAGE – PROPOSED INCUBATOR UNITS

WARD : FORREST
FILE REF : A201789
DATE : 5 February 2002
REF : JRH
RESPONSIBLE : PSM
MANAGER
APPLICANT : R L Dawkins
LAND OWNER : R L Dawkins
SUBJECT : Lot 114 Warton Rd, Forrestdale
LAND : Property size 8.2511 ha
Map 16.01
ZONING : Rural / Rural Groundwater
MRS/TPS No.2 : Protection
General Rural / Rural –
Groundwater Protection

In Brief:-

- ◆ Application proposes the development of Incubator Units within the ERADE Village, in an alternative location to that shown on the approved Masterplan.
- ◆ Application was approved administratively to ensure Federal Government funding of the project.
- ◆ Recommend that Council endorse the actions of the Executive Director Development Services.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Southern River/Forrestdale/Brookdale/Wungong District Structure Plan.

Budget / Financial Implications

Nil.

Consultation

Nil

BACKGROUND

At its meeting of December 1999, Council resolved to approve the Masterplan for the proposed Education, Research & Development and Employment (ERADE) Village on Lot 114 Warton Road, Forrestdale. Council's approval granted delegated authority to the Executive Director – Development Services to determine applications for future stages of development that comply with the approved Masterplan.

In January 2002 Council received an application for the Incubator Units, with the units being proposed in an alternative location to that depicted on the approved Masterplan. The proponent requested the proposal be determined urgently as the project was subject to funding from the Federal Government, which imposed restrictive time constraints on the proposal. Due to the strategic importance of the project to the City of Armadale, the application was determined by Council's Executive Director – Development Services, and has been presented to Council for endorsement.

DETAILS OF PROPOSAL

The application proposes the development of thirty (30) incubator units, to be used for scientific and technologically based research activities in association with the ERADE Village. The units consist of an office/reception, laboratory, bathroom and kitchen, with an open courtyard/storage area. The units incorporate a mezzanine level for storage, and a verandah to the front and rear of the development. Disabled toilet facilities and vehicle parking are proposed in a central location within the facility.

According to the approved Masterplan, the incubator units were proposed to be located to the north of the site, parallel to Warton Road. The applicant advises that it would not be possible to construct the units in this location within the limited time available, due to difficulties related to the widening of Warton Road and the upgrading of the Warton Rd/Nicholson Rd intersection, and the connection of the development to reticulated sewerage.

The alternative location proposes the incubators in an 'L' shape adjacent to the existing laboratory, seminar room and accommodation buildings on the site, to the south of the proposed entrance road. The revised position will facilitate stronger links between the existing operations and the proposed incubators, and is more suitable for on-site effluent disposal until reticulated sewerage is available. The previous location for the incubator units will be occupied by activities associated with the future university annexe, which will ensure that the integrity of the overall development is not compromised.

COMMENT

Analysis

The relocation of the incubator units, to the southern side of the proposed access road, has potential to enhance the overall development of the village. The agglomeration of activities in the initial stages of development will provide a greater focus for activities on site, whilst screening the older, rural style buildings with the newer, more modern development. In addition, its position parallel to the proposed entrance road will establish built form on both sides, which will complement the future urban streetscape of Forrestdale.

Some aspects of the proposal will require further attention, to maintain a high standard of development within the village. The proposed building materials and colour scheme will need to demonstrate an overall theme and ‘sense of place’ for the village, as the proposed zincalume roof has potential to detract from the visual amenity, at the location of a major entry approach into the City. The proposed setback to the south eastern boundary should also be increased to at least 10 metres, to avoid excessive building bulk adjacent to the future urban development proposed in the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan and future Local Structure Plan for Forrestdale.

CONCLUSION

Whilst the proposal represents a variation to that incorporated within the approved Masterplan, the revised design will result in a number of benefits within the overall village concept. Approval to the application was administratively undertaken to facilitate commencement of the project without jeopardising Federal government funding, and assist in the development of a project of significant strategic importance to the City.

D30/02

RECOMMEND

That Council endorse the actions of the Executive Director – Development Services in granting conditional approval to the proposed Incubator Units within the proposed ERADE Village, in a revised location to that incorporated within the approved Masterplan for the ERADE Village dated December 1999.

MOVED Cr Stubbs
MOTION CARRIED (6/0)

Cr Knezevich returned to the meeting at 8.55pm.

