

CITY OF ARMADALE

M I N U T E S

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 12TH MAY 2003, AT 7:00 PM.

PRESENT: Cr H A Zelones JP Chairman
Cr P J Hart Deputy Chairman
Cr J Everts
Cr F R Green
Cr G M Hodges
Cr J Knezevich
Cr L Reynolds JP

APOLOGIES: Nil.

OBSERVERS: Cr V L Clowes-Hollins (7.00pm - 8.46pm)
Cr D L Hopper JP (7.00pm - 8.46pm)
Cr G T Wallace (7.00pm - 8.55pm)
Cr R J Tizard

IN ATTENDANCE: Mr R S Tame Chief Executive Officer
Mr I MacRae Executive Director Development Services
Mr W A Bruce Executive Director Technical Services
Mr I Townson Building Services Manager
Mr P Meyrick Health Services Manager
Mr L Fouché Planning Services Manager
Ms N Cranfield Minute Secretary

DISCLAIMER

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

DECLARATION OF MEMBER'S INTERESTS

Nil.

QUESTION TIME

Mr R Strawbridge, Chairman of the Araluen Estate Progress Association

1. Is the Council or Mayor aware that the approved works for the verge along Heritage Drive in the Araluen Estate have not been completed according to the approved plans (as the cut back should have extended to Forestedge Retreat)?
2. Is the Council or Mayor aware that even though the Mayor, last year, gave his undertaking the verge along Heritage Drive would be walkable, it is not?
3. Is the Council or Mayor aware that the reason given by the Council department for this lack of works is that the funds have been depleted, hence the Council workers did not work within the allocated budget in which the initial quote was produced by the Council department?

CHAIRMAN advised that Council was aware of the verge treatment works along Heritage Drive.

CHAIRMAN also advised that the above questions were relevant to Council's Technical Services Directorate and that Mr Strawbridge might like to pass a copy of the questions on to the Executive Director Technical Services, who was in attendance at the Committee Meeting, for further investigation and report back to Mr Strawbridge.

Mr M Keating, Senior Minister, Southside Christian Centre

1. Could the report regarding proposed change of use to the Christian Centre on Lot 100 Gillam Drive, Kelmscott, on page 60 of this Agenda, be brought forward for Committee's determination?

CHAIRMAN agreed to bring forward this report for Committee's determination.

CONFIRMATION OF MINUTES

RESOLVED

**Minutes of the Development Services Committee Meeting held on 14th April 2003,
be confirmed.**

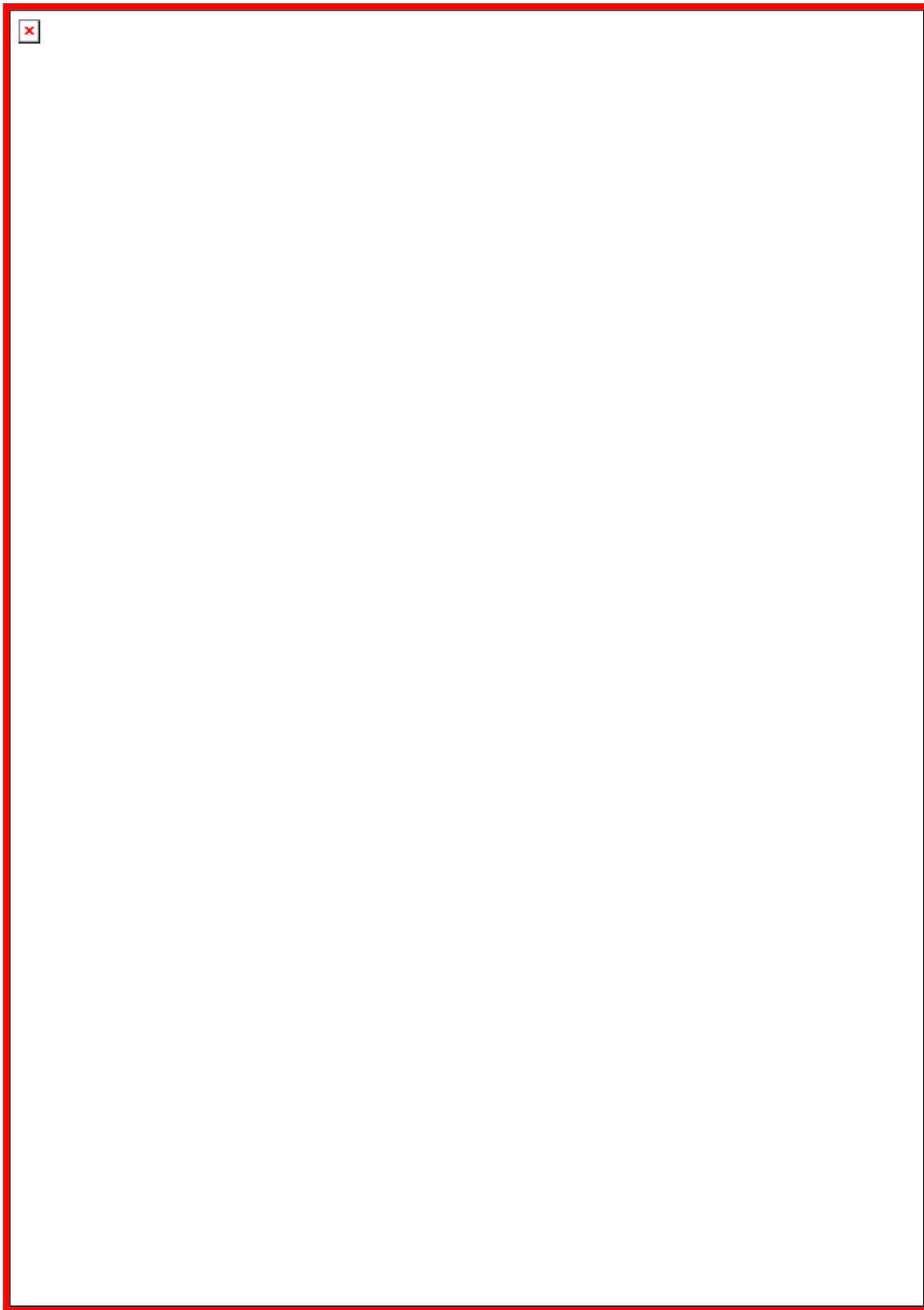
MOVED Cr Zelones
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.9/2003

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

- ◆ Report on Outstanding Matters – Development Services Committee
- ◆ Health Services Manager’s Report for March 2003
- ◆ Environmental Health Officers’ Professional Review Board
- ◆ Extended Trading Application – Giant’s Liquor, Roleystone
- ◆ Planning Services Manager’s Report for March 2003
- ◆ Monthly Administrative Reports for March 2003
- ◆ Town Planning Scheme No2 – Amendment Action Table
- ◆ 6th Annual Conference – Urban Planning
- ◆ Terms of Ref – A Planning Steering Group for the First Stage of Urban Zone under the Metropolitan Region Scheme in north Forrestdale
- ◆ PAW Closure Report – significant actions during March 2003
- ◆ Compliance Officer’s Report for the month of March 2003
- ◆ Subdivision Applications – Recommendation Table (April 2003)
- ◆ Building Services Manager’s Report for March 2003
- ◆ Financial Statements for the period ending 31st March 2003

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



***PROPOSED CHANGE OF USE TO CHRISTIAN CENTRE –
LOT 100 (37-39) GILLAM DRIVE, KELMSCOTT***

WARD	:	WESTFIELD
FILE REF	:	A194223
DATE	:	1 May, 2003
REF	:	JEH
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Southside Christian Centre
LAND OWNER	:	Adrinito Pty Ltd / Ferrier Hodgson
SUBJECT LAND	:	Lot 100 Gillam Dr, Kelmscott Property size 7206m ² Map 22.05
ZONING MRS/TPS No.2	:	Industrial / General Industry

In Brief:-

- Proposal is for a “change of use” from Industrial to “Christian Centre” including revised parking and access arrangements.
- Applicant is seeking Council’s approval of the proposal as a “Use Not Listed” in development table of Town Planning Scheme No.2.
- Advertising of the proposal resulted in one submission of no objection, one letter of objection, and one letter providing general comments.
- Recommend that Council approve the application subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

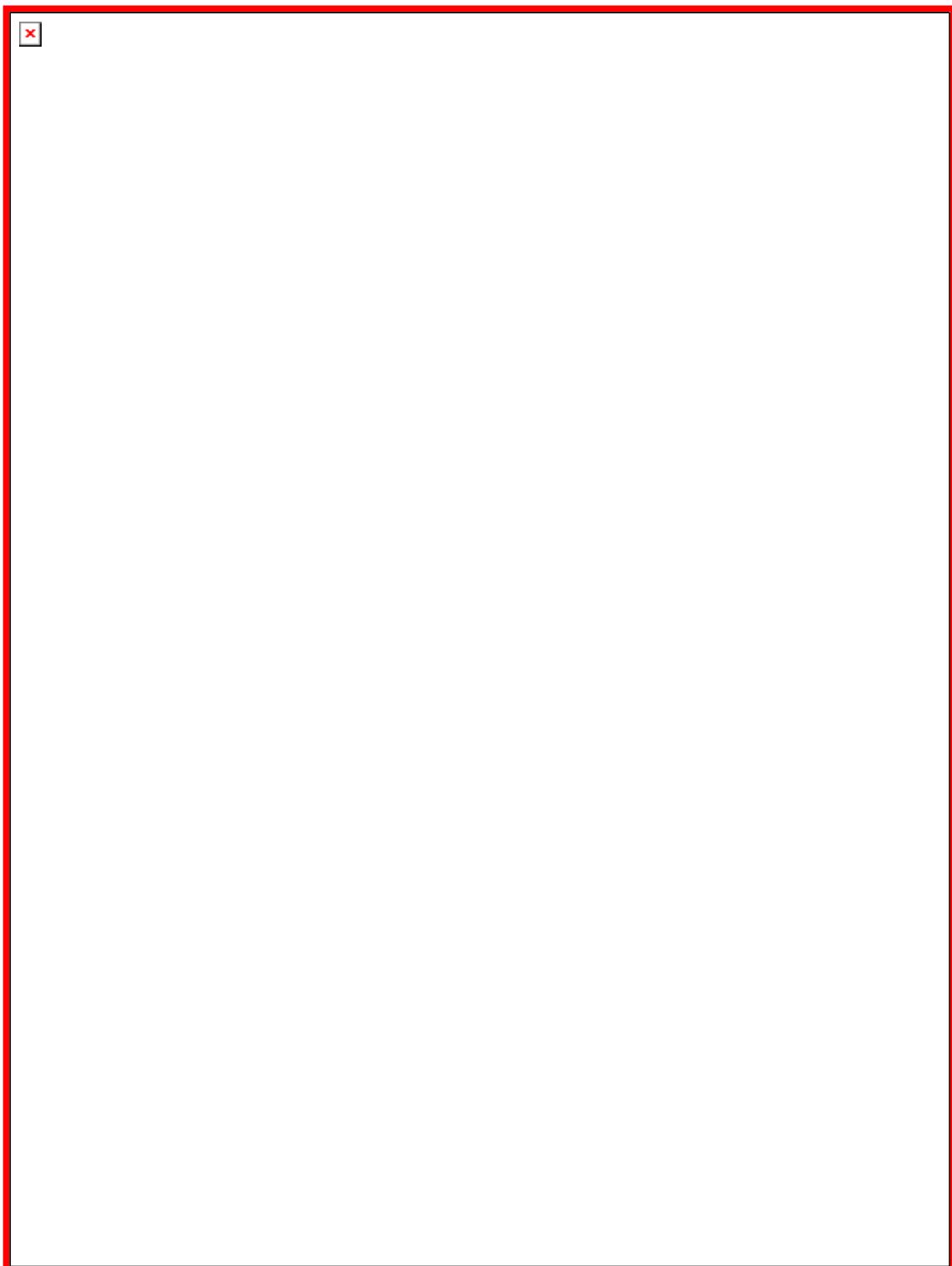
Development – “To balance the need of development with sustainable economic, social and environmental objectives”.

Legislation Implications

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

Council Policy / Local Law Implications

Industrial Design Guidelines 4.7.12



**SITE PLAN
LOT 100 GILLAM DRIVE, KELMSCOTT**

Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners

BACKGROUND

Southside Christian Centre is currently located at Lot 8 (66-70) Forrest Road Armadale, and has been conducting its activities at this location for the past 35 years. The scale and diversity of its operations have increased and expanded over this time to a stage where the present facility is highly restrictive. This expansion has included the development and growth of numerous programs including the Church's charity arm "Southside Care" which provides a range of services catering for community needs.

The applicant has identified the property at Lot 100 Gillam Drive as being suitable to allow development to fulfil the objectives of both the church and the charity. A vacant workshop/warehouse is currently situated on the subject lot.

On 10 April 2003 Council received an application for a 'change of use' at the subject lot. The application has been referred to Council for determination since the proposed change of use to Christian Centre is a "Use Not Listed" in the General Industry zone of Town Planning Scheme No.2.

DETAILS OF PROPOSAL

The applicant proposes to utilise the existing facilities at the subject lot as a 'Christian Centre', consisting of a proposed auditorium with a peak capacity of 350 people, and facilities for community and charitable programs. In addition it is proposed that 90 parking bays will be provided and marked on site, and that access via Braddock Street will be provided to assist in on-site traffic flow during peak periods.

Proposed Uses

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

- Religious activities including church services;
- A charity providing a range of community services under the banner "Southside Care" including centre based respite and activity programs for the frail aged and younger people with disabilities;
- Children's and Youth programs;
- Administration and Utility areas (including corridors, toilets and kitchen).

The supporting report and indicative floor plan indicate that approximately one quarter of the floor space of the existing building will be utilised for each type of use listed above.



**FLOOR PLAN
LOT 100 GILLAM DRIVE, KELMSCOTT**

Hours of Operation:

Sunday Services: 8:00am – 1:00pm and 5:00pm – 8:00pm
Monday to Friday office hours: 9:00am – 5:00pm

Evening meetings as follows:

Monday (fortnightly):	6:00pm-8:30pm
Tuesday, Wednesday, Thursday (weekly):	6:00pm-9:30pm
Friday (weekly):	6:00pm-10:30pm

Attendance

The applicant has advised that statistics over the past years indicate an average peak weekly attendance of 180 persons. The applicant anticipates that between 130-180 persons will be in attendance at Sunday meetings, with the number expected to increase in future years to meet the capacity of any approved auditorium facilities.

Attendance at other times is expected to be substantially less, with average daily attendance during working hours indicated at approximately 45 to 50 persons. Evening Meetings will also be held (as indicated) with attendance anticipated at being around 20 persons, with the exception of Friday evening meetings when attendance is anticipated to be in the vicinity of 100 people.

COMMENT

Surrounding Landowners

The proposal was referred to eleven (11) surrounding landowners for comment for a period of two (2) weeks. During this period, three (3) submissions were received consisting of one letter of no objection, one letter providing general comments and concerns, and one letter objecting to the proposal. The issues raised are addressed in the Analysis section of this report. (***Refer to Confidential Attachment “B2” of the Agenda for location map of respondents.***)

Development Control Unit (DCU)

At its meeting held on 6 May 2003, DCU supported the proposal and recommended that the item be referred to Council for approval.

ANALYSIS

Public Submissions

The issues raised in the submissions from surrounding landowners are summarised below with responses following:

1. *A concern that the applicants may complain to the City of Armadale at a later stage about midweek and weekend noise from the cabinet making business at Lot 99 Brant Road, and other businesses in the area.*

The General Industry Policy Statement in Town Planning Scheme No.2 states that whilst uses other than industrial may be permitted in the General Industrial Zone, they are "...permitted on the assumption that the applicant and tenants of such uses will be aware of the effects from all other uses in the General Industry Zone..." The applicants in this case are aware of the potential for noise from surrounding properties and acknowledge that they are proposing to locate in an industrial area where they may be subject to effects (including noise) from other uses.

2. *The proposed change of use will result in an increase in noise in the area on weekends.*

The proposed change of use is located in the 'General Industry' zone and noise emanating from the proposed facility is therefore unlikely to reach unacceptable levels. In the unlikely event that noise is considered excessive, action may be taken by Council to ensure that noise levels comply with the Environmental Protection (Noise) Regulations 1997.

3. *There will be parking congestion in Gillam Drive and possibly on surrounding properties that will restrict access to surrounding properties.*

It is proposed that parking will be fully contained on site through the provision of approximately 90 parking bays. This complies with car parking standards of Town Planning Scheme No.2 and it is anticipated that this will more than adequately cater for the expected number of vehicles using the premises. In addition, peak attendance periods will occur at different times from the operating hours of most other businesses in the area.

4. *The proposed use is not compatible with the surrounding industrial area.*

The activities proposed at the subject lot will primarily be conducted indoors with peak attendance periods being outside of normal business hours. It is considered that the potential for negative impacts on surrounding properties is minimal. In addition, the applicant acknowledges the Industrial zoning of the area, and accepts the potential for the effects of other uses to impact on the subject property.

5. *The proposed use was not known at the time a surrounding landowner purchased their property and would have influenced their decision to buy at that location.*

It should be noted that each application is considered on its merits, and the fact that a surrounding landowner purchased a property prior to the application being received by Council is not relevant to the planning considerations of this application.

6. *The proposed use may lead to increased crime from persons seeking charity.*

No evidence has been received to support this statement.

Town Planning Scheme No.2

The proposed use of the subject property, as a ‘Christian Centre’ primarily constitutes “Public Worship” under the definitions of Town Planning Scheme No.2. A number of other incidental activities such as charitable programs, counselling and administration are also proposed. Council could consider the proposal as a “Use Not Listed” under the scheme, since “Public Worship” is not mentioned in the General Industry zone development table of Town Planning Scheme No.2.

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

The second part of clause 3.4 reads as follows:

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

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

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

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

Land Use Compatibility

The proposed use of the subject lot is considered compatible with surrounding land uses for a number of reasons.

The activities proposed are primarily conducted indoors and will have little impact on surrounding landowners. In addition, the subject lot is situated on a corner creating a degree of separation between the proposed ‘Christian Centre’ and the majority of surrounding industrial uses. The subject lot directly abuts a cabinet making workshop, and a ‘Licensing Centre’. The Licensing Centre operates during the day from Monday to Friday when numbers attending the Christian Centre are expected to be minimal. The impact on the cabinet making business is also expected to be negligible.

Other surrounding land uses include an Australia Post mail delivery centre, indoor beach volleyball centre, mechanical repair workshop, auto parts outlet, pet grooming and printers. The proposed use as a ‘Christian Centre’ is considered to pose minimal impact on these surrounding land uses. It is acknowledged by the applicant that it is more likely that the proposed Christian Centre would risk having others being a ‘nuisance’ to them because of the Industrial zoning. It is also reasoned that by relocating to an industrial area there is less potential to impact on surrounding landowners than exists in the centre’s current location in a residential zone.

Parking

It is anticipated that attendance at the proposed ‘Christian Centre’ will be at its peak during church services on Sunday. Parking provisions in Town Planning Scheme No.2 for ‘Public Worship’ require a minimum of one parking space per four attendance capacity. The proposed maximum attendance capacity of the proposed auditorium is 350 people. In applying the parking provisions required for the use class of ‘Public Worship’, an attendance capacity of this size would require a minimum of 88 parking bays. The applicant has indicated on a site plan that the lot is capable of accommodating at least 90 parking bays. In addition current peak weekly attendance is approximately 180 people. It is considered that the proposed on-site parking arrangements will be more than sufficient to accommodate those attending the facility.

Access

Revised access arrangements are proposed consisting of a new entrance / exit to Braddock Street as indicated on the site plan. It is proposed that the new access will primarily be used on Sundays to aid traffic flow. The proposed new access point is also considered safer than using the existing access point to Gillam Drive closest to the corner of Braddock Street (which will no longer be used). The other access to Gillam Drive will be retained and used primarily for weekly access to the lot.

It is considered that the revised arrangements will result in safer access to the proposed facility and that traffic flow will be effectively managed as a result of the proposed new crossover to Braddock Street.

OPTIONS

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

CONCLUSION

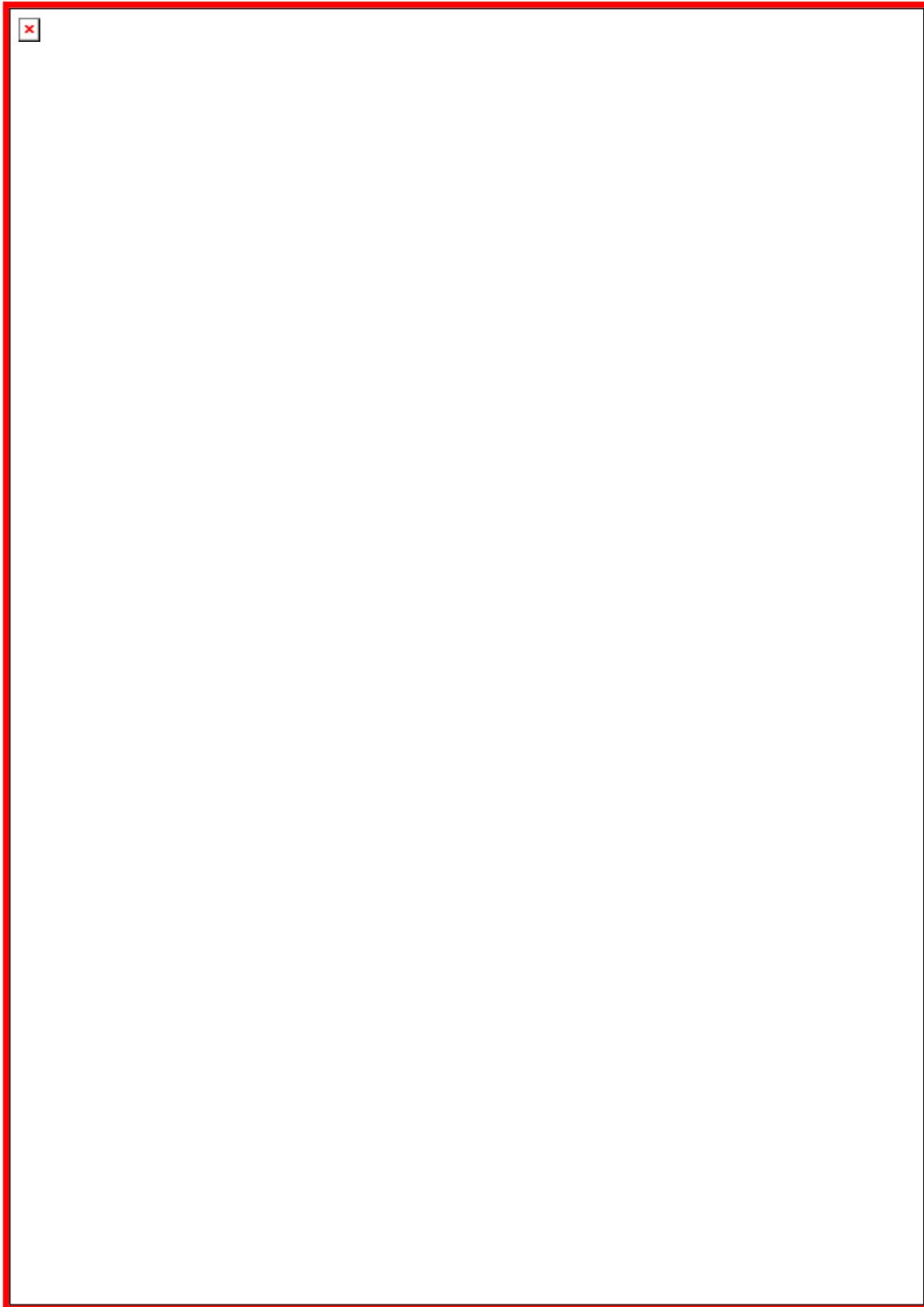
The proposed change of use to ‘Christian Centre’ can be considered as a “use not listed” in accordance with Clause 3.4 of Town Planning Scheme No.2. The proposed use is considered compatible with surrounding land uses and will have no detrimental impact on the amenity and function of the surrounding area. Adequate on-site parking and access arrangements will limit the potential for congestion or parking difficulties in the vicinity. In this regard, it is recommended that Council adopt Option 1 above and approve the application.

D73/5/03

RECOMMEND

- 1. That Council determines the application as a “use not listed” in accordance with Clause 3.4 of Town Planning Scheme No.2.**
- 2. That Council approve the application for a change of use to ‘Christian Centre’ at Lot 100 (No.37-39) Gillam Drive, Kelmscott subject to the following conditions:**
 - a) Marking of internal car parking spaces to the satisfaction of the Executive Director Technical Services.**
 - b) Attendance capacity of the proposed auditorium facility to be restricted to a maximum of 350 persons.**

MOVED Cr Reynolds
MOTION CARRIED (7/0)



KELMSCOTT ENQUIRY BY DESIGN WORKSHOP – FINAL OUTCOMES REPORT

WARD	:	KELMSCOTT
FILE REF	:	PSC/32
DATE	:	2 May 2003
REF	:	JR
RESPONSIBLE MANAGER	:	PSM
LAND OWNER	:	Various
SUBJECT LAND	:	Various properties within An 800m radius of the Kelmscott Town Centre and surrounding hinterland
ZONING MRS/TPS No.2	:	MRS – Urban, Reservation for Parks and Recreation TPS No.2 - Various Zones including Shopping Zone & Residential Zone

In Brief:-

- A final Outcomes Report has been prepared detailing the plans and findings of the Kelmscott Enquiry By Design Workshop held over 4 days in October 2002.
- The non-binding report suggests a number of urban design, development and infrastructure initiatives aimed at revitalising the town centre and making it more adaptable to future economic and social changes.
- Recommend that the final Outcomes Report be advertised for review and feedback comment from the wider Kelmscott community.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Strategic Plan – Physical Infrastructure

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

Legislation Implications

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

Council Policy / Local Law Implications

Draft (new) Scheme No.4 is currently being assessed by DPI and DEP for advertising for public comment. Many suggestions made by the Kelmscott report are consistent with the new Scheme No 4. Existing Policies will continue in the interim period however, these are currently under review in association with Scheme No.4.

Budget / Financial Implications

The workshop was jointly funded by Council contribution of \$10,000; a Department of Transport (DOT) contribution of \$20,000, in addition to DPI funding of three Urban Designers conducting the workshop and funding the report production and printing.

Implementation of several of the infrastructure options has significant potential implementation costs, however, the recommendations are non-binding on any party and cost-benefit assessments and prioritisation of individual recommendations will need to be examined subsequent to this consultation stage.

Consultation

- ◆ Internal consultation with all directorates including professional officer participation in a workshop Technical Group in attendance throughout the workshop, in addition to staff and Councillors who attended the Consultation Group workshop feedback sessions.
- ◆ Community consultation with preliminary Focus Groups (Retail Traders, Residents, Youth, Seniors, and Aboriginal and Torres State Islanders community) and community representatives who attended the Consultation Group workshop feedback sessions.
- ◆ External consultation with all relevant state agencies including Department of Planning and Infrastructure, Main Roads WA, WA Government Railways, Armadale Redevelopment Authority, Transperth, Heritage Council, Department for Aboriginal Affairs, Swan River Trust and Department of Child Care Services.

PREAMBLE

Kelmscott is a strategically located rail-based district level centre, which needs to respond to socio-economic trends and recent public and private sector investments in other centres in the south eastern corridor of the Perth metropolitan area. To achieve Kelmscott's full potential as a district level centre, the workshop report outlines how to:

- ◆ Capitalise on the Kelmscott's key advantages;
- ◆ Revitalise the town centre;
- ◆ Avoid an economic decline comparative to other similar centres;
- ◆ Make it more robust and able to adapt to future changes;
- ◆ Increase the effectiveness of the existing transport infrastructure; and
- ◆ Promote a greater sense of civic quality in the Kelmscott town centre.

BACKGROUND

The workshop which addressed the above strategic goals was opened by the Minister for Planning and Infrastructure and held over four days in October 2002: Saturday 5th Monday 7th; Tuesday 8th; and Wednesday 9th October 2002 at the City of Armadale Administrative Centre (D93/02).

The workshop was facilitated by the Senior Urban Designer from the Major Places Unit at the DPI with input from the City's professional staff and three consultants who undertook specific technical investigations prior to and during the workshop (traffic engineering, transport planning and urban economics).

Following the October workshop, the DPI distributed an Interim Outcomes Report to all attendees as a record of the plans and findings produced over the four day workshop. This initial work has been refined and incorporated into the final report.

DETAILS OF PROPOSAL

The Kelmscott Enquiry by Design workshop was a non-binding event that allowed a range of suggestions to be freely canvassed. The workshop report applies the principles of best practice sustainable urban design and outlines a number of infrastructure and regulatory land-use changes aimed at revitalising the town centre to facilitate adoption to future economic and social changes.

Summary of major tasks

The following points summarise the key implementation actions for the City in respect of Kelmscott:

1. Formally receive the workshop Outcomes Report.
2. Implement a Public Consultation Strategy (current stage).
3. Consider recommendations from the Workshop Outcomes Report and feedback from the Public Consultation Strategy.
4. Establish a Town Centre Liaison Group.
5. Update the statutory framework and provide for concept plans.
6. Identify projects that the Council can carry out and their time frames.
7. Develop costings for Council projects.
8. Include the projects into Council's budget and work programs.
9. Negotiate with other agencies over approvals and potential funding.
10. Liaise with other government agencies and private stakeholders.

The final Outcomes Report has been prepared for the purposes of seeking wider feedback and comment from the community. A copy of the draft Report has been circulated to all Councillors and a briefing will be provided to the Development Services Committee by planning consultant Sheryl Chaffer.

COMMENT

The report examines a number of outcome scenarios for the Kelmscott town centre, its transport infrastructure and its wider sub-regional structure. The workshop identified a range of opportunities for development and enhancement within the town centre (notionally defined by an 800m radius circle). Town centre outcomes are described in terms of the following precincts:

- | | |
|--------------------------------------|--|
| 1. Rail station and station precinct | 6. Railway Avenue |
| 2. Aust Asia Group land assembly | 7. Residential redevelopment precincts |
| 3. Albany Highway strip | 8. Page Road Foreshore Precinct |
| 4. Fancote Park Precinct | 9. Clifton Street Precinct |
| 5. Northern Gateway | 10. Westfield Park / White Heron Reserve |

Outcomes specific to the town centre and transport include:

- ◆ Identifying an appropriate scale and character for future development in the town centre.
- ◆ Establishing a town square to create a “heart” to the town centre.
- ◆ Suggesting how a new library building could become a major civic focus and community resource within the heart of the town centre.
- ◆ Identifying where any new development on the AustAsia landholding needs to provide active frontage to the street.
- ◆ Identifying alternative and higher order uses for key sites in the town centre.
- ◆ Investigating alternative locations for the railway station and assessing the locations in terms of improved access, integration with the town centre and cost.
- ◆ Exploring the practicalities of a number of rail crossing scenarios.
- ◆ Constructing an underpass under the railway for Davis road to provide a new and safer rail crossing to enhance the sub-regional road network.
- ◆ Extending Gilwell Avenue across the Albany Highway and the railway line to intersect with Railway Avenue.
- ◆ Gaining better understanding of the implications of future changes to the regional road network.
- ◆ Exploring the practicality of diverting traffic from Albany Highway.
- ◆ Managing traffic along Albany Highway to improve access and the ability for pedestrians to cross the road.
- ◆ Establishing a “boulevard” treatment to improve access, safety and a sense of identity for Albany Highway.
- ◆ Identifying the missing links and completing the local and regional cycle network.
- ◆ Identifying key principles for improving pedestrian amenity within the town centre.
- ◆ Focusing car-orientated and drive-through uses on Albany Highway to the south of Davis Road rather than in the town centre.

- ◆ Realigning Page Road to allow development of a row of high quality town houses that can “hide” the back of the Stargate centre and provide natural surveillance of Fancote Park.
- ◆ Protecting vistas from the town centre to the hills.
- ◆ Suggesting establishment of a short stay and function facility precinct around the Kelmscott Inn that can serve as an attractive entry statement to the town centre.
- ◆ Identifying locations along Railway Avenue for new development and higher density housing that could benefit from proximity to the railway station and help support the transit system.
- ◆ Suggesting how future redevelopment of key sites could help make the parkland safer.
- ◆ Suggesting a precinct of cottage industry workshops and workshop housing to the south of Davis Road.
- ◆ Identifying a development pattern for the vacant land east of Page Road that provides vistas and access to the river foreshore.
- ◆ Identifying opportunities for ‘streamlining’ existing drains and using best practice to manage storm water.
- ◆ Developing some of the rural land to the east of the river to consolidate the town and secure more of the foreshore as parkland
- ◆ Creating a major environmental asset in the Westfield White Heron Reserve by relocating the drainage capacity of the adjacent sump as an extension of the reconstructed wetland to be funded by development of the sump site.