PROPOSED SECOND RESIDENCE – LOT 100 CARRADINE ROAD, BEDFORDALE

WARD : ARMADALE
FILE REF : A217495
DATE : 30 January 2002
REF : PRR
RESPONSIBLE : PSM
MANAGER
APPLICANT : P & K Cowie
LAND OWNER : H Van Asselt
SUBJECT : Lot 100 Carradine Rd,
LAND Bedfordale
Property size 1.9423 ha
Map 24.02
ZONING : Rural / Rural Agriculture
MRS/TPS No.2 Protection

In Brief:-

- ◆ Proposal involves the development of a second residence on the subject property.
- ◆ Clause 5.2.2(d) of Council's Town Planning Scheme No.2 applies.
- ◆ Council's Policy 4.3.10 'Two Houses on One Lot in the Rural Zone' applies.
- ◆ Recommendation for refusal on the grounds that the proposal does not meet the requirements of Clause 5.2.2(d), Policy 4.3.10 and Council's Rural Strategy, in terms of lot size and impact on landscape quality.

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

4.3.10 'Two Houses on One Lot in the Rural Zone'.
Rural Strategy

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit (DCU).

BACKGROUND

Council received the application on 13 December 2001 to construct a second residence at the subject property.

Since the proposal does not comply with aspects of Council's Two Houses on One Lot in the Rural Zone, the application has been referred to Council for determination.

DETAILS OF PROPOSAL

Details pertaining to the application include the following:

- ◆ Construction of a second residence with a total floor area of 154.31m² (219.22m² including carport and verandah) on the subject lot.
- ◆ The second residence will be of similar architectural style and will be constructed of similar materials and colours to the existing residence on the subject lot, namely light brown brick, and a "Colorbond" roof in an olive colour.
- ◆ The applicant has provided information in support of the proposal, outlining the purpose of the second residence as being for the care of the aged parents of the applicant. (A Statutory Declaration to this effect has been provided).
- ◆ A letter from the property owner stating he is aware of the proposal.

COMMENT

Development Control Unit

DCU at its meeting held on 31 January 2002 recommended that the application be refused based on the following grounds:

- ◆ The proposal does not comply with the minimum lot size requirements and the Secondary Landscape Quality provisions as prescribed in Council's Two Houses on One Lot in the Rural Zone Policy.

Analysis

Council's Town Planning Scheme No.2

Clause 5.2.2(d) states that only one dwelling will be constructed per lot in the Rural Zone, except in a situation where a lot exceeds 2 ha in size, and Council is satisfied that the development of a second residence complies with the other provisions of Clause 5.2.2. Council should also have due regard to Clause 7.3 (Matters to be Considered by Council) of Town Planning Scheme No.2, as well as specific regard to avoiding the appearance of excessive building bulk.

It should be noted that the Lot 100 is 577m² short of 2ha, with a lot size of 1.9423ha, and the addition of a second residence to Lot 100 would significantly increase the amount of building bulk on the property.

Clause 7.6 provides Council with the discretion to relax standards in Town Planning Scheme No.2, if it is satisfied that the approval would satisfy two requirements. Firstly, if approval was granted, the development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality and secondly, that the non-compliance would not have an adverse effect on those associated with the development, the inhabitants of the area and the future development of the locality.

Upon consideration of these requirements, it is considered that the application would not be in the best interest of the development of the locality, as it would set an undesirable precedent for similar applications in the future.

Council's Two Houses on One Lot in the Rural Zone Policy (4.3.10)

The proposal satisfies the intent of Policy 4.3.10, with the proposed second residence being for the care of the elderly parents of Mrs Cowie. With regard to this intent, the majority of the requirements of Policy 4.3.10 have been satisfied, with the exception of the minimum lot size. The Policy requires a minimum of 2 ha for a second residence to be approved, and as previously stated, the area of Lot 100 is less than this requirement.

Additionally, Policy 4.3.10 states that approval to a second residence will not be issued for an area identified within a Primary or Secondary Landscape Quality Area as identified by Council's Rural Strategy. The subject site is situated within a Secondary Landscape Quality Area.

Council's Rural Strategy

The subject Lot is situated within the Canns Rural Planning Area as set out by the Rural Strategy. The Principal Policy Objective for the Canns Area is *"To preserve the scenic and environmental quality of the area"*. The Development Guidelines for the Canns Area are also relevant, as they include the following statement: *"Visual impact, particularly along major transport linkages and along steeper valley sections, will be an overriding concern"*. As such, development of a second residence on Lot 100, and any other lot in the Canns Rural Planning Area, should be considered with high regard to visual amenity.