Changes to the sub-regional structure (the area within a few kilometres of the town centre) suggested in the workshop report include:

- ◆ Making changes to the road network to improve access and connectivity between the town centre and the surrounding neighbourhoods and local centres.
- ◆ Establishing a cluster of walkable neighbourhoods at suitable residential densities around the town centre, focused on ‘hot spots’ that can more readily support local commercial activity.
- ◆ Investigating the feasibility and community acceptance of combining Sherwood and Challis stations, consolidating commercial activities around the new station and establishing a more direct route from the hospital to the new station.

Implementation issues include:

- ◆ Public consultation and feedback on proposals in the Outcomes Report.
- ◆ Preparation of an Implementation Plan, including decision-making and prioritisation of key actions and identifying the roles and responsibilities of the various stakeholders and possible timing of key actions.

- ◆ Guiding, assessing and monitoring of implementation actions as part of a Local Sustainability Strategy to ensure that the outcomes are more likely to be enduringly beneficial for Kelmscott.

Suggested Statutory Changes to the Local Planning Framework

Following the Kelmscott Enquiry by Design Workshop the statutory planning implications of the workshop outcomes were examined to identify what changes may be required or could be suggested to facilitate implementation of the outcomes. It is suggested that the City of Armadale incorporate these suggestions in its consideration of the new Town Planning Scheme No 4 or consider amendments to the current schemes where relevant.

The City's new TPS 4 is likely to include a 'District Centre' zone at Kelmscott, rationalising the existing Shopping, Office and Showroom zones, together with a number of the existing Special Use zones in and around the centre.

It is recommended that the District Centre Zone be supported with a framework for planning decision-making by:

- ◆ designating the Centre appropriately within the Local Planning/Local Commercial Strategy for the City of Armadale;
- ◆ formulating a Centre Plan approved by the City and endorsed by the Western Australian Planning Commission; and
- ◆ formulating supportive planning policies and design guidelines for the Centre as a whole and/or for precincts within the Centre.

Suggested Statutory Changes to the Metropolitan Region Scheme

The following amendments to the Metropolitan Region Scheme would be required for implementation of the workshop outcomes.

Canning River and surrounds:

- ◆ Rezoning of areas of existing Rural land to Urban zone to provide opportunities for high quality housing close to the town centre.
- ◆ In association with urban zoning, revise and extend the existing Parks and Recreation Reserve along the river as a part of the Rural-Urban changes – new/increased areas of river foreshore reserve to provide increased public access to/visibility of the river and improved protection of the riparian environment.

Albany Highway:

- ◆ Revisions to the existing Primary Regional Road Reserve to accommodate EBD proposals such as 'bulbing' of the Highway at the northern 'gateway' to Kelmscott.

Railway Corridor:

- ◆ Revisions to the existing Reserve to accommodate EBD outcomes :
 - Option 1: Station upgraded in its existing location – no zoning changes required.

- Options 2 and 3: Station relocated south and redeveloped. MRS Reserve width may not be adequate – the Reserve is currently confined east and west by the road network, and could only be widened by realigning roads and/or land swaps with private owners on the east side of the existing Reserve.
- ♦ The existing Railways Reserve is wide at the current station location and accommodates the central bus-rail transfer facilities and the existing park-and-ride areas. If the station is relocated south, the existing Reserve is narrower and may not laterally accommodate all three uses: station; bus-transfer facility; park-and-ride.

It is recommended all necessary MRS changes be packaged as a single amendment, preferably as a minor Scheme amendment.

CONCLUSION

The KEBDW report provides many creative and innovative ideas aimed at overcoming the issues, which the Kelmscott town centre currently faces, including issues related to built form, transport infrastructure and natural environment. The report provides a platform, upon which Council, with the aid of community review and feedback and liaison with critical state government agencies, will be able to plan and manage its local government responsibilities and future developments in Kelmscott. It is recommended that the project proceed to the next stage of obtaining wider community feedback.

PRESENTATION

Ms Sheryl Chaffer (Sheryl Chaffer & Associates) and Mr David Patman (Dept for Planning & Infrastructure) attended the meeting at 7:20pm to brief Council on the Interim Kelmscott Enquiry-by-Design Workshop Report.

Ms Chaffer addressed the Committee (by way of PowerPoint presentation) summarising the plans and findings of the Kelmscott Enquiry-by-Design Workshop held in October 2002. The workshop identified a range of opportunities for development and enhancement aimed at revitalising the Kelmscott town centre to facilitate adoption to future economic and social changes, including:-

- ♦ Scenarios and visions for the future planning of the Kelmscott town centre;
- ♦ Possible changes to the urban structure surrounding the Kelmscott town centre;
- ♦ Railway station and railway crossing scenarios, alternative locations and improved accessibility;
- ♦ Future regional road changes and traffic impacts;
- ♦ Managing traffic along Albany Highway to improve access;
- ♦ Cycle routes;
- ♦ Pedestrian amenity;

Concluding the presentation, Ms Chaffer handed over the Interim Report for Committee's consideration and suggested that the next stage is to advertise the Report for public consultation and feedback on proposals in the Outcomes Report.

Chairman thanked Ms Chaffer and Mr Patman for their presentation.

Presentation concluded at 8.46pm, and Ms Chaffer and Mr Patman left the meeting.

Cr Hopper and Cr Clowes-Hollins left the meeting at 8.46pm and did not return.

COMMITTEE recommended that the public consultation period be increased to 60 days, that the City's local Schools and Libraries be included in the consultation process and that the issues requiring resolution should be highlighted in a summary brochure.

COMMITTEE also recommended that the KEBDW PowerPoint presentation be made available for viewing on the City's Website.

Accordingly, the Recommendation was amended.

D74/5/03

RECOMMEND

- 1. That Council receive the Kelmscott Enquiry by Design Workshop outcomes report, commending the contribution it makes to fostering the town's future development as a sustainable district level centre.**
- 2. That public consultation be undertaken on the final outcomes report to determine wider community and business responses by means of:**
 - i) A 60 day period for submissions;**
 - ii) Letters and a report summary inviting comments and highlighting the issues needing resolution to achieve the outcomes to be sent to landowners and businesses within 800m of the Kelmscott town centre;**
 - iii) Suitable display of the report at locations in the City's offices and in the Kelmscott town centre;**
 - iv) Advertisements in a local and metropolitan newspaper.**
 - v) That the Power Point presentation be made available for viewing on the City's Website.**
- 3. That Council further consider appropriate prioritisation, implementation and budget provision issues, subsequent to conclusion of the public consultation phase.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

CITY OF ARMADALE ENVIRONMENTAL HEALTH PLAN 2003-8

WARD	:	All
FILE REF	:	HLT/1
DATE	:	30 April 2003
REF	:	PM
RESPONSIBLE MANAGER	:	HSM

In Brief:-

- The City's Environmental Health Plan expires on the 30th June.
- A draft *City of Armadale Environmental Health Plan 2003-8* has been prepared and is at ***Attachment "A1" of the Agenda.***
- Recommendation that the draft Plan be adopted and forwarded to the Executive Director, Public Health for approval.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Strategic Plan Aims:

- ◆ to have in place the range of services to enhance the well being and safety of the community;
- ◆ to encourage community participation and responsibility;
- ◆ to achieve dialogue with the community to have a clear understanding of its needs and expectations; and
- ◆ involve staff in creating a working environment characterised by teamwork and self empowerment.

Legislation Implications

Section 39 of the *Health Act 1911* refers.

Council Policy / Local Law Implications

Proposed Plan succeeds the City of Armadale Environmental Health Plan 1998 – 2003.

Budget / Financial Implications

Implementation of parts of the Plan is contingent upon additional staff resources. Provision has been made in the Five Year Plan, with the cost being around \$17,500 for the 2003-4 financial year. That matter is discussed in detail within the draft budget papers elsewhere in this Agenda.

Consultation

- ◆ Health Department Staff
- ◆ Environmental Officer

BACKGROUND

Section 39 of the Health Act 1911 requires each local government to report annually to the Executive Director, Public Health (EDPH), upon health conditions in its district. Since 1998, the EDPH has requested that local governments report to an Environmental Health Plan that has had his/her prior approval.

The *City of Armadale Environmental Health Plan 1998 – 2003* is operative until June 30th this year, and it is necessary that the City's next five year plan be forwarded to the Executive Director, Public Health, for approval prior to anticipated implementation on July 1st.

The draft *City of Armadale Environmental Health Plan 2003 -2008* (except the Inspection report forms that constitute Appendices 14 - 34) is ***at Attachment “A1” of the Agenda.***

COMMENT

Analysis

As well as building on the experience gained over the last four years, and aiming to maintain the measurably improved performance across a range of environmental health activities during that time, the Plan proposes some new initiatives. Most notable of these is the Industrial Liquid Waste Management Sub Program.

Inclusion of this Sub Program arises from Council's consideration in March last year of the report from the City's Environmental Officer, through the City Strategy Committee, on the Kelmscott and Armadale Light Industrial Area Survey. Recommendations within that Report included that the potential for regulation by the City of industries with the potential to cause water pollution or soil contamination be investigated (a matter that has been dealt with in the promulgation of the City of Armadale Environment, Animals and Nuisance Local Laws 2002) and that such businesses be regularly inspected.

With respect to the inspection issue, Council resolved that options for the provision of additional resources be examined during 2002-3 draft budget deliberations. While at officer level it was agreed during preparation of the draft budget that incorporation of the “Cleaner Production” work into the duties of an additional EHO would be the most streamlined and economical means of providing the resources for the work, employment of an additional officer was not submitted for Council consideration last year because provision had not been made in the Five Year Plan until 2003-4.

Besides introduction of a number of other new initiatives, the draft Environmental Health Plan reflects Council's endorsement on 19th March 2001 of the listed government responsibilities within the *Australian Charter for Environmental Health* (as published in Chapter 2 of the *National Environmental Health Strategy Implementation Plan 2000*) by linking its Programs and Sub Programs to the Strategy and/or Implementation Plan documents.

OPTIONS

1. Adopt the Environmental Health Plan as presented; or
2. Amend the Plan by deletion of some or all “non core” Environmental Health duties. These include, but are not limited to:
 - ◆ Industrial Liquid Waste Management;
 - ◆ Immunisation;
 - ◆ Health Promotion/Education activities; and
 - ◆ all activities related to alcohol and other drugs.

CONCLUSION

The draft Environmental Health Plan addresses all of Council's statutory responsibilities as well as a range of ancillary activities and several new initiatives. Because it has a life of five years, and its content makes clear that the more significant new initiatives are contingent upon additional staff resources, amendment by elimination of “non core” duties and responsibilities should not occur unless it is Council's intention not to increase the Environmental Health Officer establishment level within the life of the Plan. Were this to be the case, it is unlikely that even basic statutory responsibilities could be fulfilled by the end of the period.

It is therefore considered that the Plan as presented should be adopted.

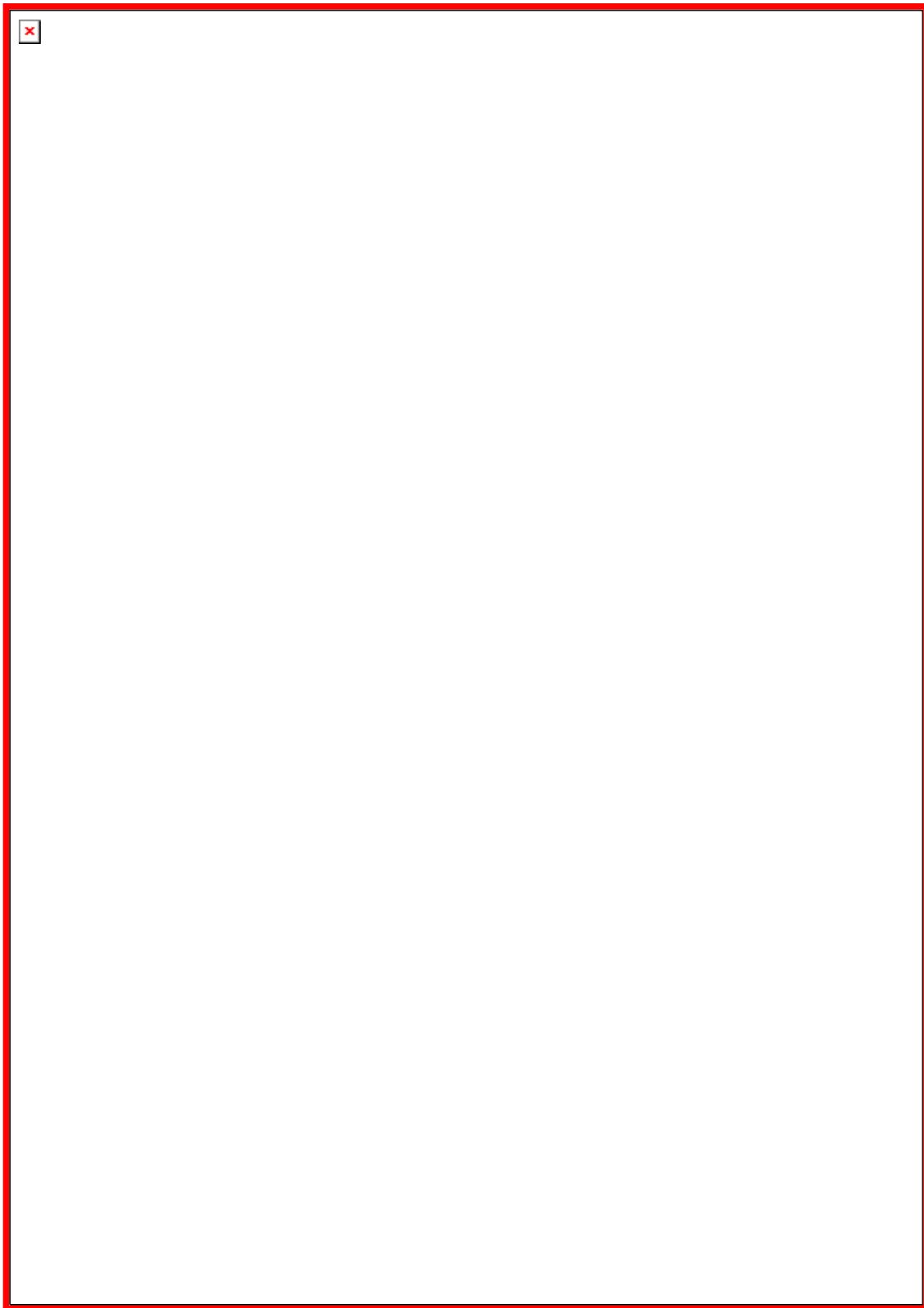
D75/5/03 RECOMMEND

That the draft *City of Armadale Environmental Health Plan 2003-8* as presented at Attachment “A1” of the Development Services Committee Agenda be adopted and forwarded to the Executive Director, Public Health for approval.

MOVED Cr Hart
MOTION CARRIED (7/0)

COUNCILLORS' ITEMS

Nil.



PROPOSED REDEVELOPMENT OF ARMADALE PLAZA SHOPPING CENTRE TO INCORPORATE A FOUR - SCREEN CINEMA – JULL STREET, ARMADALE

WARD : ARMADALE
FILE REF : A216772; A35245
DATE : 30 April 2003
REF : EP
RESPONSIBLE MANAGER : PSM

In Brief:-

- Application is made to redevelop the Armadale Plaza shopping centre to incorporate a 4-screen cinema development as stage one of an 8-screen cinema proposal.
- The application generally satisfies the requirements of the Town Planning Scheme No. 3 and relevant Council Policies, provided Council considers relaxing car-parking requirement for the retail development component as proposed.
- Council has previously approved cinemas on the subject site on the basis of a 100% parking dispensation for cinema patrons.
- Recommend approval to the proposal subject to obtaining approval from all landowners' involved and appropriate conditions.

APPLICANT : Meyer Shircore Design Consultants
LANDOWNERS : Westzone Enterprises P/L
WA Government Railways
City of Armadale
SUBJECT LAND : Lot Pt 54 & 8 Jull Street, Armadale,
Railway Reserve No.22555
Streich Avenue Road Reserve
Third Road Pedestrian Path
Soldiers Memorial Park

ZONING : Property size 8672 m²; Map 22-03
MRS / TPS No.3 : Central City Area / Shopping

Tabled Items

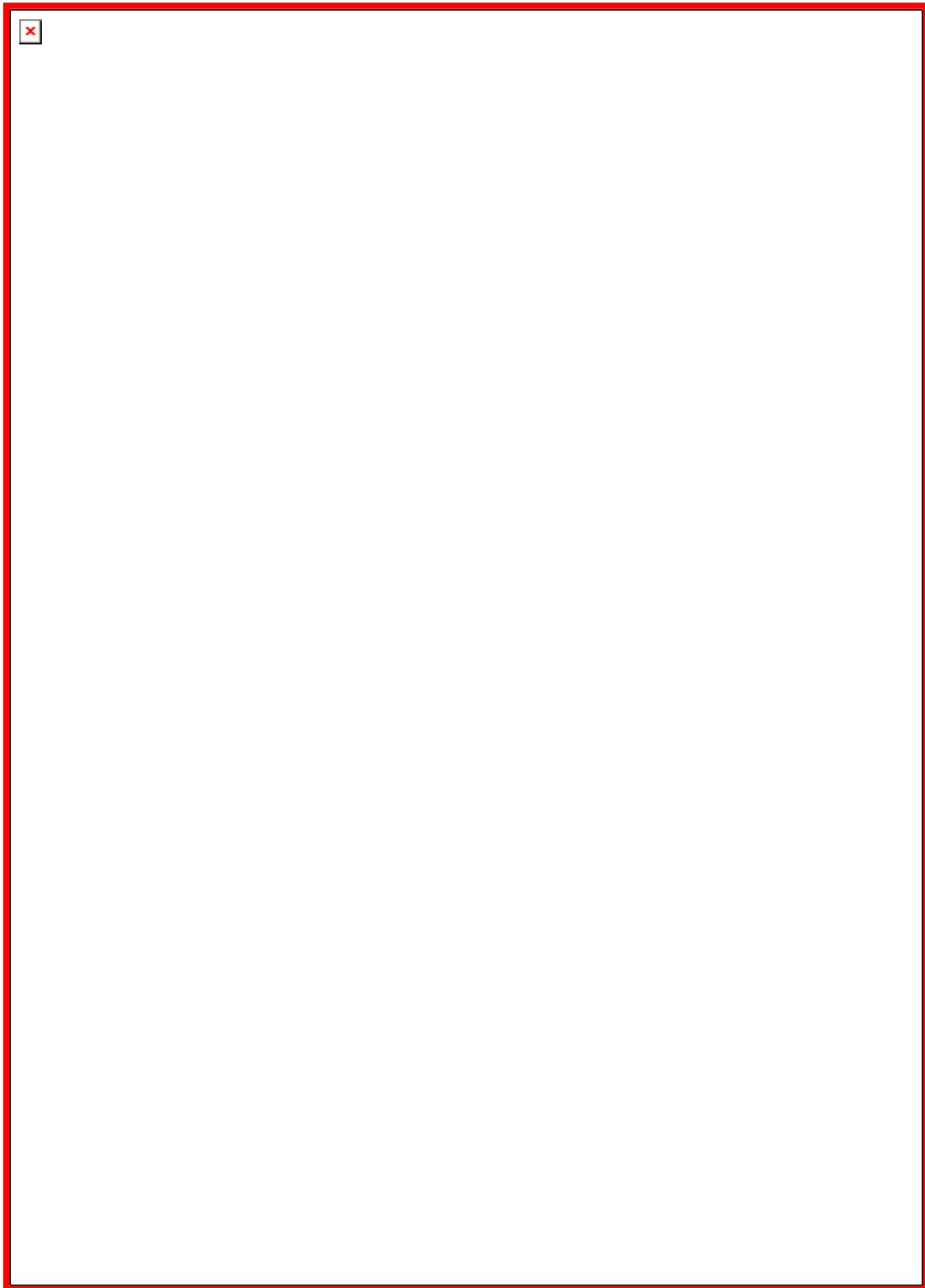
Site plans, elevation plans and perspectives.

Officer Interest Declaration

Nil.

Strategic Implications

Development – “to create an integrated Regional Centre with a full range of services (residential, business, commercial, recreational, civic and leisure)”



**ARMADALE PLAZA REDEVELOPMENT
(GROUND FLOOR PLAN)**

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.3
Metropolitan Region Scheme
Statement of Planning Policy No. 9 – Metropolitan Centres Policy
Land Administration Act 1997

Council Policy / Local Law Implications

Metropolitan Centres Policy
Armadale Enquiry-by-Design
Commercial Strategy
Draft Policy-Commercial Design Guidelines- Armadale Town Centre

Budget / Financial Implications

These have been indicated in previous Council minutes, however for the benefit of new elected representatives are repeated *at Attachment “B1” of the Agenda.*

Consultation

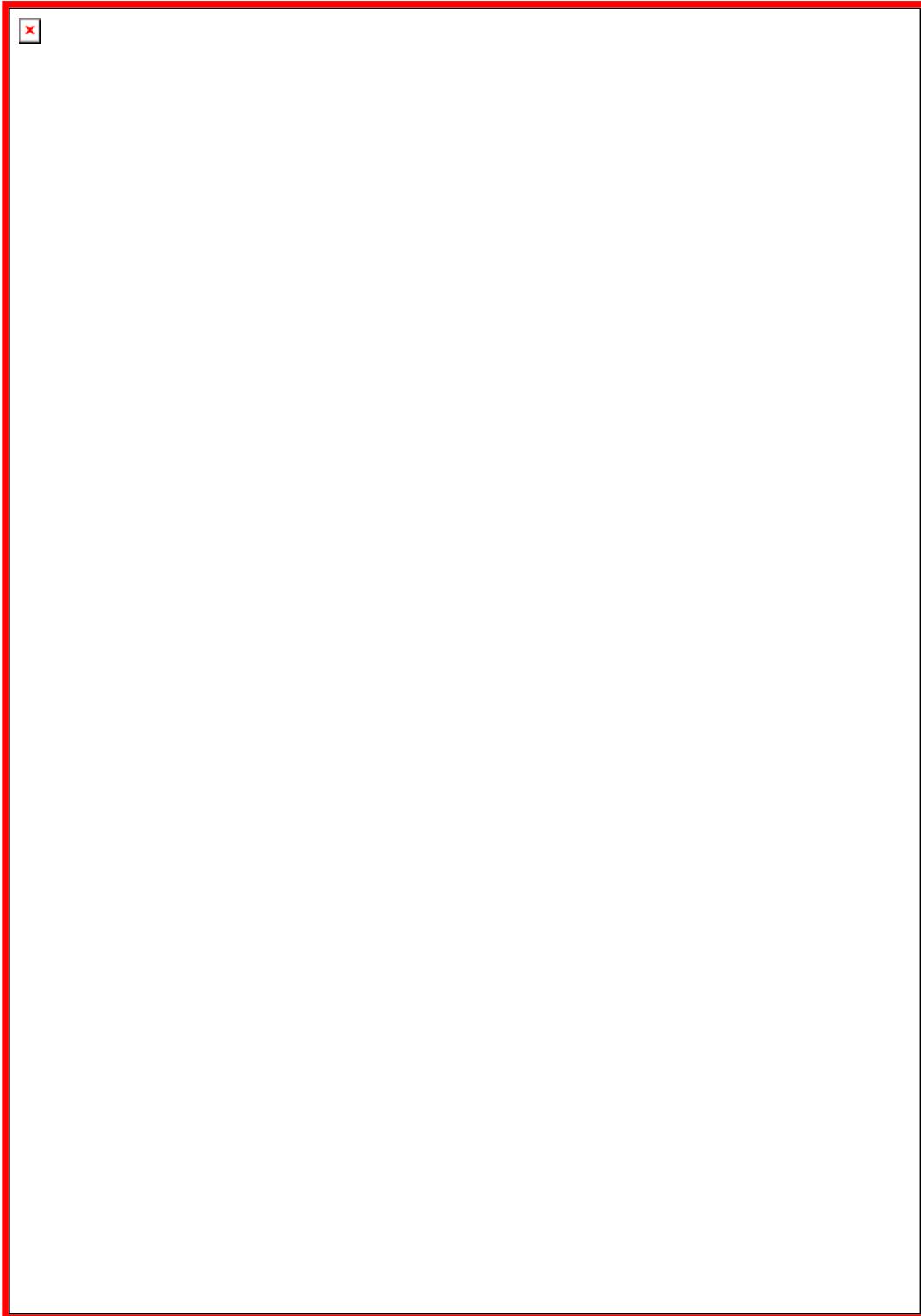
Development Control Unit (DCU)
Armadale Redevelopment Authority (ARA)
Returned Services League (RSL)

EXISTING SITUATION

There are thirty two (32) retail tenancies in the existing Armadale Plaza shopping centre, of which sixteen (16) are currently vacant (as at February 2003).

BACKGROUND

- ◆ In July 1992, Council approved in principle an application for four cinemas with reciprocal car parking for cinema use only.
- ◆ In September 1993, Council approved an application for four cinemas and a food hall with reciprocal car parking for cinema use.
- ◆ In January 2000, Council approved an application for six screen cinemas and the redevelopment of the existing shopping centre subject to a number of conditions.
- ◆ The issue of parking provisions to this entire Plaza / Cinema redevelopment proposal was considered by Council at the Special City Strategy meeting held in February 2003, where it was resolved as follows:



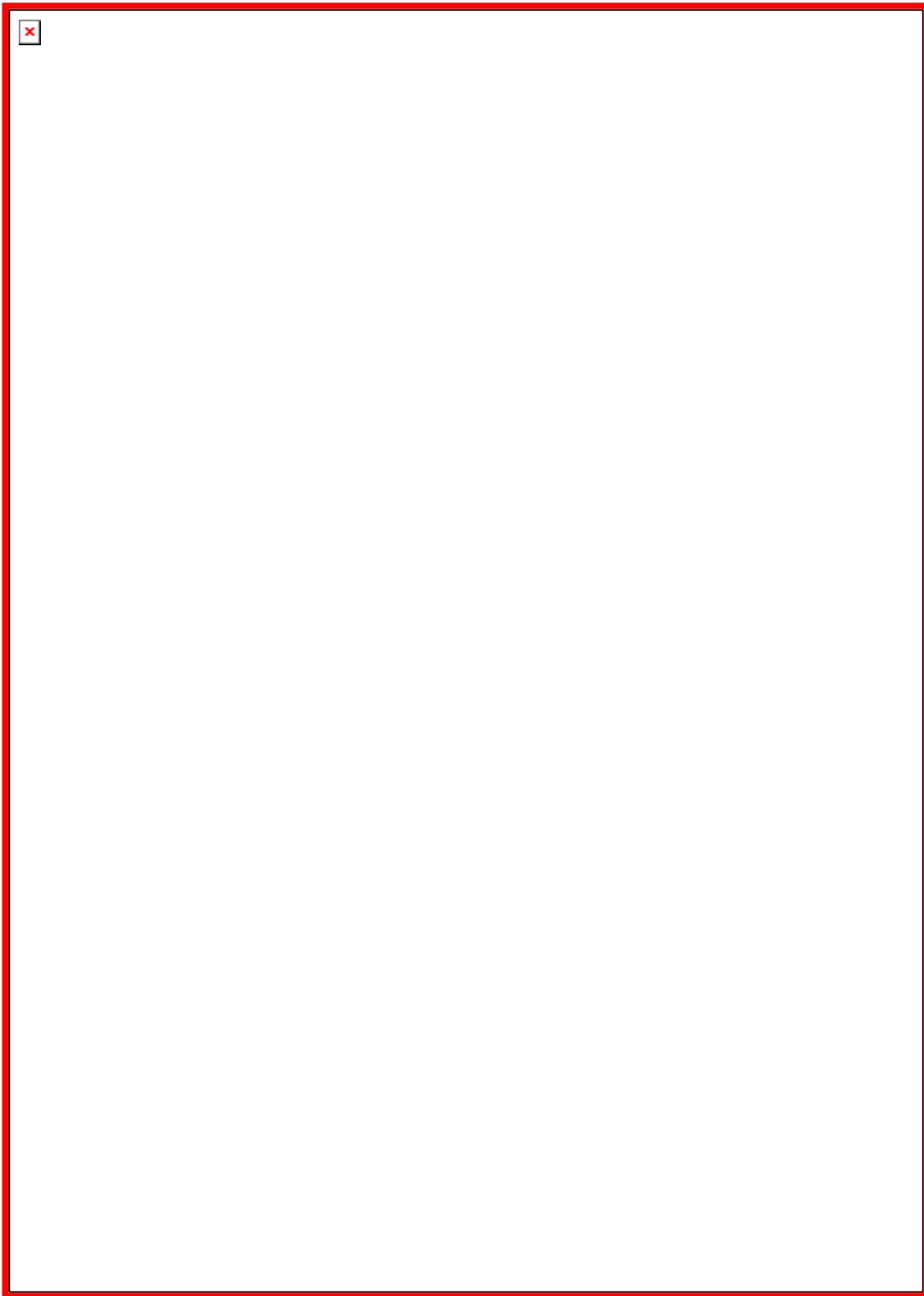
**ARMADALE PLAZA REDEVELOPMENT
(ELEVATION PLAN)**

1. "That in the event of the City receiving an application for planning approval for the development of a cinema on a site in the vicinity of the Jull Street Mall, on which is located a building used for commercial purposes, the Council, in relation to that application;
 - (a) shall determine the number of car parking spaces for the cinema and any commercial development proposed in addition to the cinema in accordance with the requirements of the Scheme and any of the variations referred to below which may be considered;
 - (b) may give consideration to accepting the current number of car parking spaces for the existing commercial building as sufficient for the equivalent area of commercial development associated with the proposed cinema;
 - (c) may give consideration to requiring no separate car parking spaces for a four screen cinema;
 - (d) consider whether the required number of car parking spaces for the cinema may be satisfied in accordance with the provisions of the Scheme; and
 - (e) consider whether that requirement may be satisfied on a graduated basis such that:
 - a. a specified number of the required car parking spaces be provided as part of the cinema development to accommodate the initial patronage level of the cinema; and
 - b. the balance of the required number of car parking spaces be provided within 5 years of the cinema commencing operations; or
 - c. the City may elect to accept a cash in lieu payment for the balance of the required number of car parking spaces, such payment to be secured by way of a bank guarantee in the required amount to be drawn upon by the City if the balance of the required car parking spaces is not provided within 5 years of the cinema commencing operations.

Council's preparedness to consider the above matters does not oblige it to adopt any one or more of those matters in relation to any application for planning approval it may receive for a cinema development and any associated commercial development".

DETAILS OF PROPOSAL

The application proposes the redevelopment of the existing Armadale Plaza shopping centre to incorporate a four-screen cinema complex with a seating capacity for 1,022 patrons as stage one of the two stage 8 cinema auditoriums project. The current proposal would increase the existing retail / leaseable area of 3,762m² of the centre by approximately 600m². The existing Woolworth supermarket site and a portion of the Memorial park is proposed to be integrated with this development. The proposal incorporates the following:



**ARMADALE PLAZA REDEVELOPMENT
(SITE PLAN – UNDERCROFT LEVEL)**

Ground (Plaza) Floor Level

- ◆ Cinema/s entrances, foyer, mall, candy bar, ticket sales, toilets and associated offices etc.
- ◆ Nine retail tenancies ($47m^2$ - $162m^2$) and a café / restaurant with an open vista to the cinema foyer.
- ◆ Six retail tenancies and two restaurants / fast food outlets (Jesters and Subway) fronting Jull Street Mall and a café overlooking the Soldiers Memorial Park with an alfresco dining area, public space, monolithic display walls, pathways and landscaping.
- ◆ The main arcade entrance from Jull Street with a secondary access off Third Road.
- ◆ Covered walkways / awnings provided on all sides of the building and attractive landscaping.

Lower (undercroft) Level

- ◆ Two large and one small retail tenancies, service area and car parking areas.
- ◆ Shopfront and entrance to lower level retail tenancies off Third Road.
- ◆ A forecourt area.
- ◆ Covered walkway from the Plaza building to Woolworths car park/Neerigen Street.

Woolworths Site

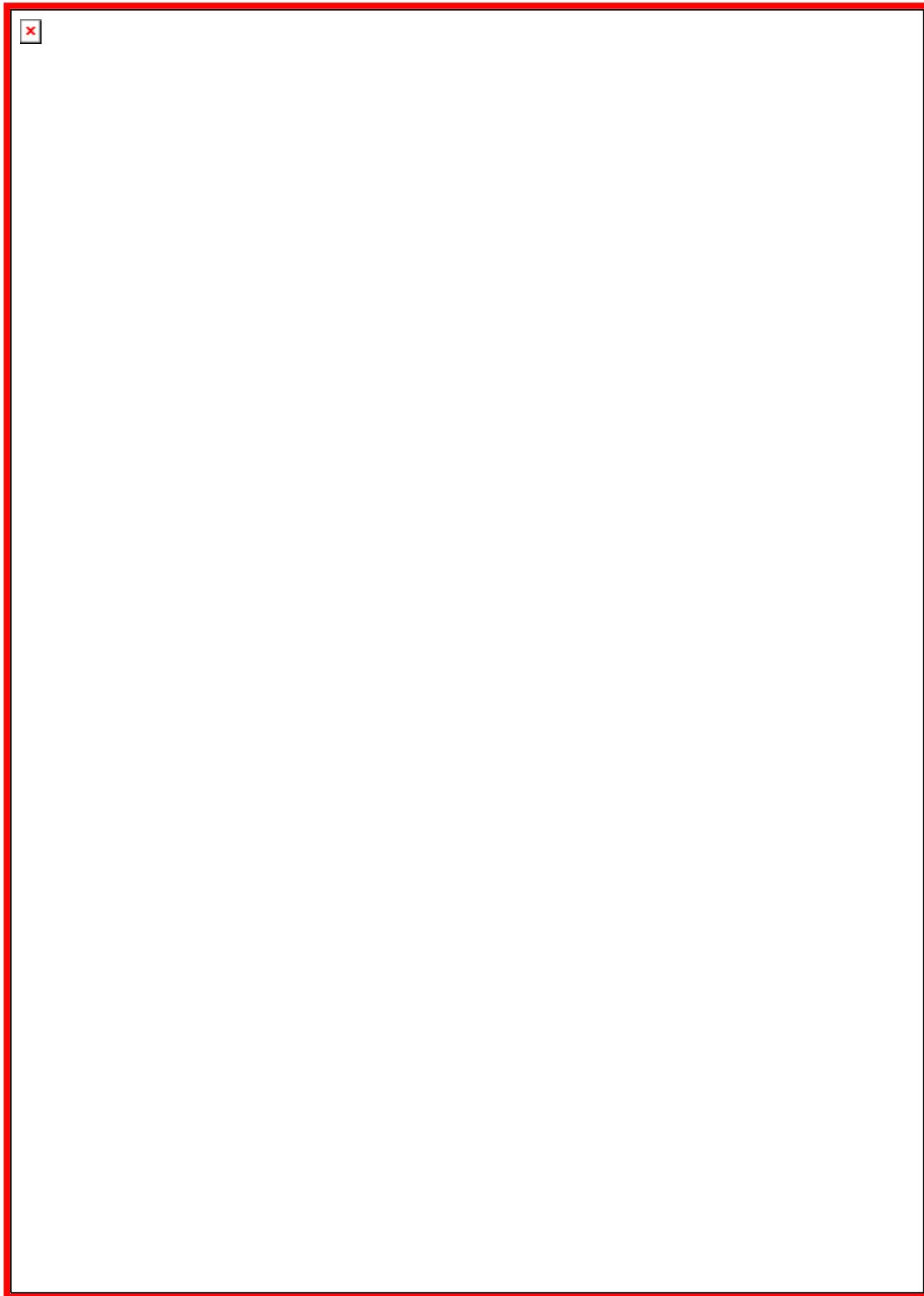
The application also suggests the integration of the Woolworths premises within the proposed Plaza redevelopment. This will be by way of providing a new paved covered pedestrian pathway linking the proposed development to the Woolworths car park as well as providing reciprocal parking between the two sites.

COMMENT

Development Control Unit (DCU)

The DCU considered the application at its meeting on 1 May 2003 and recommends support “in principal” for the application, subject to the following issues being resolved to Council’s satisfaction.

- ◆ A traffic study to be submitted detailing impacts of proposed traffic movements into and out of those lots involved in the application.
- ◆ Written consent to the proposal from all landowners involved in the development.
- ◆ An amended elevation plan to indicate proposed façade treatment to the Crazy Clarks building’s northwest elevation.
- ◆ A pedestrian movement plan for the area involved in this application.



**ARMADALE PLAZA REDEVELOPMENT
(UNDERCROFT FLOOR PLAN)**

Technical Service Directorate (TSD)

The proposal to construct a Principal Shared Path adjacent to and on the eastern side of the Armadale/ Perth railway line between the new railway station and Armadale Road is likely to be constructed towards the end of the 2003/2004 financial year with the State Government already committing \$100,000 towards its construction. The proposal for parking on the western side of Woolworths will compromise the path proposal and should not be approved. Further, the entire parking provision along the road reserve on this western side cannot be guaranteed in the mid to long term due to the potential for this to become a roadway connecting Armadale Road with Neerigen Street as per the Armadale Enquiry by Design Workshop Outcomes.

Armadale Redevelopment Authority (ARA)

The application was referred to the ARA for comment, as the subject sites fall within the proposed ARA Scheme area, which will be implemented under the provisions of the Armadale Redevelopment Act 2001. The ARA has recommended the following:

1. The City of Armadale note that some of the proposed parking areas are on Crown land which may be required in the future for alternative uses.
2. Formal arrangements being entered into with the City of Armadale for the alfresco cafe use of the encroached part of Memorial Park.
3. An appropriate lighting strategy being determined and implemented to the satisfaction of the City of Armadale and the Armadale Redevelopment Authority.
4. The memorial walls and other development proposed to encroach into Memorial Park being provided at the developer's cost and to a standard and finish to the satisfaction of the City of Armadale and the Armadale Redevelopment Authority.
5. All new commercial signage being subject to separate and specific applications for planning approval. Guidelines for such signage should be determined in consultation with and to the satisfaction of the City of Armadale and the Armadale Redevelopment Authority.
6. Provision of a Landscape Plan detailing species selection, specimen location, paving materials and finishes, method(s) of maintenance and management and commitment to the same, to be determined in consultation with and to the satisfaction of the City of Armadale and the Armadale Redevelopment Authority.

Returned and Services League (RSL)

As the Plaza redevelopment proposal suggests the integration of a portion of the Memorial park, discussion were held between the applicants, RSL members and Council and Armadale Redevelopment Authority representative to ascertain the level of support that would be extended from the RSL members to the proposal. A positive response has been received to the proposed improvements to the interface between the Memorial park and the cinema building.

ANALYSIS

Land ownership of the development area

The proposal includes land vested in the City of Armadale and Western Australia Government Railways (WAGR) as follows:

- ◆ Railway Reserve No.22555 (vested with WA Government Railways)
- ◆ Streich Avenue Road Reserve (vested with City of Armadale)
- ◆ Third Road Pedestrian Path (vested with City of Armadale)
- ◆ Soldiers Memorial Park (City of Armadale)

The landowner of the development site has provided documentation (a copy of a lease agreement plan and a covering letter from the owner) to confirm the lease agreement with WAGR over the Railway Reserve land and has verbally advised that the lease is a renewable monthly tenancy. Given that the plan submitted to Council is dated August 2001, it is prudent to request written confirmation from the WAGR of the current situation (validity) of the agreement.

The following features of the proposal encroaches onto Council owned / vested land:

- ◆ A portion of the Woolworths site parking area encroaches into the Streich Avenue road reserve.
- ◆ The pillars supporting the weather protection awnings as well as sections of the awning proposed on Third Road façade of the building encroach onto the public footpath.
- ◆ The portion of the Soldiers Memorial Park, which is incorporated into the proposal, is under the ownership of City of Armadale.

Legal opinion received from Council solicitors (Minter Ellison) regarding validity of applications in these types of situations advises “*The land owner’s signature on an application form provides proof to the City that the owner has consented to the application. What is essential is that The City is aware that the relevant owner has consented. On this basis, a letter to the City (such as those attached to the application) would be sufficient*”.

Armadale “Enquiry by Design” Workshop (AEBD)

The Armadale Plaza was identified as one of the key sites for the revitalisation/reactivation of Jull Street and the central city retail area at the AEBD workshop held in 1999. One of the key targets of the workshop was to attract a cinema operator to the site. The Department for Planning and Infrastructure (The Ministry for Planning at that time) when providing comments on the previous cinema application approved by Council in January 2000 stated, “a cinema could extend the effective trading hours of the city centre and would provide a significant anchor to attract other lifestyle and entertainment uses”.

During a community consultation undertaken (between November 2002 and January 2003) by the Armadale Redevelopment Authority, the issue receiving the most interest was the need for cinemas in the area. The great majority expressed a need for cinemas in the Armadale City Centre.

Town Planning Scheme No. 3

Lot Pt 54 and 8 Jull Street is zoned “Shopping” under Town Planning Scheme No.3 (Scheme). Cinemas fall within the “Place of Public Assembly” use class under the Scheme that is an “AA” use requiring consideration and determination by Council.

The proposal fulfils the Scheme objectives for the City Centre Shopping zone that encourage the provision of regional level services such as cinemas.

Armadale is designated as a Strategic Regional Centre in the Western Australian Planning Commission’s Statement of Planning Policy No.9 - Metropolitan Centres. The Policy encourages “...major entertainment facilities such as multiplex cinemas in the Strategic Regional Centres to enhance their role as employment centres...”

Comments received from the Department for Planning and Infrastructure (then the Ministry for Planning) on the cinema application approved by Council in 2001, clearly affirmed the desirability of having cinemas on the subject site, in relation to the long-term growth and viability of the City Centre. Council’s previous support for cinemas on the lot underscores the suitability of the proposed land use.

The current 50% vacancy rate at the Plaza shopping centre indicates that the existing configuration of shops does not satisfy current retail demand. The introduction of a high customer attractant such as cinemas would significantly increase the financial viability of the centre, with customer over-flow expected in the wider retail area.

Building Design/Architecture

The renovations proposed for the Armadale Plaza building to incorporate the Cinemas, generally represents contemporary architectural design with extensive façade treatment. The design is formulated to complement the general architectural theme of the surrounding buildings. The colour site/elevation plans submitted by the applicant to demonstrate the appearance of the finished product reflects encapsulation of a complementary heritage colour theme preferred by the City. The four main aspects of the development are as follows:

Jull Street Elevation

Jull Street provides the main entrance to the cinema while integrating the existing retail tenancies with a focus onto the Jull Street pedestrian mall to encourage passing trade for the upper level retail tenancies. The proposed design incorporates rendered and painted brick, painted concrete tilt up panels, custom orb, coursed stone, painted steel canopies and fascia and extensive window treatment with metal signage panels to provide an attractive façade. This aspect provides a human/pedestrian scale to the entire development.

Third Road Elevation

Third Road entrance to the upper level becomes the secondary access, with the lower level shop entrances being more prominent. Similar building materials and design aspects will be utilised on the Third Road elevation.

Awnings, rammed earth stone/piers, grooving of tilt up panels and innovative designs are proposed to break up the bulk of the cinema wall visible from this side. Proposed forecourt in front of the existing Crazy Clarks will serve as a public meeting place. The access ramp along Third Road leading from Jull Street will provide a secondary and disabled access to the cinema entry point on Third Road.

Northeast Elevation (Memorial Park)

This aspect is designed to incorporate the Memorial Park into the proposed development. Alfresco dining and pedestrian spaces are created to provide more interaction between these two spaces. Interesting art décor elements such as stone memorial walls, varied colour walls, translucent feature roof over the pedestrian area and foot paths and landscaping would be introduced to reduce the overpowering effect of the vertical height of the tilt up concrete walls of the cinemas from this angle and to provide visual variety.

Northwest Elevation

Northwest elevation reflects architectural features similar to the Third Road and Memorial park elevations with façade treatment to break up the vertical height of the tall tilt up concrete walls. Access to Crazy Clarks, a retail tenancy and the proposed Furniture Bazaar Showroom will be provided from this end. However, type of treatment proposed for the existing Crazy Clarks building from this aspect is not clear as the submitted colour drawings demonstrate the exclusion of this section of the Crazy Clarks building. The applicant's intentions for this section should be clarified. This could be addressed as a condition of any Planning Approval to be issued.

General Design

It is considered that the overall architectural design features of the proposed building are consistent with the recommended design details of Councils Draft Policy on "Commercial Design Guidelines for Armadale Town Centre".

Landscaping

Landscaping issue has not been addressed in detail apart from the submitted plans demonstrating the retention and incorporation of the existing vegetation (including vegetation on the Memorial Park) with the proposed landscaping for the entire site. A detail-landscaping plan will need to be submitted for consideration by the City. This can be addressed as a condition of any recommended approval of the development.

Signage

The submitted elevation plans incorporate an initiative of the proposed signage for the entire development. This however, is not considered entirely satisfactory given that it does not reflect a uniform / consistent theme on the external facades of the building. The applicant should be advised to reconsider this element of the proposal, which can be addressed as a condition of approval.

Access / Parking

Existing access points to the Armadale Plaza from Third Road and Neerigen Street will be maintained to service the proposed development.

In accordance with the requirements set out in the Town Planning Scheme No.3, a total of 484 car-parking bays are required to service this entire development while only 136 bays would be provided on site. This provides a shortfall of 348 bays.

As detailed under background information, the issue of parking provisions to this entire Plaza / Cinema redevelopment proposal was considered by Council at the Special City Strategy meeting held in February 2003. This report also discussed the possible different concessions that Council could apply in dealing with the car parking issue for this plaza redevelopment with the expectation of allowing reciprocal parking for the cinemas. They were as follows:

Table 1- Council not imposing a parking requirement for the cinema component.

	Requirement	Provision	Shortfall
Parking Bays	484, less 170 (required for the cinemas)	136	178

In accordance with the current Town Planning Scheme No.3 requirements the current retail development on site provides 135 less parking bays than would be required. Based on the understanding that the redevelopment is in large part an extension/ refit rather than a complete demolition and rebuild, Council could consider providing a level of dispensation for the equivalent retail area of the retail/cinema development. If such approach is adopted the parking shortfall would be as follows:

	Requirement	Provision	Shortfall
Parking Bays	484, less 170 (required for the cinemas), less 135 (existing retail)	136	43

The most recent site plan submitted by the applicant indicates provision of 44 additional car bays on the Woolworths car park site to meet the above parking shortfall for the development by providing reciprocal parking arrangement between the plaza and the Woolworths sites. This has been achieved after physically reviewing the parking arrangement on the Woolworths site by including the underutilised areas of the car park, which partly includes Streich Avenue reserve and Railway reserve land. These proposed parking concessions and reciprocal parking arrangements could be justified based on the following:

- ◆ Cinema usage occurs predominantly after retail hours.
- ◆ Council has previously approved cinemas on the subject site on the basis of a 100% parking dispensation for cinema patrons.
- ◆ The site is constrained in terms of car parking provision.
- ◆ The site is located in the centre of the Armadale CBD with the potential for other reciprocal car parking to occur.

Council's Technical Services Directorate requires the updating of a traffic study originally prepared for the site in 1993 as part of the previously approved cinema application. This update should detail the impacts of proposed traffic movements into and out of those lots intended for use as reciprocal car parking areas. The update should also make recommendations regarding the most suitable methods for directing traffic to those alternative parking areas if this is considered necessary.

It is considered appropriate to request the amalgamation of the three properties concerned (Lot Pt 54 and 8 Jull Street and Lot 112 Neerigen street) or a reciprocal parking arrangement being secured by the provision of legal evidence that use of car parking spaces on the properties involved is reciprocated to avoid any future parking problems between the three sites.

A parking survey within the City Centre has indicated that there are approximately 2950 bays within a 400m radius of the Plaza (or within a 5 minute walk). Of these, 1,169 are in public ownership or in the ownership of Westzone. (476 are in Westzone's control, 159 in Council parking areas, 354 in the rail reserve and 180 marked in the streets).

There may be an overlap of demand for parking by retail customers and cinemagoers, particularly on Thursday evenings and Saturday afternoons. It is at these times that the under-utilised car parking areas in the wider City Centre area can be used. Promotion and advertising of the City Centre car parking areas will aid in dispersing the demand for car parking spaces.

Use of Public land for Private Development

As indicated in comments provided by the Technical Services Directorate, in the event of the portion of WAGR reserve land not being available for parking for this development it would provide a parking shortfall of 37 bays. This situation could be addressed by the applicant entering into a legal agreement with the City, supported by a bank guarantee for the cash-in-lieu for the parking shortfall (37 bays at the rate of \$5,000.00 per bay), so that the parking requirements were met by a certain date, and if the requirements were not met Council would draw on the guarantee and provide the parking elsewhere.

The AECD has identified the road reserve along the western side of Woolworths (indicated as parking area on the submitted plans) as a roadway to connect Armadale Road with Neerigen Street. The City's Technical Services Directorate has advised that there are no immediate plans for the construction of such a connecting road. However, it should be noted that the Woolworths supermarket has utilised this area for parking purposes for a considerable period of time.

Relaxation of Standards

Clause 7.6 of the Scheme allows for a relaxation of car parking standards, provided that the development is consistent with the orderly and proper planning, and preservation of the amenities, of the locality; and the occupiers or users of the development or inhabitants or likely future development of the locality will not be adversely affected.

While the existing car parking spaces fall short of Scheme requirements, the opportunity for reciprocal car parking arrangements in the City Centre adequately satisfies Scheme requirements for a relaxation of car parking standards.

Given the above, it is suggested that as per the recommendations made by Council at its Special City Strategy meeting in February 2003, Council consider:

- ◆ Accepting the current number of car parking spaces for the existing commercial building as sufficient for the equivalent area of commercial development associated with the proposed cinema;
- ◆ Accepting the provided parking bays as sufficient to service the proposed retail components of the proposed new development;
- ◆ Requiring no separate car parking spaces for a four-screen cinema.

Access to Public Transport

The proposal is well located in terms of public transport with the railway station being approximately 300m from the cinemas. Council has recently approved an application for the redevelopment of the Armadale railway station which involves the construction of a new station across the road from the western end of the Jull Street mall, which was also a recommendation made by the Armadale ‘Enquiry by Design’ workshop. This relocation brings the station approximately 80m closer to the proposed cinemas. The close proximity of public transport together with the Principal Shared Path proposed along the railway line adds further weight to relaxing car-parking standards as discussed above. It would be appropriate to request the applicant to include provisions for end of trip facilities for cyclists.

Pedestrian Access/ Facilities

The submitted plans indicate a pedestrian network including a covered footpath linking the cinema site with Woolworth car park area and pedestrian paths linking the memorial park and car parking areas.

Notwithstanding the above, a detail plan indicating safe pedestrian linkages between the cinema site and the adjacent and nearby service station/Red Rooster, Woolworths and Memorial Park sites is required.

Lighting

Lighting treatment is an important aspect mainly in terms of personal security and aesthetics. No details of the proposed lighting has been provided or indicated on plans at this stage. Consideration should be given to details such as design, colour / materials, lux and distribution. This could be considered and addressed as a separate issue and conditioned on the Planning Approval.

Future extensions of the Cinemas

The submitted site plan indicates (in dotted lines) the future proposed four auditorium extensions to the cinemas. It should be noted that these extensions are indicative only and does not form a part of this application. Any proposed such extensions will be subject to a separate application and determination by council based on the merits of the proposal.

Options

1. The application to be approved subject to imposition of appropriate conditions to address the issues and concerns raised on various aspects of the proposal as outlined in the report.
2. Deferred the application until the applicant has satisfactorily addressed the issues / concerns raised in this report.
3. Refuse the application based on parking arrangement concerns and the proposal's potential impact on the surrounding land in the City Centre.

Conclusion

- ◆ The proposed cinemas and retail redevelopment is a desirable proposal that would create a positive flow-on effect for the whole City Centre area that would benefit in terms of long term growth and viability.
- ◆ The site is constrained in relation to car parking, however the Scheme's requirements for a relaxation of car parking standards offset the net benefit to be gained from having a major attractant such as cinemas in the City Centre.
- ◆ Council has previously consented to a 100% parking dispensation for cinema patrons. As the circumstances surrounding this application have not changed significantly since, it is appropriate to apply a similar approach to this application.
- ◆ The proposal is well located in terms of public transport with the railway station being within easy walking distance and being in close proximity to the future proposed Principal Shared Path.
- ◆ The architectural design features of the building are considered to be compatible with the existing buildings surrounding the site.
- ◆ Although the Council has previously considered similar cinema applications for this site, (which have since expired), this current application needs to be considered as a new application based on its merits.

Given the above option 1 is recommended.

Officer's report recommends –

1. That the application for the redevelopment of the Armadale plaza shopping centre (Lot Pt 54 and 8 Jull Street, Armadale) to incorporate 4 cinema auditoriums be approved subject to conditions including the following:
 - a) The applicant entering into a legal agreement with the City of Armadale, supported by a bank guarantee for the payment of cash-in-lieu for the parking shortfall (37 bays at the rate of \$5,000.00 per bay) to be called on the event of the parking currently allocated in the plans on WAGR land being displaced.
 - b) The applicant to provide the equivalent number of parking bays that would be displaced (Approximately 37 bays) in a satisfactory location in close proximity to the proposed sites or the applicant entering into a legal agreement with the City of Armadale, supported by a bank guarantee for the payment of cash-in-lieu for the parking shortfall (37 bays at the rate of \$5,000.00 per bay).

- c) Submission of revised detailed plan indicating the following to the satisfaction of the Executive Director Development Services:
 - ◆ Modification to the proposed design of signage for the entire building to reflect a more uniform advertising theme to complement the character of the building.
 - ◆ Proposed façade improvements to the northwest elevation of the existing Crazy Clarks building to complement the rest of the building design./
- d) All lots within the application area (Lot Pt 54 and 8 Jull Street and Lot 112 Neerigen Street) to be amalgamated or evidence to be submitted to the satisfaction of Council providing for the protection of use of reciprocal car parking rights over Lot Pt 54 & 8 Jull Street and Lot 112 Neerigen Street, Armadale.
- e) An update of the traffic study prepared for the site in 1993, including the following details, to be submitted to the satisfaction of the Executive Director Technical Services:
 - ◆ impacts of proposed traffic/pedestrian movements into and out of those lots involved in this application;
 - ◆ suitable methods for directing traffic to alternative car parking areas if this is considered necessary.
- f) A comprehensive landscape plan to be submitted indicating integration of landscape design with adjacent Memorial Park, adjoining streets and parking areas and such plan approved by the Executive Director Technical Services.
- g) All landscaping material, including reticulation to be installed as per the approved plan and to be maintained thereafter to the satisfaction of the Executive Director Development Services.
- h) A pedestrian movement plan to be submitted, showing safe pedestrian linkages between the proposed cinemas and shops, car parking areas and major surrounding activity nodes to the satisfaction of the Executive Director Technical Services.
- i) Submission of a comprehensive lighting plan that demonstrate the following requirements to the satisfaction of the Executive Director Technical Services.
 - ◆ Public safety within all car parking areas, undercover walkway areas and surrounding the cinema building;
 - ◆ Strategic lighting design to enhance the building;
 - ◆ Standard of lighting to be of an attractive quality design, colour/material and satisfactory distribution.
- j) A comprehensive stormwater drainage plan is to be submitted to the Executive Director Technical Services and such plan being approved prior to issue of the building licence. All drainage work to be constructed as per approved plan.

- k) All hard standing areas including car-parking areas, crossovers and driveway vehicle manoeuvring spaces shall be constructed, drained, sealed, kerbed, marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.
 - l) The applicant addressing the Public Liability Insurance associated with sections of the covered walkway encroaching into the Third Road public footpath to the satisfaction of the Executive Director Development Services.
2. That the applicant be advised that the future four cinema extension is indicative only and does not form part of this application.

COMMITTEE was of the view that Council should consider the matter of the parking bays provided within the WAGR reserve after advice provided by the EDDS.

COMMITTEE was concerned that the parking arrangements should not prejudice the achievement of the proposed Principal Shared Path.

COMMITTEE also recommended that the requirement for a comprehensive lighting plan include the area on the north side abutting Memorial Park.

D76/5/03

RECOMMEND

Council resolved at its Ordinary Meeting on 19 May 2003 that Recommendation D76/5/03 be amended to read as follows:-

1. That the application for the redevelopment of the Armadale plaza shopping centre (Lot Pt 54 and 8 Jull Street, Armadale) to incorporate 4 cinema auditoriums be approved subject to the following conditions:
 - a) In the event of the parking bays located on WAGR land or any other part of the site being displaced, the applicant is to provide the equivalent number of parking bays in an appropriate location in close proximity to the proposed cinema site to the satisfaction of the Executive Director Development Services. Alternatively the applicant is to make a payment for cash-in-lieu for the number of displaced parking bay / shortfall at the rate of \$5000.00 per bay or provide a bank guarantee for the total amount required.
 - b) Submission of revised detailed plan indicating the following to the satisfaction of the Executive Director Development Services:
 - ♦ Modification to the proposed design of signage for the entire building to reflect a more uniform advertising theme to complement the character of the building.

- ♦ Proposed façade improvements to the northwest elevation of the existing Crazy Clarks building to complement the rest of the building design.
- c) The development is to accommodate a Principal Shared Path (PSP) to the west of the site to the satisfaction of the Executive Director Technical Services and Main Roads WA. Revised plans are to be submitted by the applicant and approved by the Executive Director Technical Services and Main Roads WA, in the event that any changes are proposed for the development, affecting the PSP. Development is to occur in accordance with the approved plans
- d) All lots within the application area (Lot Pt 54 and 8 Jull Street and Lot 112 Neerigen Street) to be amalgamated or evidence to be submitted to the satisfaction of Council providing for the protection of use of reciprocal car parking rights over Lot Pt 54 & 8 Jull Street and Lot 112 Neerigen Street, Armadale.
- e) An update of the traffic study prepared for the site in 1993, including the following details, to be submitted to the satisfaction of the Executive Director Technical Services:
 - ♦ impacts of proposed traffic/pedestrian movements into and out of those lots involved in this application;
 - ♦ suitable methods for directing traffic to alternative car parking areas if this is considered necessary.
- f) A comprehensive landscape plan to be submitted indicating integration of landscape design with adjacent Memorial Park, adjoining streets and parking areas and such plan approved by the Executive Director Technical Services.
- g) All landscaping material, including reticulation to be installed as per the approved plan and to be maintained thereafter to the satisfaction of the Executive Director Development Services.
- h) A pedestrian movement plan to be submitted, showing safe pedestrian linkages between the proposed cinemas and shops, car parking areas and major surrounding activity nodes to the satisfaction of the Executive Director Technical Services.
- i) Submission of a comprehensive lighting plan that demonstrate the following requirements to the satisfaction of the Executive Director Technical Services.

- ♦ Public safety within all car parking areas, undercover walkway areas and surrounding the cinema building;
 - ♦ Strategic lighting design to enhance the building;
 - ♦ Standard of lighting to be of an attractive quality design, colour/material and satisfactory distribution.
 - ♦ To include the area on the north side abutting Memorial Park.
- j) A comprehensive stormwater drainage plan is to be submitted to the Executive Director Technical Services and such plan being approved prior to issue of the building licence. All drainage work to be constructed as per approved plan.
- k) All hard standing areas including car-parking areas, crossovers and driveway vehicle manoeuvring spaces shall be constructed, drained, sealed, kerbed, marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.
- l) The applicant addressing the Public Liability Insurance associated with sections of the covered walkway encroaching into the Third Road public footpath to the satisfaction of the Executive Director Development Services.
2. That the applicant be advised that the future additional four cinema extension is indicative only and does not form part of this application.

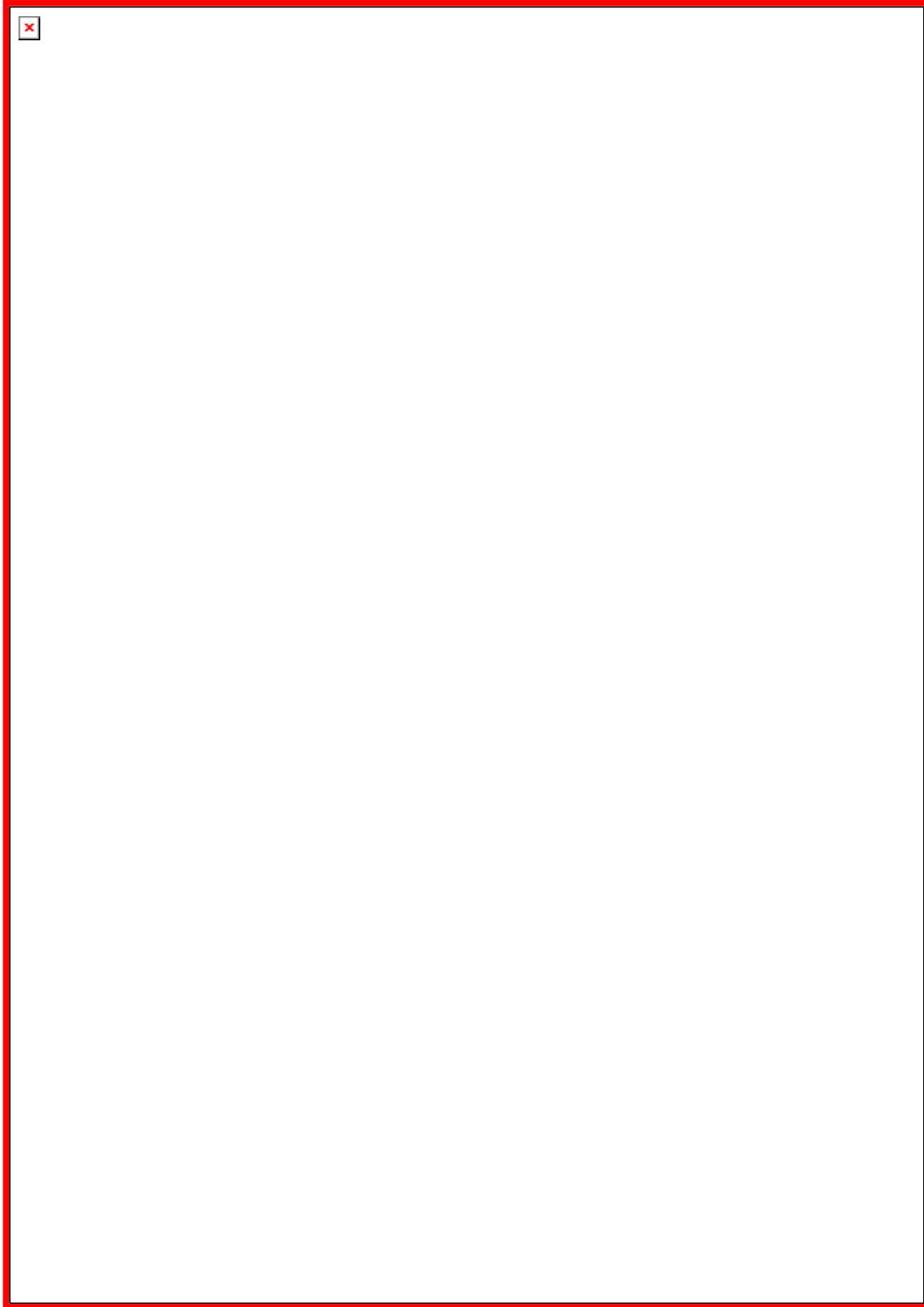
Footnote -

The moneys referred to in condition 1a) are to be drawn on in five years from the cinema opening if the parking shortfall has not been directly remedied by that time through the redevelopment of Lot 112 Neerigen St, Armadale.

MOVED Cr Green
MOTION CARRIED (7/0)

*Meeting adjourned at 8.55pm
Meeting reconvened at 9.01pm*

Cr Wallace left the meeting at 8.55pm and did not return.



***PIONEER VILLAGE - PROPOSED CAFÉ / RESTAURANT –
LOT 100 (STRATA LOT PT 51) ALBANY HIGHWAY, ARMADALE***

WARD : ARMADALE
FILE REF : A185084
DATE : 1 May 2003
REF : GIW
RESPONSIBLE MANAGER : PSM
APPLICANT : Summer Moon Enterprises
LAND OWNER : Summer Moon Enterprises
SUBJECT LAND : Lot 100 (Strata Lot 51)
Albany Hwy, Armadale
Property size 2308m²
Map 23.03
ZONING : Urban / Special Use No.2
MRS/TPS No.2

In Brief:-

- Application is made to convert and extend an existing Bakery House building into a café/restaurant.
- Proposal is consistent with the Special Use No.2 zone under Town Planning Scheme No.2.
- Recommend approval subject to submission of a revised elevation plan to reflect 19th Century character/design.