Applicant's Supporting Argument

The information provided by the applicant in support of the proposal is as follows:

“The second dwelling will not detrimentally impact on the landscape quality since it will be:

- a) set in what is now open pasture.*
- b) positioned close to the main house*
- c) built in the same style as the main house*
- d) slope is less than 25% and can accommodate another waste disposal system*
- e) water will be obtained from the already existing dam*
- f) a number of houses in Carradine Road and Canns Road are already located on properties of less than one hectare.”*

Point a) infers that because the land is currently open pasture, the impact on the landscape is negated as no trees will be affected. Another residence will contribute to the building bulk on the property resulting in a greater impact on the landscape. The open pasture will in fact make the second residence more visible to surrounding properties and people using Carradine Road. Should a second access be required from Carradine Road, it is highly likely that trees along the road will have to be removed to accommodate the access, which will also increase the visibility of the residence.

Points b), c), and d) above appropriately address several relevant areas of Policy 4.3.10, in terms of guarding against future subdivision, reducing built form impact and appropriate conditions for effluent disposal.

Point e) addresses the issue of maintaining landscape quality, in that using the existing dam means that further site works will not be necessary with regard to water provision, minimising the potential visual impact.

In response to point f) it should be noted that all applications are assessed on their individual planning merit, regardless of lot size.

Mr and Mrs Cowie also indicated, in line with the intent of Policy 4.3.10, that the current owners of the property (Mr and Mrs van Asselt) have lived at Lot 100 for 35 years, know all their neighbours and feel safe in the area. Mrs van Asselt will require constant care due to the state of her health, and a second residence would allow her family to care for her, rather than placing the onus on the community.

OPTIONS

With respect to the above, Council may determine the proposal in accordance with one of the following options:

Option 1

Refuse the application on the following grounds:

- ◆ The proposal does not comply with Clause 5.2.2(d) of Council's Town Planning Scheme No.2, in that the minimum lot requirement of 2 ha is not met and building bulk is increased.

- ♦ The proposal does not comply with the requirements of Council's Two Houses on One Lot in the Rural Zone Policy, in that the minimum lot requirement of 2 ha is not met, and development is proposed in a Secondary landscape Quality Area.
- ♦ With regard to Council's Rural Strategy, the applicant has not sufficiently demonstrated that a second residence would not have a detrimental impact on the landscape quality of the rural area.

Option 2

Approve the application subject to conditions, including the following:

- ♦ Prior to the issue of a Building Licence, the submission of a comprehensive landscape plan is required to screen the second residence from Carradine Road.

The approval will require the relaxation of Clause 5.2.2(d) in terms of Clause 7.6. It is not considered appropriate to deviate from the provisions in the Scheme as an undesirable precedent could be set for similar applications not complying with the relevant conditions in the Town Planning Scheme as well as Policy requirements.

Should Council consider this option, it is recommended that the application be advertised in accordance with Clause 7.2.2 prior to determination.

CONCLUSION

It is recommended that Council refuse the application in accordance with Option 1, on the grounds that the proposal does not comply with the requirements of Town Planning Scheme No.2, Council's Two Houses on One Lot in the Rural Zone Policy and Council's Rural Strategy.

D31/02

RECOMMEND

That Council refuse the application to construct a second residence at Lot 100 Carradine Road, Bedforddale for the following reasons:

- a) **The proposal does not comply with Clause 5.2.2(d) of Town Planning Scheme No.2, Council's Two Houses on One Lot in the Rural Zone Policy, and Council's Rural strategy in that:**
 - ♦ **The minimum lot requirement of 2ha is not met.**
 - ♦ **The applicant has not sufficiently demonstrated that a second residence would not have a detrimental impact on the landscape quality of the rural area.**
- b) **The approval of the application will create an undesirable precedent for other similar applications not complying with Council's Town Planning Scheme and Policies.**

MOVED Cr Green
MOTION CARRIED (7/0)

PIONEER VILLAGE – LOT 100 ALBANY HIGHWAY, ARMADALE

WARD : ARMADALE
FILE REF : A185084
DATE : 1 February 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:-

- ◆ Council has received an Overall Concept Plan for Pioneer Village, providing details on works which have occurred at the Village, and the landowner's intentions for the future operation of the Village.
- ◆ Council is requested to consider the submitted information, and determine appropriate action to be taken with respect to the unauthorised works.
- ◆ Recommend the information be received, and Council consult, seeking advice on the unauthorised works from the Pioneer Village Strata Body Members and the broader community, to identify all planning issues prior to determining further action on the matter.