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

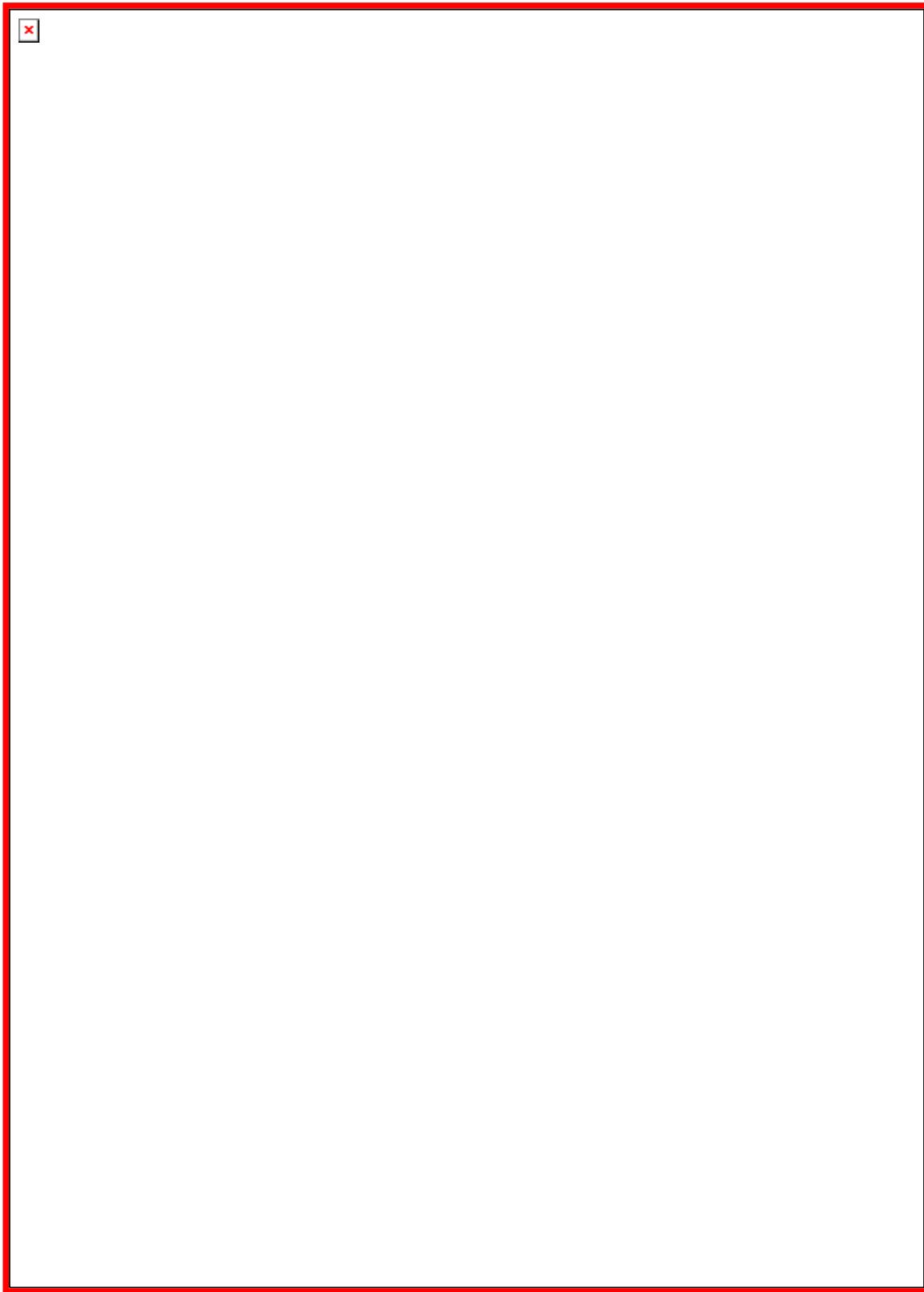
Town Planning & Development Act 1928
Metropolitan Region Scheme Act 1959
Town Planning Scheme No.2

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.



Consultation

- ◆ Development Control Unit (DCU)
- ◆ Surrounding Landowners
- ◆ Community Heritage Advisory Committee (CHAC)

BACKGROUND

Council received the application to convert and extend an existing building on site into a café/restaurant on 28 February 2003. As a deviation from standard car parking requirements under Town Planning Scheme No.2 is proposed, the application has been referred to Council for determination.

DETAILS OF PROPOSAL

Details pertaining to the application include the following:

- ◆ Conversion and extension of an existing Bakehouse building on site into a café/restaurant;
- ◆ Total seating capacity of 116 seats;
- ◆ No additional car parking is proposed.

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 13 March 2003 raised no objection to the proposal, however noted that the proposed design of the building is inconsistent with 19th Century character of existing buildings on site. DCU also recommended that this matter be referred to Council's Community Heritage Advisory Committee for further comment.

Community Heritage Advisory Committee (CHAC)

CHAC at its meeting held on 17 April 2003 raised no objection to the proposal on heritage grounds however it raised a concern that the proposed design of the building is inconsistent with the 19th Century character of surrounding buildings within the Pioneer Village, and recommended that the building be redesigned accordingly.

Surrounding Landowners

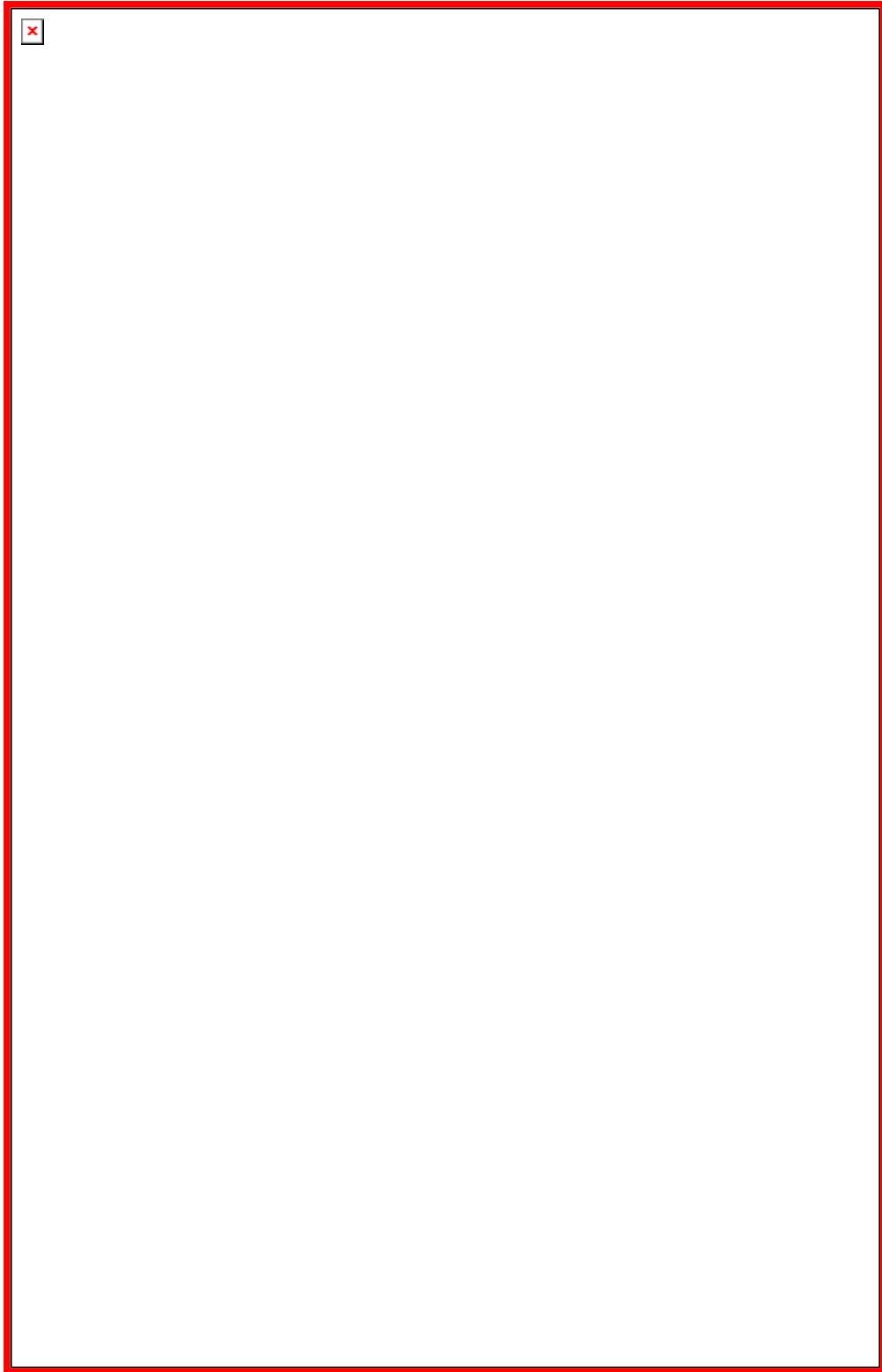
The application was advertised to adjoining landowner for a period of 14 days. No submissions were received.

Analysis

Town Planning Scheme No.2

The intent of the Special Use No.2 zone under Town Planning Scheme No.2 reads as follows:

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



**ELEVATION & FLOOR PLAN – PIONEER VILLAGE CAFÉ/RESTAURANT
LOT 100 ALBANY HIGHWAY, ARMADALE**

The proposed Café/Restaurant is considered to be consistent with the above definition. In terms of land use, the proposal will be compatible with existing uses on site such as the Pioneer Village restaurant, motel, pub and various souvenir / specialty shops within this complex. Within the context of the special use zoning, a café/restaurant forms part of the Pioneer Village concept and is consistent with the 19th Century village atmosphere.

Parking Requirements

Overview of Existing Car Parking provision

A previous traffic study submitted as part of a recent development proposals on the Pioneer Village site identified that there are approximately 200 parking bays on site. It was observed that approximately 126 vehicles were parked on site during school pick-up time and 30 vehicles remained after school hours. This indicates that approximately 74 bays (35%) car parking bays on site are available during school peak traffic periods between 2.50 pm and 3.15 pm Monday – Friday.

Proposed Shops and Office Building

It should be noted that there are no prescribed car parking standards under Town Planning Scheme No.2 for the Special Use No.2 zone. Car parking standards have therefore been calculated based on general TPS No.2 requirements of 1 bay per 4 seats, which equates to a total of 29 parking bays. In this regard, as ten (10) existing car parking bays have been allocated on site as part of the existing bakehouse building, a total shortfall of 19 bays is proposed. The existing (estimated) oversupply of 74 bays on site during peak times is considered to be sufficient to cater for this “shortfall”. In addition, as the peak traffic periods for retail / tourist activities do not coincide with the peak traffic times of the Pioneer Village School, a variation from standard car parking requirements is acceptable.

It should be noted that the proposed shop and office building development proposal, also being presented to this Council meeting has a shortfall of approximately 19 bays. Both developments therefore require a combined parking requirements of 38 bays. This can be adequately accommodated within the current provision of 74 (during peak period) parking bays on site. It should also be noted that given that there are no prescribed car parking standards under Town Planning Scheme No.2, a relaxation of standards under Clause 7.6 of TPS No.2 is not required.

Design

The proposed design of the subject building appears to reflect a mixture of architectural styles that are inconsistent with the design of 19th century character buildings within the Pioneer Village, including art deco and modern curved awning features. A revised elevation plan, including colour and material schedule will be required as a condition of approval to ensure a more acceptable design is obtained to complement the 19th century character of Pioneer Village.

OPTIONS

1. Council may approve the application subject to appropriate conditions.
2. Council may refuse the application if it is of the view that the proposal has the potential to generate car parking concerns on site.

CONCLUSION

The proposal is consistent with the intent of the Special Use No.2 zone, is compatible with existing uses on site and poses minimal impact in terms of traffic generation and car parking demand. It is therefore recommended that Council approve the application subject to submission of a revised elevation plan to better reflect a 19th Century character.

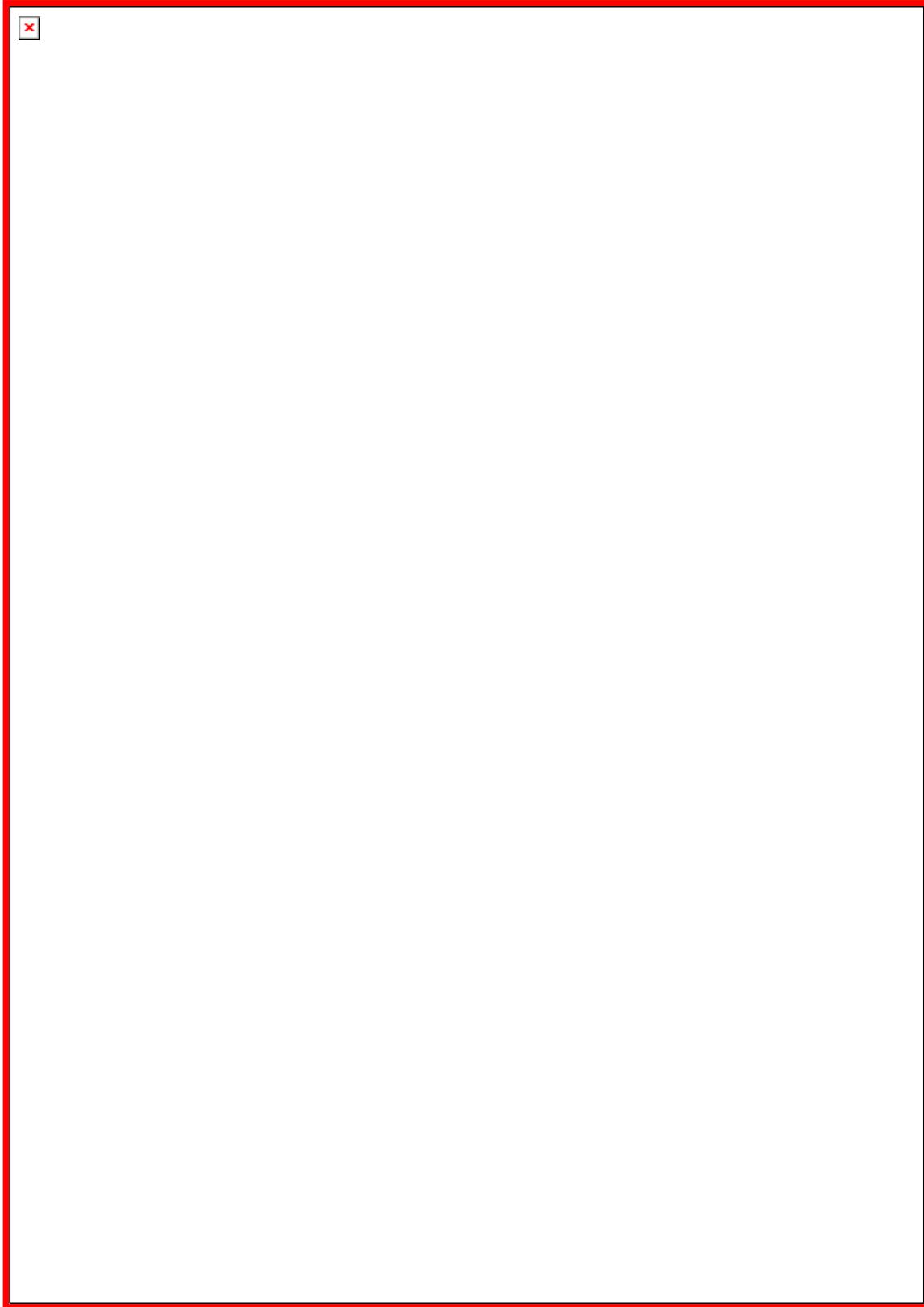
COMMITTEE recommended that car parking bays on site be clearly marked and that the surrounding car park area be landscaped and maintained. Accordingly, a new part (c) and (d) were added to the Recommendation.

D77/5/03 RECOMMEND

That Council approve the application for a proposed Café/Restaurant at Lot 100 (Strata Lot Pt51) Albany Highway, Armadale subject the following conditions:

- a) A revised elevation plan demonstrating a building design consistent with the 19th Century character/theme of the Pioneer Village (including colours and materials) is to be submitted to the satisfaction of the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved schedule.
- b) A comprehensive stormwater drainage plan in accordance with Water Sensitive Design Principles shall be submitted by the applicant and approved by the Executive Director Technical Services. All drainage work is to be constructed in accordance with the approved plan.
- c) That car parking bays be clearly marked and maintained to the satisfaction of the Executive Director Technical Services.
- d) That the car parking area be landscaped and maintained to the satisfaction of the Executive Director Development Services.

MOVED Cr Zelones
MOTION CARRIED (7/0)



***PIONEER VILLAGE - PROPOSED THREE (3) SHOPS –
LOT 100 (STRATA LOT PT27) ALBANY HIGHWAY, ARMADALE***

WARD : ARMADALE
FILE REF : A185084
DATE : 2 May 2003
REF : GIW
RESPONSIBLE MANAGER : PSM
APPLICANT : Summer Moon Enterprises
LAND OWNER : Summer Moon Enterprises
SUBJECT LAND : Lot 100 (Strata Lot Pt27)
Albany Highway, Armadale
Property size 1458m²
Map 22.40
ZONING : Urban / Special Use No.2
MRS/TPS No.2

In Brief:-

- Application is made to erect a new building to accommodate three (3) shop tenancies and a separate office building on site.
- Proposal is consistent with the Special Use No.2 zone under Town Planning Scheme No.2.
- Recommend approval subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

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

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.



Consultation

- ◆ Development Control Unit (DCU)
- ◆ Surrounding Landowners
- ◆ Council's Heritage Advisory Committee (CHAC)

BACKGROUND

Council received the application on 28 February 2003 to erect a new building on site to accommodate three (3) shop tenancies and a detached office.

As a deviation from standard car parking requirements under Town Planning Scheme No.2 is proposed, the application has been referred to Council for determination.

DETAILS OF PROPOSAL

Details pertaining to the application include the following:

- ◆ Construction of a new shop building opposite the existing motel building to accommodate three shop tenancies (96m² each) and separate office building to service the existing motel/hotel on site;
- ◆ 5 additional car parking bays are to be provided on site.

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 13 March 2003 recommended approval of the proposal subject to appropriate conditions. DCU also recommended that this matter be referred to Council's Community Heritage Advisory Committee for further comment, as the subject site is listed under Council's Municipal Heritage Inventory.

Community Heritage Advisory Committee (CHAC)

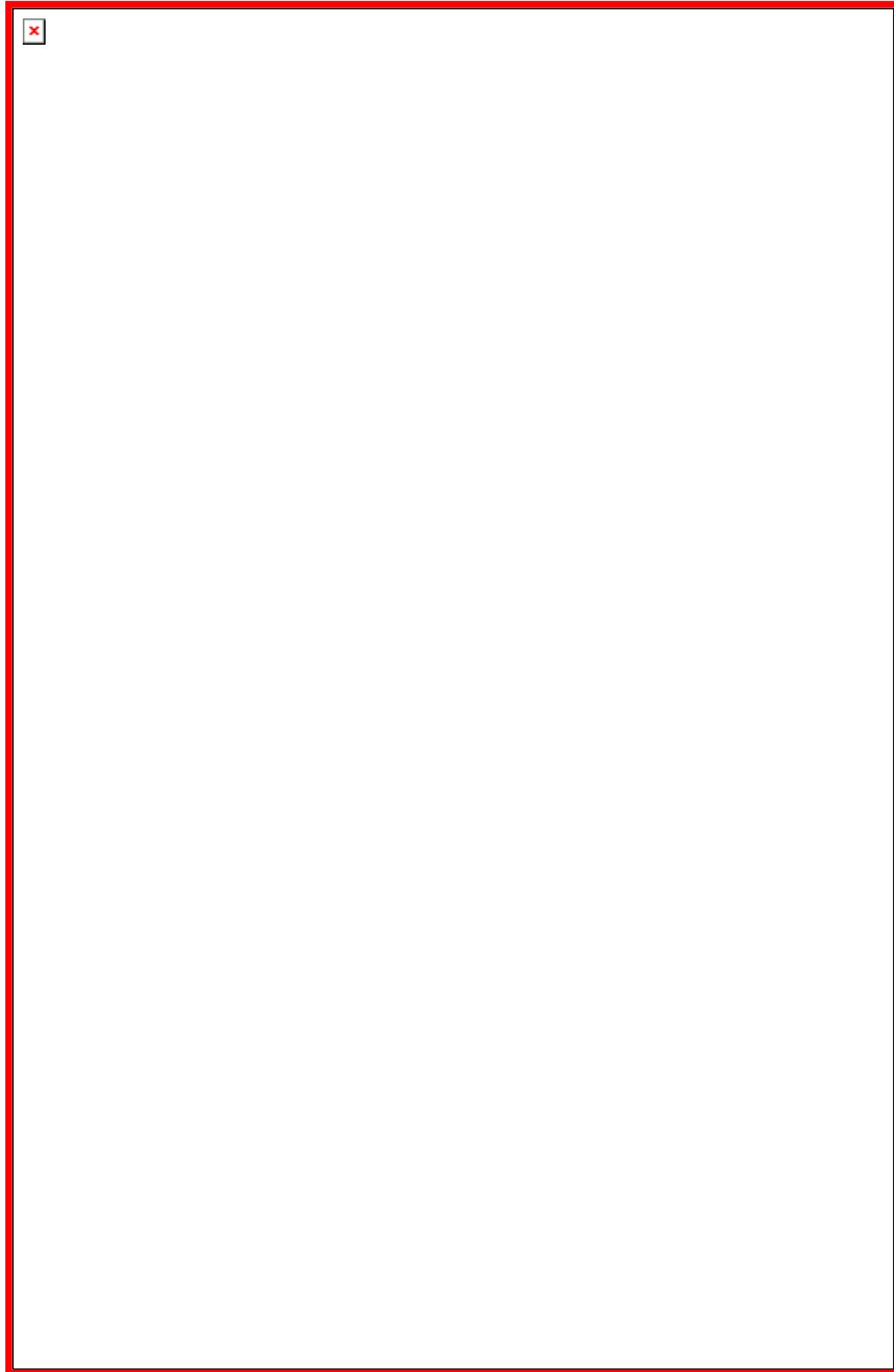
CHAC at its meeting held on 17 April 2003 raised no objection to the proposal on heritage grounds and advised that the proposed design of the building is consistent with the 19th Century character of surrounding buildings within the Pioneer Village. CHAC also recommended that a significant tree on site (proposed to be removed) should be retained as part of the development.

Parks & Reserves

Parks & Reserves has conducted an inspection of the subject tree (which is proposed to be removed to accommodate the office building) and raised no objection to its removal as its health is in decline and has the potential to drop limbs. Retaining the tree is therefore considered to pose a risk to existing and proposed buildings on site.

Surrounding Landowners

The application was advertised to adjoining landowner for a period of 14 days. No submissions were received.



**ELEVATION & FLOOR PLAN –
PIONEER VILLAGE SHOPS
LOT 100 ALBANY HIGHWAY, ARMADALE**

Analysis

Town Planning Scheme No.2

The intent of the Special Use No.2 zone under Town Planning Scheme No.2 reads as follows:

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

The proposed shop and motel office is considered to be consistent with the above definition. In terms of land use, the proposal will be compatible with existing uses on site such as the Pioneer Village restaurant, motel, pub and various souvenir / specialty shops within this complex. Within the context of the special use zoning, shop forms part of the Pioneer Village concept and are consistent with the 19th Century village atmosphere, provided they are occupied by appropriate retail activity.

In this regard, the applicant should be advised of the requirements of the Special Use No.2, that the proposed shop tenancies will be subject to a separate change of use application and are to be consistent with the 19th Century theme of the village.

Parking Requirements

Overview of Existing Car Parking provision

A previous traffic study submitted as part of a recent development proposals on the Pioneer Village site identified that there are approximately 200 parking bays on site. It was observed that approximately 126 vehicles were parked on site during school pick-up time and 30 vehicles remained after school hours. This indicates that approximately 74 bays (35%) car parking bays on site are available during school peak traffic periods between 2.50 pm and 3.15 pm Monday – Friday.

Proposed Shops and Office Building

It should be noted that there are no prescribed car parking standards under Town Planning Scheme No.2 for the Special Use No.2 zone. Car parking standards have therefore been calculated based on general TPS No.2 requirements of 8 bays per 100m² for retail floorspace and 1 bay per 30m² for office floorspace, which equates to a total of 24 parking bays. In this regard, as five (5) new car parking bays are to be provided as part of the proposal, a total shortfall of 19 bays is proposed.

The existing (estimated) oversupply of 74 bays on site during peak times is considered to be sufficient to cater for this “shortfall”. In addition, as the peak traffic periods for retail/ tourist activities do not coincide with the peak traffic times of the Pioneer Village School, a deviation from standard car parking is considered warranted.

It should be noted that given that there are no prescribed car parking standards under Town Planning Scheme No.2, a relaxation of standards under Clause 7.6 of TPS No.2 is not required.

Design

The proposed “colonial” design of the subject building with its steeply pitched roof and timber window frames/doors is consistent and compatible with the 19th century theme of the Pioneer Village. A detailed schedule of colours and materials will be required as a condition of approval to ensure compatibility with 19th century character of Pioneer Village.

Other Issues

Validity of Application

It should be noted that portions of the proposed buildings are not solely contained within the subject strata Lot Pt.27. A portion of the proposed porch associated with the office building is overhanging into common property and a portion of the verandah associated with the shop building is overhanging into the adjoining strata Lot Pt.26. In order for Council to consider these aspects, the MRS Form 1 application must be signed by all relevant landowners to validate the application accordingly.

The portion affecting Lot Pt.26 can be considered under this application as it falls under the same ownership of the subject lot. A formal subdivision application will be required however to amend the strata title to ensure the proposed building is contained within a single lot accordingly or alternatively, the proposed building could be repositioned within the boundaries of the subject strata lot. The portion overhanging into common property however must be excluded from this application, as the application has not been signed by all landowners within the strata title.

Tree

Whilst the subject tree is a significant feature on the site, its removal is unlikely to pose a dramatic impact on the visual amenity of site. Existing mature trees located along the Albany Highway frontage provide sufficient screening to mitigate the loss of the subject tree.

OPTIONS

1. Council may approve the application subject to appropriate conditions
2. Council may refuse the application if it is of the view that the proposal is not consistent with standard car parking requirements and therefore has the potential to generate parking concerns on site.

CONCLUSION

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

COMMITTEE recommended that car parking bays on site be clearly marked and that the surrounding car park area be landscaped and maintained. Accordingly, a new part 1(d) and 1(e) were added to the Recommendation.

D78/5/03 RECOMMEND

- 1. That Council approve the application to erect the proposed shop and office building at Lot 100 (Strata Lot Pt27) Albany Highway, Armadale subject the following conditions:**
 - a) A revised site plan illustrating the proposed buildings contained within the confines of the subject lot (Pt.27) is to be submitted to the satisfaction of the Executive Director Development Services.**
 - b) A schedule of colours and materials for the proposed development shall be submitted to the satisfaction of the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved schedule.**
 - c) A comprehensive stormwater drainage plan in accordance with Water Sensitive Design Principles shall be submitted to and approved by the Executive Director Technical Services. All drainage work is to be constructed in accordance with the approved plan.**
 - d) That car parking bays be clearly marked and maintained to the satisfaction of the Executive Director Technical Services.**
 - e) That the car parking area be landscaped and maintained to the satisfaction of the Executive Director Development Services.**
- 2. That the applicant be advised that a separate application will be required for any proposed change of use for the individual tenancies that are not consistent with the definition of a “Shop” under Town Planning Scheme No.2.**

MOVED Cr Green
MOTION CARRIED (7/0)



PIONEER VILLAGE - PROPOSED TWO (2) SCREEN CINEMA- LOT 100 (STRATA LOT PT 70 & PT 48) ALBANY HIGHWAY, ARMADALE

WARD	:	ARMADALE
FILE REF	:	A185084
DATE	:	2 May 2003
REF	:	GIW
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Summer Moon Enterprises
LAND OWNER	:	Summer Moon Enterprises
SUBJECT LAND	:	Lot 100 (Strata Lot Pt70 & Pt48) Albany Hwy, Armadale Property size 988m ² & 94m ² Map 22.40
ZONING MRS/TPS No.2	:	Special Use No.2 / Urban

In Brief:-

- Application is made to extend the existing cinema/theatre building to accommodate two (2) additional cinema screens.
- Two (2) letters of objection and one (1) letter noting concern were received during the advertising period.
- Application referred to the Western Australian Planning Commission for consideration under Clause 32 in accordance with Statement of Planning Policy No.9: Metropolitan Centres Policy.
- Recommend that Council approve the application in accordance with Town Planning Scheme No.2 and recommend that the WAPC approve the application in accordance with the Metropolitan Region Scheme.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

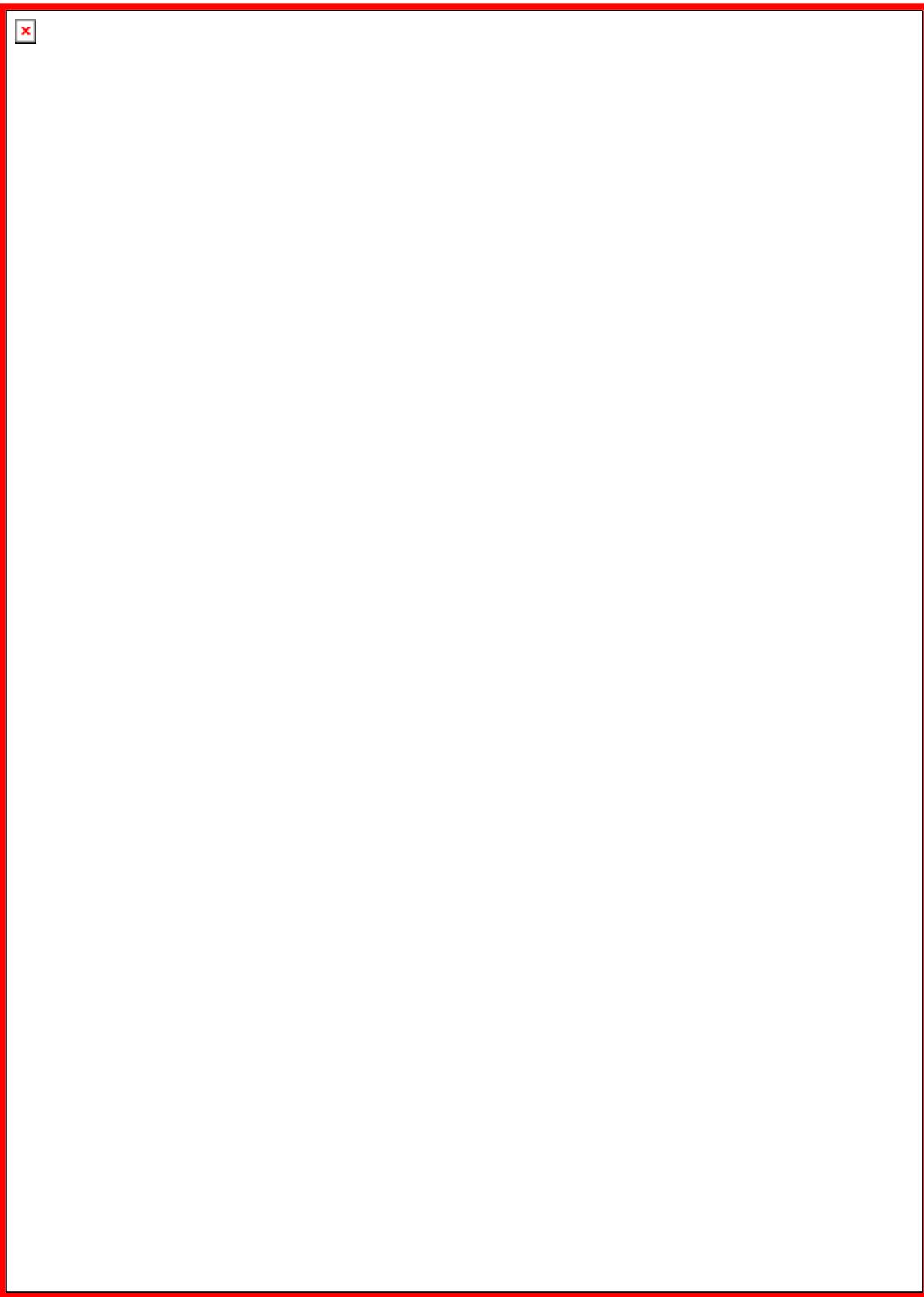
Development- “To balance the need of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Town Planning & Development Act 1928
Metropolitan Region Scheme Act 1959
Town Planning Scheme No.2
5AA Statement of Planning Policy No.9: Metropolitan Centres Policy

Council Policy / Local Law Implications

Nil.



Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit (DCU)
- ◆ Western Australian Planning Commission (WAPC)
- ◆ Surrounding Landowners

BACKGROUND

A copy of the application has been referred to WAPC for consideration under Clause 32 of the Metropolitan Region Scheme prior to Council making its determination on the proposal in accordance with Town Planning Scheme No.2

In addition to the above, as a deviation from standard car parking requirements under Town Planning Scheme No.2 is proposed, the application has been referred to Council for determination.

The existing theatre is licensed to accommodate a maximum of 120 persons. However, recent communication from the cinema operator requested an extension of the existing cinema to provide 201 seats. This would require a separate planning application.

DETAILS OF PROPOSAL

- ◆ Extension and construction of a two (2) screen cinema to the existing cinema building;
- ◆ Total seating capacity to accommodate a maximum of 120 persons (60 seats for each screen respectively) It should be noted that whilst the submitted plans indicate a total seating capacity of 160 persons, the applicant has advised that this has been revised down to 120 persons;
- ◆ Existing shop building on Lot Pt.48 is to be demolished.

COMMENT

Development Control Unit (DCU)

DCU at its meeting held on 8 May 2003 it raised no objection to the application on the grounds that the proposal is considered to be consistent with the Pioneer Village theme and is also unlikely to significantly impact on the establishment of cinemas within the Armadale City Centre.

Community Heritage Advisory Committee (CHAC)

CHAC at its meeting held on 17 April 2003 raised no objection to the proposal on heritage grounds and advised that the proposed design of the building is consistent with the 19th Century character of surrounding buildings within the Pioneer Village.

**ELEVATION PLAN
PIONEER VILLAGE CINEMAS
LOT 100 ALBANY HIGHWAY, ARMADALE**

Surrounding Landowners

The application was advertised to surrounding landowners for a 14-day period. Two (2) letters of objection and one (1) letter noting concern were received during the advertising period

Analysis

Response to Submissions

1. *Noise associated with the existing air-conditioning unit and lack of sound proofing of the theatre building should be mitigated prior to considering this proposal. Concern that the proposal is located within close proximity to a residential area:*

These concerns have been drawn to the attention of Council's Health Department. Ongoing liaison has occurred with the owners of the cinema to rectify noise issues. It should be noted that the current application must be considered on its planning merits and the development would need to comply with the Environmental Protection (Noise) Regulations 1997.

2. *The Pioneer Village Body Corporate has raised a concern that the proposal affects common property and the application requires their approval:*

The submitted site plan does not provide sufficient details to determine whether or not common property is affected by the proposal. The applicant has been requested to submit a revised site plan to demonstrate that common property is not included within the proposal. If the proposal affects common property, then the MRS Form 1 application must be signed by all landowners within the strata title to validate the application accordingly. Separate approval of the body corporate is required under the Strata Titles Act 1985, however this does not prevent determination of the application.

3. *The proposal is not consistent with the intent of the Metropolitan Centres Policy (MCP), which identifies cinemas as a higher order land use within Strategic Regional Centres such as Armadale and therefore has the potential to compromise the establishment of cinemas within the Armadale:*

Whilst the proposal is not situated with the Strategic Regional Centre in accordance with the MCP, the relatively small-scaled nature of the proposal is unlikely to significantly impact on the establishment of cinemas within the Armadale City Centre and therefore is considered to be consistent with the intent of the MCP.

Town Planning Scheme No.2

The intent of the Special Use No.2 zone under Town Planning Scheme No.2 reads as follows:

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

It also needs to be acknowledged that a theatre is already operating on site, however given its limited seating capacity of 120 persons, it is considered to be an incidental land use within the village and therefore consistent with the intent of the subject zone.

Multiplex cinema screens are generally considered a relatively modern facility and are usually supported by major retail nodes. It is questionable as to whether the proposal constitutes a multiplex cinema complex in terms of its limited seating capacity of 241 persons, and therefore it could be argued that the proposal will remain incidental in nature to complement existing businesses with the village.

It should be noted however that cinemas are not specifically mentioned within the Special Use No.2 zoning table and therefore it could also be argued that the proposal is not consistent with the intent of this zone.

Parking Requirements

Overview of Existing Car Parking provision

A previous traffic study submitted as part of a recent development proposal on the Pioneer Village site identified that there are approximately 200 parking bays on site. It was observed that approximately 126 vehicles were parked on site during school pick-up time and 30 vehicles remained after school hours. This indicates that approximately 74 bays (35%) car parking bays on site are available during school peak traffic periods between 2.50 pm and 3.15 pm Monday – Friday.

It is noted that there are various land uses within the Pioneer Village, such as the Motel, Pioneer school and various specialty/tourist shops which generate car parking demand on site. The existing motel and restaurants are likely to generate demand for parking during off-peak hours (ie. 5:00pm onwards), whereas the existing school and various speciality/tourist shops operate during normal business hours (ie. 8:00am – 5:00pm). While there are further opportunities for reciprocal car parking on site between peak and off-peak land uses to accommodate parking requirements generated by the proposal, there could be parking shortages in the event of all uses operating at capacity.

Proposed Shops and Office Building

It should be noted that there are no prescribed car parking standards under Town Planning Scheme No.2 for the Special Use No.2 zone. Car parking standards have therefore been calculated based on general TPS No.2 requirements of 1 bay per 4 seats, which equates to a total shortfall of 30 bays. The existing (estimated) oversupply of 74 bays on site during peak times is considered to be sufficient to cater for this “shortfall”. In addition, as the peak traffic periods for retail/ tourist activities do not coincide with the peak traffic times of the Pioneer Village school, a deviation from standard car parking is considered warranted.

It should be noted that the proposed Shop/Office and Café/Restaurant proposals, also being presented to this Council meeting have a shortfall of approximately 19 bays respectively. All three combined developments would therefore require a combined parking requirement of 68 bays. In this regard, the current provision of 74 (during peak period) parking bays on site is considered to be sufficient to accommodate the proposed development.

It should be noted that given that there are no prescribed car parking standards under Town Planning Scheme No.2, a relaxation of standards under Clause 7.6 of TPS No.2 is not required.

Contextual Analysis- Scale of Proposal

The proposal is relatively small in scale and nature compared to a multiplex cinema complex. As a comparison, the current 4-screen cinema proposal for the City Centre (which is being considered by Council at this meeting) has a total seating capacity for 1022 persons. The Pioneer Village proposal however has a limited seating capacity of 241 seats (this includes 121 licensed seats associated with the existing theatre on site). In this regard, the proposal would only pose a limited impact on the viability of cinemas within the Armadale City Centre. It should also be noted that there is limited opportunity for future expansion on the Pioneer Village site.

Western Australian Planning Commission's Statement of Planning Policy No.9: Metropolitan Centres Policy (MCP)

The purpose of the MCP is to define the scope and function of various shopping centres throughout the Metropolitan Region, including Local, District, Regional and Strategic Regional centres. It should be noted that the Pioneer Village is not a designated centre under the MCP.

The MCP encourages higher order land uses such as entertainment and recreational facilities (including multiplex cinemas) to locate within Strategic Regional Centres (Armadale City Centre), in order to service a wider regional catchment and sustain the viability of such land uses. Strategic Regional Centres (in the context of the MCP) are “major multi-purpose and employment centres containing a full range of regional shopping, office, administration, social, entertainment, recreation and community facilities”.

In order to maintain a strong hierarchy of centres it is necessary to ensure that appropriate commercial / retail development and land uses are encouraged to locate within the corresponding centres, to enable a sufficient level of service provision without compromising the viability of other centres within the hierarchy.

It would be arguable, however, as to whether the proposal has the potential to significantly compromise the viability of establishing a cinema complex within the higher order Armadale Strategic Regional Centre given its relatively small-scale nature in terms of overall seating capacity. (Please also refer to “Contextual Analysis” section of this report above). In this regard, whilst the proposal is not situated with the Strategic Regional Centre in accordance with the MCP, the proposal is unlikely to significant impact on the retail hierarchy and therefore is considered to be consistent with the intent of the MCP.

Tender No.19/01- Armadale City Centre Cinemas

Council will be aware of the above tender that commenced in July 2001 largely resultant from the Armadale Enquiry-by-Design Workshop selection processes for development of cinemas in the Armadale Strategic Regional Centre.

In view of the purpose of the tender, it is suggested that whilst it is appropriate and reasonable for the City to articulate its planning consideration and recommendation on the proposal, it would be desirable for the decision in respect of the Metropolitan Region Scheme to be taken by the Western Australian Planning Commission in accordance with Clause 32. This would avoid any perception of the City exercising planning powers influenced by the interest of the tender process. However the City is still required to determine the application under TPS No.2.

It should be noted that Council has previously referred the Kelmscott cinema proposal to the WAPC for consideration on the same grounds.

Design

The proposed extension is consistent with the existing theatre building and could be argued to be compatible with the 19th century theme of the Pioneer Village. A detailed colour and material schedule will be required as a condition of approval to ensure compatibility with the existing theatre building.

Other Issues

The submitted site plan does not clearly indicate the proposed extension in relation to common property on site. It would appear that a portion of common property adjacent to Lot Pt 48 could be affected by the proposal. If the proposal affects common property, then the MRS Form 1 application must be signed by all landowners within the strata title to validate the application accordingly. In this regard, the applicant will be required to submit a revised site plan to clearly indicate the location of the proposed extension in relation to existing strata lots and common property on site. The Western Australian Planning Commission should be advised that this matter will need to be resolved to enable it to determine the application.

OPTIONS

1. Council may refuse the application in accordance with Town Planning Scheme No.2 and recommended that the WAPC refuse the application in accordance with the Metropolitan Region Scheme if it is of the view that the proposal has the potential to adversely impact on the surrounding land uses and is inconsistent with the locational recommendations in the Metropolitan Centres Policy in relation to City Centres.
2. Council may approve the application in accordance with Town Planning Scheme No.2 and recommend that the WAPC approve the application in accordance with the Metropolitan Region Scheme on the grounds that the small-scaled nature of the proposal is consistent with the intent of the Metropolitan Centres Policy and the subject zone.

3. Council may approve the application in accordance with Town Planning Scheme No.2 and recommend that the WAPC approve the application in accordance with the Metropolitan Region Scheme subject to further reducing the proposed number of cinema seats or screens.

CONCLUSION

The proposal is for a use not specifically listed within the Special Use zone, but one which Council has discretion to approve. The proposed cinema complex is to be located outside of the Strategic Regional Centre. It would be preferable for such uses to be located within the Centre to provide synergies with other uses and better opportunities for access by public transport. However, as the proposal would result in a development accommodating only 120 seats in addition to the existing 121 approved seats it could be regarded as being of low scale. In view of the restricted size of the proposal the impact on the surrounding land uses is considered to be manageable and the extent to which it would conflict with the objectives of regional policy may be limited. However, acceptability in terms of scale is a sensitive matter and it is difficult to state categorically that point reached where the scale becomes excessive and that point where additional parking is required.

Further extensions to the cinema complex would probably heighten concerns and accordingly it would be appropriate to clearly specify within the conditions that the approval applies for specified numbers of seats over and above those currently licenced.

It is considered that as the proposal is in keeping with the design and scale of the intent of the Pioneer World Special Use Zone Option 2 above is recommended and conditional approval be granted.

COMMITTEE recommended that car parking bays on site be clearly marked and that the surrounding car park area be landscaped and maintained. Accordingly, a new part 2(d) and 1(e) were added to the Recommendation. The Committee further clarified the Recommendation in respect of the specification of the total number of seats being approved in the application.

D79/5/03 RECOMMEND

- ~~1. That the Western Australian Planning Commission be advised that Council supports the application for a proposed 120 seat extension to the existing 121 seat cinema complex to a maximum 241 seat 3-screened cinema complex at Lot 100 (Strata Lot Pt.70 and Pt.48) Albany Highway, Armadale subject to the following conditions:~~

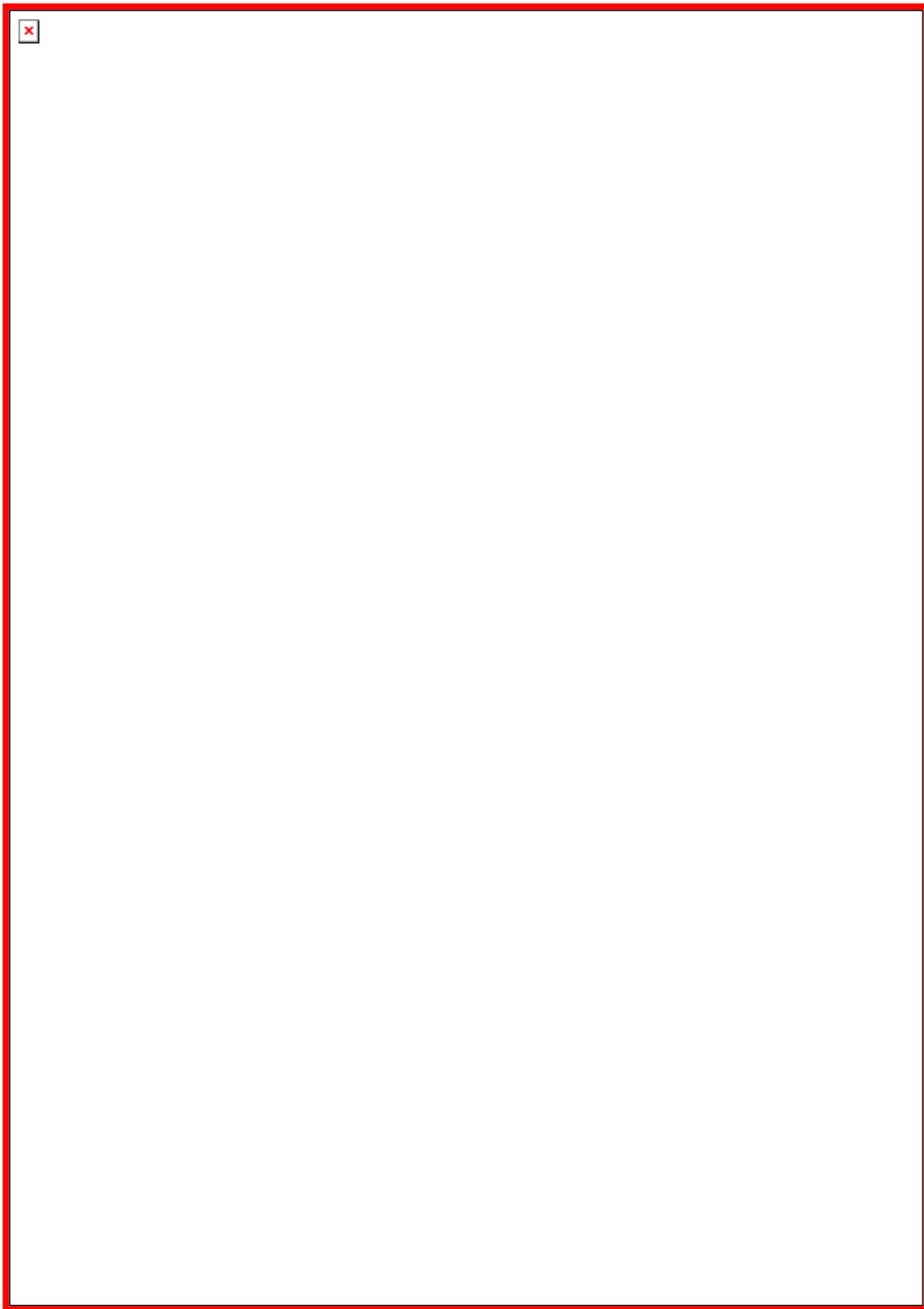
 - ~~a) A revised site plan illustrating the proposed buildings contained within the confines of the subject lot (Pt.70 and Pt.48) so as not to affect common property, is to be submitted to the satisfaction of the City of Armadale and the WAPC.~~
 - ~~b) The subject strata lots Pt.70 and Pt.48 are to be amalgamated to contain the proposed development within a single lot to the satisfaction of the City of Armadale and the WAPC.~~

- e) A schedule of colours and materials for the proposed development to complement the existing theatre building shall be submitted to the satisfaction of the City of Armadale and the WAPC. The development is to be completed and maintained in accordance with the approved schedule.
2. That Council approve the application for a proposed 120 seat extension to the existing 121 seat cinema complex to a maximum 241 seat 3 screened cinema complex at Lot 100 (Strata Lot Pt.70 and PT.48) Albany Highway, Armadale in accordance with Town Planning Scheme No.2 subject to the following:
- a) A revised site plan illustrating the proposed buildings contained within the confines of the subject lot (Pt.70 and Pt.48) so as not to affect common property, is to be submitted to the satisfaction of the Executive Director Development Services.
- b) The subject strata lots Pt.70 and Pt.48 are to be amalgamated to contain the proposed development within a single lot to the satisfaction of the Executive Director Development Services.
- c) A schedule of colours and materials for the proposed development to complement the existing theatre building shall be submitted to the satisfaction of the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved schedule.
- d) That car bays be clearly marked and maintained to the satisfaction of the Executive Director Technical Services.
- e) That the car parking area be landscaped and maintained to the satisfaction of the Executive Director Development Services.

MOVED Cr Hodges
MOTION CARRIED (7/0)

Council resolved at its Ordinary Meeting on 19 May 2003 that Recommendation D79/5/03 be not adopted and be recommitted to the next meeting of the Development Services Committee on the following grounds:-

- ♦ *There is uncertainty as to the seating capacity proposed in the cinema development application from Summer Moon Enterprises particularly in respect of the number of seats in the existing auditorium being in excess of the number approved at the time of lodgement of the application;*
- ♦ *The proposal should be referred to the Armadale Redevelopment Authority for comment;*
- ♦ *It would be desirable to assess the proposal in the context of the recently received consultant's review of the Retail Hierarchy, which will be considered in the June round of meetings.*



***PROPOSED BED AND BREAKFAST ESTABLISHMENT –
LOT 23 (No.5) WUNGONG CLOSE, WUNGONG***

WARD : ARMADALE
FILE REF : A152104
DATE : 30 April 2003
REF : PRR
RESPONSIBLE MANAGER : PSM
APPLICANT : Mr T Misso
LAND OWNER : Mr T Misso
SUBJECT LAND : Property size 1.1579ha
Map 23.39
ZONING : Rural / Rural E
MRS/TPS No.2

In Brief:-

- Council received an application for a Bed and Breakfast establishment to be operated from three (3) rooms of the existing residence.
- Advertising of the proposal resulted in one submission of conditional ‘no objection’ with regard to the proposal.
- Recommend that Council approve the Bed and Breakfast application subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

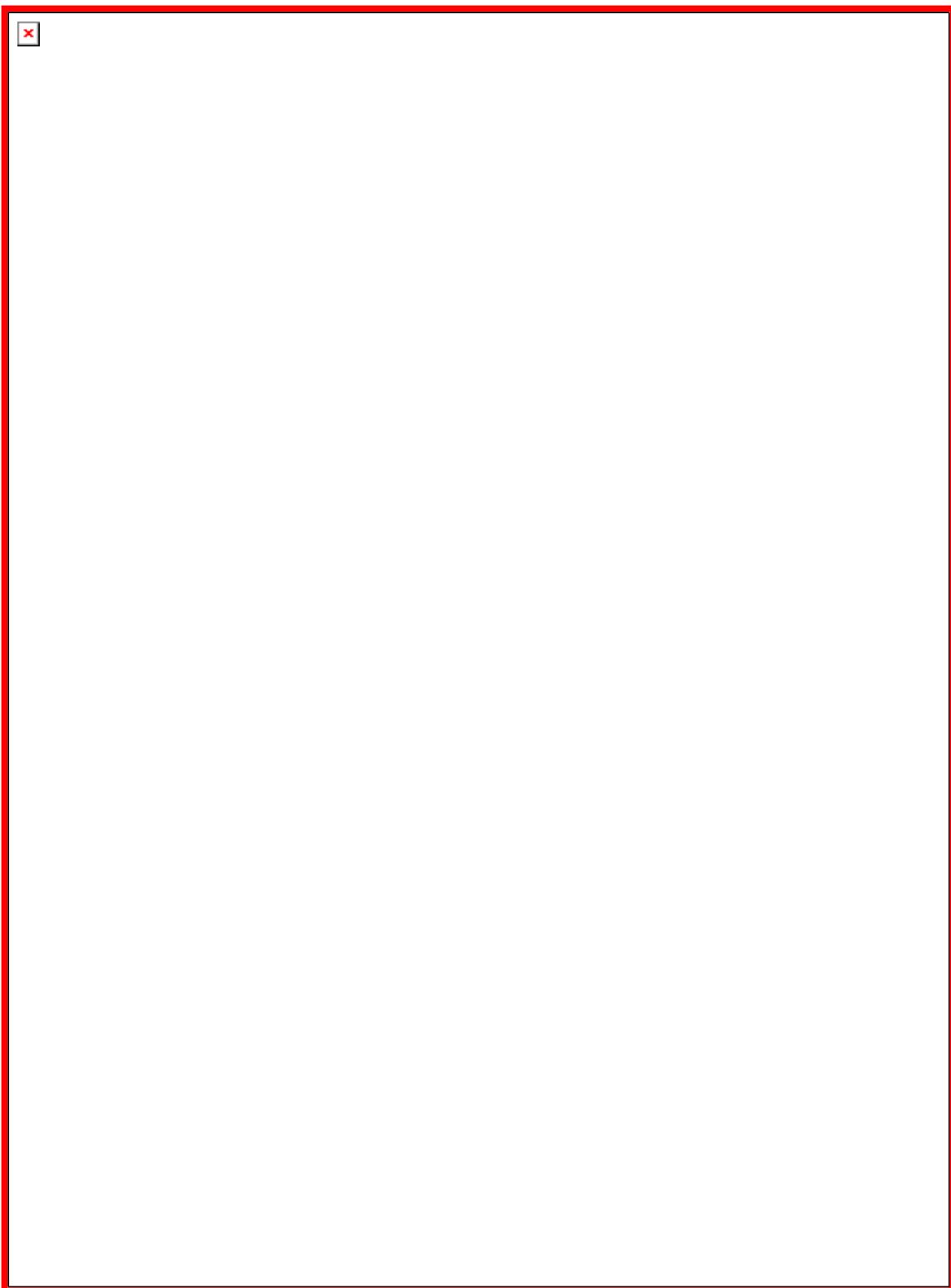
Town Planning and Development Act 1928
Metropolitan Region Scheme Act 1959
Town Planning Scheme No.2

Council Policy / Local Law Implications

Rural Strategy 1999.

Budget / Financial Implications

Nil.



**SITE PLAN
LOT 23 WUNGONG CLOSE, WUNGONG**

Consultation

- ◆ Development Control Unit
- ◆ Surrounding Landowners

BACKGROUND

Council received an application for a Bed and Breakfast establishment at Lot 23 (5) Wungong Close, Wungong on 24 March 2003. Given that the proposal is a discretionary use ('AA' use) within the 'Rural E' zone under Town Planning Scheme No.2, the application has been referred to Council for determination.

DETAILS OF PROPOSAL

The applicant proposes to utilise three (3) rooms of the existing residence, consisting of two (2) bedrooms, and a bathroom as a Bed and Breakfast establishment. Ample room for visitor parking would be available and the applicant's family would reside in the residence to manage the bed and breakfast establishment.

COMMENT

Development Control Unit (DCU)

At its meeting held on 29 April 2003, DCU recommended that the item be referred to Council for approval, subject to appropriate conditions.

Surrounding Landowners

The application was advertised to surrounding landowners for a period of two weeks. One (1) submission was received, noting 'no objection' subject to one (1) condition. The issue raised is addressed in the Analysis section below.

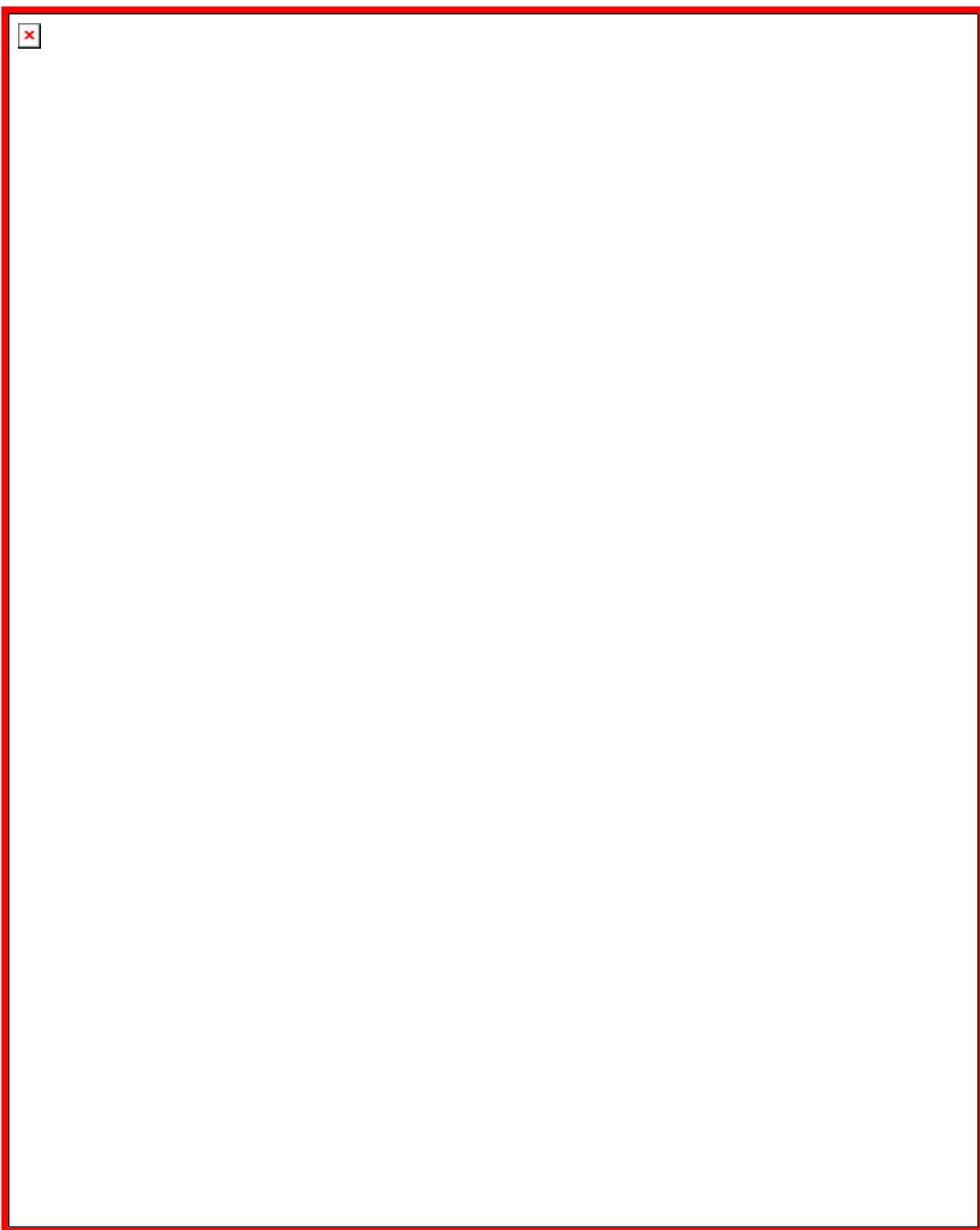
ANALYSIS

Public Submissions

The issue raised in the submission of conditional no objection to the proposal is analysed as follows:

- ◆ People looking for the bed and breakfast establishment may not be able to locate the subject property easily due to the lot layout, and it is unreasonable for neighbouring properties to be disturbed by customers looking for Lot 23. If a professionally designed sign in keeping with the area was erected to avoid confusion, no objection would be held.

This is not an unreasonable suggestion and signage to direct customers to the correct property would be appropriate. It is recommended that a condition for signage to be applied for and erected be imposed on any approval issued by Council.



**FLOOR PLAN
LOT 23 WUNGONG CLOSE, WUNGONG**

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

The application complies with the layout component of the definition of a ‘Bed and Breakfast Establishment’ under TPS No.2, which “means a private dwelling additionally used for overnight or short stay accommodation for not more than four adults or one family whereby the establishment contains a maximum of two guest bedrooms and one guest bathroom, located under the main roof of the dwelling house”.

Further to the above, the Policy Statement for the Rural zone states that it is a zone intended for the fostering of semi-intensive rural use of land, and that where compatible, such uses promoting tourism may be permitted.

Council’s Rural Strategy

The lot is a part of the Wungong Rural Planning Area in Council’s Rural Strategy, which lists ‘tourist facilities’ as a desirable land use for the area. Bed and breakfast accommodation for people who may be tourists to the area could fit into this land use. The proposal is therefore consistent with the Rural Strategy.

Land Use Compatibility

The applicant proposes to utilise the existing residence for the bed and breakfast establishment. No additional development is proposed and it is considered that the proposal reflects a reasonable scale for the rural locality. It is not expected that the relatively small increase in traffic using Wungong Close would be an inconvenience or danger to surrounding properties if the establishment were approved. It is therefore believed that the proposal is compatible with the land use of the surrounding area.

General Assessment

Bed and breakfast establishments will soon need to be able to demonstrate that they have exercised ‘due diligence’ towards their customers by ensuring that they have a potable water supply. As such, the applicant should be advised of their obligations with regard to the forthcoming Food Standards Code in the event of any approval. Further, the applicant should be advised of their obligation to comply with the Building Code of Australia 1996, providing hard-wired smoke detectors if Council should approve the application.

OPTIONS

1. Council could approve the application for a Bed and Breakfast establishment at Lot 23 (No.5) Wungong Close, Wungong subject to the provision of appropriate signage on site.
2. Council could refuse the application for a Bed and Breakfast establishment at Lot 23 (No.5) Wungong Close, Wungong if it is not satisfied that the proposal will not have a detrimental impact on the amenity of the surrounding area.

CONCLUSION

As the proposal is consistent with the definition of a Bed and Breakfast Establishment under TPS No.2 and the provisions of the Rural Strategy, the scale is appropriate for the surrounding rural area and the issues raised in the submissions are capable of being addressed satisfactorily, it is recommended that Council approve the application for a Bed and Breakfast Establishment in accordance with Option 1.

D80/5/03 RECOMMEND

- 1. That Council approve the application for a Bed and Breakfast Establishment at Lot 23 (No.5) Wungong Close, Wungong subject to the following condition:**
 - a) Appropriate signage in keeping with the area is to be erected identifying Lot 23 as a bed and breakfast establishment.**
- 2. That the applicant be advised that:**
 - a) A separate application and approval is required for any signage on site.**
 - b) Compliance with the forthcoming Food Standards Code and the Building Code of Australia 1996 is required.**

MOVED Cr Knezevich
MOTION CARRIED (7/0)



***PROPOSED EXTRACTIVE INDUSTRY RENEWAL –
LOT 9, ADJACENT TO LOT 2 CANNING ROAD, KARRAGULLEN***

WARD	:	ROLEYSTONE
FILE REF	:	A117566
DATE	:	31 March 2003
REF	:	PRR
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Gomar P/L
LAND OWNER	:	Gomar P/L
SUBJECT LAND	:	Property size 48.2554ha Map 29.09
ZONING MRS/TPS No.2	:	Rural / General Rural

In Brief:-

- Application received for the renewal of planning permission for an extractive industry.
- Since planning permission was last granted in June 1997, the Western Australian Planning Commission (WAPC) has revoked the delegation for Local Governments to determine applications for extractive industries. Council is therefore required to forward a recommendation to the WAPC.
- Advertising of the proposal resulted in one objection and one letter of conditional support for the proposed renewal.
- Recommend that Council advise the WAPC that approval of the application for an extractive industry at Lot 9 Canning Road, Karragullen is supported subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

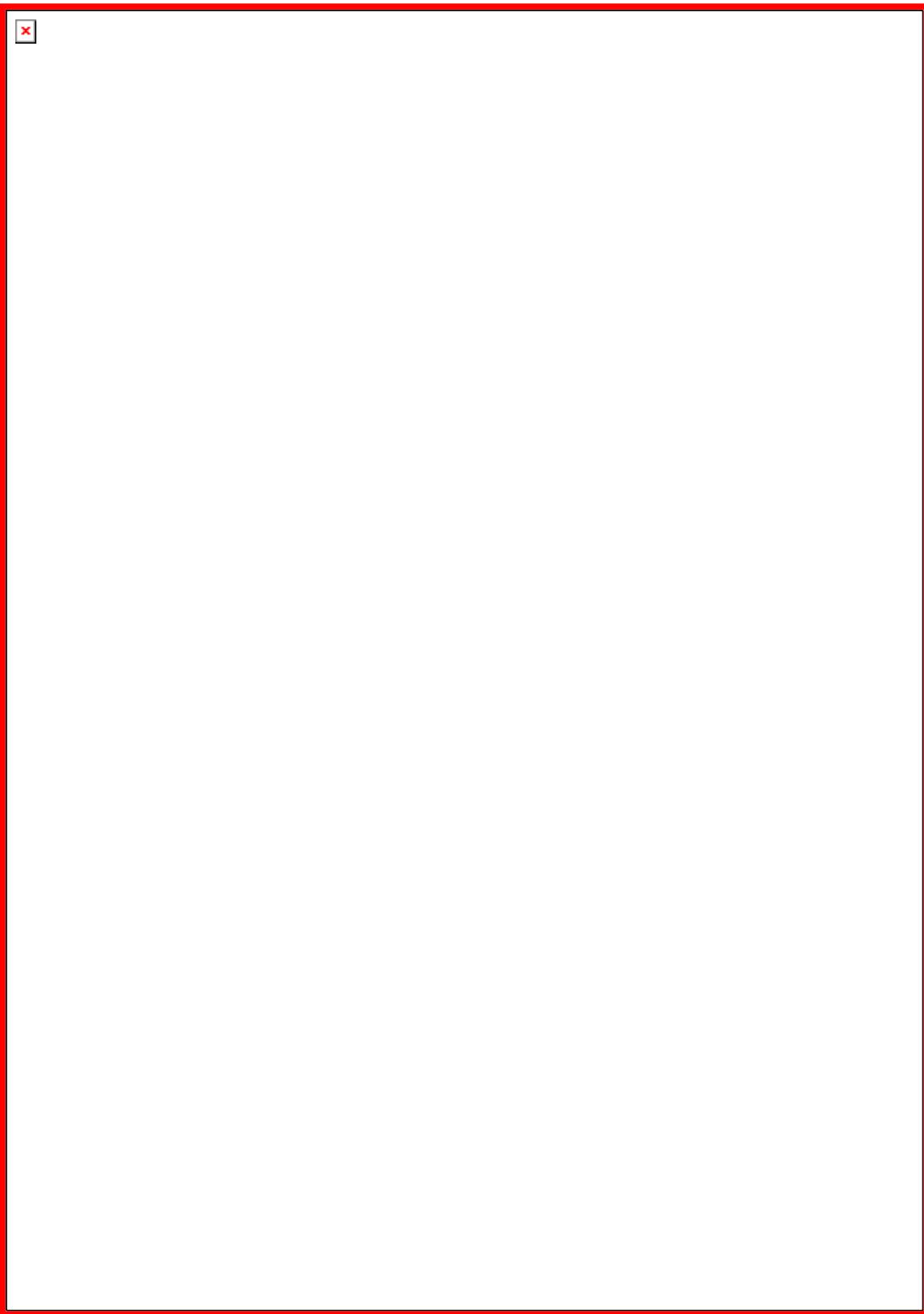
Development – “To balance the need of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Town Planning and Development Act 1928
Metropolitan Region Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme No.2
Statement of Planning Policy No.10 – Basic Raw Materials

Council Policy / Local Law Implications

Extractive Industry Local Laws
Rural Strategy



Budget / Financial Implications

Nil.