Tabled Items

Two additional buildings accommodating three additional shops are proposed along the Albany Highway frontage, which will be subject to a separate application to Council consideration. A site plan will be tabled, showing the proposed location of these buildings.

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

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

Nil

BACKGROUND

At Council's City Strategy meeting of December 2001, Council considered the matter of works occurring at Pioneer Village. Part of Council's resolution on the matter is as follows:

1. That in view of the advertised opening of the Village in January 2002, Council seeks the following information from the prospective proprietor of Pioneer Village:
 - a) Advice on intentions for the Village, including the general nature of uses, structural changes proposed, and any new development works proposed;
 - b) An explanation of the unauthorised removal of the Old Train Station building;
 - c) Submission of necessary Development Applications for Council determination, prior to the commencement of any new uses or works on the site.
2. That notwithstanding (1) above, the prospective proprietor of Pioneer Village be commended for the work undertaken to date to secure and maintain the Village.

Subsequent to the meeting, Council's officers requested additional information in relation to the works which had occurred on site, and details of the landowner's overall intentions for the Village. Council's Chief Executive Officer and Executive Director – Development Services also met with the landowner to discuss Council's concerns.

In response to the above, the landowner has provided additional information on the works which have occurred, and his future intentions for the village.

DETAILS OF PROPOSAL

Tenancies Located within the Village

A list of tenancies provided by the landowner is included as Attachment "A3" of the Agenda. The majority of tenancies are tourist related shops such as gumnut crafts, souvenirs, patchwork quilting, lolly shop/ice creamery, florist and pet shop. A restaurant and pie shop will also complement the tourist nature of the village. The uses are reasonably consistent with the zoning provisions of the site, which refer to "...19th century building exhibition and ancillary to such, a Motel, a Hotel, Restaurants, Cafés, shops of a 19th century character, making or selling goods or crafts incidental to the nature of the village."

Altered Access Arrangements

In addition to the main customer entrance to the Village adjacent to the Pioneer Village Motel, a new entrance has been developed to the north-east of the Village. This entrance was created following the removal of the Old Train Station building, and is in close proximity to the entrance to the Pioneer Village School.

Removal of the Old Train Station and new entrance upgrading works

The landowner has provided photographic evidence of the Old Train Station building prior to demolition, which depicts extensive termite damage to the structure. The building was removed due to the high repair cost, and was removed together with the adjacent wooden fencing and timber sleeper retaining walls. The removal of these structures was effected to permit the development of an improved entry statement from the village to Albany Highway, consisting of paved pathway upgraded existing buildings, limestone retaining walls and a “Southern Cross” windmill.

With respect to the above works, no approval was obtained from Council for the demolition of any structures, or for the new entry statement. The works occurred on common property within the Village and were apparently not endorsed by the Strata Body Corporate.

Future Developments and Land Uses

The proposed Micro Brewery is currently subject to a development application, and was presented to Council at its January 2002 round of meetings. This application is still undergoing assessment, and will be submitted for determination by Council at a later stage. A bakery, weekend growers market and outdoor cinema are land uses which the landowner intends establishing once the Village has commenced operation, and will be subject to separate consideration by Council.

Two additional buildings accommodating three additional shops are also proposed along the Albany Highway frontage which will be subject to a separate application to Council for approval.

COMMENT

Analysis

On the positive side, it should be acknowledged that the works which have occurred have largely complemented the character and quality of the Village. Graffiti has been removed, and damage to structures repaired, to return the site to the high standard expected of a regional tourist attraction. In addition, the tenancies occupying the village are reasonably consistent with the Special Use zoning provisions and the 19th century theme of the village.

The demolition and removal of structures on the site without approval is of considerable concern and should not be condoned by Council. While the construction of the new entry statement is visually attractive and compatible with the immediate commercial component of the Village, Council’s careful assessment is necessary to consider the overall functionality and serviceability of the whole Pioneer Village complex, beyond the immediate commercial component. The proximity of the new entrance has potential to generate conflict with the access and car parking arrangements utilised by the Pioneer Village School.

It is of concern, because of lack of opportunity for input by the adjoining strata owners, that Council does not have a clear understanding of all relevant Town Planning issues relevant to the changed dynamics of the Village. In this regard, it appears highly desirable to gain further insight from the strata owners on the planning matters which prevail.