Consultation

- ◆ Development Control Unit
- ◆ Technical Services Directorate
- ◆ Surrounding landowners
- ◆ Department for Environment, Water and Catchment Protection
- ◆ Department for Conservation and Land Management
- ◆ Department for Minerals and Energy
- ◆ Environmental Protection Authority

BACKGROUND

A previous report to Council notes that the extractive industry located on Lot 9, adjacent to Lot 2 Canning Road, Karragullen has been operating continually since Council originally approved the operation in 1971, with renewals being granted by Council every five years since that time. At its meeting of 9 June 1997, Council adopted the following resolution (D375/97):

- A) *Council advertise the proposal as an “SA” use in accordance with Clause 7.2 of the District Planning Scheme.*
- B) *The proposal be referred to the Department of Conservation and Land Management, Water Corporation, Water and Rivers Commission and the Department of Environmental Protection for comment.*
- C) *In the event no substantial objections are received during the public advertising period or objections received from the public authorities, the Executive Director Development Services be authorised to issue Planning Consent for the proposed Extractive Industry Licence renewal at Lot 9 Canning Road, Karragullen for a further period of five years with conditions including:-*
 - ◆ *Compliance with Council’s Extractive Industry By-Laws;*
 - ◆ *Payment of annual licence renewal fee as required by the By-Laws relating to Extractive Industries;*
 - ◆ *The site to be progressively rehabilitated to the satisfaction/specification of Council’s Technical Services Directorate; and*
 - ◆ *Working area to be limited to 1 hectare at any time.*

This approval expired on 9 June 2002 and a new application was received on 3 September 2002. Since Council last issued an approval, the Western Australian Planning Commission (WAPC) has removed its delegation to local authorities to determine extractive industries. It is therefore necessary for Council to provide a recommendation to the WAPC with regard to the proposal. The WAPC must make a decision regarding the proposal in terms of the Metropolitan Region Scheme and the City is required to make a determination under Town Planning Scheme No.2.



**EXTRACTIVE INDUSTRY CONTOUR PLAN
LOT 9 ADJACENT TO LOT 2 CANNING RD,
KARRAGULLEN**

DETAILS OF PROPOSAL

The applicant proposes to renew the planning approval and licence for the extraction of gravel from the subject site, and expand the area of operation. The proposed extractive works area is 100m by 150m for a total area of 1.5ha, having previously been approved at a maximum of 1ha, and would be located 10m from the northern property boundary and 100m from the western property boundary.

The applicant states that the site is utilised on an ‘as needed’ basis that results in approximately six (6) visits per year. The extraction process itself involves the removal and temporary stockpiling of overburden, digging of ore, screening, temporary stockpiling and loading to trucks, with overburden being progressively respread onto the site.

The applicant notes that it is not necessary to store earthmoving equipment, fuels or consumables on site and that the construction of roads, infrastructure or structures will not be necessary. Equipment would be mobilised to the site as necessary using existing access ways, and no more than two (2) people would be on site at any one time.

COMMENT

Development Control Unit (DCU)

At its meeting held on 3 April 2003, DCU recommended that the item be referred to Council for a recommendation for approval subject to appropriate conditions.

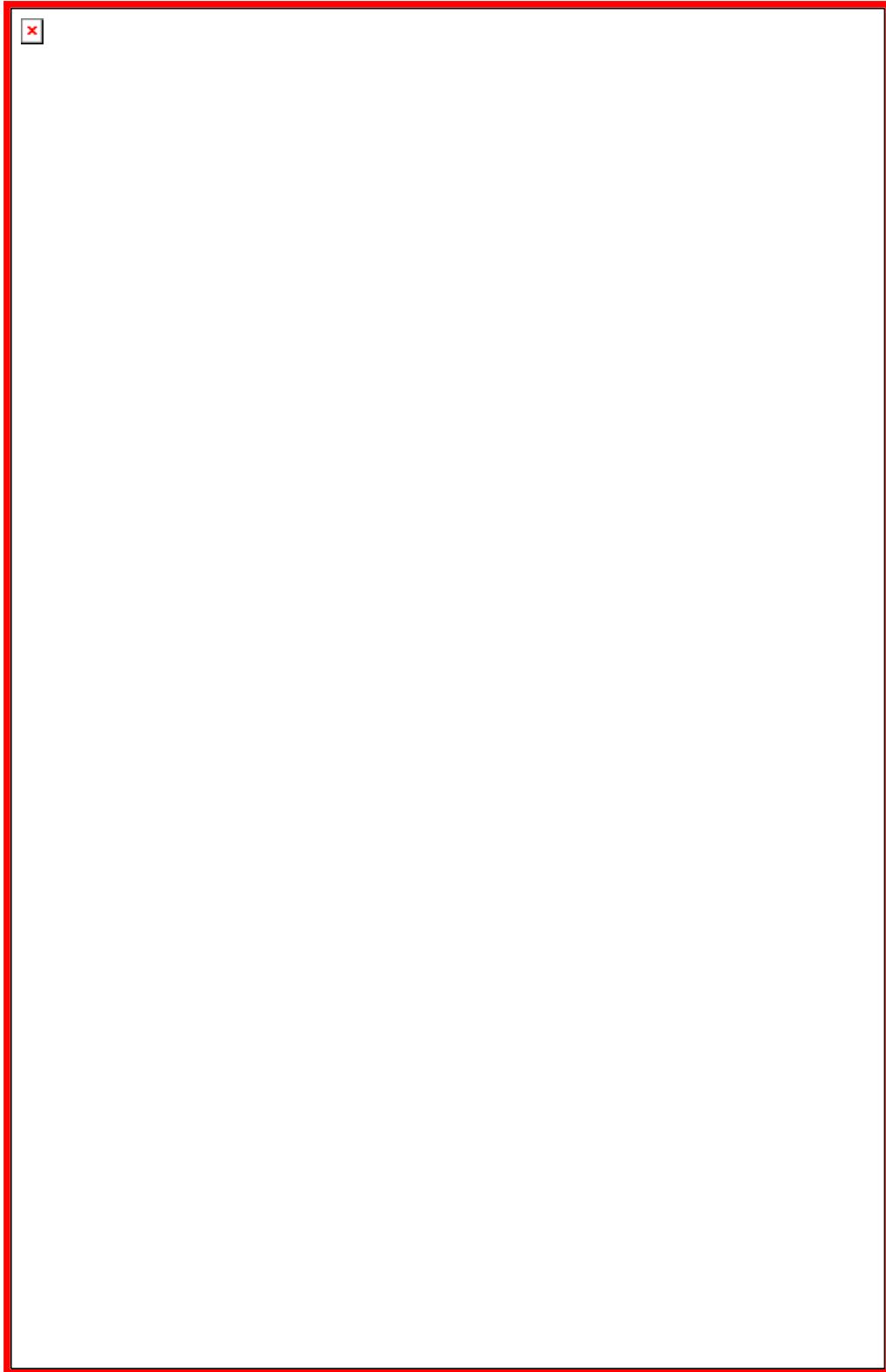
Technical Services Directorate

Further to a planning application, an application for a licence is required under the Extractive Industry Local Laws, which the Technical Services Directorate administers. An application has been received in this regard. To simplify matters and avoid a separate consideration by Council regarding the Local Laws, advice has been sought from Technical Services regarding any conditions required should planning approval be granted. This matter is examined later in the report.

Surrounding Landowners

The application has been advertised to surrounding landowners for a period of three (3) weeks and the submission period closed on the 1 April 2003. Two (2) submissions were received with regard to the proposal, one objecting to the renewal and the other conditionally supporting the renewal. The issues raised will be examined in the Analysis section below.

Refer to Confidential Attachment “B3” of the Agenda for location of respondents map.



**SITE PLAN
LOT 9 ADJACENT TO LOT 2 CANNING RD, KARRAGULLEN**

ANALYSIS

Public Submissions

1. Access to the site has always been via a ‘gentleman’s agreement’ across private property as no constructed roads access the site. Maintenance of the access road has been undertaken by the private property owner with no contributions from Marsh Civil Engineering. No objections to the proposal are held as long as alternate access is found.

The applicant has provided title details relative to the application which indicate that a benefit of easement was registered on 18 January 1979 over the then Lot 15 to the south of Lot 9. The easement provides full and free right and liberty to the proprietors, their tenants, servants, agents, workmen and visitors to go pass and repass at all times and for all carts and carriages into and out of the property along a designated roadway. Lot 15 is now Lots 16, 17 and 18, but the easement is still in place.

With regard to the maintenance issue, the applicant has stated that the access road has been sealed and a drainage culvert dug where necessary from Brookton Highway to the southwest corner of Lot 16. The applicant states that the sealed road stops there only because the owners of Lots 17 and 18 were prepared to contribute to the cost of construction, whereas the owner of Lot 16 was not. This matter is however to be resolved between these two parties.

2. The gravel pit is being used as a dumping ground, causing Patterson’s Curse and other noxious weeds to be introduced to the area.

The site has been approved as an extractive industry. The applicant has provided details stating that soil and rock rubble has been imported to the site over the years as backfill for the purposes of the rehabilitation of the site. The applicant states that this is a necessary part of the restoration process and the company is not undertaking illegal dumping.

A site visit on 7 May 2003 determined that there is a significant amount of material on site that appears to have been dumped, including three (3) car bodies and two (2) truck cabins, building site material / rubble, old tyres, ceramic, steel, and concrete pipes, bricks, tiles, old machinery and car parts, soil and vegetation not native to the site and what appears to be an old fuel storage tank. Further to the above, numerous species of plants introduced to the site were noted, some of which may be detrimental to the surrounding bushland given the 10m setback to the northern property boundary.

It is important to note that the issue of dumping is an illegal activity that, by either the applicant or previous owners, has been undertaken on site and resulted in problematic plant species being introduced to the site. In legal terms, the issue does not have any bearing on the new application and cannot be revisited as a condition as a part of any approval issued relative to the new proposal. A part of Council’s resolution should state that the City is informing the applicant of their obligations in terms of Town Planning Scheme No.2, ensuring the matter is addressed accordingly.

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3. Vehicles travelling to and from the site cause considerable dust that blows over orchard trees and houses.

The applicant maintains that the company is unaware that the access track is creating dust problems, noting that approximately 300m of the track to Lot 9 is sealed, the unsealed portion is by the choice of the owners of Lot 16 and that within Lot 9 the track is at least 50m from the western property boundary and that existing vegetation would shield any minimal dust emissions. The applicant is nevertheless required to comply with the regulations of the Environmental Protection Authority (EPA) relating to dust emission.

4. No work has been undertaken to restore the original pit area.

Council's previous Planning Approval requires the site to be progressively rehabilitated to the satisfaction of the Technical Services Directorate, as they are responsible for issuing a licence for the extractive industry. The applicant maintains that restoration is taking place through the importing of materials and that it is in their interests to do so as the City is holding a \$10,000 bond in this regard. Technical Services confirmed that the bond is being held and should continue to be held if the application is approved.

The site visit on 7 May 2003 determined that very little, if any, work had been done towards site rehabilitation. No replanting could be seen and it seemed only a small amount of land had been refilled. As with the issues of dumping and potentially detrimental plant species being introduced to the site, the issue does not have bearing on the current application. Rehabilitation of the site is a compliance issue relevant to the previous planning approval in 1997 under Town Planning Scheme No.2 and it is recommended that part of Council's resolution note that the City will take appropriate action regarding these matters, including to the issue of rehabilitation of the site.

Government Agencies

Department for Environment, Water and Catchment Protection (DEWCP)

The Department of Environmental Protection and the Water and Rivers Commission (WRC) (who together form the DEWC) have advised that the proposal does not require referral to the Environmental Protection Authority and that Council's Extractive Industry Licence can manage the environmental impacts. Further, the agencies advised that conditions should be imposed regarding stormwater disposal and stockpiling of material on site.

Department of Industry and Resources

The Department of Industry and Resources (DOIR), formerly the Department for Minerals and Energy, has advised that as the excavation area is only 10m from the northern property boundary there should be some protection from spillage of dump material (depending on the slope of the ground and the height of any dump areas) and that rehabilitation should occur in accordance with the publication *Environmental Management of Quarries* (Department of Mines, 1991).

Department of Conservation and Land Management

The Department of Conservation and Land Management (CALM) has not provided any comments in response to the City's correspondence to date. Should Council recommend approval of the application to the WAPC, a condition noting that favourable advice should be received from CALM prior to the WAPC issuing any approval should be included.

Rural Strategy (1999)

The Rural Strategy has been introduced since the last renewal of planning approval was granted in 1997. The subject site is within the Karragullen Rural Planning Area in Council's Rural Strategy, which lists raw material extraction as an undesirable land use for the area, encouraging instead orcharding and rural residential land uses. The proposal is therefore contradictory to the provisions of the Rural Strategy, but given the size of the subject site and the fact that it has been established as an extractive industry for over 30 years, it is appropriate to consider approving the proposal.

SPP No.10 – Basic Raw Materials (2000)

SPP No.10 relates to extractive industries and provides guidelines for officers assessing extractive industry applications and applications around extractive industry sites. SPP No.10 also requires the preparation of a management plan and report, which has not been provided by the applicant.

Although this information has been requested from the applicant, the matter has not been resolved and in the interest of progressing the application due to the necessity of determination by the WAPC, the matter could be addressed by noting the applicant is to comply with SPP No.10 should Council recommend approval. The WAPC could then acquire the necessary information from the applicant and forward a copy of the management plan and associated report to the City for comments.

Extractive Industry Local Laws

Council's Technical Services Directorate has advised that a licence can be issued subject to support from Council and planning approval being granted by the WAPC. Any such licence approval would be conditional upon the payment of an annual licence renewal fee. In addition to this condition, the licence would reflect relevant conditions of the planning approval, subject to Council support and WAPC approval.

Works Area

Previous planning and licence approvals have limited the works area to a maximum of 1ha. This application outlines the dimensions for the works area as being 100m by 150m, with excavation taking place to a depth of 4m. This equates to 1.5ha, which is a 50% increase in area over previous planning approvals.

As the condition for a maximum works area of 1ha has been consistently maintained over at least the last ten year period, it is not unreasonable to maintain the limitation to the size of the works area to 1ha. Limitation should also be placed on the depth of the excavation so the site is not degraded. The applicant has stipulated a maximum depth of 4m, which the City has no objection to. Rehabilitation can then take place over areas previously worked with new areas being introduced as necessary through the planning approval process. A revised site (contour) plan will be necessary to indicate the change to the dimensions of the works area. Council should recommend that conditions be imposed on any approval given by the WAPC in relation to these issues.

Rehabilitation

The applicant has advised that the land had been utilised as pasture prior to their company purchasing the property and was as a result predominantly clear. On this basis, the applicant has maintained that the property can be rehabilitated to pasture. Some replanting should occur to stabilise the land after refilling/recontouring has taken place, as previous planning approvals have required progressive rehabilitation of the site. SPP No.10 also requires details regarding rehabilitation to be submitted as part of a Management Plan. As noted, the submission of a Management Plan should be conditioned if approval is recommended.

Setback Variation

The required setback from development to property boundaries in all Rural areas is 15m. The proposal incorporates a 10m setback to the northern property boundary, which already is the case. As the issue was not raised in any public submissions, it is appropriate to vary the setback to the 10m requested. Concerns have been expressed by Council's Parks Department that no vegetation buffer exists between the quarry and remnant vegetation to the north. A condition addressing this issue should be included if Council recommends the application be approved.

Noise

Whilst the properties in the surrounding area are quite large, Council may have some concern with regard to noise emissions from the site. The applicant is however required to work within the provisions of the *Environmental Protection (Noise) Regulations 1997* to ensure that surrounding areas are not detrimentally affected. If Council should consider recommending the application be approved to the WAPC, the applicant should be advised of the requirement to comply with the *Environmental Protection (Noise) Regulations 1997*.

OPTIONS

1. Council could recommend that the WAPC approve the application for renewal of planning approval for the extractive industry at Lot 9, adjacent to Lot 2 Canning Road, Karragullen if it is satisfied that conditions can satisfactorily address the issues raised.
2. Council could recommend that the WAPC refuse the application for renewal of planning approval for the extractive industry at Lot 9, adjacent to Lot 2 Canning Road, Karragullen if it is not satisfied that the issue of site management, in terms of Statement of Planning Policy No.10 – Basic Raw Materials, can be satisfactorily addressed.

CONCLUSION

It is noted that the site has been operating as an extractive industry since 1971. Whilst this does not mean planning approval should simply be renewed, it demonstrates that the site is well established in this regard. If favourable comments are received from CALM and the applicant can address the requirements of SPP No.10 and limit the works area to approximately 1ha, then it is recommended that the WAPC renew the planning approval for the extractive industry.

COMMITTEE recommended that a bond should be required to ensure that the works are properly managed. Committee expressed their concern that some conditions of the previous licence had been breached. They requested that Council's Compliance Officer undertake the necessary actions to ensure these breaches are addressed.

D81/5/03

RECOMMEND

- 1. That Council recommend the Western Australian Planning Commission approve the application under the Metropolitan Region Scheme for an extractive industry at Lot 9, adjacent to Lot 2 Canning Road, Karragullen, subject to the following conditions:**
 - a) Favourable advice is to be received from the Department of Conservation and Land Management in relation to the application prior to any determination by the Western Australian Planning Commission.**
 - b) The works area is to be limited to 1ha and a maximum depth of 4m, to the satisfaction of the Western Australian Planning Commission and the City of Armadale.**
 - c) A revised site (contour) plan demonstrating the amended dimensions of the works area is to be submitted, to the satisfaction of the Western Australian Planning Commission and the City of Armadale.**
 - d) A vegetation buffer is to be provided along the northern property boundary in the 10m setback area (not including the required 3m firebreak). Details pertaining to the vegetation buffer should be submitted as part of the management plan required by Condition e), to the satisfaction of the Western Australian Planning Commission and the City of Armadale.**
 - e) A Management Plan is to be prepared to comply with *Statement of Planning Policy No.10 – Basic Raw Materials* to the satisfaction of the Western Australian Planning Commission and the City of Armadale. All works to be carried out in accordance with the approved plan.**
- 2. That Council approve the application under Town Planning Scheme No.2 for an extractive industry at Lot 9, adjacent to Lot 2 Canning Road, Karragullen, subject to the following conditions:**
 - a) Favourable advice is to be received from the Department of Conservation and Land Management to the satisfaction of the Executive Director Development Services.**
 - b) The works area is to be limited to 1ha and a maximum depth of 4m, to the satisfaction of the Executive Director Development Services.**

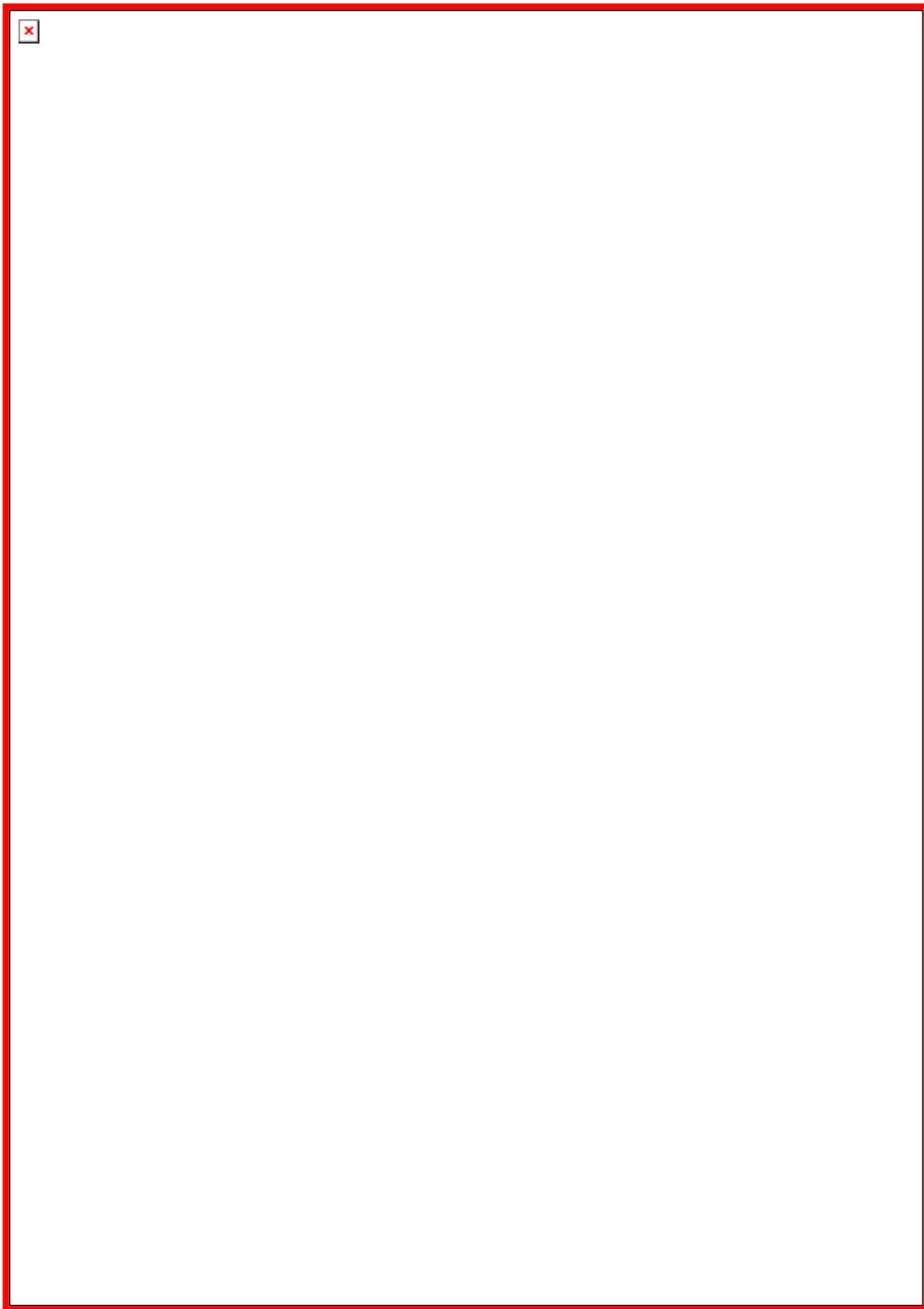
- c) A revised site (contour) plan demonstrating the amended dimensions of the works area is to be submitted, to the satisfaction of the Executive Director Development Services.
 - d) A vegetation buffer is to be provided along the northern property boundary in the 10m setback area (not including the required 3m firebreak). Details pertaining to the vegetation buffer should be submitted as part of the management plan required by Condition e), to the satisfaction of the Executive Director Development Services.
 - e) A Management Plan is to be prepared to comply with *Statement of Planning Policy No.10 – Basic Raw Materials* to the satisfaction of the Executive Director Development Services. All works to be carried out in accordance with the approved plan.
3. That relevant to Parts 1 and 2 of this resolution, the applicant be advised that compliance with *Statement of Planning Policy No.10 – Basic Raw Materials*, Council's *Extractive Industry Local Laws* and the *Environmental Protection (Noise) Regulations 1997* is required.
4. That should the Western Australian Planning Commission approve the application for an extractive industry at Lot 9, adjacent to Lot 2 Canning Road, Karragullen, a licence be issued in accordance with Extractive Industry Local Laws subject to the following conditions:
- a) Compliance with the Extractive Industry Local Laws and Conditions b), d) and e) of the planning approval issued under Town Planning Scheme No.2.
 - b) Payment of the annual licence renewal fee as required by the Extractive Industry Local Laws.
5. The applicants be informed of their obligations in terms of Town Planning Scheme No.2 relating to the dumping and introduction of potentially detrimental plant species on site and of their non-compliance with conditions of the planning approval and extractive industry licence issued in 1997 for an extractive industry on Lot 9, adjacent to Lot 2 Canning Road, Karragullen.
6. The applicant be advised of the requirement to comply with the regulations of the Environmental Protection Authority (EPA) relating to dust emissions.
7. That an additional bond of \$15,000, payable to the City, be provided for rehabilitation works with the extractive industry licence (2003-2008).

Advice Note - The bond referred to in Condition 6 above may be in the form of a bank guarantee.

MOVED Cr Green, SECONDED Cr Hart
MOTION CARRIED (7/0)

Council resolved at its Ordinary Meeting on 19th May 2003 that Recommendation D81/5/03 be amended by adding a part (6) as follows and the existing part (6) be renumber (7).

- (6) *The applicant be advised of the requirement to comply with the regulations of the Environmental Protection Authority (EPA) relating to dust emissions.*



PROPOSED TWO FACTORY UNITS – LOT 104 (17) BYRON ROAD, ARMADALE

WARD	:	ARMADALE
FILE REF	:	A12849
DATE	:	1 May 2003
REF	:	JEH
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	R Van Duyn
LAND OWNER	:	R Van Duyn
SUBJECT LAND	:	Lot 104 Byron Rd, Armadale Property size 1973m ² Map 22.01
ZONING MRS/TPS No.2	:	Industrial / General Industry

In Brief:-

- Proposal involves the construction of two adjoining factory units with a parapet wall on boundaries with two adjoining properties.
- Proposal is seeking Council's approval to waive the side setback and storage yard requirements of Council's Town Planning Scheme No.2.
- Advertising of the proposal to two adjoining property owners resulted in one letter of objection being received.
- Recommend that Council approve the application 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
Metropolitan Region Scheme
Town Planning Scheme No.2

Council Policy / Local Law Implications

Industrial Design Guidelines 4.7.12

Budget / Financial Implications

Nil.

Consultation

- ♦ Development Control Unit
- ♦ Adjoining Landowners



**SITE PLAN
LOT 104 BYRON ROAD, ARMADALE**

BACKGROUND

On 12 March 2003 Council received an application to construct two (2) factory units on the subject property which is currently vacant.

Since the applicant is seeking Council approval to waive the side setback requirement and open storage yard requirements of Town Planning Scheme No.2, the application has been referred to Council for determination.

DETAILS OF PROPOSAL

- ◆ The proposed development involves the construction of a concrete Industrial building without any open yard areas to accommodate two (2) factory units.
- ◆ Unit 1 is 650m² in area, and it is proposed that this unit be used as a Cabinet Making Workshop.
- ◆ Unit 2 is 304m² and it is proposed that this unit be leased.
- ◆ The proposed units are to be painted in natural ‘earthy’ tones, with ‘Colorbond – Merino’ roller doors and roof sheeting.
- ◆ The design incorporates 7.5m high parapet walls along the southern and eastern boundaries. The proposed 55m long parapet wall along the southern boundary faces an approved ‘Industrial Storage Shed’ and ‘Caretakers Residence’ (situated 3.5m from the proposed parapet wall), while the proposed 21m parapet wall along the eastern boundary faces an approved ‘Industrial Workshop’.

COMMENT

Development Control Unit (DCU)

At its meeting held on 1 April 2003, DCU recommended that as the application generally complies with the Scheme and Policy requirements, the proposal be supported subject to appropriate conditions.

Surrounding Landowners

The application was advertised for a period of two weeks to two adjoining landowners potentially affected by the proposed parapet wall. One submission objecting to the proposed parapet wall was received. The issues raised are addressed in the Analysis section of this report.

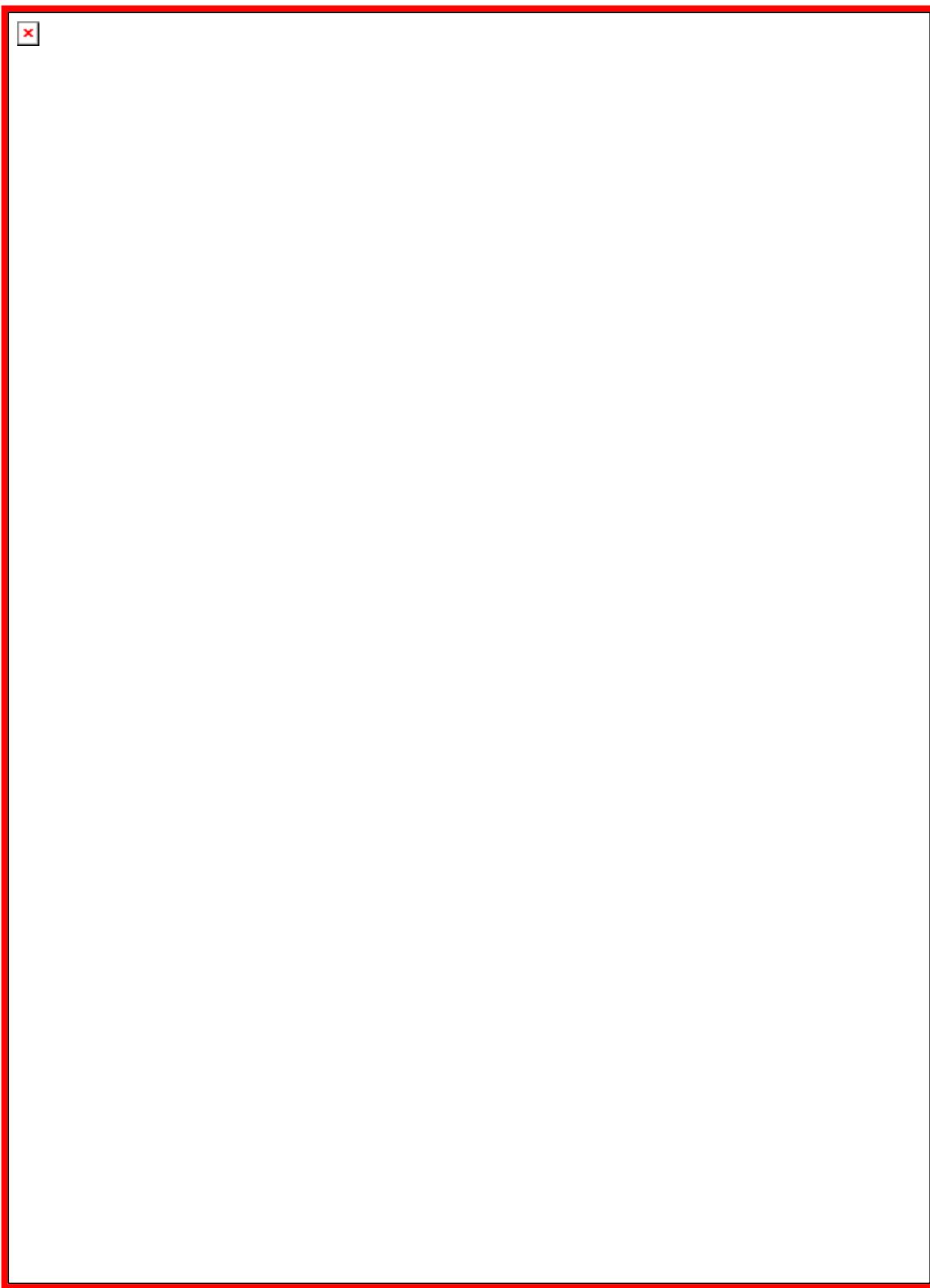
ANALYSIS

Public Submissions

The issues raised by a surrounding landowner are summarised below with responses following:

1. *The subject lot is 1973m² and does not comply with the 2000m² minimum lot size in the General Industry Zone.*

The lot size has been approved through the original subdivision which created the lot, and has no impact on the determination of the current application.