Options

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

1. On the assumption 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 seek reinstatement of the site to its former condition;
2. On the assumption 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 will not be taken in this instance;
3. On the basis that Council seeks further information on pertinent planning issues affecting the Village, Council may wish to consult with the Strata Body and the broader community to identify any planning issues arising from the unauthorised works, and further consider its position at the conclusion of the consultation period.

CONCLUSION

The landowner's intentions for the refurbished Pioneer Village, as outlined in the Overall Concept Plan, appear initially to be compatible with the Special Use zoning requirements of the Scheme.

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. While works undertaken have a substantial merit, the alterations may still have potential to adversely impact on adjoining land uses within the development and it is therefore recommended that Council seek comment from relevant stakeholders to determine planning issues arising from the unauthorised works, in accordance with option (3) above.

Officer's report recommends –

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.

COMMITTEE considered the officer's report at length, in the course of which the following matters were highlighted:-

- ◆ *The matter of undertaking works without the City's approval is a very serious issue and inappropriate conduct in refurbishing the Village.*
- ◆ *The proponent has still not submitted an adequately documented planning rationale against which to measure the works undertaken to date.*

COMMITTEE was of the view that the officer's recommendation should be supplemented to ensure that the works undertaken will be given urgent technical appraisal by the Development Control Unit and that the Pioneer Village owner responsible for the work should be advised of Council's resolve to take legal action in the event of any further breaches of the Town Planning Scheme.

D32/02

RECOMMEND

- 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.**

MOVED Cr Green
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Cr Hodges

1. Signs

Cr Hodges queried lawfulness and safety considerations of persons holding advertising signs in and around roadways and traffic intersections.

Executive Director Development Services responded that most likely the Road Traffic Act pertains.

D33/02

RECOMMEND

That Cr Hodges' item regarding signage be referred to the appropriate Directorate for relevant action and/or report back to Committee.

MOVED Cr Zelones
MOTION CARRIED (7/0)

MEETING DECLARED CLOSED AT 9.35 PM

I N D E X

DEVELOPMENT SERVICES COMMITTEE

11TH FEBRUARY 2002

INDEX

DEVELOPMENT SERVICES COMMITTEE

11TH FEBRUARY 2002

BUILDING

FRONT SETBACK VARIATION - LOT 378 INVERNESS CIRCLE, WESTFIELD	44
PROPOSED GARAGE LOT 32 JOBSON LOOP, BROOKDALE	47
ZINCALUME ROOF WALL CLADDING - LOT 211 BROOKTON HWY, ROLEYSTONE.....	13

COUNCILLORS' ITEMS

CR HODGES - SIGNS	92
-------------------------	----

DEVELOPMENT

ERADE VILLAGE – PROPOSED INCUBATOR UNITS	79
PROPOSED EIGHT UNIT GROUPED HOUSING DEVELOPMENT - LOT 7 ALBANY HWY, A/D	62
PROPOSED 12 SINGLE BEDROOM DWELLINGS – LOTS 3 & 52 FORREST RD, A/D.....	32
PROPOSED ABSEILING TOWER – LOT 56 ADMIRAL ROAD, BEDFORDALE	74
PROPOSED SALE OF PRODUCE FROM ORCHARD - PT LOT 102 BROOKTON HWY, K/G	69
PROPOSED SECOND RESIDENCE – LOT 100 CARRADINE RD, BEDFORDALE	82

HEALTH

BROOKDALE LIQUID WASTE TREATMENT FACILITY – DRAFT ENVIRONMENTAL CONDITIONS---	49
---	----

MISCELLANEOUS

LOCALITY NAMING	41
PIONEER VILLAGE – LOT 100 ALBANY HIGHWAY, ARMADALE	87

PAW CLOSURE

PEDESTRIAN ACCESS WAY BETWEEN LOTS 10 & 11 KERUN CRT & BETWEEN LOTS 20 & 21 SCHRUTH ST SOUTH, A/D	5
PROPOSED CLOSURE OF PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 191 & 194 CLENHAM WAY AND BETWEEN LOTS 1012 & 1022 KIDBROKE PLACE, KELMSCOTT	8

SCHEME AMENDMENT

PROPOSED REZONING & SUBDIVISION GUIDE PLAN – PT LOT 29 TAYLOR RD, F/D	52
---	----

STRATEGIC PLANNING

REDEVELOPMENT OF PART OF SOUTH ARMADALE BRICKWORKS INDUSTRIAL SITE – PROPOSALS FOR SHARING KEY INFRASTRUCTURE COSTS	17
--	----