**ELEVATION PLAN
LOT 104 BYRON ROAD, ARMADALE**

2. *As Council approved the “Caretakers Dwelling” on an adjoining lot over ten years ago, due consideration should be given to that decision in terms of priority of occupation, when considering the applicants proposal to waive the side setback requirement and construct a parapet wall.*

In terms of the criteria outlined in Town Planning Scheme No.2, the proposed development as submitted is considered sufficient to warrant the waiving of side setback requirements. The Scheme definition of “Caretakers Dwelling” means “a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation carried on or existing on the same site.” Priority of occupation of the “Caretakers Dwelling” whilst taken into consideration, is not considered sufficient grounds to prevent Council from waiving the side setback requirements of the development which meets all other relevant Scheme criteria.

3. *Due to the height and length of the wall, it will result in overshadowing and loss of sunlight to the living areas of the “Caretakers Residence” and swimming pool, exacerbating the health problems of occupants and resulting in the incurrence of initial and ongoing financial costs in terms of extra ventilation, heating, lighting and medical expenses.*

In the General Industry Zone, the height and length of the proposed parapet wall is considered acceptable. Whilst of concern to the occupants, there are no specific provisions in the General Industry Zone to restrict overshadowing or prevent loss of sunlight to adjoining industrial lots. In addition the proposed parapet wall will primarily result in loss of sunlight to bedrooms rather than the main living areas.

4. *The proposed parapet wall will have a significant impact on the quality of life of the occupants of the “Caretakers Residence” on the adjoining lot. This will include a drop in the temperature of the swimming pool, loss of sunlight to clothes drying and outdoor areas, and a dying garden due to lack of sunlight.*

The General Industry Policy Statement in Town Planning Scheme No.2 states that whilst uses other than industrial (e.g. caretakers dwelling) may be permitted in the General Industrial Zone, they are “...permitted on the assumption that the applicant and tenants of such uses will be aware of the effects from all other uses in the General Industry Zone...”

Whilst it is conceded that the proposed parapet wall will have some impact on the lifestyle of the occupants of the adjoining lot, the amenity of a General Industrial area cannot be expected to be comparable to that of a Residential area.

5. *The occupants of the “Caretakers Residence” have concerns regarding safety and would not want to be in residence whilst the parapet wall is being constructed, thus incurring additional costs in temporarily living elsewhere.*

The proposed building will be subject to strict compliance with Building Codes of Australia (BCA) requirements. The construction process is also required to comply strictly with the provisions of the Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996.

-
6. *Is the land going to be excavated to the same level as Lot 105? If it is not made level to Lot 105, then the overall height will be higher than 7.5m.*

Plans received indicate that the overall height of the parapet wall will not exceed 7.5m from the ground level of Lot 105.

7. *Will the existing boundary fence be removed? And if so at what stage of the construction will it be removed and who is liable for the cost?*

The removal of the existing boundary fence is primarily a civil matter. In this regard, the applicant is required to comply with the provisions of the Dividing Fences Act 1961. The applicant will be liable for the cost of removing the existing fence, and as a condition of planning approval it is recommended that the applicant be required to paint the external surfaces of the proposed parapet wall to complement the proposed development. As an advice note to the planning approval, the applicant will be requested to provide sufficient prior notification to the adjoining land owner, prior to the removal of any boundary fencing, to enable them to take action to protect their property or animals, etc during the construction process.

Variation to Storage Yard Requirement

Council's Town Planning Scheme Clause 5.5.1 and Council's Industrial Design Guidelines Part 10.0 stipulates that a yard is to be provided for factory units within the industrial area.

Clause 5.5.1 also states that "*Where Council is satisfied that the design and function and appearance of factory unit development is satisfactory, the Council may waive its provision for open yard area upon receiving an undertaking in writing, by the landowner, that no storage of materials or products will be allowed outside the buildings*"

It is considered that the architectural design, function and appearance of the units and the proposed building materials are of a satisfactory standard to warrant a variation to the yard area requirement. In addition, the proposal is situated on a corner lot, and waiving of the storage yard requirement would facilitate the efficient use of available space for Industrial purposes, whilst allowing for adequate landscaping, parking, and access arrangements from two street frontages.

The open yard area is not considered necessary for the proposed cabinet making business, since the nature of the operation requires materials be stored under cover to prevent possible damage by the elements. It is recommended that a condition be included on the planning approval stating that no storage of materials or products outside the building is to occur without the approval of Council. It is also recommended that the applicant be advised that a separate application will be required for any proposed change of use for the building.

Parapet Walls

Town Planning Scheme No.2 allows variation to the 3m side setback in the General Industry Zone, if in Council's opinion the proposed development is of a high architectural standard, provides access to the rear of the lot and complies with the Building Code of Australia (BCA) requirements.

Given that the proposal is situated on a corner lot with frontages to both Byron and Browning Roads, the proposed parapet walls to both the eastern and southern boundaries represent side boundaries with the adjoining lots. The proposed parapet walls to side boundaries, and the absence of any proposed storage yards negates the need for any side access and enables the lot to be developed with efficient use of space. The proposed parapet walls would also prevent the creation of ‘unusable’ areas that could potentially accumulate rubbish and become unsightly.

It has also been determined that if the proposed factory building was constructed with a complying 3m side setback, the reduction in overshadowing of the “Caretaker’s Dwelling” on the adjoining lot would be minimal. In mid-winter, the northern face of the house would predominantly remain overshadowed regardless of whether the factory unit is built with a parapet wall or at a 3m setback.

In terms of the Scheme criteria outlined above, the proposed development as submitted is considered sufficient to warrant the waiving of side setback requirements.

OPTIONS

1. Council may approve the application on the grounds that the proposed factory units are generally consistent with the provisions of the Industrial Design Guidelines and Scheme No.2 for the General Industry Zone, and that the design, function and appearance of the proposed factory units are of a sufficiently high standard to warrant a waiving of the setback and yard area requirements.
2. Council may approve the application subject to the submission of revised plans indicating a reduction in height of the proposed building and /or siting of the proposed building in accordance with the 3m setback requirements in Town Planning Scheme No.2.
3. Council may refuse the application if it is of the view that the design, function and appearance of the proposed factory units are not of a sufficiently high standard to warrant a waiving of the setback and yard area requirements, and that the proposal will unduly impact on the amenity of adjoining properties.

CONCLUSION

With the exception of the proposed storage yard variation and parapet walls, the proposal is consistent with the provisions of the Industrial Design Guidelines and Scheme No.2 for the General Industry Zone.

It is considered that the proposed design, function and appearance of the proposed factory units are of a sufficiently high standard to warrant a waiving of the setback and yard area requirements. Whilst an adjoining landowner raised a number of concerns relating to the proposed parapet wall, the proposed development makes efficient use of industrial land and generally complies with Town Planning Scheme No.2 and the Industrial Design Guidelines Policy requirements. There is potential for some impact on the residential amenity of the adjoining lot (caretaker’s residence) as a result of the proposed parapet wall, however these concerns are not considered warranted given the purpose and intent of the General Industry zone.

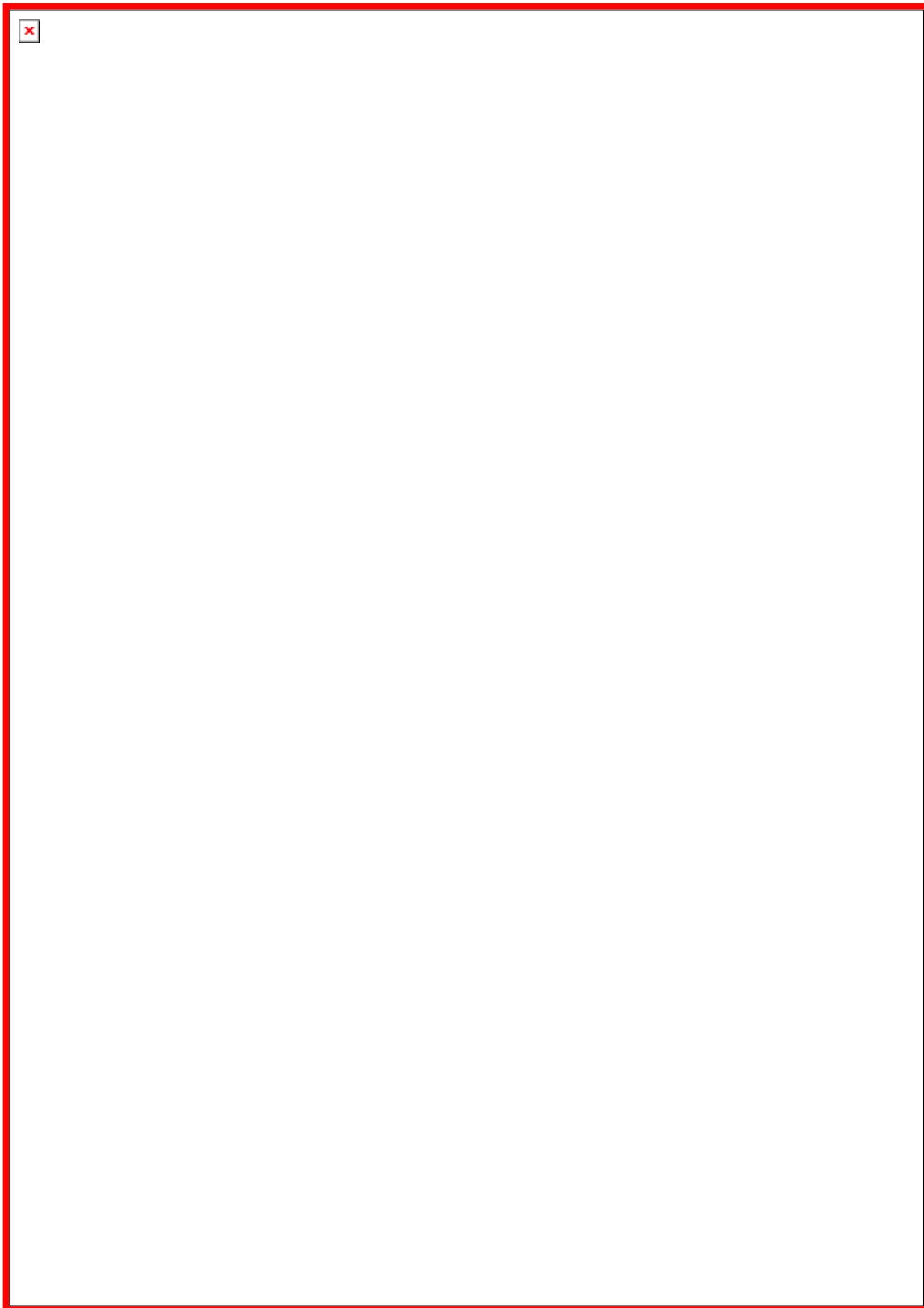
D82/5/03

RECOMMEND

**That Council approve the development of two factory units on Lot 104
Byron Road, Armadale subject to the following conditions:**

- a) The external surfaces of the proposed parapet walls to be painted in a colour scheme to match the proposed development. Details of the colour scheme relative to the external appearance of the parapet walls to be submitted to and approved by the Executive Director Development Services. The development is to be completed and maintained in accordance with the approved schedule.**
- b) No storage of materials or products outside the building is to occur without the approval of Council.**
- c) Refuse bins to be appropriately screened from public view to the satisfaction of the Executive Director Development Services.**
- d) Construction of car parking areas, including kerbing, drainage, driveways, crossovers and marking of internal car parking spaces to the satisfaction of the Executive Director Technical Services.**
- e) A comprehensive landscape plan is to be submitted to the satisfaction of the Executive Director Development Services. Landscaping to be installed and continuously maintained thereafter, in accordance with the approved landscape plan.**
- f) A comprehensive stormwater drainage plan that reflects Water Sensitive Design Principles is to be submitted by the applicant, and such plan is to be approved by the Executive Director Technical Services. All drainage work to be constructed as per approved plan.**
- g) Prior to the storage of more than 200L of liquid chemicals or fuels on-site, a management plan to ensure accidental spills or contaminated stormwater from accidental spills are retained on-site and adequately cleaned up before disposal at a facility appropriate to the waste type is to be prepared and submitted to the satisfaction of the Executive Director Development Services. Spill management procedures to be implemented in accordance with the approved plan.**

MOVED Cr Hart
MOTION CARRIED (7/0)



APPLICATION FOR HOME OCCUPATION APPROVAL TO CONDUCT MASSAGE AND BEAUTY THERAPY AT LOT 327 (4) TUMMELL COURT, SEVILLE GROVE

WARD	:	SEVILLE
FILE REF	:	A178178
DATE	:	1 May 2003
REF	:	MF
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Ms Kim Hames
LAND OWNER	:	As above
SUBJECT LAND	:	Lot 327 (4) Tummell Court, Seville Grove Property size 745m ² Map 21-04
ZONING MRS/TPS No.2	:	Urban / Residential Development Area

In Brief:

- Application for Home Occupation approval to conduct Massage and Beauty Therapy.
- Proposal advertised to the immediately surrounding landowners for comment with one objection being received.
- Recommendation for approval, subject to conditions contained in the Home Occupation provisions of Council's Town Planning Scheme No. 2.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Promote employment and residential growth, encouraging the economic wellbeing of the community.

Legislation Implications

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

Council Policy / Local Law Implications

4.4.7 – Home Occupations.

Budget / Financial Implications

Nil.

Consultation

- ◆ Surrounding neighbours.
- ◆ Council's Health Department.

BACKGROUND

The applicant has been conducting this same business from her previous address at Lot 680 (1) Denning Court, Armadale from 1 August 2000. The current renewal expires on 31 August 2003. No complaints have been received relating to the operation of the business from these premises.

DETAILS OF PROPOSAL

The applicant proposes to conduct the business of Massage and Beauty Therapy from a room at Lot 327 (4) Tummell Court, Seville Grove. The business involves the use of a massage bed, manicure table, nail equipment/tools, steamer and wax. The hours of business are 9.00 a.m. to 6.00 p.m. Mondays to Fridays and 10.00 a.m. to 12 noon on Saturdays. No Sunday working is involved. Up to five customers per day may be expected and all appointments are carried out by prior arrangement. Stock, such as nail polish, facial products and wax, is stored in a cupboard in the room.

COMMENT

The application was assessed in terms of Council's Home Occupation Policy and scored 18 on the compatibility scale. A score of 20 and above requires a report to be submitted to Council for determination. However, in this particular case, in view of an objection being received, this matter is submitted to Council for determination.

Council's Health Department has indicated that it has no concerns regarding the proposal because the business will not involve skin penetration.

Results of advertising

The proposal was advertised for a period of two weeks to five neighbouring property owners for comment. One response was received objecting to the proposal. (***Refer to Confidential Attachment "B4" of the Agenda***).

Analysis

Resumé of Objection

The objector has raised some issues regarding the proposed business as follows:

1. The objector states that this “ cul-de-sac has been reduced from reasonable living to below average living in the past few years”. He objects to “ any further invasions from outside sources, potentially bringing more traffic flow and people pollution than is currently experienced in this tiny cul-de-sac, a ‘residential’ area”.

The applicant's property is located at the entrance to the cul-de-sac and therefore any traffic increase is unlikely to affect the landowners in the cul-de-sac.

-
2. “The proposed conducting of therapy is planned full time from Monday to Friday and Saturday mornings too far too many hours to endure”.

Although the hours of business are 9.00a.m. to 6.00p.m. Mondays to Fridays and 10.00a.m. to 12noon on Saturdays, the business is not considered fulltime on the grounds that a maximum of five customers is expected per day. All appointments will be conducted by prior arrangement and suitably spaced to ensure minimum disruption to traffic flow.

3. “We currently live within a consistently loud noisy neighbourhood from those that live in it and their children and their neighbourhood friends – children using the cul-de-sac as a constant playground, kicking footballs, running up and down screaming at the top of their lungs, running through gardens and properties riding bikes and roller blades up and down during the week after school and school holidays”.

The applicant’s Massage and Beauty Therapy business is unlikely to be noisy in terms of the amenity issues and therefore unlikely to contribute to the noise referred to by the respondent.

4. “One resident practices “drumming” every day and LOUD “hard rock” music on weekends echoes from backyard neighbourhood sheds. Young males “floor” their vehicles up and down the cul-de-sac often and many other vehicles that use this tiny cul-de-sac as a race track to speed down, turn around and speed out whilst doing “donut” burn outs who are not resident”.

This matter is not related to the applicant’s proposed Massage and Beauty Therapy business.

5. “Any further attraction of perhaps undesirables, more population – human and vehicle, noise and pollution is most objected to, without prejudice to the persons who apply for the Home Occupation approval”.

See response to (1) above.

Options

1. Council may recommend refusal of the application due to concerns regarding the adverse impact that the proposal may have on the neighbourhood as well as the objection received during the advertising process.
2. Approve the application, subject to the conditions contained in the Home Occupation provisions of Council’s Town Planning Scheme No.2 on the grounds that the business generates no noise, has minimal visitors and is considered innocuous in terms of the amenity issues of the Town Planning Scheme.

CONCLUSION

The applicant has successfully operated this business from another property in Armadale without any complaint being received.

Council should be aware that Home Occupation Approvals are renewed annually and the Form 2 Approval contains an '*Advice to Applicants*' note stating (among other things) that if, in the opinion of Council, a nuisance or annoyance to the owners or occupiers of land in the neighbourhood is caused, Council may revoke or refuse to renew its approval.

On the basis of the above, it is recommended that Council adopt Option 2 for the reasons stated.

D83/5/03 RECOMMEND

- 1. That Council approve the application for a Home Occupation to conduct Massage and Beauty Therapy at Lot 327 (4) Tummell Court, Seville Grove, subject to the conditions contained in the Home Occupation provisions of Town Planning Scheme No.2, such that the “Home Occupation”:**
 - a) does not entail employment of any person not a member of the occupier’s household;**
 - b) will not cause injury to or adversely affect the amenity of the neighbourhood;**
 - c) does not occupy an area greater than 20m²;**
 - d) does not display a sign exceeding 0.2m² in area;**
 - e) does not entail the retail sale, display or hire of goods of any nature;**
 - f) in relation to vehicles and parking, will not result in the requirement of a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle more than 2 tonne tare weight and does not include the provision for the fuelling, repair or maintenance of motor vehicles; and**
 - g) does not involve the use of essential services of greater capacity than normally required in the zone.**
- 2. That the applicant and respondent be advised of Council’s determination.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

DELEGATION TO DETERMINE APPLICATIONS FOR BED AND BREAKFAST ESTABLISHMENTS

WARD	:	ALL
FILE REF	:	PCY/2
DATE	:	29 April 2003
REF	:	PRR
RESPONSIBLE MANAGER	:	PSM

In Brief:-

- Development Applications for Bed and Breakfast Establishments require consideration and determination by Council under Town Planning Schemes No.2 and No.3.
- In some instances, the applications can be more efficiently processed administratively.
- Recommend that delegated authority be granted to the Executive Director Development Services / Planning Services Manager to determine such applications.

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 Regulations 1967
Town Planning Schemes No.2 and No.3

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

- ♦ Development Services Directorate

BACKGROUND

Council's Planning Department receives numerous applications for bed and breakfast establishments that require consideration and determination by Council under the provisions of Town Planning Schemes No.2 and No.3 (TPS No.'s 2 and 3). The process requires considerable officer time in preparing an agenda item and also occupies the time of elected members, which could be better utilised in considering more complex or significant issues.

DETAILS OF PROPOSAL

In the interests of efficiency, it is proposed that Council provide delegation to the Executive Director Development Services and / or the Planning Services Manager (EDDS / PSM) to determine applications for bed and breakfast establishments, provided certain criteria are met.

ANALYSIS

Town Planning Scheme Provisions

Clauses 7.10 and 11.14 of TPS No. 2 and 3 respectively provide for Council to delegate to an officer of the Council the authority to deal with an application for development approval.

Under the Development Tables for respective zones, a bed and breakfast establishment is classified as an 'AA' use. Clause 7.2.2 and 11.7.2 of TPS No. 2 and No.3 respectively gives Council discretion as to whether an 'AA' use should be advertised (if at all) through any or all of the advertising methods available (letters to surrounding landowners, a sign on site or advertisement in the local paper). It is therefore recommended that should delegation be granted, a bed and breakfast application should be advertised for a minimum of two (2) weeks to surrounding landowners to provide an opportunity for public comment.

A bed and breakfast establishment is defined by TPS No. 2 and 3 as "*a private dwelling additionally used for overnight or short stay accommodation for not more than four adults or one family whereby the establishment contains a maximum of two guest bedrooms and one guest bathroom, located under the main roof of the dwelling house*". It is appropriate that for delegation to exist, an application for a bed and breakfast establishment should comply with this definition.

Further to the definition, Clauses 7.3 and 11.4 of TPS No. 2 and 3 respectively list certain criteria that should be considered in examining a development application. These differ between the two Schemes but, relative to bed and breakfast establishments, include issues such as zone and policy provisions; car parking, access and manoeuvring; submissions received; the effect on adjoining buildings or land and any other matter relative to the proper and orderly planning of the locality. Accordingly, the City would have to be satisfied that the requirements and provisions of the relevant Town Planning Scheme are fulfilled in assessing and determining any application should delegation be granted.

Other Considerations

Council's Health Department has advised that legislation is currently before Parliament to introduce a new Food Standards Code that will affect businesses such as bed and breakfast establishments. Such businesses will be required to demonstrate that 'due diligence' to customers exists by ensuring that an adequate potable water supply is available. Whilst the new code is not in effect yet, officers assessing bed and breakfast applications should be aware of the situation, particularly with reference to rural lots, where scheme water may not be available. An advice note indicating the forthcoming code could be placed on any approvals issued by officers if delegation is granted.

Council's Building Department has advised that bed and breakfast establishments and other similar businesses are required to have hard-wired smoke detectors by the Building Code of Australia 1996 (BCA). Officers dealing with bed and breakfast applications, if delegation is granted, could note the applicant's obligations with regard to the BCA in an advice note on approvals issued.

Common Issues

In summary, Officers find that issues commonly raised during assessment of bed and breakfast applications include the following:

- ◆ Compliance with the definition of the relevant Town Planning Scheme;
- ◆ The availability of a parking area for guest vehicles;
- ◆ Signage identifying the bed and breakfast establishment, and;
- ◆ Impact on adjoining properties in terms of traffic and the scale of the proposal.

Determination of Applications

Given the above considerations, it is therefore requested that Council provide delegated authority to the Executive Director Development Services / Planning Services Manager to determine bed and breakfast applications that satisfy the following criteria:

- ◆ The proposal is consistent with the current Town Planning Scheme definition;
- ◆ Advertising to surrounding landowners for a minimum of two (2) weeks is undertaken as appropriate and no reasonable objections are received; and
- ◆ Officers are satisfied that the criteria of Clauses 7.3 and 11.4 of TPS No.2 and 3 respectively are adequately addressed.

If the above criteria are satisfied, an advice note is to be imposed on the planning approval indicating to the applicant that compliance with the new Food Standards Code and the Building Code of Australia 1996 is required.

It should be further noted that where the considerations are finely balanced, proposals could be referred to Council for a decision as anticipated under Clauses 7.10.3 and 11.14.3 of TPS No. 2 and 3.

OPTIONS

1. Council may grant delegated authority to the Executive Director Development Services / Planning Services Manager to determine applications for bed and breakfast establishments provided certain criteria are met.
2. Council could continue to determine applications for bed and breakfast establishments.

CONCLUSION

In order to avoid unnecessary time delays in the processing of planning applications and in some instances duplication of Council consideration, it is recommended that Council provide delegation to the Executive Director Development Services / Planning Services Manager to determine applications for Bed and Breakfast Establishments. Approvals may be issued where the proposal complies with the criteria outlined in this report and refusals may be issued if the proposal is not consistent with the current Town Planning Scheme provisions, or if reasonable objections are raised and the proposal would have a detrimental effect on the amenity of the surrounding area.

D84/5/03

RECOMMEND

1. **That Council grant delegated authority, in accordance with Clauses 7.10 and 11.14 of Town Planning Schemes No.2 and No.3 respectively to the Executive Director Development Services and the Planning Services Manager to determine applications for bed and breakfast establishments, provided the criteria of Sections 2.1 and 2.2 (to follow) are met.**
2. **That the following Delegation of Authority be added to Council's Delegation of Authority Register:**

Authority to determine applications for Bed and Breakfast Establishments.

2.1 APPROVALS:

The Executive Director Development Services and / or Planning Services Manager is delegated authority to approve applications for bed and breakfast establishments subject to the application satisfying the following criteria:

Applications for bed and breakfast establishments:

- a) **The proposal is consistent with the current Town Planning Scheme definition;**
- b) **Advertising to surrounding landowners for a minimum of two (2) weeks is undertaken as appropriate and no reasonable objections are received; and**
- c) **Officers are satisfied that the criteria of Clauses 7.3 and 11.4 of TPS No.2 and No.3 respectively are adequately addressed.**

2.2 REFUSALS:

The Executive Director Development Services and / or Planning Services Manager is delegated authority to refuse applications for bed and breakfast establishments if any of the following apply:

- a) The proposal is inconsistent with the current Town Planning Scheme definition;**
- b) Advertising to surrounding landowners for a minimum of two (2) weeks is undertaken as appropriate and reasonable objections are received; or**
- c) Officers are not satisfied that the criteria of Clauses 7.3 and 11.4 of TPS No.2 and No.3 respectively are adequately addressed.**

2.3 NOTES:

- a) If a planning approval is to be issued, an advice note is to be included on the approval indicating to the applicant that compliance with the forthcoming Food Standards Code and the Building Code of Australia 1996 is required.**
- b) Where appropriate and to avoid confusion, signage identifying a bed and breakfast establishment may be required as a condition of approval. An advice note is to be included on all approvals indicating that a separate application and approval is required for advertising signage.**
- c) Where applications do not comply with the criteria of section 2.1 above, but is nevertheless supported by Council officers, the application is to be referred to Council for consideration.**

MOVED Cr Hart
MOTION CARRIED (7/0)



ENTRY OF COLE'S SHAFT, SUMMIT VIEW, MOUNT RICHON, IN STATE REGISTER OF HERITAGE PLACES

WARD	:	ARMADALE
FILE REF	:	A234213
DATE	:	5 May 2003
REF	:	HC
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Heritage Council of WA
LAND OWNER	:	Crown
SUBJECT LAND	:	Reserve 46948 Property size 3134m ² Map 23.01
ZONING MRS/TPS No.2	:	Urban / Res R5

In Brief:-

- The Heritage Council of Western Australia (HCWA) has advised that Cole's Shaft has now been entered in the Register of Heritage Places on an interim basis and extends an invitation to Council to nominate someone to attend the meeting of the HCWA at which permanent entry in the Register will be considered.
- Recommend that Council express its strong support of the entry of Cole's Shaft into the State Register of Heritage Places by letter and decline to send a representative to attend the HCWA meeting.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Relates to our commitment to the future to create a caring and vibrant City, rich in history heritage and lifestyle.

Legislation Implications

Heritage of Western Australia Act 1990.

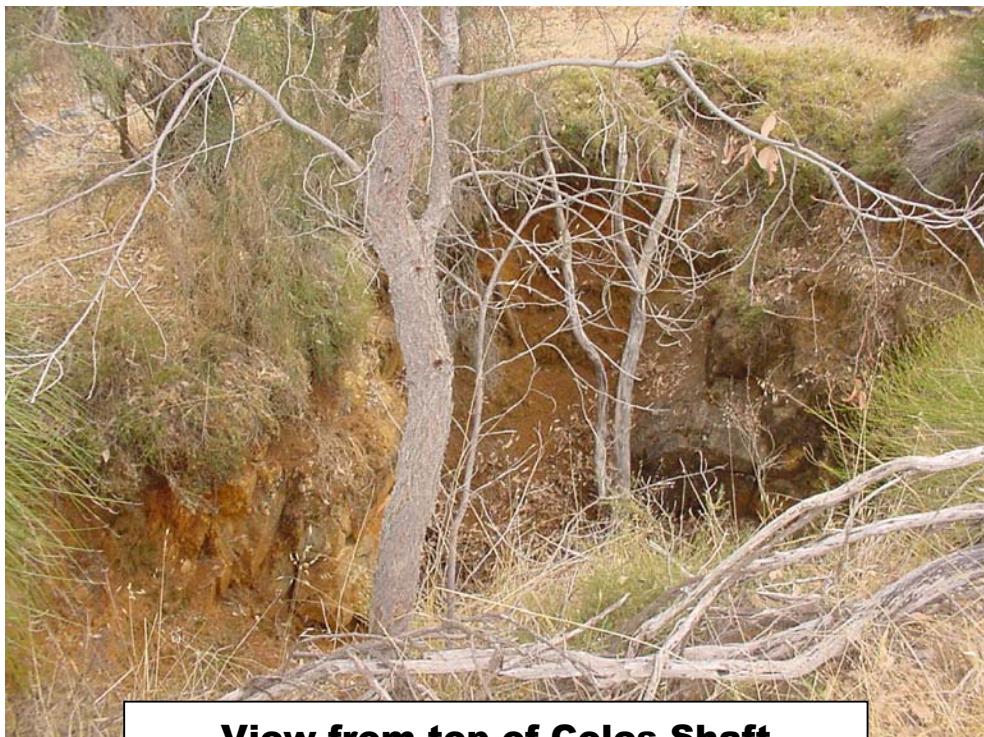
Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Maintenance costs of about \$5,500 per annum for fire control, monthly inspection and minor maintenance with further development to be considered in future Five Year Plans (Tech Services budget).

COLE'S MINE SHAFT



View from top of Coles Shaft



Associated Mullock Heap

Consultation

Nil.

BACKGROUND

At its meeting of 23 April 2001, Council resolved amongst other things to include the mine site known as Cole's Shaft, with associated mullock heap, in Council's Municipal Heritage Inventory (MHI).

Previously the shaft lay on the boundaries of Lots 53 and 54 Summit View. A recent subdivision has amended the boundaries so the shaft is wholly included in new Lot 67. The Department of Land Administration (DOLA) has purchased the Lot and created Reserve 46948 – Historic Site.

At its meeting of 20 January 2003, Council resolved to accept management of Reserve 46948, containing Cole's Shaft, once a suitable safety grille was fitted at the expense of DOLA.

DETAILS OF PROPOSAL

The Heritage Council of Western Australia (HCWA) has advised that Cole's Shaft has now been entered in the Register of Heritage Places on an interim basis, pursuant to Section 47 of the Heritage of Western Australia Act 1990. (*A copy of the letter and Interim Entry is at Attachment “A2” of the Agenda*). HCWA extends an invitation to Council to nominate someone to attend the meeting of the HCWA at which permanent entry in the Register will be considered. It is noted that it is not necessary to exercise that option, and that there is the opportunity to express any view by letter.

COMMENT

Analysis

Council has acknowledged the historic importance of Cole's Shaft by entering it in the MHI. It is pleasing that the State Government is also acknowledging the importance of Cole's Shaft to the history of the State and has taken steps to purchase the land and create an historic site reserve. Entering Cole's Shaft in the State Register of Heritage Places is an important further step in acknowledging this site. It is suggested that Council indicate its support for permanent entry in the Register, however it is considered that there is no further benefit to be derived from officers meeting with the HCWA on the matter.

Options

1. Nominate a person or team to attend the meeting to support entering Cole's Shaft in the State Register of Heritage Places.
2. Decline to nominate a person to attend the meeting but express support of the entry by letter.

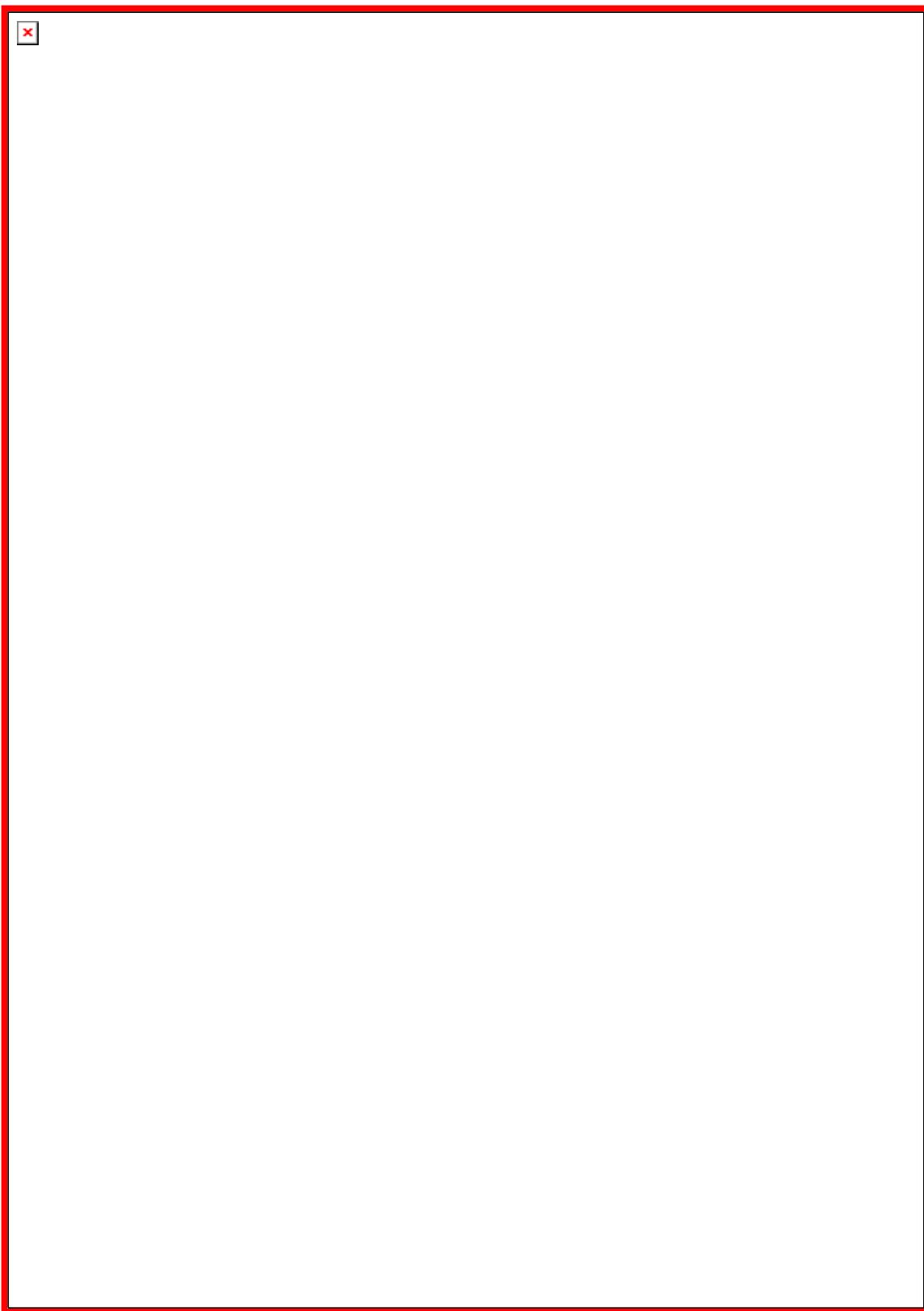
CONCLUSION

It is recommended that Council express its support for the permanent entry of Cole's Shaft in the State Register of Heritage Places by letter.

D85/5/03 RECOMMEND

That Council express its strong support of the entry of Cole's Shaft, Reserve 46948, Summit View, Mount Richon, into the State Register of Heritage Places by letter and decline to send a representative to attend the Heritage Council of Western Australia meeting.

MOVED Cr Zelones
MOTION CARRIED (7/0)



REQUEST TO PURCHASE OR LEASE PORTION OF RESERVE 14217, FLETCHER PARK, STONE STREET, WUNGONG

WARD	:	ARMADALE
FILE REF	:	A178443
DATE	:	2 May 2003
REF	:	HC
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	A Moor, and D Meakins & W Pickering
LAND OWNER	:	Crown, vested in City of Armadale
SUBJECT LAND	:	Property size 19.1204 ha Map 22.39
ZONING MRS/TPS No.2	:	Rural / Parks & Recreation (Local)

In Brief:-

- Two neighbouring parties are seeking to purchase or lease portions of Fletcher Park immediately to the south of their properties in Mitchell Street, Wungong.
- This portion of Fletcher Park is not subject to the Wallangarra Pony Club lease.
- Recommend that Council agree in principle to the future lease of a portion of Fletcher Park of approximately 9000 m² immediately south of Lots 150 and 151 Mitchell Street, Wungong upon satisfactory negotiations with both applicant parties in regard to areas sought and the matter be recommitted to Council after advertising.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To enhance the qualities and benefits of our natural and built environment.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Possible gain for POS Trust Funds if the portion of land is sold.
Lease payments if the portion of land is leased.



Consultation

Environmental Officer
Technical Services Parks & Reserves section

BACKGROUND

Fletcher Park is a 19ha reserve (No 14217) vested in the City of Armadale for the purposes of recreation. The City, subject to the approval in writing of the Minister for Lands, has the power to lease the whole or any portion of the reserve. The area of the reserve to the north of Mitchell Street is leased to the Wallangarra Riding & Pony Club (Inc) under a five-year renewable lease that currently expires in September 2005.

DETAILS OF PROPOSAL

Two different applications have been received for portions of Fletcher Park south of Mitchell Street (the area not leased to the Wallangarra Riding and Pony Club (Inc)).

The first applicant expresses an interest in purchasing or leasing a 25m section of reserve behind Lots 150 and 151 Mitchell Street for recreational purposes. He states the area is to be reticulated and grassed and will also be used as a fire buffer as the reserve now contains much inflammable material.

The second applicant has expressed several preferences of areas for lease or purchase:

- ◆ The entire portion of Fletcher Park in a line from their southern boundary at Lot 150 Mitchell Street to Eleventh Road
- ◆ The portion immediately south of Lot 150 Mitchell Street to Eleventh Road.
- ◆ The portion immediately south of Lot 150 Mitchell Street to the level with the boundary of Lot 7 Mitchell Street.
- ◆ The triangle paddock immediately south of Lot 150 Mitchell Street.

COMMENT

Analysis

The Environmental Officer advises that the land in a line from the western boundary of Lot 151 Mitchell Street to Eleventh Road should not be leased and no access should be permitted through it. This area contains Threatened Ecological Community vegetation that must not be damaged by grazing, clearing or other means.

Subject to the above stipulation, the Environmental Officer has no objection on environmental grounds to the lease of the portion of reserve sought by the applicants provided that:

- i. There is no clearing of the remaining native vegetation that consists of Marri trees, Kingias (the large blackboys) and Grevillea bushes; and
- ii. There is no use of fertiliser within 20m of the area containing Threatened Ecological Community vegetation.

The Parks Department advises it has no objection to the sale or lease of portion of the reserve immediately to the south of the boundaries of Lots 150 and 151 Mitchell Street to the level with the boundary of Lot 7 Mitchell Street (approximately 70m).

Both parties of applicants are seeking possession of some of the same portions of the Reserve. It is suggested that, if Council decides to give in principle support to the leasing or selling of portion of the Reserve, further negotiations be undertaken with the applicants to ascertain whether a mutual agreement can be reached between them on which portions of the Reserve they would be prepared to accept. Once this has been completed, the requisite advertising to meet Department of Land Administration requirements can be undertaken and any comments considered at that stage by Council.

If Council does not decide to sell or lease this portion of Fletcher Park, it will continue to be responsible for any maintenance of the area. This, however, would already be a consideration within the Technical Services budget.

If Council leases the area, maintenance would pass to the lessees but Council would retain “ownership” of the land, which would return to Council, with responsibility for maintenance again, upon the expiration of the lease. The land would be improved and maintained by the applicants to the benefit of the area. Council could also stipulate in the lease environmental conditions relating to other portions of Fletcher Park, in line with the Environmental Officer’s recommendations, and police those conditions.

Sale of the land may result in Council receiving some funds for its Public Open Space Trust Fund. Such funds cannot be included in General Revenue and are only expendable on the purchase of further land for Public Open Space, or on the capital improvement of POS in the general area. Council would have no direct interest in the land following a sale.

OPTIONS

Council appears to have three options:

1. Decline to consider the lease or sale of any of the relevant portions of Fletcher Park.
2. Agree in principle to negotiate the sale of portion of the area of Fletcher Park sought by the applicants upon satisfactory negotiations with the applicants.
3. Agree in principle to negotiate the lease of portion of the area of Fletcher Park sought by the applicants upon satisfactory negotiations with the applicants.

CONCLUSION

It is suggested that leasing the portion of land sought will retain future benefits for Council, upon expiration of the lease, whilst it should be improved and maintained in the interim to a higher level than currently by the lessors.

In line with the recommendations of the Environmental Officer and the Parks section, it is recommended that Council consider an in principle agreement to leasing a portion of the relevant section of Fletcher Park, with strict conditions regarding environmental issues, upon satisfactory negotiations with the applicants regarding the areas each is seeking.

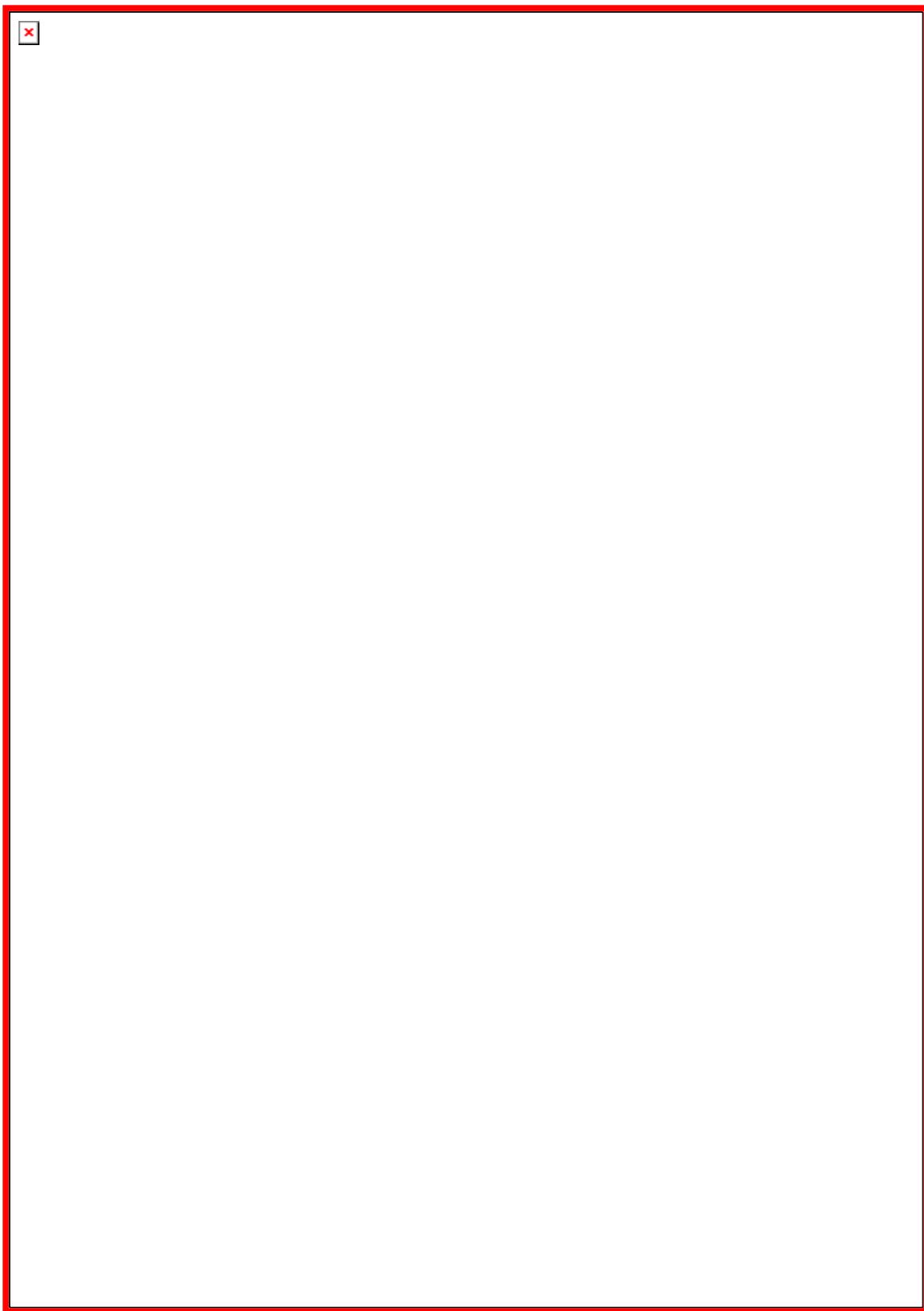
D86/5/03

RECOMMEND

- ~~1. That Council agree in principle to the future lease of a portion of Fletcher Park of approximately 9000m² immediately south of Lots 150 and 151 Mitchell Street, Wungong upon satisfactory negotiations with both applicant parties in regard to areas sought.~~
- ~~2. That the matter be recommitted to Council after the requisite advertising.~~

MOVED Cr Green
MOTION CARRIED (7/0)

Council resolved at its Ordinary Meeting on 19th May 2003 that Recommendation D86/5/03 be not adopted and be recommitted to the next Development Services Committee meeting following further negotiations with the applicants.



RESERVE 46586 ACCESS RIGHT OF WAY, FLINN AVENUE, KELMSCOTT

The status of Reserve 46586 access right of way Flinn Avenue, Kelmscott was referred to Development Services Committee by Council at its meeting of 7th April 2003, on request by Councillor Zelones.

Cr Zelones requested update re Reserve 46586 access right of way, Flinn Avenue, Kelmscott.

D87/5/03 RECOMMEND

That the item regarding status of Reserve 46586 Flinn Avenue, Kelmscott be referred to the appropriate Directorate for relevant action.

Council resolved at its Ordinary Meeting on 19th May 2003 that Recommendation D87/5/03 be amended by deleting the words “and/or report back to Cr Zelones”.



UNAUTHORISED USE – LOT 16 (2600) ALBANY HIGHWAY, KELMSCOTT

WARD : KELMSCOTT
FILE REF : A65773
DATE : 2 May 2003
REF : SA
RESPONSIBLE MANAGER : PSM
LAND OWNER : A Krishnan
SUBJECT LAND : Property size 1.0530 Ha
Map 22.08

In Brief:-

- Substantial quantity of materials stored on the premises, building demolished, without Council approval.
- Written and verbal approaches have failed to encourage voluntary compliance.
- Recommend that legal action be instituted for breaching the provisions of the Town Planning Scheme, Local Laws and Building Regulations 1989.

ZONING
MRS/TPS No.2 : Rural/Rural ‘E’

Tabled Items

Photographs of site.

Officer Interest Declaration

Nil.

Strategic Implications

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

Legislation Implications

Town Planning and Development Act 1928
Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960.

Council Policy / Local Law Implications

Health Local Laws

Budget / Financial Implications

Costs to budget allocation for legal expenses in seeking a legal remedy via prosecution proceedings.

The maximum penalties under the Town Planning and Development Act, the Local Government Act, Health Act and the Local Government (Miscellaneous Provisions) Act are \$50,000, \$5,000, \$1,000 and \$5,000 respectively, with daily penalties ranging from \$1,000 to \$5,000 per day depending on the particular legislation. Usually, the actual cost of legal action is not reflected in fines and costs imposed.

Consultation

Nil.

BACKGROUND

On 26th February 2003 Council received a complaint alleging the subject property constituted a fire hazard. Council's Ranger Services inspected the property and concluded that whilst the property complied with the Bush Fires Act 1954 some flammable material needed to be removed by 1st October 2003. The Liaison and Compliance Officer and Environmental Health Officer inspected the property on 17th March 2003 wherein a number of issues were identified and brought to the owners attention in a letter dated 26th March 2003. Remedial work and applications were to be concluded by 11th April 2003.

An inspection conducted on 14th April 2003 revealed that little if anything had been undertaken to rectify the matter. A letter forwarded to the owner of the property on 17th April 2003 prompted a response by telephone from the owner on 30th April 2003 who claimed that the site was cleared over the Easter weekend 19/20 April 2003. An inspection of the property on 30th April revealed that all of the offending items remained on the property which included the detritus left from the unauthorised demolition of a large shed, a sea container, a substantial quantity of carpet and underlay, mattresses, galvanised pipe, tree branches, timber planks and off cuts, doors, household furnishings, "colorbond" roof sheeting, 44 gallon drums, cyclone and fibro cement fencing, scrap metal, blocks of cement, bricks, sheets of glass, outdoor furniture, wooden crates, polystyrene, fallen trees, a small truck, tyres, a dentists chair and associated equipment, refrigerator and two piles of partially burnt domestic materials.

COMMENT

Analysis

Clause 7.1 of Town Planning Scheme No. 2 (the Scheme) requires an application for any development in the Rural "E" zone.

Allegation - Applications for Planning consent for the demolition of a shed and the siting of a sea container have not been submitted. Therefore, breaches of the Scheme have been committed.

The Scheme defines a "Depot" as land or buildings used for the storage or transfer of goods or both.

Allegation - A Depot is a use of the land that is not permitted in the Rural 'E' zone; therefore an approval has not and could not be granted; to continue to store goods on the property constitutes an offence.

Clause 56 of the City of Armadale Health Local Laws states;

- (1) An owner or occupier of premises shall cause –
 - (b) any material, sewer, pipe or other thing in or on the premises that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with

Allegation - A number of items including, but not limited to, a substantial pile of carpet and underlay might afford access or harbourage to rodents.

Regulation 10(1) of the Building Regulations 1989 requires every builder intending to demolish a building to make written application to the Council for a license.

Allegation - Application for the relevant Demolition License has not been submitted; as the building has been removed without approval, an offence has been committed.

Numerous approaches by Council Officers, detailing Council's position and seeking compliance, have not resulted in the rectification of the unauthorised activities or the removal of the offending items.

OPTIONS

1. As the owner of the property has not complied with the relevant legislation, Council could resolve to institute legal proceedings immediately for breaching the Town Planning Scheme, Local Laws including Health Local Laws and Building Regulations 1989.
2. Council could resolve to provide the owner of the property with a further period i.e. fourteen (14) days, in which to comply with the relevant legislation and advise the owner that should the site not be satisfactorily cleared and/or the required applications not be received within fourteen (14) days, legal proceedings will be implemented without further notice.
3. Council could resolve to authorise the serving of a Notice under Section 10 of the Town Planning and Development Act on the owner requiring all of the goods to be removed, within one calendar month. In the event that the owners do not comply, Council authorise the Senior Liaison and Compliance Officer to enter the property with the appropriate staff and equipment to remove all of the offending materials
4. Not pursue the matter.

CONCLUSION

Several letters and a telephone conversation have clearly presented Council's position and requirements to the owner of the land. Unfortunately, these efforts have failed to encourage voluntarily compliance with the legislation under Council's administration.

Instituting legal proceedings is the most expedient avenue to affect a financial remedy. However, the Court does not have the power to direct the Defendant to remove the offending items (although such action can be recommended). Should the site not be cleared satisfactorily further legal action can be instituted with the likelihood of more sever penalties and the ability to impose daily penalties for each day an offence continues.

Issuing a Notice will affect the clearing of the site but the process can be lengthy. Furthermore, an application to the Court of Civil Jurisdiction is required for the reimbursement of costs, which reverts the matter to the Courts.

Given that considerable time has been expended without affecting a desirable outcome, it is recommended that legal proceedings be instituted against the owner of the subject property without further delay in accordance with option 1.

D88/5/03 RECOMMEND

- 1. That Council authorise the Senior Liaison and Compliance Office to institute legal proceedings, subject to legal advice, against Dr. A Krishnan the owner of Lot 16 [No.2600] Albany Highway, Kelmscott for contravening the provisions of the City of Armadale Town Planning Scheme No. 2, the Local Government Act, the City Armadale Local Laws and the Local Government (Miscellaneous Provisions) Act 1960 for;**
 - a) carrying on a storage use without the consent of Council;**
 - b) demolishing a building without the consent of Council;**
 - c) siting a sea container without the consent of Council;**
 - d) failing to remove material that might afford access or harbourage of rodents.**
- 2. That Council authorise the Senior Liaison and Compliance Officer to swear the appropriate Complaints on behalf of Council.**

MOVED Cr Zelones
MOTION CARRIED (7/0)

*** COMMUNITY HERITAGE ADVISORY COMMITTEE –
APPOINTMENT OF COUNCIL DELEGATES AND COMMUNITY MEMBERS**

WARD : ALL
FILE REF : CTE/40
DATE : 2 May 2003
REF : HC
RESPONSIBLE MANAGER : PSM

In Brief:-

- Council resolved that the appointment of Council Delegates to the Community Heritage Advisory Committee (CHAC) be deferred until the first ordinary meeting of the Development Services Committee for a recommendation from that Committee.
- Community and Council Officer representatives to CHAC require appointing.
- Recommend that Council nominate Delegates to CHAC from Members of the Development Services Committee and that previous Community Members and Council Officers be reappointed.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Relates to our commitment to the future to create a caring and vibrant City, rich in history, heritage and lifestyle, and the challenges ahead in protecting our history and heritage.

Legislation Implications

Local Government Act 1995.
Heritage of Western Australia Act 1990

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

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

Consultation

Nil.

BACKGROUND

At its meeting of 5 May 2003 Council resolved that the appointment of Council Delegates to the Community Heritage Advisory Committee (CHAC) be deferred until the first ordinary meeting of the Development Services Committee for a recommendation from that Committee.

As there is a new Council following the recent Local Government elections, there is also a need to appoint the Community and other Members of CHAC. Section 5.8 of the Local Government Act 1995 requires that Council formally appoint other Members of CHAC by an absolute majority decision.

COMMENT

The Council Delegates for the 2001/2003 period were Cr HA Zelones JP and Cr F R Green. Current practice is that the Member and Deputy Member be nominated from the Development Services Committee.

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

OPTIONS

Council has two options regarding Community Members for CHAC:

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

CONCLUSION

The CHAC membership has been appointed for less than two years and the Committee currently functions well. It is suggested that rather than go to the time and expense of advertising for new expressions of interest at this time, that Council reappoint the current Community and Staff Members.

D89/5/03 RECOMMEND

1. **That Cr H A Zelones JP and Cr F R Green be nominated as Council's Representatives on the Community Heritage Advisory Committee.**
2. **That Council appoint the following persons as Community Representatives to the Community Heritage Advisory Committee, and Officers of Council:**

Community Representatives

- Mrs Doreen Bloomfield
- Mrs Margaret Bettenay
- Mr Kim Fletcher
- Mr Terry Holton

Officers of Council

- Planning Services Manager
- Administrative Officer, Planning

*** ABSOLUTE MAJORITY REQUIRED**

MOVED Cr Reynolds
MOTION CARRIED (7/0)

HERITAGE PLAQUES FOR CITY OF ARMADALE

WARD : ALL
FILE REF : CTE/40
DATE : 29 April 2003
REF : HC
RESPONSIBLE MANAGER : PSM

In Brief:-

- Community Heritage Advisory Committee (CHAC) recommends that Council provide heritage plaques for significant heritage listed buildings in the City of Armadale.
- A format utilising the shape of the Council Crest is proposed.
- A programme for public buildings and of presentation of plaques by the Mayor to private heritage property owners is suggested
- Recommend that:
 1. Council undertake an annual programme of plaque manufacture for private and public heritage buildings with an “A” Management Category.
 2. Council adopt the Council Crest as the basis of a heritage plaque. The plaque to be made of bronze and have the words “City of Armadale” and “Historic Site” prominent.
 3. The Mayor formally present plaques to private owners at appropriate times during the year.

Tabled Items

Nil.

Officer Interest Declaration

Illustration of proposed plaques.

Strategic Implications

To create a caring and vibrant City, rich in history, heritage and lifestyle.

Legislation Implications

Heritage of Western Australia Act 1990.
Town Planning & Development Act 1928.
Town Planning Schemes Nos 2 and 3.

Note: Legislation does not require the erection of plaques nor legislate on shape or style.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Provision of \$2500 made in 2002/2003 budget.
Estimated cost per plaque of between \$250 and \$300.

Consultation

Community Heritage Advisory Committee
Poolegrave Engravers

BACKGROUND

The Community Heritage Advisory Committee (CHAC) has recommended that Council consider providing and placing plaques on significant heritage sites and presenting plaques for display to householders where significant houses are still extant. Plaques for outlining Council-owned heritage buildings are also considered important in commemorating Armadale's history and heritage.

DETAILS OF PROPOSAL

CHAC, in view of the above educational and civic benefits for heritage preservation, suggests that Council consider a standard heritage plaque design for adoption. It is suggested that a plaque utilising the shape of Council's Crest is worthy of consideration and adoption. Whilst Corporate livery may change over the years, the Council Crest is likely to remain as Armadale's symbol for the long term.

CHAC suggested that a recognition ceremony could be held every few months where the Mayor/Council could present a plaque to a householder and acknowledge the heritage significance of important private buildings. This would assist in education on heritage matters, promote pride in ownership of heritage buildings and show Council publicly and practically acknowledging heritage in the Armadale area.

COMMENT

Analysis

Plaque

Council's Crest is unique in many ways and it is suggested that it will form the basis of a readily recognisable symbol for heritage in Armadale.

Plaques can be cast to nearly any design and shape in bronze or aluminium with finishes in a variety of colours and textures. It is suggested that bronze be the material of choice as aluminium tends to corrode more easily. It is suggested that the plaques have a diameter of at least 24 centimetres.

The suggested plaque would have the outer belt section raised (like an actual belt) with "City of Armadale" prominently displayed at the top and "Historic Site" displayed in the flat central portion (as illustrated). A number of plaques could be ordered at one time to take advantage of volume discounts.

The information for respective properties would be engraved or cast on a separate plate to be attached to the central flat area of the plaque (as illustrated). The plates could be ordered and attached to the blank plaques as and when required.

The cost of each completed plaque would be in the vicinity of \$250.00 to \$300.00 depending on the amount of text to be added.

The plaques would be a visual and quality reminder of a heritage site, whether private or public. Where further interpretative material is required to outline the background and importance of a site or building, consideration should be given to the erection of a display board where a larger body of information can be incorporated. This would be in addition to the heritage plaque.

Award Ceremony and Plaque Erection

It is suggested that an annual programme of plaque manufacture for both private and public heritage buildings be undertaken for “A” Management Category buildings in Council’s Municipal Heritage Inventory (MHI). There are some 26 such properties in the MHI. Current budget allocations would allow for between seven (7) and ten (10) heritage plaques per annum. It is suggested that at appropriate times during the year that the Mayor formally presents a plaque to private owners of “A” listed heritage properties who are prepared to accept such a plaque. It is also suggested that CHAC prepare a prioritised list of appropriate private and public properties for Council’s consideration. Councillors may have their own suggestions on the most appropriate properties to commence the programme.

OPTIONS

Plaques

Council appears to have four options:

1. Adopt the heritage plaque design utilising the Council Crest and information plate;
2. Adopt a plain rectangular heritage plaque (A4 size);
3. Undertake further research to investigate a different and distinct shape for a heritage plaque;
4. Decide not to pursue a heritage plaque at this time.

Award Ceremony and Plaque Erection

Council appears to have four options:

1. Undertake an annual programme of plaque manufacture for “A” Management Category buildings in the MHI, both private and public, and have the Mayor/Council formally present plaques to private owners at appropriate times throughout the year;
2. Undertake an annual programme of plaque manufacture for “A” Management Category public buildings in the MHI;
3. Undertake an annual programme of plaque manufacture for “A” Management Category private buildings in the MHI;
4. Decide not to pursue a programme of heritage plaques at all at this time.

CONCLUSION

Plaques

It is recommended that Council adopt the Council Crest as the basis of a heritage plaque. This will provide a distinctive and unique basis to promote Armadale's heritage, encourage pride in ownership of heritage buildings and show Council publicly and practically acknowledges heritage in the Armadale area.

Award Ceremony and Plaque Erection

It is recommended that Council undertake an annual programme of plaque manufacture for "A" Management Category buildings in the MHI, both private and public, and have the Mayor formally present plaques to private owners at appropriate times throughout the year.

COMMITTEE deliberated on the matter and was of the view that the provision of Heritage Plaques should be available for all places on Council's Municipal Heritage Inventory. Accordingly, Part (1) of the Recommendation was modified.

D90/5/03

RECOMMEND

1. That Council undertake an annual programme of plaque manufacture for both private and public places in Council's Municipal Heritage Inventory.
2. That Council:
 - ♦ Adopt the Council Crest as the basis of a heritage plaque;
 - ♦ Agree that the heritage plaques are to be of bronze and at least 24 centimetres in diameter with the words "City of Armadale" and "Historic Site" prominent;
 - ♦ Agree that the heritage information for individual plaques is to be imprinted on a separate plate to be attached to the centre of the main plaque.
3. That the Mayor formally present or dedicate plaques to private owners at appropriate times throughout the year.

MOVED Cr Zelones
MOTION CARRIED (7/0)

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

WARD : ALL
FILE REF : CTE/8
DATE : 2 May 2003
REF : HC
RESPONSIBLE MANAGER : PSM

In Brief:-

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

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Relates to both the aim to maintain effective liaison with other levels of government and regional bodies (both elected members and administrative staff).

Legislation Implications

Local Government Act 1995.

Town Planning & Development Act 1928.

Metropolitan Region Town Planning Scheme 1959.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

Nil.

BACKGROUND

At its meeting of 5 May 2003 Council resolved that the appointment of a Member and Deputy Member to the South East District Planning Committee be deferred until the first ordinary meeting of the Development Services Committee for a recommendation from that Committee.

COMMENT

The South East District Planning Committee (SEDPC) is a Western Australian Planning Commission Committee that advises the Commission and the Department for Planning and Infrastructure on planning matters relating to the South East Corridor. The Planning Services Manager represents the City as a member of the Local Government Technical Officers' Committee that serves the SEDPC. The two Committees previously met separately, although meetings are currently combined.

The Council Delegates for the 2001/2003 period for the SEDPC were Member: Cr HA Zelones JP and Deputy Member: Cr FR Green. Current practice is that the Member and Deputy Member be nominated from the Development Services Committee.

D91/5/03 RECOMMEND

That Cr H A Zelones JP and Cr P J Hart be nominated as Member and Deputy Member respectively of the South East Districts Planning Committee.

MOVED Cr Green
MOTION CARRIED (7/0)

DEVELOPMENT SERVICES DRAFT BUDGET 2003/2004

WARD	:	ALL
FILE REF	:	FIN/7
DATE	:	30 April 2003
REF	:	EDDS
RESPONSIBLE MANAGER	:	I MacRae

In Brief:-

- That the Development Services Draft Budget 2003/2004 be referred to the City Strategy Committee for consideration.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS

Committee is referred to the 2003/04 Draft Budget for the Development Services Directorate and supportive documentation *at Attachment “B5” of the Agenda* relating to the responsibilities of this Committee.

The Committee's task as this stage of the Budget process is to resolve its Draft Budget for the further consideration of the City Strategy Committee.

Councillor workshops have been held on 16 April and 8 May 2003 to resolve the strategic context of the budget. From this assessment it is apparent that there is little scope for growth within the 2003/04 budget beyond that envisaged in the five year plan. The budget without any new initiatives, and assuming 2.5% growth in revenue, is expected to fall within the parameters beyond which the Council would be in deficit (of \$1.24 million) to a greater extent than would be prudent.

Notwithstanding the above, the bare minimum of new initiatives are presented as a priority to the Committee for its consideration. These are:

- ◆ New Strategic Planning Officer. This is justified in the report and reflects the critical stage the City has reached requiring strategic planning support to deliver new area growth.
- ◆ New Environmental Health Officer Position. This position was envisaged and included in the five year plan. However, as an additional position it requires consideration in the budget process.
- ◆ Contribution to Brookdale/Forrestdale Drainage Study. A commitment to contribute \$50,000 over three years to this joint ARA, WRC, WC and City of Armadale \$200,000 study has been made in principle by Council at its meeting on 4 March 2003. It is expected that the \$17,000 2003/04 contribution could be met by a carryover from Planning Services unexpended 2002/03 budget.

It should be noted that the Development Services Division budget (\$1,763,042) without the addition of the new initiatives is slightly below that estimated under the five year plan (\$1,781,984). The 5-Year Plan figures quoted are those approved last year and have not been revised to include CPI or any growth factor. Revision of the 5-Year Plan will be considered by Council during the budget process, and is likely to result in the 5-Year Plan figures being increased.

The following issues were raised by the Committee in discussion:

- ◆ *time constraints had resulted in the draft Development Services budget being presented prior to all corporate strategic considerations being addressed;*
- ◆ *the draft budget had not made any provision for the Project Manager position beyond January 2004;*
- ◆ *the proposed new Strategic Planning Officer position, as described, was not intended to be primarily focused on facilitating economic development;*
- ◆ *the previous five year plan envisaged that \$139,000 would be required in 2003/04 to assist in the development of the City Cinemas, however this payment would be deferred until 2004/05.*

RESOLVED

That the Development Services Directorate's 2003/04 Draft Budget, as presented to and amended by the Committee, be referred to the City Strategy Committee for consideration.

MOVED Cr Zelones
MOTION CARRIED (7/0)

LATE ITEMS

Nil.

COUNCILLORS' ITEMS

Cr Reynolds

1. Property on cnr Albany Highway and Ottaway Street, Kelmscott

Cr Reynolds raised concerns with regard to the standards of maintenance of vacant land on cnr Albany Highway and Ottaway Street, Kelmscott, with particular regard to landscaping and general tidiness.

D92/5/03 RECOMMEND

That the item regarding standards of maintenance of vacant lot on corner of Albany Highway and Ottaway Street, Kelmscott, be referred to the appropriate Directorate for relevant action and/or report back to Committee.

MOVED Cr Zelones
MOTION CARRIED (7/0)

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS

Nil.

MEETING DECLARED CLOSED AT 10.25PM

I N D E X

DEVELOPMENT SERVICES COMMITTEE

12TH MAY 2003

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